

PLAN 3

PLANNING APPLICATION PLN-20-0211

40 FAIRTLOUGH STREET AND SINCLAIR STREET RESERVED ROAD, PERTH

ATTACHMENTS

- Application & plans, correspondence with applicant
- Responses from referral agencies
- Representations & applicant's response

PLANNING APPLICATION Proposal

Description of proposal:

3 lot Subdivision

(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. N/A 3.....

Site address: 40 FAIRLOUGH ST, PERTH.

CT no: VOL 157855/1

Estimated cost of project \$20,000- (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

If variation to Planning Scheme provisions requested, justification to be provided:
NO.

(attach additional sheets if necessary)

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



Department of Primary Industries,
Parks, Water and Environment

GPO Box 1751, Hobart, TAS 7001 Australia
Ph 1300 TAS PARKS / 1300 827 727 Fax 03) 6223 8308
www.parks.tas.gov.au



Enquiries: Jesse Walker
Phone: 6169 9015
Email: propertyservices@parks.tas.gov.au
Our ref: LM-LM-AU-CW-292168

2 September 2020

Mr Carlton Dixon
PO Box 1983
HOBART TAS 7000

Email: cdixon@bml.com.au

Dear Mr Dixon,

**LODGEMENT OF PLANNING APPLICATION
3 LOT SUBDIVISION (CT 157855/1)
40 FAIRTLOUGH STREET, PERTH**

This letter, issued pursuant to section 52(1B) of the *Land Use Planning and Approvals Act 1993* (LUPAA) is to confirm that the Crown consents to the making of the enclosed Planning Permit Application, insofar as the proposed development relates to Crown land managed by the Department of Primary Industries, Parks, Water and Environment.

Crown consent is only given to the lodgement of this application. Any variation will require further consent from the Crown.

Please note, it is Departmental policy that all fire buffer areas (Hazard Management Areas and Fuel Modified Areas) are maintained wholly within freehold title boundaries and not on neighbouring Crown or Reserved land. Additionally, it is not PWS' practice for the Crown to enter into agreements under Part 5 of LUPAA in support of developments on private property.

This letter does not constitute, nor imply, any approval to undertake works, or that any other approvals required under the *Crown Lands Act 1976* have been granted. If planning approval is given for the proposed development, you will be required to obtain separate and distinct consent from the Crown before commencing any works on Crown land.

If you need more information regarding the above, please contact the officer nominated at the head of this correspondence.

Yours sincerely

A handwritten signature in black ink, appearing to read "J Walker".

Jesse Walker
Team Leader (Unit Manager, Policy & Projects)

COMMERCIAL PROJECT DELIVERY

Project + Development + Construction Management



PO Box 210

Newstead TAS 7250

September 3, 2020

Northern Midlands Council
P.O Box 156
Longford, TAS, 7301

Attn: Des Jennings

Dear Des

Consent for Cash in Lieu of Public Open Space – 40 Fairtlough Street, Perth

I wish to formally request General Manager's Consent for payment of cash in lieu of public open space in accordance with Clause E10.6.1 A1 (a) in relation to a 3 lot subdivision at 40 Fairtlough Street (proposal plan attached).

Yours faithfully

Chloe Lyne
Planning and Development Consultant
Commercial Project Delivery
Mobile: +61 (0)408 397 393
www.cpdelivery.com.au

Paul Godier

From: Paul Godier
Sent: Tuesday, 13 October 2020 11:49 AM
To: NMC Planning
Subject: FW: 3 Lot subdivision - 40 Fairtlough Street, request for cash in lieu of land for open space (PLN-20-0211)

From: Des Jennings <des.jennings@nmc.tas.gov.au>
Sent: Friday, 11 September 2020 9:17 AM
To: Paul Godier <paul.godier@nmc.tas.gov.au>
Subject: 3 Lot subdivision - 40 Fairtlough Street, request for cash in lieu of land for open space (PLN-20-0211)

Hi Paul,
It is agreed to accept the cash contribution in lieu of the open space. Thanks Des

Our Longford office is open from 8:45am until 4:30pm weekdays, however meetings with Council Officers are by appointment only, and we ask that transactions be conducted via telephone or online wherever possible. Our Customer Service team can be contacted by phone, post, via our website or email at council@nmc.tas.gov.au
Our priority is to keep our community, including staff, ratepayers and residents safe and to minimise the spread of COVID-19.

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

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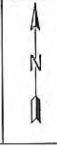
PLANNING

THIS PLAN WAS PREPARED AS A PROPOSAL PLAN TO ACCOMPANY A DEVELOPMENT APPLICATION TO COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. ALL MEASUREMENTS AND AREAS ARE SUBJECT TO SURVEY.



Notes:
 1. All measurements and areas are subject to survey.
 2.

PROPOSED 2 LOT SUBDIVISION & BALANCE
 OWNER: FAY NORMA HARRIS
 40 FAIRTLOUGH STREET, PERTH 7300
 C.T.157855/1



WOOLCOTT SURVEYS

10 Goodman Court Invermay TAS 7248
 PO Box 593 Mowbray Heights TAS 7248
 Phone (03) 6332 3760
 Fax (03) 6332 3764
 Email: admin@woolcottsurveys.com.au

Job Number
 L200807

Drawn ABB	File name L200807_Prop_Plan_200820.dwg	Date 20/08/20	Scale 1:750@A3	Edition v2.0	Sheet 1/1
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PI



PO Box 210

Newstead TAS 7250

August 31, 2020

Planning Department
Northern Midlands Council
PO Box 156
Longford, TAS 7301

Dear Sir/Madam

40 Fairtlough Street, Perth – Application for 3 lot subdivision

This letter is prepared to accompany an application for a 3 lot subdivision at 40 Fairtlough Street, Perth. The letter provides an overview of the subject site, the proposal and an assessment against relevant planning scheme standards.

Subject Site

The subject site comprises a single title known at 40 Fairtlough Street, Perth. The site is located on the northern fringes of the township within an area of Low Density residential zoning and characterised by a diverse array of lot sizes. Figure 1 shows the location of the site in the context of the Perth township and Figure 2 shows the subject site.

The site is currently developed with a single dwelling and associated outbuilding, both of which are located in the northern half of the property. The site is accessed via an access drive across an unmade section of Fairtlough Street. There is a small waterhole located in the south-western corner and the site is scattered with vegetation. The site has an overall area of 2.655ha and is encumbered by a 20 metre wide right of way and service easement along the length of the eastern boundary and a 12 metre wide right of way along the southern boundary. The site is not connected to reticulated services.

There are two lots directly to the west, the northern most of which is vacant while the southern one has a dwelling currently under construction on it. The lots surrounding the site to the north, east and south are all developed with single dwellings. Of the lots immediately surrounding the site, the lot sizes range from approximately 1.06 ha through to 4.7 ha.

DI



Base image from theLIST (www.thelist.tas.gov.au). © State of Tasmania.

Figure 1 - Site Context



Base image from theLIST (www.thelist.tas.gov.au). © State of Tasmania.

Figure 1 – Subject site

The proposed development application relates to the following title:

Address	Owner(s)	Title Reference	Land Area
40 Fairtlough Street, Perth	Fay Norma Harris	157855/1	2.655ha

A copy of the title and schedule of easements is included as an attachment to this correspondence.

Proposal

Approval is sought to subdivide the site into three lots. Lots 1 and 2 will each have an area of 5000m² will be vacant located in the southern half of the site. The balance lot 3 will have an area of 1.655ha and contain the existing dwelling and outbuilding. A road lot will be created which will effectively extend Sinclair Street from the junction with Fairtlough Street for a length of 32 metres. A copy of the proposed plan of subdivision is shown in Figure 3.

The existing small dam in the south-western corner of proposed lot 2 will be drained and filled.

All three lots will be provided with a 6m wide frontage to the new section of Sinclair Street.

None of the lots are connected to reticulated services. The existing dwelling sources water from water tanks on site and has an on-site wastewater system situated to the west of the dwelling and will remain wholly within that lot.

The two new lots will need to gain access to water by installation of water tanks. ES&D have conducted an assessment to determine the suitability of these lots for provision of on-site wastewater disposal. A copy of that report is appended to this correspondence and confirms both lots 1 and 2 are capable of on-site wastewater disposal.

Stormwater will be disposed of on-site for all three lots through sub-surface beds or trenches.



Figure 3 – Proposal Plan

Zoning and Overlay

The subject site is located in the Low Density Residential Zone (Figure 4) and subject to the bushfire prone area and scenic management overlays (Figure 5).

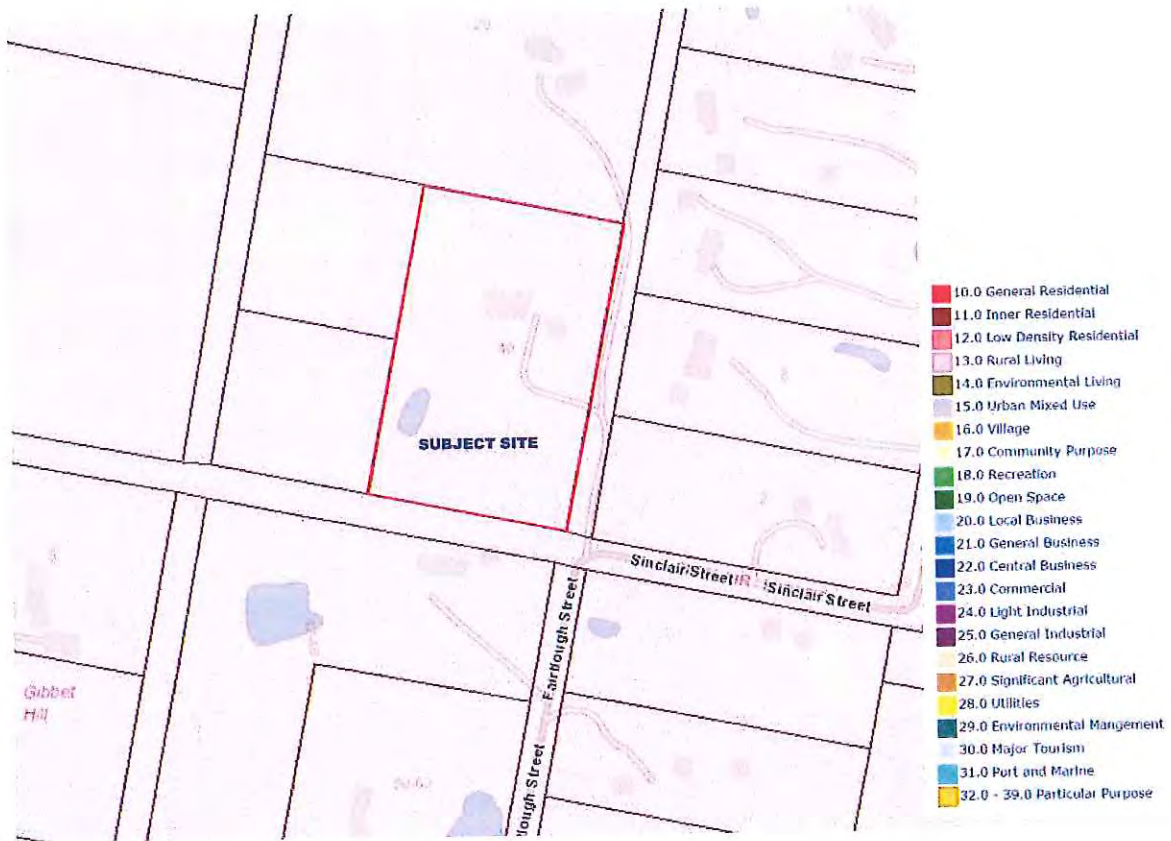


Figure 4 – Zoning Plan



Figure 5 – Overlay Plan – extent of Scenic Management shown by purple hatching

Planning Assessment

The proposed subdivision must be assessed against the subdivision provisions of the Low Density Residential Zone and is also subject to the following Codes:

- Bushfire Prone Area
- Road and Railway Asset Code
- Car Parking and Sustainable Transport Code
- Scenic Management Code
- Recreation and Open Space Code

It is noted that whilst there is a small dam on the site, it is not a natural watercourse or waterway and therefore the Water Quality Code does not apply.

