

PLAN 3

PLANNING APPLICATION PLN-20-0322

40 FAIRTLOUGH STREET, PERTH

**ATTACHMENTS**

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

1-230  
PLANNING APPLICATION

Proposal

ATTACHMENT A

Description of proposal: .....2 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..... 3.....

Site address: .....40 Fairtlough St, Perth.....

.....

CT no: .....157855/1

.....

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 .....single dwelling.....

.....

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

Refer attached correspondence.....

.....  
.....  
.....  
.....  
.....

(attach additional sheets if necessary)

Is any signage required? .....  
(if yes, provide details)

EXHIBITED

1-231

# PLAN OF SURVEY



## WOOLCOTT SURVEYS

BY SURVEYOR: COLIN STERLING SMITH

LOCATION: Land District of CORNWALL

Parish of PERTH

SCALE 1:1000

LENGTHS IN METRES

Registered Number

OWNER: KLN TASMANIA PTY LTD

FOLIO REFERENCE: C.T.157855/1

GRANTEE: Part of Lot 2, 11A-2R-32Ps Granted to Henry Pye

APPROVED  
EFFECTIVE FROM .....

Recorder of Titles

ALL EXISTING SURVEY NUMBERS TO BE  
CROSS REFERENCED ON THIS PLAN

(P.17456)

# EXHIBITED

(P.129393)

(P.129393)

(P.129393)

RIGHT OF WAY  
'A' (PRIVATE)  
VARIABLE WIDTH

(P.129393)

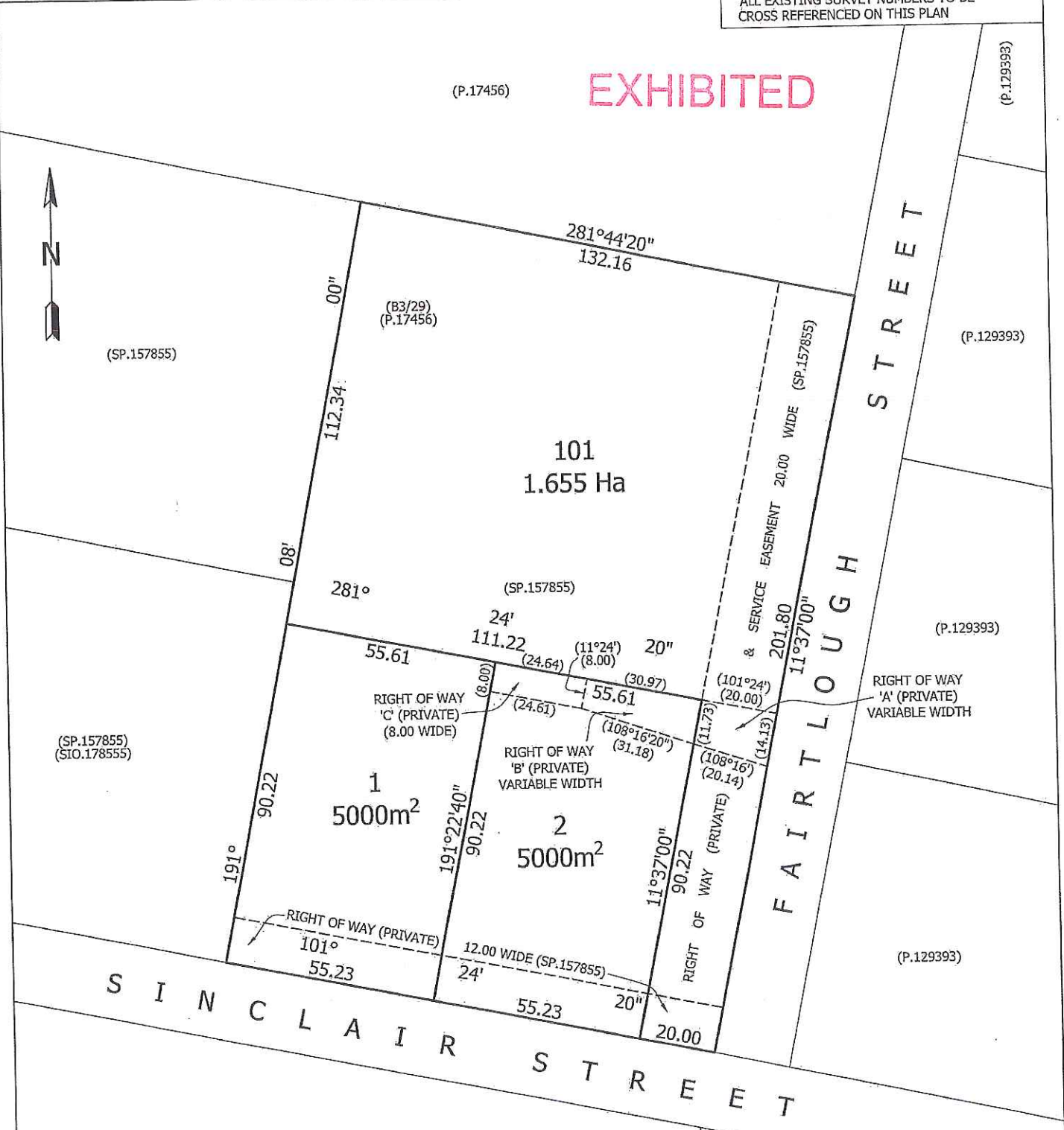
(P.17456)