An assessment of the proposal against the relevant provisions is provided below:

Low Density Residential Zone

12.1 Zone Purpose

12.1	Zone Purpose
12.1.1.1	<i>To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.</i>
12.1.1.2	<i>To provide for non-residential uses that are compatible with residential amenity.</i>
12.1.1.3	<i>To ensure that development respects the natural and conservation values of the land and is designed to mitigate any visual impacts of development on public views.</i>

Comment: The proposed subdivision meets the zone purpose statements. Specifically, it will create two additional residential lots of sufficient size to provide for on-site wastewater treatment and stormwater disposal whilst limiting impacts on natural values and visual impacts. The average lot size will be 0.855ha.

12.4.3 Subdivision

12.4.3.1 Lot Area, Building Envelopes and Frontage	
Objective	<i>To ensure:</i>

- a) *The area and dimensions of lots are appropriate for the zone; and*
- b) *The conservation of natural values, vegetation and faunal habitats; and*
- c) *The design of subdivision protects adjoining subdivision from adverse impacts; and*
- d) *Each lot has road access, and utility services appropriate for the zone.*

Acceptable Solution

A1.1 *Each lot must:*

- a) *Have a minimum area of 1ha; and*
- b) *Have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or*
- c) *Be required for public use by the Crown, an agency or corporation all the shares of which are held by Councils or a municipality; or*
- d) *Be for the provision of public utilities; or*
- e) *For the consolidation of a lot with another lot with no additional titles created; or*
- f) *To align titles with zone boundaries and no new lots are created.*

A1.2 *Subdivision at Devon Hills will not result in any new lots*

Performance Criteria

P1.1 *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; and*
- d) *Reasonable vehicular access from the carriageway of the road to a building area on the lot, if any; and*
- e) *Development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape*

P1.2 *Land at Devon Hills must not be further subdivided.*

Response: Complies with P1.1 and A1.2 not applicable

The resultant lots are 1.65ha and 5000m² and therefore lots 1 and 2 do not comply with A1 and subdivision must be assessed against the standards of P1.1. It is noted that the resultant average

lot size under the subdivision is 0.855ha which is getting close to the 1ha minimum. It is submitted that the proposal meets the considerations under P1.1 as follows:

- a) The subject site is not located within a landslide hazard area and a Bushfire Hazard Management Plan has been prepared which confirms there is an insufficient increase in risk from bushfire by the creation of two additional lots. Both lots 1 and 2 have sufficient area for the erection of a dwelling.
- b) The driveway and parking area for the dwelling on lot 3 is already contained within that new lot. Both lots 1 and 2 have more than sufficient flat area to enable a driveway and parking area to be created.
- c) Whilst the Low Density Residential Zone doesn't have a requirement for provision of a minimum area for private open space to provide a guide, it is noted that the permitted site coverage standard is 10% which on a 5000m² lot is 500m² which is more than adequate to construct a dwelling within. Aside from land utilised for access and driveways, the balance can be used as private open space.
- d) Vehicular access to Lot 3 be via the new section of Sinclair Street. Vehicular access to Lot 1 will likely largely be via an existing gravel driveway that provides access via a right of way to the adjacent property to the east (which has a dwelling under construction on it). The topography of Lot 2 is relatively flat such that a driveway extending from the new section of Sinclair Street will be easily constructed.
- e) It is submitted that future residential development on lots 1 and 2 will have no impact to the amenity of surrounding lots. The lots are still sufficient in size that adequate separation can be provided between the dwellings on adjacent lots and the subject lots which means that there will be no loss of privacy or overshadowing. Whilst lots 1 and 2 will be smaller than many of the immediately surrounding lots, it is submitted that the subdivision is an efficient use of land and given the site is largely clear of mature vegetation, there will be no impact on the visual amenity of the area generally. The area is characterised by dwellings that are readily visible from the street so the addition of two new dwellings visible from the Sinclair Street, Fairtlough Street intersection will not be out of character. In any case, should the future owners wish, there is more than adequate room to plant screening hedges or trees. At the moment the land is underutilised and it is submitted that the construction of dwelling and likely resultant planting of trees and hedges will actually increase the density of vegetation in the area.

It is evident from the assessment above that the proposed subdivision meets all the requisite considerations under P1.1

Acceptable Solution

A2 Each lot must have a frontage of at least 6m

Performance Criteria

P2 No performance Criteria

Response:

All three lots are provided with a road frontage of 6m. This requires the construction of a new 32 metre section of Sinclair Street which the developer will undertake.

Acceptable Solution

- A3 Each lot must be connected to a reticulated:
- a) Water supply; and
 - b) Sewerage system.

Performance Criteria

- P3 Lots that are not provided with reticulated water and sewerage services must be:
- a) In a locality for which reticulated services are not available or capable of being connected; and
 - b) Capable of accommodating an on-site wastewater management system.

Response: Complies with P3

The wastewater assessment that accompanies this application demonstrates that each lot can be provided with an on-site wastewater management system. The lots are in an area which has not reticulated services.

Acceptable Solution

- A4 Each lot must be connected to a reticulated stormwater system.

Performance Criteria

- P4 Stormwater may only be discharged from the site in a manner that will not cause an environmental nuisance, and that prevents erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to:
- a) the intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); and
 - b) how the additional runoff and intensity of runoff that will be created by the subdivision for a storm event of 1% Annual Exceedance Probability,

will be released at levels that are the same as those identified at the predevelopment levels of the subdivision; and

c) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and

d) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance

Response: Complies with P4

The accompanying wastewater treatment assessment also provides an assessment of the provision of on-site stormwater disposal against the provision of P4.

Bushfire Prone Area Code

E1.6 Development Standards

E1.6.1 Subdivision: Provision of hazard management areas

Objective

Subdivision provides for hazard management areas that:

- (a) facilitate an integrated approach between subdivision and subsequent building on a lot;*
- (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and*
- (c) provide protection for lots at any stage of a staged subdivision.*

Acceptable Solution

- A1 TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or
- (b) The proposed plan of subdivision:
- (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;
 - (ii) shows the building area for each lot;
 - (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and
 - (iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the

Performance Criteria

- P1 A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:
- (a) the dimensions of hazard management areas;
 - (b) a bushfire risk assessment of each lot at any stage of staged subdivision;
 - (c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;
 - (d) the topography, including site slope;
 - (e) any other potential forms of fuel and ignition sources;
 - (f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;
 - (g) an instrument that will facilitate management of fuels located on land external to the subdivision; and
- any advice from the TFS

*separation distances
required for BAL 19 in
Table 2.4.4 of Australian
Standard AS 3959 – 2009
Construction of buildings
in bushfire-prone areas;
and*

*If hazard management areas are to be
located on land external to the
proposed subdivision the application
is accompanied by the written consent
of the owner of that land to enter into
an agreement under section 71 of the
Act that will be registered on the title
of the neighbouring property
providing for the affected land to be
managed in accordance with the
bushfire hazard management plan*

Response: Complies with A1

The accompanying Bushfire Hazard Management Report provides certification with Clause E1.6.1 (b).

E1.6.2 Subdivision: Public and fire fighting access

Objective

*Access roads to, and the layout of roads, tracks and trails, in a
subdivision:*

- (a) allow safe access and egress for residents, fire fighters
and emergency service personnel;*
- (b) provide access to the bushfire-prone vegetation that
enables both property to be defended when under
bushfire attack and for hazard management works
to be undertaken;*
- (c) are designed and constructed to allow for fire
appliances to be manoeuvred;*
- (d) provide access to water supplies for fire appliances;
and*

are designed to allow connectivity, and where needed, offering

multiple evacuation points.

Acceptable Solution

- A1 TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or
- (b) A proposed plan of subdivision showing the layout of roads, fire trails, and the location of property access to building areas is included in a bushfire hazard management plan that:
- (i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and
 - (ii) is certified by the TFS accredited person

Performance Criteria

- P1 A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:
- (a) appropriate design measures, including:
 - (i) two way traffic;
 - (ii) all weather surfaces;
 - (iii) height and width of any vegetation clearances;
 - (iv) load capacity;
 - (v) provision of passing bays;
 - (vi) traffic control devices;
 - (vii) geometry, alignment and slope of roads, tracks and trails;
 - (viii) use of through roads to provide for connectivity;
 - (ix) limits on the length of cul-de-sacs and dead-end roads;
 - (x) provision of turning areas;
 - (xi) provision for parking areas;
 - (xii) perimeter access; and
 - (xiii) fire trails;
 - (b) the provision of access to:
 - (i) bushfire-prone vegetation to permit the undertaking of hazard management works; and
 - (ii) fire fighting water supplies;

and
any advice from the TFS.

Response: Complies with A1

The accompanying Bushfire Hazard Management Report provides certification with Clause E1.6.2 (a) and (b).

E1.6.3 Subdivision: Provision of water supply for fire fighting purposes

Objective

Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire prone areas.

Acceptable Solution

A2 In areas that are not serviced by reticulated water by the water corporation:

(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;

(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or

(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.

Performance Criteria

P2 No Performance Criteria

Response: Complies with A2

The accompanying Bushfire Hazard Management Report provides certification with Clause E1.6.3 (b).

Road and Railway Assets Code

E4.7.2 Management of Road Accesses and Junctions

Objective *To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.*

Acceptable Solution

A1 *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.*

Performance Criteria

P1 *For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.*

Response: Complies with A1

Each lot will be provided with a single crossover providing for both entry and exit.

E4.7.4 Sight Distance at Accesses, Junction and Level Crossings

Objective *To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic..*

Acceptable Solution

A1 *Sight distances at*

a) *an access or junction must comply with the Safe*

Performance Criteria

P1 *The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.*

Intersection Sight Distance shown in Table E4.7.4; and

- b) *rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or*
- c) *If the access is a temporary access, the written consent of the relevant authority has been obtained.*

Response: Complies with A1

Table E4.7.4 requires a sight distance of 80 metres which can be achieved for the new access points.

Parking and Sustainable Transport Code

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective *To ensure that an appropriate level of car parking is provided to service use.*

Acceptable Solution

- A1 *The number of car parking spaces must not be less than the requirements of:*
- a) *Table E6.1; or*
 - b) *a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).*

Performance Criteria

- P1 *The number of car parking spaces provided must have regard to:*
- a) *the provisions of any relevant location specific car parking plan; and*
 - b) *the availability of public car parking spaces within reasonable walking distance; and*
 - c) *any reduction in demand due to sharing of spaces by multiple uses either because*

- of variations in peak demand or by efficiencies gained by consolidation; and*
- d) the availability and frequency of public transport within reasonable walking distance of the site; and*
 - e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and*
 - f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and*
 - g) an empirical assessment of the car parking demand; and*
 - h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and*
 - i) the recommendations of a traffic impact assessment prepared for the proposal; and*
 - j) any heritage values of the site; and*
 - k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:
 - i) the size of the dwelling and the number of bedrooms; and*
 - ii) the pattern of parking in the locality; and**

- iii) any existing structure on the land.

Response: Complies with A1

All three lots are capable of being provided with the requisite 1 space per bedroom or 2 spaces per 3 bedrooms for residential use in the Low Density Residential Zone.

Scenic Management Code

E7.6.2 Local Scenic Management Areas

E7.6.2 Local Scenic Management Areas

Objective

- a) To site and design buildings, works and associated access strips to be unobtrusive to the skyline and hillsides and complement the character of the local scenic management area; and
- b) To ensure subdivision and the subsequent development of land does not compromise the scenic management objectives of the local scenic management area

Acceptable Solution

A2 No acceptable solution.

Performance Criteria

- P2 Subdivision must be consistent with the scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas, having regard to:
 - a) the local scenic management area – character statement; and
 - b) site size; and
 - c) density of subsequent development; and
 - d) the clearance or retention of vegetation in combination with requirements for hazard management; and

- e) the extent of works required for roads and to gain access to sites including cut and fill; and
- f) the physical characteristics of the site and locality;
- g) any plan over the land through an agreement under S71 of the Act.

Response: Complies with P2

The subject site falls within the Gibbet Hill Management Area. The Character Statement is:

Low density settlement areas with remnant tree cover on skylines visible along important tourism routes.

It is submitted that the proposed 3 lot subdivision will not alter the character of the area in terms of tree cover on skylines. The site contains small trees and shrub vegetation and is not visible from either the Midland Highway or Haggerston Road. All three lots are of sufficient size that future owner can plant new vegetation which will likely increase the vegetation cover on the site. The density will still be relatively low and the lots are large enough that many of the remnant trees will be able to remain or be replaced with trees and garden vegetation of better quality and greater scenic value.

The Scenic Management Objectives for Gibbet Hill are:

retain remnant tree cover on skylines and limit further development to low density and low impact

The proposed lot sizes are still well within the range of what constitutes low density (bearing in mind that land within the General Residential Zone can be subdivided to lots of a minimum of 450m² as the permitted standard with the ability to provide smaller lots. Therefore, by comparison, 5000m² lots are still very low density. It is noted that the provisions of the Low Density Residential Zone only allow a single dwelling so lot 1 and 2 can only be developed at that density for residential purposes.

Lots 1 and 2 are relatively flat and will not require extensive earthworks for either the construction of a dwelling or access driveways.

Based on the above information, it is submitted that the proposal complies with P2.

Recreation and Open Space Code

E10.6.1 Provision of Public Open Space

E10.6.1 Provision of Public Open Space

Objective

- a) *To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity*

Acceptable Solution

- A1 *The application must:*
- 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.*

Performance Criteria

- P1 *Provision of public open space, unless in accordance with Table E10.1, must:*
- a) *not pose a risk to health due to contamination; and*
- b) *not unreasonably restrict public use of the land as a result of: i) services, easements or utilities; and ii) stormwater detention basins; and iii) drainage or wetland areas; and iv) vehicular access; and*
- c) *be designed to:*
- i) *provide a range of recreational settings and accommodate adequate facilities to meet the needs of the community, including car parking; and*
- ii) *reasonably contribute to the pedestrian connectivity of the broader area; and*
- iii) *be cost effective to maintain; and*
- iv) *respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and*
- v) *provide for public safety through Crime Prevention Through Environmental Design principles; and*
- vi) *provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and*
- vii) *have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and*
- ix) *create attractive environments and focal points that contribute to the*

*existing or desired future character
statements, if any*

Response: Complies with A1

Consent from the General Manager for cash in lieu of public open space has been sought.

Conclusion

Based on the above information it is submitted that the proposed subdivision meets all the relevant standards of the Planning Scheme and should be recommended for approval.

Yours faithfully



Chloe Lyne
Planning and Development Consultant
Commercial Project Delivery
Mobile: +61 (0)408 397 393
www.cpdelivery.com.au

Attachment: Copies of Title

Proposal Plan

ESD Wastewater Assessment

Bushfire Hazard Management Report



Environmental Service and Design Pty Ltd

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21 August 2020

Carlton Dixon
20 Murray Street
HOBART TAS 7000

Dear Sir,

Development Proposal – Subdivision – 40 Fairtlough Street Perth

On-site Wastewater disposal: Assessment against Performance Criteria

The development proposes a three lot subdivision to create a two vacant lots and balance lot containing the existing dwelling.

There is a requirement to demonstrate the proposal complies with the low density residential development standards, clause 12.0, of the Northern Midlands Interim Planning Scheme 2013. Specifically, clause 12.4.3.1 P3 relating to wastewater.

A site visit was conducted on 12 August 2020 to assess the site and note any constraints on the land in relation to wastewater disposal.

12.4.3 Subdivision

12.4.3.1 P3 - On-site Wastewater Disposal

Lots that are not provided with reticulated water and sewerage services must be:

- a) in a locality for which reticulated services are not available or capable of being connected; and*
- b) capable of accommodating an on-site wastewater management system.*

Assessment Against Performance Criteria

P3 – On-site Wastewater Disposal

The desktop study, prior to going on site, revealed the property is not within the sewer serviced area of Perth with the closest sewer main approximately 950m south. It is impracticable to connect to the reticulated sewer and on-site wastewater disposal will be required.

Surface rock was noted on all three lots. Numerous core samples were attempted with a Christie 50mm impact core sampler in an effort to determine the soil category for wastewater disposal. All attempts to obtain a core sample met refusal at between 200-300mm.

A small dam is located within proposed lot 1 however the applicant has advised the dam will be emptied and filled. This results in there being no surface waters within 450m of the site.

The subdivision sits at the top of a hill with varying slopes for all three lots.

- Lot 1 – 4° west:
- Lot 2 – Varies between 3-5° to the north, south and southeast:
- Lot 3 – Varies 2-4° to the north, south and west.

The plan at attachment A shows the location of the core samples for lots 1 and 2 and the existing on-site wastewater system components for lot 3.

The core sampling revealed the following soil profile:

Lot 1

Depth	Description
0 to 200 – 300mm	Clay – very moist to saturated
200 – 300mm	Refusal – assumed sub-surface rock



Core sample 0-300mm



Surface rock

Lot 1 and 2

The draining and filling of the dam removes the constraint of proximity to surface waters.

The presence of sub-surface rock restricts the system selection for the on-site wastewater design but does not preclude either lot from accommodating an on-site wastewater system.

Based on the results of the site and soil evaluation an on-site wastewater system based on a secondary treatment system and designed in accordance with AS/NZS1547-2012 will be required.

The system selection and location of the on-site wastewater disposal area will be dependent upon the size of any dwelling proposed and its position within the lot and a site-specific on-site wastewater design in accordance with AS/NZS1547-2012.

Lots 1 and 2 have the capability to accommodate a secondary treatment on-site wastewater management system. This complies with the Northern Midlands Interim Planning Scheme 2013 clause 12.4.3.1 P3 (b).

Lot 3

There is an existing approved on-site wastewater management system for the existing dwelling. With a proposed area of 1.655 ha the existing system will remain wholly within the lot. There were no obvious signs of failure such as offensive odour or seepage noted during the site assessment.

There is adequate area within the lot for a reserve land application area clear of the access and impervious areas.

Conclusion

Lots 1 and 2 have the capability to accommodate a secondary treatment on-site wastewater system based on a site-specific system selection and design.

Lot 3 has adequate area to ensure the existing system is contained wholly within the lot.

The proposal has the capability to meet the requirements of clause 12.4.3.1 P3 (b) of the Northern Midlands Interim Planning Scheme 2013.

P4 – Stormwater

P4 - Stormwater may only be discharged from the site in a manner that will not cause an environmental nuisance, and that prevents erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to:

a) the intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); and

b) how the additional runoff and intensity of runoff that will be created by the subdivision for a storm event of 1% Annual Exceedance Probability, will be released at levels that are the same as those identified at the predevelopment levels of the subdivision; and

c) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; and

d) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.

There is no intention to discharge stormwater from the site. On-site disposal of stormwater through sub-surface beds or trenches is proposed.

Annual exceedance probability data from the Bureau of Meteorology for Perth Tasmania shows a 1% AEP of 91.6mm over a 24 hour period. The subdivision will not alter the intensity of runoff that already occurs as the proposal does not seek to increase the overall land area but simply create 3 smaller lots.

Assuming a 3 bedroom dwelling with a roof area of 1500m² with a 1% AEP event the volume of point source rainwater from the dwelling would be 9,160L (100 x 91.6mm). Allowing for the eaves of the building the dwelling footprint on the ground is approximately 90m². The pre-development stormwater volume at a 1% AEP on the 80m² would create approximately 7,328L (80 x 91.6mm). Overall, the additional stormwater volume created by a dwelling is estimated at 1,832L for a 1% AEP over 24 hours.

There is no discharge from the site so there are no external overland flow paths required.

Lot 3, the balance lot containing the existing dwelling, will not result in any increase or alteration of the stormwater volumes.

Lots 1 and 2 at 5,000m² each have adequate area for on-site disposal of stormwater through sub-surface trenches or beds clear of wastewater areas and accesses.

Conclusion

Based on the subdivision site and soil evaluation and the surface and sub-surface rock lots 1 and 2 require a secondary treatment on-site wastewater system.

Lots 1 and 2 have adequate area to dispose of stormwater generated during a 1% AEP rainfall event without creating a nuisance.

The proposed subdivision development is capable of complying with the Performance criteria of the Northern Midlands Interim Planning Scheme 2013 clause 12.4.3.1 P3 and P4.

Yours faithfully



Bruce Harpley
Environmental Consultant

Bushfire Hazard Management Report: Subdivision

Report for: Jaffa International Pty Ltd

Property Location: 40 Fairtlough Street, Perth

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

Date: 26th August 2020



Summary

1-165

Client: Jaffa International Pty Ltd

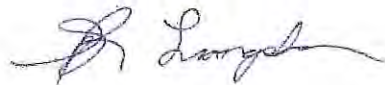
Current zoning: Low Density Residential, Northern Midlands Interim Planning Scheme 2013

Property

identification: CT 157855/1, PID 3009406
40 Fairtlough Street, Perth

Proposal: A 3 lot subdivision is proposed from an existing title CT 157855/1 at 40 Fairtlough Street, Perth.