(B3/29)  
(D.18083)

01-03-2021  
Date

Registered Land Surveyor  
27/01/2021  
Date

Council Delegate  
01-03-2021  
Date



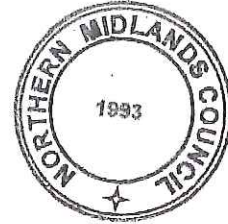
# COUNCIL APPROVAL

(Insert any qualification to the permit under section 83(5), section 109 or section 111 of the Local Government (Building & Miscellaneous Provisions) Act 1993)  
The subdivision shown in this plan is approved

Pursuant to Section 83 of the Local Government (Building and Miscellaneous Provisions) Act 1993, Northern Midlands Council will not permit a septic tank for Lots 1 & 2.

Pursuant to Section 83 of the Local Government (Building and Miscellaneous Provisions) Act 1993, TasWater cannot or will not provide a supply of water or provide a means of reticulated sewerage to Lots 1, 2, and 101.

EXHIBITED



In witness whereof the common seal of *NORTHERN MIDLANDS COUNCIL* has been affixed, pursuant to a resolution of the Council of the said municipality

passed the *01* day of *MARCH* 2021, in the presence of us

*MAYOR*  
Member ..... *M. Kneales OAM*

Member .....

Council Delegate ..... *[Signature]*

Council Reference *P.N.20-0271, 27/03/2021*

# NOMINATIONS

For the purpose of section 88 of the Local Government (Building & Miscellaneous Provisions) Act 1993

the owner has nominated

Butler McIntyre & Butler      Solicitor to act for the owner

Woolcott Surveys              Surveyor to act for the owner



|  |                   |
|--|-------------------|
| <b>SCHEDULE OF EASEMENTS</b>   | Registered Number |
| <b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED. |                   |

**EXHIBITED**

PAGE 1 OF 2 PAGE/S

**EASEMENTS AND PROFITS**

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

Lot 101 on the Plan is subject to a right of carriageway and Service Easement (appurtenant to Lot 6 on P 17456) over the Right of Way (Private) and Service Easement 20.00 Wide shown on the Plan created by and more fully set forth in C484009.

Lots 1, 2 and 101 on the Plan are subject to a right of carriageway (appurtenant to Lots 2 and 3 on SP 157855) over the Right of Way (Private) 12.00 Wide shown on the Plan.

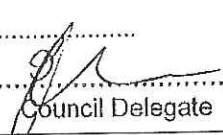
Lot 101 on the Plan is subject to a right of carriageway (appurtenant to Lots 1 and 2 on the Plan) over the Right of Way 'A' (Private) Variable Width shown on the Plan.

Lots 1 and 2 are together with a right of carriageway over the Right of Way 'A' (Private) Variable Width shown on the Plan.