**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.

Contents

DESCRIPTION 3
 BAL AND RISK ASSESSMENT..... 3
 ROADS..... 8
 PROPERTY ACCESS..... 9
 FIRE FIGHTING WATER SUPPLY 11
 CONCLUSIONS..... 13
 REFERENCES 13
 APPENDIX 1 – MAPS 14
 APPENDIX 2 – PHOTO 17
 APPENDIX 3 – BUSHFIRE HAZARD MANAGEMENT PLAN..... 21
 CERTIFICATE UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS
 ACT 1993 24
 CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE ITEM 28

Figure 1: Proposed Lots and building areas 6
 Figure 2: Hazard Management Area 7
 Figure 3: Location existing title in blue 14
 Figure 4: Aerial Image 15
 Figure 5: Proposed Subdivision Plan 16
 Figure 6: north eastern side existing dwelling lot 3 17
 Figure 7: south, existing access lot 3 17
 Figure 8 north western side existing dwelling lot 3 18
 Figure 9: water supply existing dwelling lot 3 18
 Figure 10: Lot south, dam and dwelling on adjacent lot 19
 Figure 11: north along western boundary lot 1 19
 Figure 12: east along Sinclair St road reserve 20
 Figure 13: north vicinity lot 1-2 boundary 20

DESCRIPTION

A 3 lot subdivision is proposed from existing title CT 157855/1, 40 Fairtlough Street, Perth.

The subdivision fronts Fairtlough Street, part of which along the eastern boundary is a private road, the council maintained road being at the junction with Sinclair Street. The southern boundary of the property is a gravelled section of Sinclair Street road reserve, the eastern portion of which is shown on subdivision plans as a road lot.

The property is currently managed land around the existing dwelling on lot 3, with the balance grassland with some woodland clumps. Surrounding land is a similar mosaic of grassland with some trees and managed land around dwellings. The land slopes slightly to the west and south. The area is not serviced by a water reticulated supply.

See Appendix 1 for maps and site plan, and appendix 2 for photographs.

BAL AND RISK ASSESSMENT

The land is mapped as Bushfire Prone. Lot 3 contains an existing dwelling, there will be no increase in risk to that dwelling with the boundary change 35m from the dwelling and outside the existing managed / low threat vegetation

VEGETATION AND SLOPE

lot		North	East	South	West
1	Vegetation, within 100m lot boundaries	0-100m grassland, some low threat around dwelling	0-100m woodland	0-20m grassland (road reserve), 20-100m woodland/grassland mosaic	0-4m gravel track, 4-30+m grassland, 30+-100m woodland (southern portion with cleared dwelling under construction)
	Slope (degrees, over 100m)	Flat /upslope	Flat /upslope	Down slope 0-5°	Down slope 0-5°
	BAL Rating at boundary	BAL FZ	BAL FZ	BAL FZ	BAL FZ
	BAL Rating with HMA	BAL 19	BAL 19	BAL 19	BAL 19
2	Vegetation, within 100m lot boundaries	0-100 grassland (some low threat around dwelling)	0-100m grassland/woodland mosaic	0-20m grassland (road reserve), 20-100m low threat, some grassland	0-52m grassland, 52-80m low threat, 80-100m woodland

	Slope (degrees, over 100m)	Down slope 0-5°	Down slope 0-5°	Down slope 0-5°	Down slope 0-5°
	BAL Rating at boundary	BAL FZ	BAL FZ	BAL FZ	BAL FZ
	BAL Rating with HMA	BAL 19	BAL 19	BAL 19	BAL 19

	Vegetation, within 100m existing dwelling	0-18+m low threat, 18-100m grassland	0-18+m low threat, 18-100m grassland	0-13+m low threat, 13-65m grassland, 65-100m grassland/woodland mosaic	0-8m low threat, 8-100m grassland
3	Slope (degrees, over 100m)	Down slope 0-5°	Down slope 0-5°	Down slope 0-5°	Down slope 0-5°
	BAL Rating existing dwelling	BAL 12.5	BAL 12.5	BAL 12.5	BAL 29

The existing dwelling on lot 3 has sufficient managed land for BAL 19 or lower except for land to the west, north west and a small section to the north east which are grassland and provide BAL 29 separation. Extended management as low threat vegetation will be required to achieve BAL 19, this should occur prior to sealing of titles. It has been assumed that Lots 1 & 2 may remain as woodland prior to construction of habitable buildings, where either of those lots is developed and managed the setback requirements for adjacent lots may change and make available reassessment of BAL ratings.

BUILDING AREA BAL RATING

Setback distances for BAL Ratings have been calculated based on the vegetation that will exist after development and management of land within the subdivision and have also considered slope gradients.

Where no setback is required for fire protection other Planning Scheme setbacks may need to be applied, other building constraints such as topography have not been considered.

The BAL ratings applied are in accordance with the Australian Standard AS3959-2009, *Construction of Buildings in Bushfire Prone Areas*, and it is a requirement that any habitable building, or building within 6m of a habitable building be constructed to the BAL ratings specified in this document as a minimum.

Bushfire Attack Level (BAL)	Predicted Bushfire Attack & Exposure Level
BAL-Low	Insufficient risk to warrant specific construction requirements
BAL-12.5	Ember attack, radiant heat below 12.5kW/m ²

BAL-19	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 12.5-19kW/m ²
BAL-29	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 19-29kW/m ²
BAL-40	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 29-40kW/m ²
BAL-FZ	Direct exposure to flames radiant heat and embers from the fire front

BUILDING SETBACKS

BAL	Slope	Grassland	Woodland
BAL 12.5	Flat/ Upslope	14m	22m
	Down slope 0-5°	16m	26m
BAL 19	Flat/ Upslope	10m	18m
	Down slope 0-5°	11m	15m

PROPOSED LOT BAL RATING

Lot	BAL Rating	Setback
1	BAL 19	10m from northern boundary
		15m from eastern boundary
		20m (ROW) from southern boundary
		7m from western boundary where grassland over boundary (northern section)
2	BAL 19	10m from northern boundary
		15m from eastern boundary
		20m (ROW) from southern boundary
		18m from western boundary
3	BAL 19	18m from northern, southern and western boundaries
		20m (ROW) from eastern boundary

The existing dwelling has sufficient setbacks from lot boundaries to achieve BAL 19 Hazard Management Areas within the lot.



Figure 1: Proposed Lots and building areas

HAZARD MANAGEMENT AREA

All land within 18m downslopes and 15m upslope and level with a dwelling must be managed as low threat vegetation. Hazard management areas for existing dwelling on Lot 3 must be managed as low threat prior to sealing of titles. Hazard management areas for Lots 1 & 2 must be managed as low

threat vegetation from commencement of construction of a habitable building on that lot. The owner of a lot is responsible for hazard management on their lot(s).

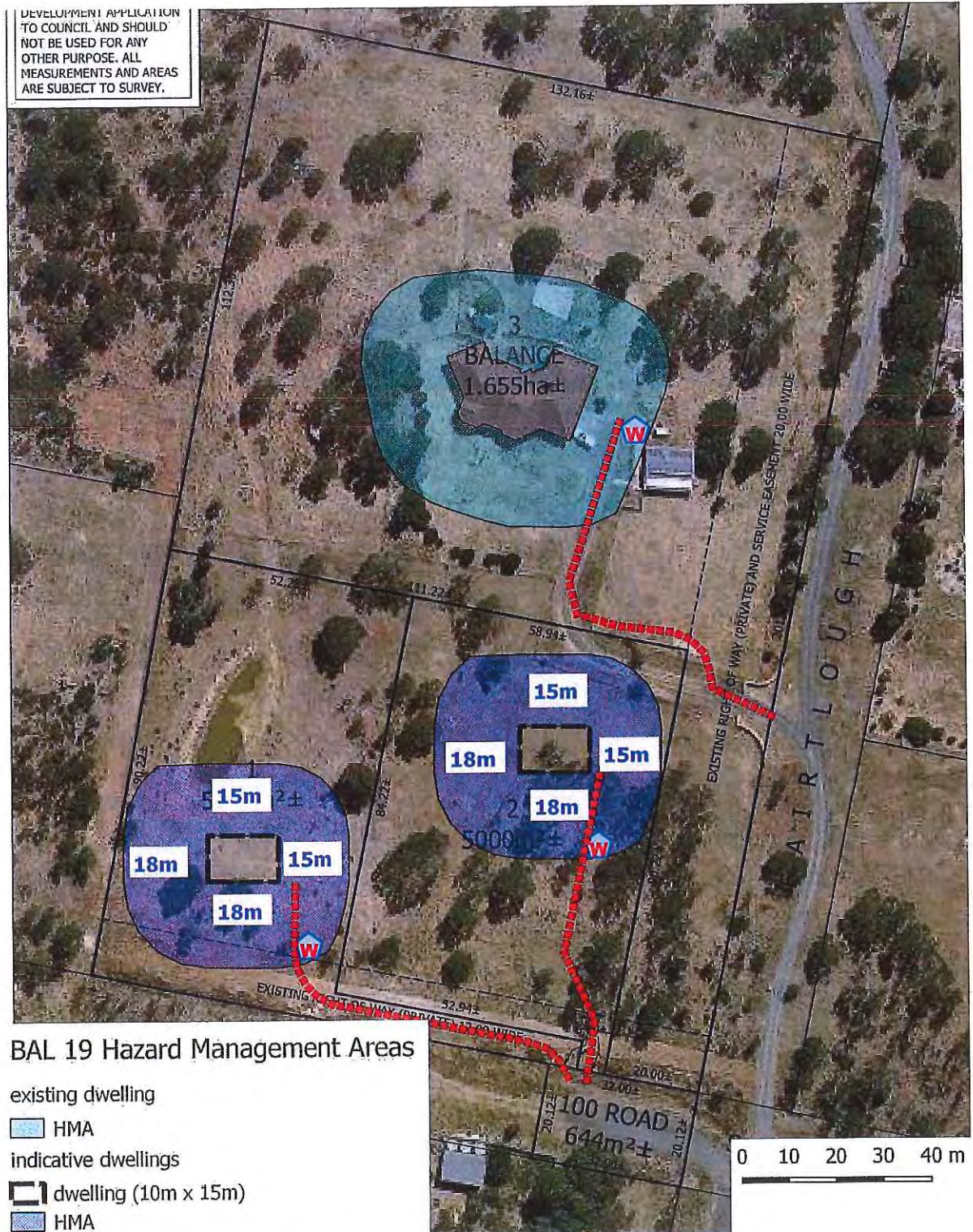


Figure 2: Hazard Management Area

ROADS

Subdivision roads within bushfire prone areas must comply with the relevant elements of Table E1 Roads from *Planning Directive No. 5.1 Bushfire-Prone Areas Code*. A 30m section of the Sinclair Street Road reserve is proposed as a road lot and will provide access for Lots 1 & 2. The road reserve is 20m wide and insufficient with to construct a 12m diameter turning head (element j). This new road section along with existing carriageways on Fairtlough and Sinclair Streets form a T turning that is considered to provide adequate turning for fire appliances, (pers comm, Chris Moore, TFS, 26/8/2020) and satisfies E1.6.2 P1. All other design parameters for roads apply.

Table E1: Standards for roads

Element	Requirement

A.	Roads	<p>Unless the development standards in the zone require a higher standard, the following apply:</p> <ul style="list-style-type: none"> (a) two-wheel road, all-weather construction; (b) load capacity of at least 20t, including for bridges and culverts; (c) minimum carriageway width is 7m for a through road, or 5.5m for a dead-end or cul-de-sac road; (d) minimum vertical clearance of 4m; (e) minimum horizontal clearance of 2m from the edge of the carriageway; (f) cross falls of less than 3 degrees (1:20 or 5%); (g) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; (h) curves have a minimum inner radius of 10m; (i) dead-end or cul-de-sac roads are not more than 200m in length unless the carriageway is 7 metres in width; (j) dead-end or cul-de-sac roads have a turning circle with a minimum 12m outer radius; and (k) carriageways less than 7m wide have 'No Parking' zones on one side, indicated by a road sign that complies with <i>Australian Standard AS1743-2001 Road signs-Specifications</i>.
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PROPERTY ACCESS

Existing access to the dwelling on lot 3 is compliant however a portion of that access is on proposed lot 2. Access to Lot 1 and 2 and new access if required to lot 3 dwelling with must comply with the relevant elements of Table E2 Access of Planning Directive No. 5.1 Bushfire-Prone Areas Code as they will be greater than 30m but less than 200m in length and must meet Element B, access is also required to water supply points.

Table E2: Standards for Property Access

Column 1 Element	Column Requirement
<p>A. Property access length is less than 30 metres; or access is not required for a fire appliance to access a water connection point.</p>	<p>There are no specified design and construction requirements.</p>
<p>B. Property access length is 30 metres or greater; or access for a fire appliance to a water connection point.</p>	<p>The following design and construction requirements apply to property access:</p> <ol style="list-style-type: none"> (1) All-weather construction; (2) Load capacity of at least 20 tonnes, including for bridges and culverts; (3) Minimum carriageway width of 4 metres; (4) Minimum vertical clearance of 4 metres; (5) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway; (6) Cross falls of less than 3 degrees (1:20 or 5%); (7) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle; (8) Curves with a minimum inner radius of 10 metres; (9) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads; and 10 degrees (1:5.5 or 18%) for unsealed roads; and (10) Terminate with a turning area for fire appliances provided by one of the following: <ol style="list-style-type: none"> (a) A turning circle with a minimum inner radius of 10 metres; or (b) A property access encircling the building; or (c) A hammerhead "T" or "Y" turning head 4 metres wide and 8 metres long.
<p>C. Property access length is 200 metres or greater.</p>	<p>The following design and construction requirements apply to property access:</p> <ol style="list-style-type: none"> (1) The Requirements for B above; and (2) Passing bays of 2 metres additional carriageway width and 20 metres length provided every 200
<p>D. Property access length is greater than 30 metres, and access is provided to 3 or more properties.</p>	<p>The following design and construction requirements apply to property access:</p> <ol style="list-style-type: none"> (1) Complies with Requirements for B above; and (2) Passing bays of 2 metres additional carriageway width and 20 metres length must be provided every 100 metres.

FIRE FIGHTING WATER SUPPLY

The subdivision is not serviced by a reticulated supply. Lot 3 existing dwelling, has a domestic supply tank, however this is not within 3m of access, a compliant static water supply for the existing dwelling must be installed prior to sealing of titles.

New habitable buildings on Lot 1 & 2 must have compliant static supplies prior to commencement of construction. An existing dam on Lot 1 may be suitable subject to capacity measurement at low water level and having compliant access.

Table 4.3B Static Water Supply for Fire fighting

Column 1 Element	Column 2 Requirement
A. Distance between building area to be protected and water supply	<p>The following requirements apply:</p> <p>a) The building area to be protected must be located within 90 metres of the water connection point of a static water supply; and</p> <p>b) The distance must be measured as a hose lay, between the water connection point and the furthest part of the building area.</p>
B. Static Water Supplies	<p>A static water supply:</p> <p>a) May have a remotely located offtake connected to the static water supply;</p> <p>b) May be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times;</p> <p>c) Must be a minimum of 10,000 litres per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems;</p> <p>d) Must be metal, concrete or lagged by non-combustible materials if above ground; and</p> <p>e) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959-2009, the tank may be constructed of any material provided that the lowest 400 mm of the tank exterior is protected by:</p> <ul style="list-style-type: none"> (i) metal; (ii) non-combustible material; or (iii) fibre-cement a minimum of 6 mm thickness.

<p>C.</p> <p>Fittings, pipework and accessories (including stands and tank supports)</p>	<p>Fittings and pipework associated with a water connection point for a static water supply must:</p> <ul style="list-style-type: none"> (a) Have a minimum nominal internal diameter of 50mm; (b) Be fitted with a valve with a minimum nominal internal diameter of 50mm; (c) Be metal or lagged by non-combustible materials if above ground; (d) Where buried, have a minimum depth of 300mm (compliant with AS/NZS 3500.1-2003 Clause 5.23); (e) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment; (f) Ensure the coupling is accessible and available for connection at all times; (g) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length); <p>Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a coupling compliant with this Table; and</p> <ul style="list-style-type: none"> a) Where a remote offtake is installed, ensure the offtake is in a position that is: <ul style="list-style-type: none"> (i) Visible; (ii) Accessible to allow connection by fire fighting equipment; (iii) At a working height of 450 – 600mm above ground level; and (h) Protected from possible damage, including damage by vehicles
<p>D.</p> <p>Signage for static water connections</p>	<ul style="list-style-type: none"> (1) The water connection point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must comply with: Water tank signage requirements within AS 2304-2011 <i>Water storage tanks for fire protection systems</i>; or (2) The following requirements: <ul style="list-style-type: none"> (a) Be marked with the letter “V” contained within a circle with the letter in upper case of not less than 100 mm in height; (b) Be in fade-resistant material with white reflective lettering and circle on a red background; (c) Be located within one metre of the water connection point in a situation which will not impede access or operation; and <p>Be no less than 400 mm above the ground.</p>

<p>E.</p>	<p>Hardstand</p>	<p>A hardstand area for fire appliances must be provided:</p> <ol style="list-style-type: none"> (1) No more than three metres from the water connection point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like); (2) No closer than six metres from the building area to be protected; (3) With a minimum width of three metres constructed to the same standard as the carriageway; and (4) Connected to the property access by a carriageway equivalent to the standard of the property access.
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CONCLUSIONS

A 3 lot subdivision is proposed from an existing title CT 157855/1 at 40 Fairtlough Street, Perth. The area is mapped as bushfire prone. Proposed Lot 3 contains an existing dwelling and additional hazard management areas are required to meet BAL 19 standards. There is sufficient area on lot 1 & 2 to provide for a BAL 19 building areas. All land within 18m down slopes and 15m upslope and level with a dwelling must be managed as low threat vegetation. Hazard management areas and static water supply for the existing dwelling must be in place prior to sealing of titles and prior to commencement of construction of new habitable buildings, with the owner of a lot being responsible for hazard management on their lot.

Roads must comply Table E1 Access of Planning Directive No. 5.1 Bushfire-Prone Areas Code with the exception of turning provisions, A (j). Access to lots must comply with the element B of Table E2 Access of Planning Directive No. 5.1 Bushfire-Prone Areas Code including new access to Lot 3 if required.

REFERENCES

Planning Commission (2017), Planning Directive No. 5.1 Bushfire-Prone Areas Code.
 Standards Australia. (2009). *AS 3959-2009 Construction of Buildings in Bushfire Prone Areas*