Lot 2 on the Plan is subject to a right of carriageway (appurtenant to Lots 1 and 101 on the Plan) over the Right of Way 'B' (Private) Variable Width shown on the Plan.

Lots 1 and 101 are together with a right of carriageway over the Right of Way 'B' (Private) Variable Width shown on the Plan.

(USE ANNEXURE PAGES FOR CONTINUATION)

|  |  |
|--|--|
| SUBDIVIDER: KLN Tasmania Pty Ltd<br>FOLIO REF: Volume 157855 Folio 1<br>SOLICITOR<br>& REFERENCE: Butler, McIntyre & Butler: CKT210186 | PLAN SEALED BY: Northern Midlands Council<br>DATE: 11-3-2021<br>P.N.20-0211, 27/003/903<br>REF NO. |
| <br>Council Delegate                              |  |
| <b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.  |  |

**ANNEXURE TO  
SCHEDULE OF EASEMENTS**

PAGE 2 OF 2 PAGES

Registered Number

SUBDIVIDER: KLN TASMANIA PTY LTD  
FOLIO REFERENCE: C/T 157855/1

Lot 2 on the Plan is subject to a right of carriageway (appurtenant to Lot 1) over the Right of Way 'C' (Private) (8.00 Wide) shown on the Plan.

**EXHIBITED**

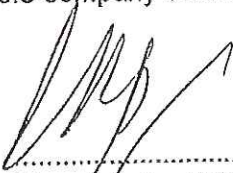
Lot 1 is together with a right of carriageway over the Right of Way 'C' (Private) (8.00 Wide) shown on the Plan.

**FENCING COVENANT**

The owner of each Lot on the Plan covenants with KLN Tasmania Pty Ltd (the Vendor) that the Vendor shall not be required to fence.

Executed by KLN TASMANIA PTY LTD  
(ACN 624 294 631) in accordance with section 127  
of the Corporations Act 2001 by authority of its sole  
director and sole company secretary:

Signature:



Keryn Louise Nylander  
Sole Director/Secretary

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



PO Box 210  
Newstead TAS 7250

**December 13, 2020**

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

Dear Sir/Madam

**40 Fairtlough Street, Perth – Application for 2 lot subdivision**

This letter is prepared to accompany an application for a 2 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 knowns 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.

Recent approval (PLN-20-0211) was granted to subdivide the southern portion of the site into two lots of 5000m<sup>2</sup> each plus balance as per Figure 3. Titles have not yet issued for this subdivision hence the site is being discussed in its entirety as it currently exists.

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,





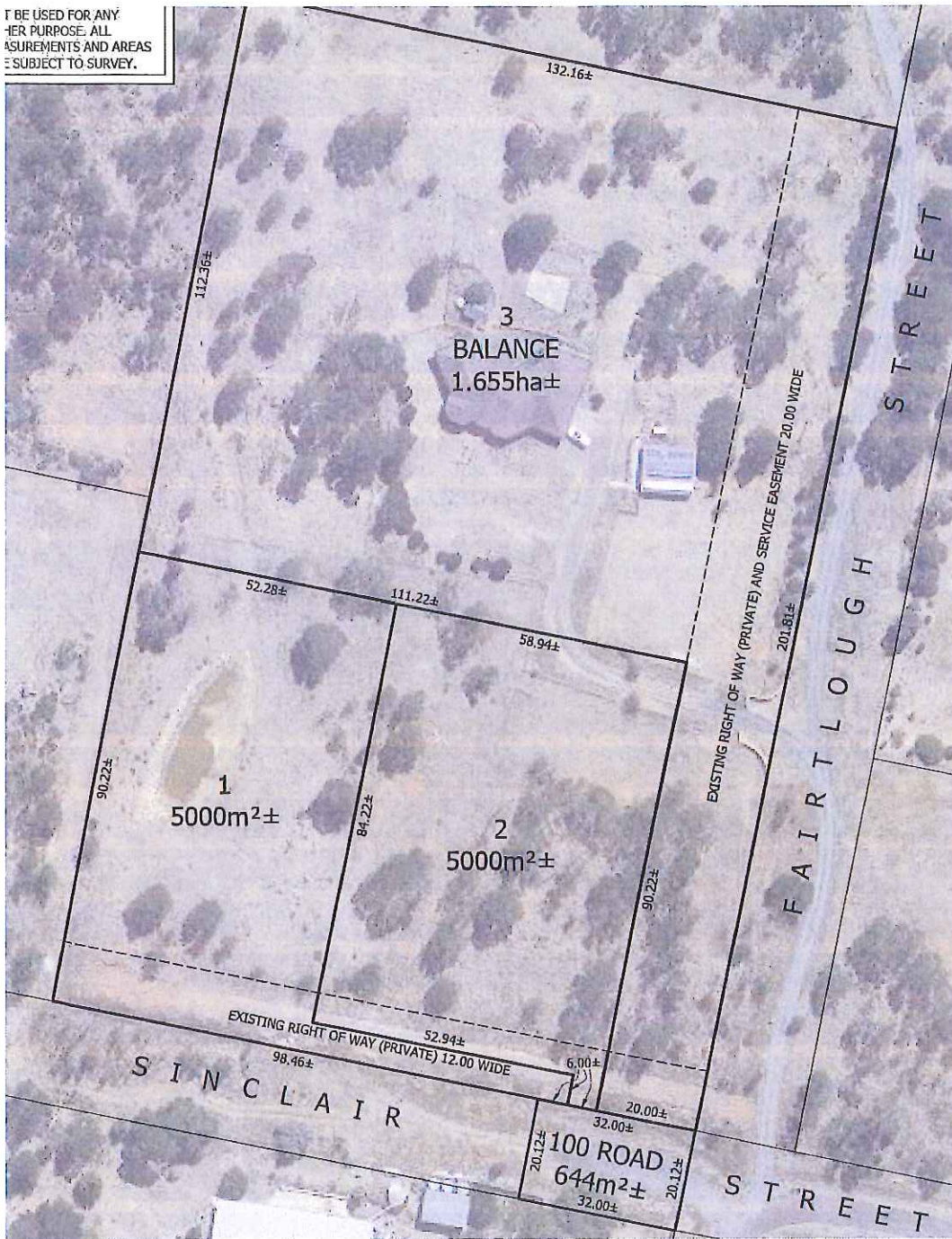




Base image from theLIST ([www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)). © State of Tasmania.

**Figure 2 – Subject site**

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



**Figure 3 – Recently approved subdivision**

The proposed development application relates to the following title:



| Address                        | Owner(s)         | Title Reference | Land Area |
|--------------------------------|------------------|-----------------|-----------|
| 40 Fairtlough Street,<br>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 create one additional lot at the northern end of the site (in addition to the two lots recently approved at the southern end of the site).

Lot 1 will contain the existing dwelling, have an area of 8841m<sup>2</sup> and continue to be accessed via an access strip from Sinclair Street.

Lot 2 will have an area of 7709m<sup>2</sup> and is undeveloped. It will also be accessed via an access strip from Sinclair Street.

A copy of the proposed plan of subdivision is shown in Figure 4.

Both lots will have a 10m wide frontage to Sinclair Street (which will be formed as a requirement of permit of the previously approved subdivision).

Neither 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.

Proposed lot 2 will need to gain access to water by installation of water tanks. ES&D have conducted an assessment to determine the suitability of this lot 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 both lots through sub-surface beds or trenches.