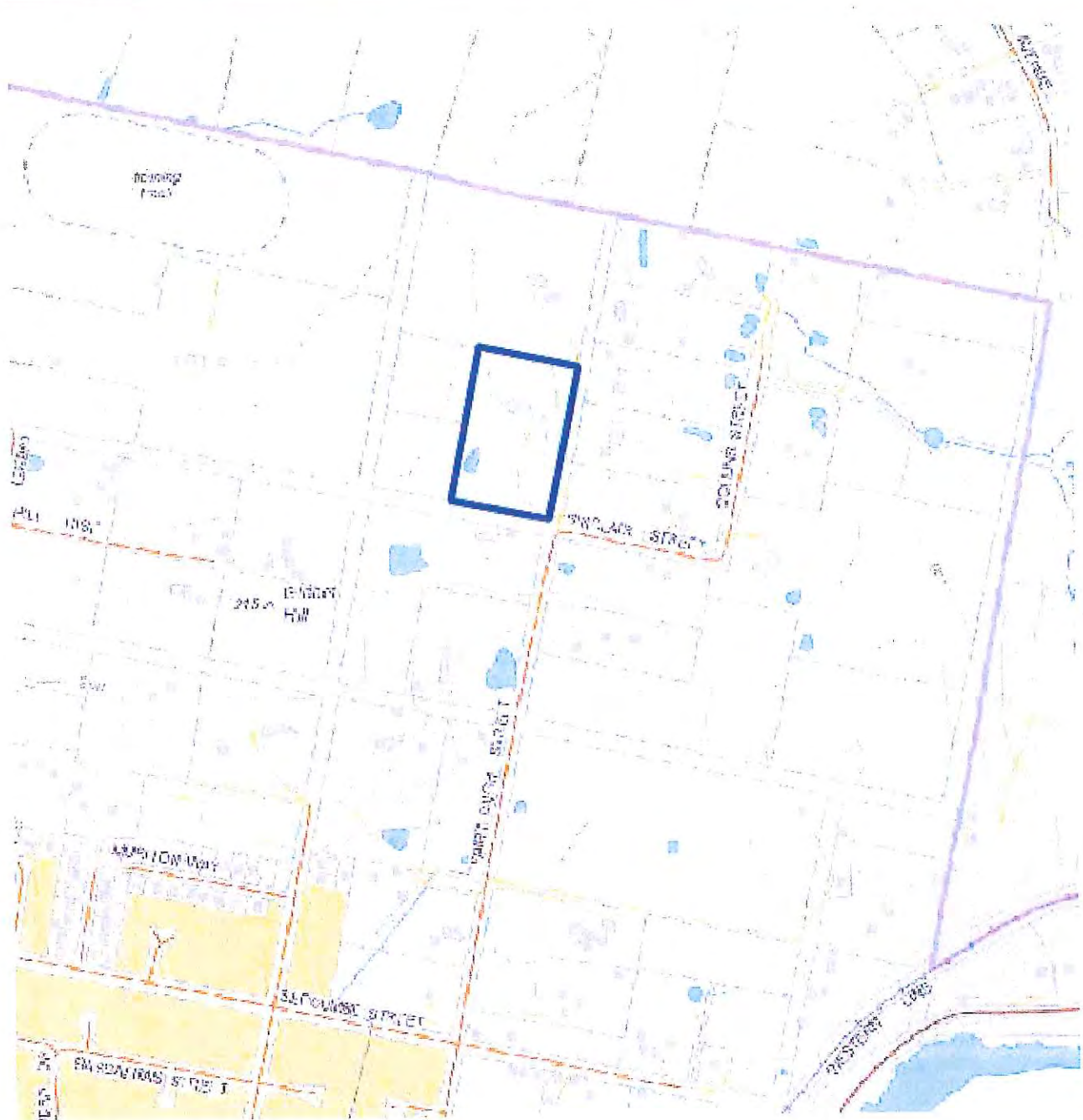


Figure 3: Location existing title in blue



Figure 4: Aerial Image

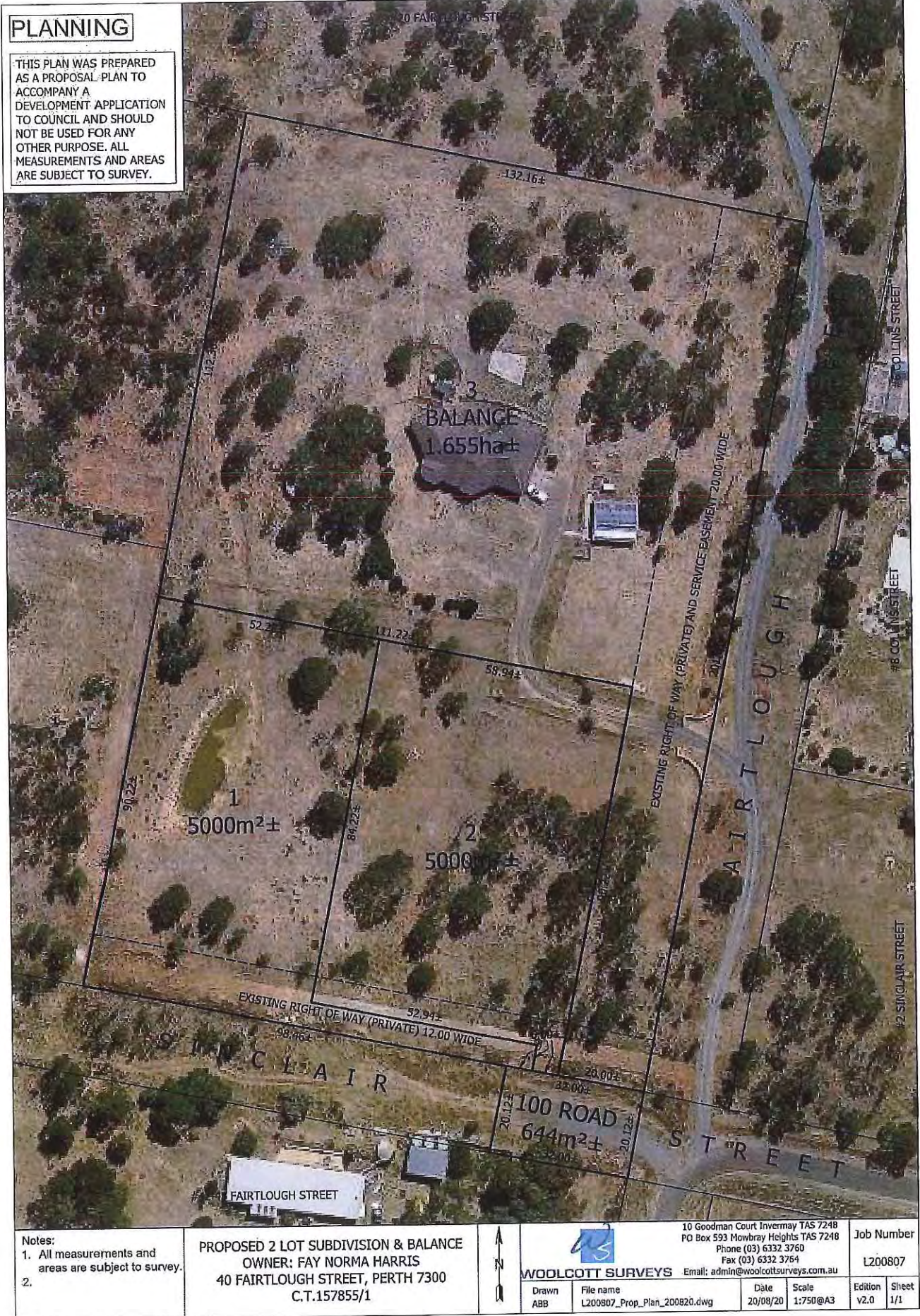


Figure 5: Proposed Subdivision Plan



Figure 6: north eastern side existing dwelling lot 3



Figure 7: south, existing access lot 3

1-182



Figure 8 north western side existing dwelling lot 3



Figure 9: water supply existing dwelling lot 3

1-183



Figure 10: Lot south, dam and dwelling on adjacent lot



Figure 11: north along western boundary lot 1

1-184

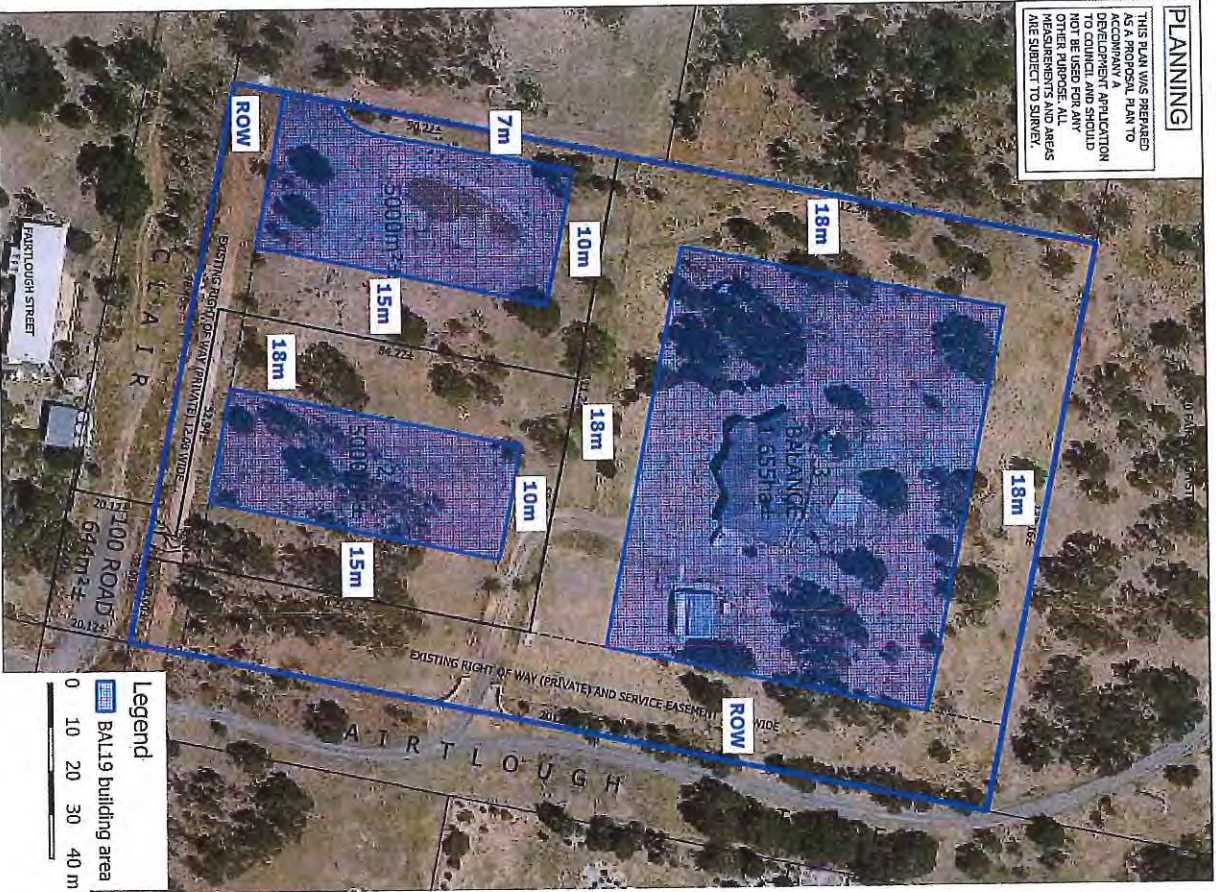


Figure 12: east along Sinclair St road reserve

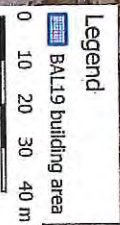


Figure 13: north vicinity lot 1-2 boundary

Bushfire Hazard Management Plan:



PLANNING
 THIS PLAN WAS PREPARED AS A PROPOSAL PLAN TO ACCOMPANY A DEVELOPMENT APPLICATION NOT BE USED FOR ANY OTHER PURPOSE. ALL MEASUREMENTS AND AREAS ARE SUBJECT TO SURVEY.



Proposed Development	Subdivision, 43 lots from 1 lot.
Plan of Subdivision	Woolcott Surveys Proposed Subdivision 20/8/2020
Property Owner	FN Harris
Address	40 Fairtlough Streetm Perth
157855/1	CT 173613-2
PID	3009406

Building Areas

Lot	BAL Rating	Setback
1	BAL 19	10m from northern boundary
		15m from eastern boundary
		20m (ROW) from southern boundary
2	BAL 19	7m from western boundary where grassland over boundary (northern section)
		10m from northern boundary
		15m from eastern boundary
3	BAL 19	20m (ROW) from southern boundary
		18m from western boundary
		18m from northern, southern and western boundaries

Construction: BAL 12.5, BAL 19 as shown

Buildings in Bushfire Prone Area to be built in accordance with the Building Code of Australia and Australian Standard AS3959.
 Building setbacks / BAL ratings apply to habitable buildings (Class 1, 2, 3, 8 or 9) and class 10a buildings within 6m of a habitable building

This BHMP has been prepared to satisfy the requirements of the Northern Midlands Planning Scheme, 2013 and Planning Directive No. 5.1 Bushfire-Prone Areas Code.
 This plan should be read in conjunction with the report titled: Bushfire Hazard Management Report, 40 Fairtlough Street Perth, Livingston Natural Resource Services

Scott Livingston
 Accreditation: BFP - 105: 1, 2, 3A, 3B, 3C
 Date 26/8/2020
 SRL20/525

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UNLAWFUL APPLICATION
 TO COUNCIL AND SHOULD
 NOT BE USED FOR ANY
 OTHER PURPOSE. ALL
 MEASUREMENTS AND AREAS
 ARE SUBJECT TO SURVEY.



BAL 19 Hazard Management Areas

- existing dwelling
- HMA
- Indicative dwellings
- dwelling (10m x 15m)
- HMA

Hazard Management Areas (HMA)

Hazard management areas include the area to protect the buildings as well as the access and water supplies.

Low threat vegetation, includes maintained lawns (<100mm in height), gardens and orchards

All land within 18m downslope sand 15m upslope and level with a habitable building must be managed as low threat vegetation.

Hazard Management Area for existing dwelling (lot 3) must be in place prior to sealing of tiles.

Hazard Management areas for future habitable building must be in place prior to commencement of construction.

The owner of a lot is responsible for management of vegetation within a lot.

Maintenance Schedule: managed land

- Cut lawns to less than 100mm
- Remove pine bark and other flammable garden mulch
- Prune larger trees to establish and maintain horizontal and vertical canopy separation.
- Minimise storage of petroleum fuels
- Maintain road access to the dwelling and water connection point.
- Remove fallen limbs, leaf & bark from roofs, gutters and around buildings.