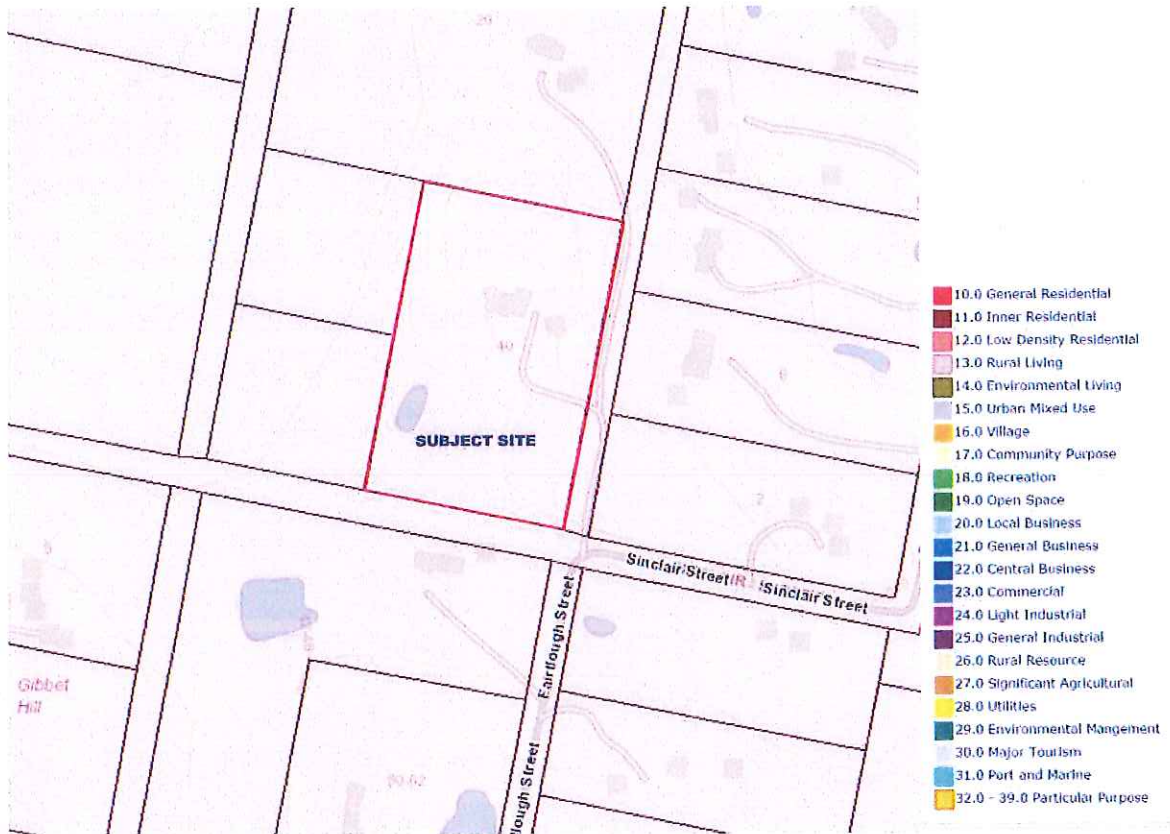
**Figure 4 – Proposal Plan**

EXHIBITED



## Zoning and Overlay

The subject site is located in the Low Density Residential Zone (Figure 5) and subject to the bushfire prone area and scenic management overlays (Figure 6).



**Figure 5 – Zoning Plan**



**Figure 6 – 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 one 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.

#### **12.4.3 Subdivision**

##### 12.4.3.1 Lot Area, Building Envelopes and Frontage

**Objective**

To ensure:

- 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 8841m<sup>2</sup> and 7709m<sup>2</sup> and therefore both lots do not comply with A1 and subdivision must be assessed against the standards of P1.1. 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. Lot 2 has sufficient area for the erection of a dwelling.

- b) 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 5000m<sup>2</sup> lot is 500m<sup>2</sup> which is more than adequate to construct a dwelling within (typical 3 bedroom dwelling with outbuilding is 200m<sup>2</sup>). Aside from land utilised for access and driveways, the balance can be used as private open space.
- d) Vehicular access for both lots to be via an access strip extending off Sinclair St.
- e) Lot 1 is already developed. Only lot 2 has further development potential in terms of a new dwelling. It is submitted that future residential development on lot 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. The dwelling on 20 Fairtlough St directly to the north of lot 2 is setback 90 metres from the common boundary with a copse of mature trees situated between the dwelling and common boundary. The existing dwelling on proposed lot 1 is setback 8.5m from the new northern boundary of that lot which complies with the permitted side boundary setback requirements in the Low Density Residential Zone which is 5 metres.

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 one new dwelling visible from Fairtlough Street 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:**

Both lots are provided with a road frontage of 10m subject to the construction of a new section of Sinclair Street required by the approval for PLN-20-0211. It would be expected that Council

would also condition this permit to require construction of Sinclair Street to provide certainty that it will occur.

**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 no 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**

Both 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 2 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. Both lots are of sufficient size that future owners 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 450m<sup>2</sup> as the permitted standard with the ability to provide smaller lots). Therefore, by comparison, lots above 7500m<sup>2</sup> 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](http://www.cpdelivery.com.au)

Attachment: Copies of Title

- Proposal Plan
- ESD Wastewater Assessment
- Bushfire Hazard Management Report
- Confirmation of transfer of title

**COMMERCIAL PROJECT DELIVERY**

Project + Development + Construction Management



PO Box 210

Newstead TAS 7250

**December 16, 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 2 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](http://www.cpdelivery.com.au)



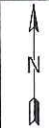
# PLANNING

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  
OWNER: FAY NORMA HARRIS  
40 FAIRTLOUGH STREET, PERTH 7300  
C.T. to be confirmed



  
**WOOLCOTT SURVEYS**

10 Goodman Court Invermay TAS 7248  
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Job Number  
L200807

| Drawn | File name                    | Date     | Scale    | Edition | Sheet |
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**Environmental Service and Design Pty Ltd**

ABN 97 107 517 144 ACN 107 517 144

**Office**

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[www.esandd.com.au](http://www.esandd.com.au)

**Postal**

PO Box 651  
Burnie TAS 7320

6 December 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 two lot subdivision to create a lot 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.

Wastewater Assessment: 40 Fairtlough Street Perth

EXHIBIT

DZ

### 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 both lots. 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 southwest of lot 1 however the applicant has advised the dam will be emptied and backfilled. 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 – Varies 2-4<sup>o</sup> to the north, south and west:
- Lot 2 – Varies between 3-12<sup>o</sup> to the north, east and west.

The core sampling to the south and east revealed the following soil profile across the sites:

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





Core sample 0-300mm

#### Lot 1

There is an existing approved on-site wastewater management system for the existing dwelling. With a proposed area of 8,841m<sup>2</sup> 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.

Investigations through Council revealed the existing dwelling has an approved aerated wastewater treatment system and irrigation area. The exact location of the treatment tank and irrigation area were not determined on site. However, the approximate location of the treatment tank and irrigation area is shown on the plan at attachment A.

There is adequate area within the lot for relocation of the irrigation area if required clear of the access and impervious areas.

#### Lot 2

No soil samples were attempted within the proposed lot 2. The initial assessment noted the site conditions are the same as the adjacent lots. Site conditions on lots to the south and east indicate the presence of surface and sub-surface rock as the same as lots 1 and 2.

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

Wastewater Assessment: 40 Fairtlough Street Perth

EXHIBITED

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.

Lot 2 has 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).

#### Conclusion

Lot 1 has an existing approved wastewater system and adequate area to ensure the existing system is contained wholly within the lot.

Lot 2 has the capability to accommodate a secondary treatment on-site wastewater system based on a site-specific system selection and design in accordance with AS/NZS1547.

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 2 smaller lots.

Assuming a 3 bedroom dwelling with a roof area of 100m<sup>2</sup> 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 90m<sup>2</sup>. The pre-development stormwater volume at a 1% AEP on the 90m<sup>2</sup> would create approximately 8,244L (90 x 91.6mm). Overall, the additional stormwater volume created by a dwelling is estimated at 916L (9,160 – 8,244) for a 1% AEP over 24 hours.

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

Lot 1, containing the existing dwelling, will not result in any increase or alteration of the stormwater volumes.

Lot 2 with an area of 7709m<sup>2</sup> has adequate area for on-site disposal of stormwater through raised or 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 lot 2 requires a secondary treatment on-site wastewater system.