Scott Livingston
 Accreditation: BFP - 105: 1, 2, 3A, 3B, 3C
 Date 1/9/2020
 SR120/3253

Water Supply

a static water supply to following standards must be installed for each building area

The following requirements apply:

- the building area to be protected must be located within 90m of the fire fighting water point of a static water supply; and
- the distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.

A static water supply:

- may have a remotely located offtake connected to the static water supply;
- may be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times;
- must be a minimum of 10,000l per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems;
- must be metal, concrete or lagged by non-combustible materials if above ground; and
- if a tank can be located so it is shielded in all directions in compliance with section 3.5 of *Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas*, the tank may be constructed of any material provided that the lowest 400mm of the tank exterior is protected by:
 - metal;
 - non-combustible material; or fibre-cement a minimum of 6mm thickness.

Fittings and pipework associated with a fire fighting water point for a static water supply must:

- have a minimum nominal internal diameter of 50mm;
- be fitted with a valve with a minimum nominal internal diameter of 50mm;
- be metal or lagged by non-combustible materials if above ground;
- if buried, have a minimum depth of 300mm;
- provide a DIN or NEN standard forged Storz 65mm coupling fitted with a suction washer for connection to the fitting equipment;
- ensure the coupling is accessible and available for connection at all times;
- ensure the coupling is fitted with a blank cap and securing chain (minimum 220mm length);
- ensure underground tanks have either an opening at the top of not less than 250mm diameter or a coupling component with this Tabler and
 - if a remote offtake is installed, ensure the offtake is in a position that is:
 - visible;
 - accessible to allow connection by fire fighting equipment;
 - at a working height of 450 – 600mm above ground level; and
 - protected from possible damage, including damage by vehicles.

The fire fighting water point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must:

- comply with water tank signage requirements within *Australian Standard AS 2304-2011 Water storage tanks for fire protection systems*; or
 - Comply with the Tasmania Fire Service Water Supply Guideline published by Tasmania Fire Service
- A handstand area for fire appliances must be:
- no more than 3m from the fire fighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like);
 - no closer than 6m from the building area to be protected;
 - a minimum width of 3m constructed to the same standard as the carriageway; and
 - connected to the property access by a carriageway equivalent to the standard of the property access

A static water supply must be installed on the Lot 3 prior to sealing of titles.

A static water supply must be installed for each building area for future habitable buildings prior to commencement of construction.

Access

If property access exceeds 30m to a habitable buildings and or water supply point it must be constructed to

- All-weather construction;
- Load capacity of at least 20 tonnes, including for bridges and culverts;
- Minimum carriageway width of 4m;
- Minimum vertical clearance of 4m;
- Minimum horizontal clearance of 0.5m from the edge of the carriageway;
- Cross falls of less than 3° (1:20 or 5%)
- Dips less than 7° (1:8 or 12.5%)
- Curves with a minimum inner radius of 10m;
- Maximum gradient of 15° (1:3.5 or 28%) for sealed roads, and 10° (1:5.5 or 18%) for unsealed roads; and
- Terminate with a turning area for fire appliances provided by one of the following:
 - A turning circle with a minimum inner radius of 10m;
 - A property access encircling the building; or
 - A hammerhead 7m or 9m turning head 4m wide and 8m long

Scott Livingston
Accreditation: BPP – 1051, 1, 2, 3A, 3B, 3C
Date 26/8/2020
SRL20/525



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

The subject site includes property that is proposed for use and development and includes all properties upon which works are proposed for bushfire protection purposes.

Street address:

40 Fairtlough Street, Perth

Certificate of Title / PID:

CT 157855/1, PID 3009406

2. Proposed Use or Development

Description of proposed Use and Development:

3 lot subdivision from 1 existing title

Applicable Planning Scheme:

Northern Midlands Interim Planning Scheme 2013

3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Hazard Management Report, 40 Fairtlough Street, Perth	Scott Livingston	26/8/2020	1
Bushfire Hazard Management Plan, 40 Fairtlough Street, Perth	Scott Livingston	26/8/2020	1
Proposed 3 lot Subdivision	Woolcott Surveys	20/8/2020	2

4. Nature of Certificate

The following requirements are applicable to the proposed use and development:

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

<input type="checkbox"/>	E1.4 / C13.4 – Use or development exempt from this Code	
	Compliance test	Compliance Requirement
<input type="checkbox"/>	E1.4(a) / C13.4.1(a)	Insufficient increase in risk

<input type="checkbox"/>	E1.5.1 / C13.5.1 – Vulnerable Uses	
	Acceptable Solution	Compliance Requirement
<input type="checkbox"/>	E1.5.1 P1 / C13.5.1 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input type="checkbox"/>	E1.5.1 A2 / C13.5.1 A2	Emergency management strategy
<input type="checkbox"/>	E1.5.1 A3 / C13.5.1 A2	Bushfire hazard management plan

<input type="checkbox"/>	E1.5.2 / C13.5.2 – Hazardous Uses	
	Acceptable Solution	Compliance Requirement
<input type="checkbox"/>	E1.5.2 P1 / C13.5.2 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input type="checkbox"/>	E1.5.2 A2 / C13.5.2 A2	Emergency management strategy
<input type="checkbox"/>	E1.5.2 A3 / C13.5.2 A3	Bushfire hazard management plan

<input checked="" type="checkbox"/>	E1.6.1 / C13.6.1 Subdivision: Provision of hazard management areas	
	Acceptable Solution	Compliance Requirement
<input type="checkbox"/>	E1.6.1 P1 / C13.6.1 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input type="checkbox"/>	E1.6.1 A1 (a) / C13.6.1 A1(a)	Insufficient increase in risk
<input checked="" type="checkbox"/>	E1.6.1 A1 (b) / C13.6.1 A1(b)	Provides BAL-19 for all lots (including any lot designated as 'balance')
<input type="checkbox"/>	E1.6.1 A1(c) / C13.6.1 A1(c)	Consent for Part 5 Agreement

<input type="checkbox"/>	E1.6.2 / C13.6.2 Subdivision: Public and fire fighting access	
	Acceptable Solution	Compliance Requirement

<input checked="" type="checkbox"/>	E1.6.2 P1 / C13.6.2 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input type="checkbox"/>	E1.6.2 A1 (a) / C13.6.2 A1 (a)	Insufficient increase in risk
<input checked="" type="checkbox"/>	E1.6.2 A1 (b) / C13.6.2 A1 (b)	Property Access complies with relevant Tables, for roads see E1.6.2 P1)

<input type="checkbox"/>	E1.6.3 / C13.1.6.3 Subdivision: Provision of water supply for fire fighting purposes	
	Acceptable Solution	Compliance Requirement
<input type="checkbox"/>	E1.6.3 A1 (a) / C13.6.3 A1 (a)	Insufficient increase in risk
<input type="checkbox"/>	E1.6.3 A1 (b) / C13.6.3 A1 (b)	Reticulated water supply complies with relevant Table
<input type="checkbox"/>	E1.6.3 A1 (c) / C13.6.3 A1 (c)	Water supply consistent with the objective
<input type="checkbox"/>	E1.6.3 A2 (a) / C13.6.3 A2 (a)	Insufficient increase in risk
<input checked="" type="checkbox"/>	E1.6.3 A2 (b) / C13.6.3 A2 (b)	Static water supply complies with relevant Table
<input type="checkbox"/>	E1.6.3 A2 (c) / C13.6.3 A2 (c)	Static water supply consistent with the objective

5. Bushfire Hazard Practitioner

Name:	Scott Livingston	Phone No:	0438 951 021
Postal Address:	12 Powers Road	Email Address:	scottlivingston.lnra@gmail.com
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* that the proposed use and development:

Is exempt from the requirement Bushfire-Prone Areas Code because, having regard to the objective of all applicable standards in the Code, there is considered to be an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures, or

The Bushfire Hazard Management Plan/s identified in Section 3 of this certificate is/are in accordance with the Chief Officer's requirements and compliant with the relevant **Acceptable Solutions** identified in Section 4 of this Certificate.

Signed:
certifier



Name:

Scott Livingston

Date:

26/8/2020

Certificate Number:

SRL 20/52S

(for Practitioner Use only)

**CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE
ITEM**

Section 321

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:

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

Assessed as - BAL 19

2. Bushfire Hazard Management Plan

Proposal is compliant with DTS requirements, clauses 4.1, 4.2, 4.3 & 4.4 Directors Determination Requirements for Building in Bushfire Prone Areas (v2.1)

Scope and/or Limitations

Scope:

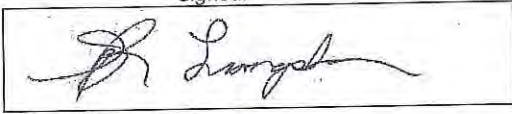
This report was commissioned to identify the Bushfire Attack Level for the existing property. All comment, advice and fire suppression measures are in relation to compliance with Interim Planning Directive No 1.1, Bushfire-Prone Areas Code issued by the Tasmanian Planning Commission, the Building Code 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.

	<i>Signed:</i>	<i>Certificate No:</i>	<i>Date:</i>
Qualified person:		SRL20/52S	26/8/2020


PLANNING

THIS PLAN WAS PREPARED AS A PROPOSAL PLAN TO ACCOMPANY A DEVELOPMENT APPLICATION TO COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. ALL MEASUREMENTS AND AREAS ARE SUBJECT TO SURVEY.



Notes:
 1. All measurements and areas are subject to survey.
 2.

PROPOSED 2 LOT SUBDIVISION & BALANCE
 OWNER: FAY NORMA HARRIS
 40 FAIRTLOUGH STREET, PERTH 7300
 C.T.157855/1

 WOOLCOTT SURVEYS		10 Goodman Court Invermay TAS 7248 PO Box 593 Mowbray Heights TAS 7248 Phone (03) 6332 3760 Fax (03) 6332 3764 Email: admin@woolcottsurveys.com.au		Job Number L200807	
		Drawn ABB	File name L200807_Prop_Plan_200820.dwg	Date 20/08/20	Scale 1:750@A3

Northern Midlands Council

PO box 156

Longford Tas, 7310

Ref: Letter of representation against planning PLN-20-0211

To Whom it may concern,

I write to you in objection to application against the above application for the following reasons:

1. My partner Steven Wrigley and myself Jessika Allan are currently in pending purchase of 10 Sinclair Street, Perth 7300. A 12 meter wide "right away (private)" on the southern boundary of 40 Fairtlough is provided as access to our property 10 Sinclair street and neighboring property 12 Sinclair street. In the application this shows the "right away (private)" access being given to create lot 1&2, it gives no indication on how we will be able to access our property from the access we are given now. It is my understanding that this is access we were provided on our title meaning this cannot be removed, we have also not been given any indication of an equivalent access than the one already provided which is what is being given to create lot 1&2.
2. The dam has been currently controlling the flow of the natural water, and from our knowledge has been spilling over the "right of way (private)" where we access our property and seems if this is removed what will help slow the storm water from flowing onto our property (10 Sinclair street) and neighboring property 12 Sinclair street. When this dam is removed where will the existing water be drained to?
3. To our knowledge the northern area of Perth is all lots of 1ha or larger, lot 1&2 are to be only close to allowable 1ha, to us that seems to be the beginning of taking away the rural/country atmosphere where we wish to be and what we are purchasing and that opens the door to future blocks/subdivisions being "close" to the 1ha.