Lots 1 and 4 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

Attachment A: Site plan – Core sample locations and existing wastewater system

Wastewater Assessment: 40 Fairtlough Street Perth

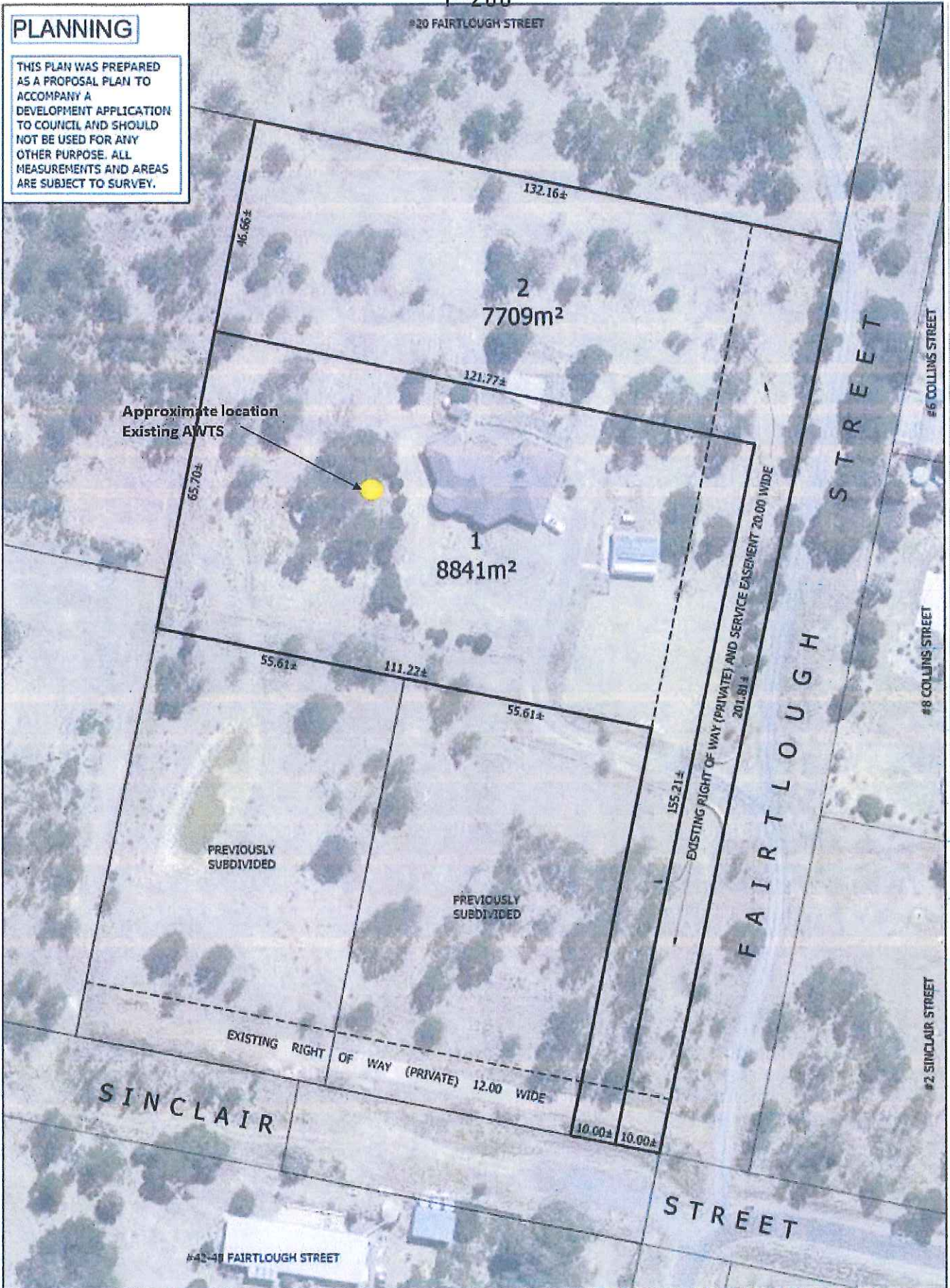
EXHIBITED



1-266

**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**  
 OWNER: FAY NORMA HARRIS  
 40 FAIRTLOUGH STREET, PERTH 7300  
 C.T. to be confirmed