We would not have an issue with 40 Fairtlough wishing to subdivide if it was 1 lot and not 2 under 1ha, we also object to our "right away (private) access being given to create lots 1 & 2. There was no indication access was from existing "right of way" or the Fairtlough street access East of 40 Fairclough street.

Regards,

Jessika Allan & Steven Wrigley

Phone: J

Purchasers of 10 Sinclair street, Perth 7300

Current address of 2 sapphire court, Perth 7300

Rosemary Jones

From: Harding, Alex (CASS, Gerldtn Onslow)
Sent: Friday, 25 September 2020 3:13 PM
To: NMC Planning
Cc: Harding, Alex (CASS, Gerldtn Onslow)
Subject: Representation PLN - 20 - 0211
Attachments: PLN-20-0211 Representation.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi,

Please find attached a letter to the general manager regarding proposed subdivision at 40 Fairtlough st, Perth

I own the property immediately next door (10 Sinclair st), and hope the council will consider what I have written, and therefore not approve the plan

Please let me know if you need any more information from me regarding this

Cheers, Alex



Alex Harding
Electrical Technician – Murchison Radioastronomy Observatory
CSIRO Astronomy and Space Science
33 Onslow Street
PO Box 2102
Geraldton WA 6530
Phone: 08 9923 7763
Office: 08 9923 7763. 08 9923 7956
Email: alex.harding@csiro.au
Web: www.atnf.csiro.au

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To: General Manager
Northern Midlands Council
13 Smith St Longford
Email: Planning@NMC.TAS.GOV.AU

Dear Sir/Madam,

Regarding:

PLN-20-0211 - 40 Fairtlough Street & Sinclair Street reserved road, Perth: (CT 157855/1) - 3 lot subdivision, fill dam, new road (vary lot size, no reticulated services, Scenic Management area)

My property is next door to the above property, and access to my property, 10 Sinclair Street, will be severely affected by the proposed sub-division. Therefore, I make the following submissions against the plan.

- Restricted access – There are currently two lots (10 & 12 Sinclair street) that are accessed through a shared driveway across the area that is proposed to be sub divided.
 - The proposal will effectively “cut the driveway in half” along the long axis. It appears very little thought has been given to the practicalities of maintaining (or providing) access to 10 & 12 Sinclair St, and providing access to the new blocks.
 - Below is a snip from the planning document highlighting the issue. The current access for 10 & 12 Sinclair St has been drawn in red.



- Restriction of services – Further to the access problems mentioned above, other infrastructure has been added to the area of concern. 10 and 12 Sinclair St use that corridor to run services (electricity, NBN etc.). Some of these have already been installed (both under and over the ground). The addition of two more blocks of land will restrict access for maintenance and installation of these services. It will also increase the amount of service that will need to be installed in this corridor, in turn increasing the risk of damage to those that are already installed.
- Blocks too small – If this plan were to go ahead, the two new blocks created would be the smallest in the area (at 5000m²) and would not be in keeping with the surrounding

properties. Further, I believe this would not be within the guidelines of the interim planning scheme for the low-density residential zone, which states at 12.4.3.1.A1.1.a "Each lot must have a minimum area of 1ha".

- Filling in of Dam – No detail on how the dam will be drained and filled has been given. Access to 10 Sinclair St, through the driveway, is directly below the dam. If the water is to be simply discharged from the dam, it will wash away a part of my driveway and, again, restrict access to the property. Furthermore, there is no plan for the storm water that the dam is currently capturing. This water will now flow directly across the driveway, and in time will cause erosion and additional maintenance and access issues.

Thank you for considering the above

Alex Harding

The General Manager
PO Box 156
LONGFORD TAS 7301

Date: 24/9/20

I, STEPHEN FRANKCOMBE wish to make a representation to planning application number:
PLN-20-0211 on the following grounds:

- 1. should not be approved due to the nominated size of lots 1 & 2 being only 5000m² in size. They are well under size for blocks in this area and will detract from the existing allotments in the area.

move attached pages x 2.

Yours sincerely

STEPHEN FRANKCOMBE



Email: ~~.....~~

Address: 6 COLLINS ST PERTH

Contact Number:

Existing owners purchased due to lifestyle created by larger land holdings with greater space and minimal noise & traffic etc due to lower house numbers.

2. Point 1 above is confirmed by 12.1 Zone Purpose

12.1.1.1 Residential use or development on LARGER lots.

12.4.3 Subdivision

12.4.3.1 Lot area

Objective: To ensure

- a. The area and dimensions of lots are appropriate for the zone.

Acceptable Solution:

A1.1 Each lot must

(a) Have a minimum area of 1 ha

(wording resulting average of lot size under subdivision is 0.855 ha.) lets be real the 2 lots 1x2 are listed at 5000m². which is half an hectare there for half the minimum allowable size.

3. I also put forward that neither lot 1 or 2 can be accessed from Sinclair St due to the right of way access for lot 1 + 2 on plan of survey SP 157855.

If council see fit to pass developments of this type, council should see fit to develop the necessary infrastructure as such meaning the proper development of Sinclair St to the west of the junction of Fairtlough and Sinclair's and the extension of Fairtlough St from same said junction through to 20 Fairtlough St planned lot 3 (40 Fairtlough) and then providing street access for lot 2 if approved.

Current right of ways are unsightly and unnecessary. Council or developers should ensure all property access are from developed street frontage.

COMMERCIAL PROJECT DELIVERY

Project + Development + Construction Management



PO Box 210

Newstead TAS 7250

October 12, 2020

Northern Midlands Council
Planning Department

Dear Sir/Madam

PLN 20-0211 – 40 Fairtlough St Perth – Response to issues raised in the representations

The table below provides a response to the issues raised in the representations received during the advertising period.

Issue	Response
<p>Size of lots 1 and 2 will detract from existing allotments in the area. Existing owners purchased due to lifestyle created by larger land holdings with greater space, minimal traffic noise due to lower house numbers</p>	<p>The addition of two new dwellings in the area will not detract from the lifestyle of the surrounding occupants. The 5000m2 lots are of sufficient area to accommodate a dwelling meeting the permitted setback provisions for all boundaries.</p> <p>Given the lot can be subdivided in half and meet the permitted standard i.e 1 ha, it is only the addition of the third lot that could be considered to generate additional traffic over and above what a permitted subdivision would generate. The RTA guide to traffic movements considers that residential development generates 9 movements in an out of a site per day. Therefore in terms of additional traffic into the area, it is a total of 9 additional movements that the subdivision will create.</p>
<p>Refers to Zone purpose 12.1.1.1 being residential development on larger lots.</p>	<p>Zone purpose statement 12.1.1.1 read in its entirety states that:</p>

	<p><i>To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.</i></p> <p>It is submitted that a 5000m² lot is still a large lot, particularly when set against the average lot sizes in the General Residential Zone of around 700m². The larger lots are proposed where there are infrastructure or environmental constraints. The application has demonstrated that the 5000m² lots are sufficient in size to cater for on-site wastewater disposal. The lots are not covered by a Biodiversity Overlay and have no specific environmental attributes that require preserving. For this reason, it is sound planning to maximise residential density within developed areas to avoid encroachment into rural areas.</p> <p>It is noted that under the new Tasmanian Planning Scheme, the minimum lot size in the low density residential zone is 1500m². The move to smaller lot sizes for the Low Density Residential Zone in the new Statewide Planning Scheme can partly be attributed to improving technology with regards to on-site treatment of wastewater, therefore requiring less site area.</p>
<p>Lots 1 and 2 are half the minimum allowable lot size</p>	<p>The 1ha is the Acceptable Solution i.e permitted standard. There is discretion for lots to be smaller than the permitted and no absolute minimum. An assessment against the standards of the Performance Criteria is provided in the CPD letter accompanying the application and demonstrates that each of the matters to consider under the Performance Criteria are met.</p> <p>In considering discretions, unless the Performance Criteria provides an absolute minimum or maximum, the assessment does not need to be based on the quantum of the discretion compared to the permitted standard.</p>

	<p>It is noted that an application for subdivision at 16638 Midland Highway , Perth (115 metres to the west of the subject site), which is zoned Low Density Residential and proposed lots to 5000m2 was refused by Council with one of the grounds being that the lots proposed with areas less than 1ha and did not meet Clause 12.4.3.1 P1.1 (e).</p> <p>Council's decision was appealed (6ty⁰ v Northern Midlands Council [2019] TASRMPAT 29). Whilst the Appeal was ultimately lost, it is noted that Council did withdraw its ground of refusal relating to the lots being less than 1ha prior to the hearing. This demonstrates that Council recognises that the 1ha permitted minimum is not an absolute requirement and that there is discretion for smaller lot sizes.</p>
<p>Neither Lot 1 or 2 can be accessed off Sinclair St due to the the right of way access for lot 1 and 2 on plan of survey SP157855</p>	<p>Council are requiring that Sinclair St be formed and sealed to provide proposed Lot 1 with access directly from the Street. Lots 1 and 2 of SP157855 will use Sinclair St for the extent it is formed and then continue to be able to use the existing ROW across the subject site. Their access wont be lost.</p>
<p>If Council approve this development it should property develop the road to the west of the junction of Sinclair St and Fairtlough St through to 20 Fairtlough St.</p>	<p>This is a matter for Council.</p>
<p>Concerned that the Right of Way across the subject site in favour of SP157855 will be removed.</p>	<p>The proponent cannot remove a right of way without the consent of the benefitting title owner. The right of way will remain in place.</p>
<p>Concern that the dam controls the flow of natural water to the access way of the representor (uses right of way) and where will that water drain to</p> <p>Concern as to how the dam will be drained.</p>	<p>The dam is a small man made dam that was constructed by previous owners who were looking at growing olives at the site. It is not a natural feature and therefore cannot be relied upon for control of water flows. The stormwater report accompanying the application demonstrates that each lot has sufficient area to retain stormwater on site.</p> <p>The owner will drain the dam in a manner that doesn't simply result in water running across the accessway to adjoining properties.</p>

	<p>The works will be undertaken by a civil contractor and will either be pumped to an open drain in Fairtlough St or removed from the site in a tanker.</p> <p>The proponent suggests this be a condition of permit.</p>
<p>Restriction of services. Infrastructure services have been added to the access corridor to 10 and 12 Sinclair Street. The proposal to introduce two access strip across this corridor will cause issue with maintenance and risk of damage to services.</p>	<p>The infrastructure services are located on the subject title within the Right of Way. However, the easement is for a right of carriageway and NOT a services easement therefore the services have no legal entitlement to be on the title. My client is happy to work with the representor to come up with a mutually agreeable solution to this situation.</p>

Yours faithfully



Chloe Lyne
 Planning and Development Consultant
 Commercial Project Delivery
 Mobile: +61 (0)408 397 393
www.cpdelivery.com.au