|              |   |   |                   |                                 |
|--------------|---|---|-------------------|---------------------------------|
|              |   | 19 Goodman Court Invermay TAS 7248<br>PO Box 593 Howday Heights TAS 7248<br>Phone (03) 6332 3760<br>Fax (03) 6332 3764<br>Email: admin@woolcottsurveys.com.au |                   | Job Number<br><b>L200807</b>    |
| Drawn<br>ASB | File name<br>L200807_Prop_Plan_241120.dwg | Date<br>24/11/20  | Scale<br>1:750@A3 | Edition<br>v1.0<br>Sheet<br>1/1 |

**EXHIBITED**

PLN20 - 322 1-267

AMENDED

22/3/21

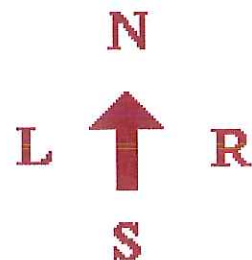
# Bushfire Hazard Management Report: Subdivision

**Report for:** Jaffa International Pty Ltd

**Property Location:** 40 Fairtlough Street, Perth

**Prepared by:** Scott Livingston  
Livingston Natural Resource Services  
299 Relbia Road  
Relbia, 7258

**Date:** 22<sup>nd</sup> March 2021  
**Version** 2





**Summary**

**1-268**

**Client:**

Jaffa International Pty Ltd

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

**Property**

**identification:**

CT 180686/101, PID 3009406  
40 Fairtlough Street, Perth

**Proposal:**

A 2 lot subdivision is proposed from an existing title CT 180686/101 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.



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**VERSION**

This report and BHMP replaces Bushfire Report\_40 Fairtlough St Perth 2 dated 27th November 2020. The update reflects changes in title numbers following sealing of titles for the lots to to be subdivided and clarifies access requirements following conformation of a right of way on recently sealed title 18068/2 and licenses on Fairtlough St road reserve.

**DESCRIPTION**

A 2 lot subdivision is proposed from existing title CT 180686/101, 40 Fairtlough Street, Perth.

The subdivision fronts Fairtlough and Sinclair Streets, parts of which are road reserves the existing access is a private road, the council-maintained road being at the junction of Fairtlough and Sinclair Streets.

The property is currently managed land around the existing dwelling on lot 1, 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 to the east, south and west. 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 1 contains an existing dwelling; the proposed lot boundary is 10m north of the existing dwelling.

**VEGETATION AND SLOPE**

| lot |   | North                                | East                                 | South  | West                              |
|-----|---|--------------------------------------|--------------------------------------|--|-----------------------------------|
| 1   | 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 |
|     | Slope (degrees, over 100m)                | Upslope/flat                         | 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                            |

| lot |  | North          | East                                | South  | West            |
|-----|--|----------------|-------------------------------------|--|-----------------|
| 2   | Vegetation, within 100m lot boundaries | 0-100 woodland | 0-100m grassland/ low threat mosaic | 0-100m grassland, 0-5o45m low threat in central section (lot 1 dwelling) | 0-100m 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 (part BAL Low) | BAL FZ          |
| BAL Rating with HMA        | BAL 19          | BAL 19          | BAL 19                | BAL 19          |

The existing dwelling on lot 1 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 must occur prior to sealing of titles. It has been assumed that Lots 2 may remain as grassland prior to construction of habitable buildings, where that 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 <sup>2</sup>   |
| BAL-19                      | Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 12.5-19kW/m <sup>2</sup> |
| BAL-29                      | Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 19-29kW/m <sup>2</sup>   |
| BAL-40                      | Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 29-40kW/m <sup>2</sup>   |
| 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                                 |
|     |            | 18m from, southern and western boundaries                  |
|     |            | 20m (ROW) from eastern boundary                            |
| 2   | BAL 19     | 18m from northern & western boundary                       |
|     |            | 20m (ROW) from eastern boundary                            |
|     |            | 10m from southern boundary where not low threat vegetation |

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 1 must be managed as low threat prior to sealing of titles. Hazard management areas for Lots 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).

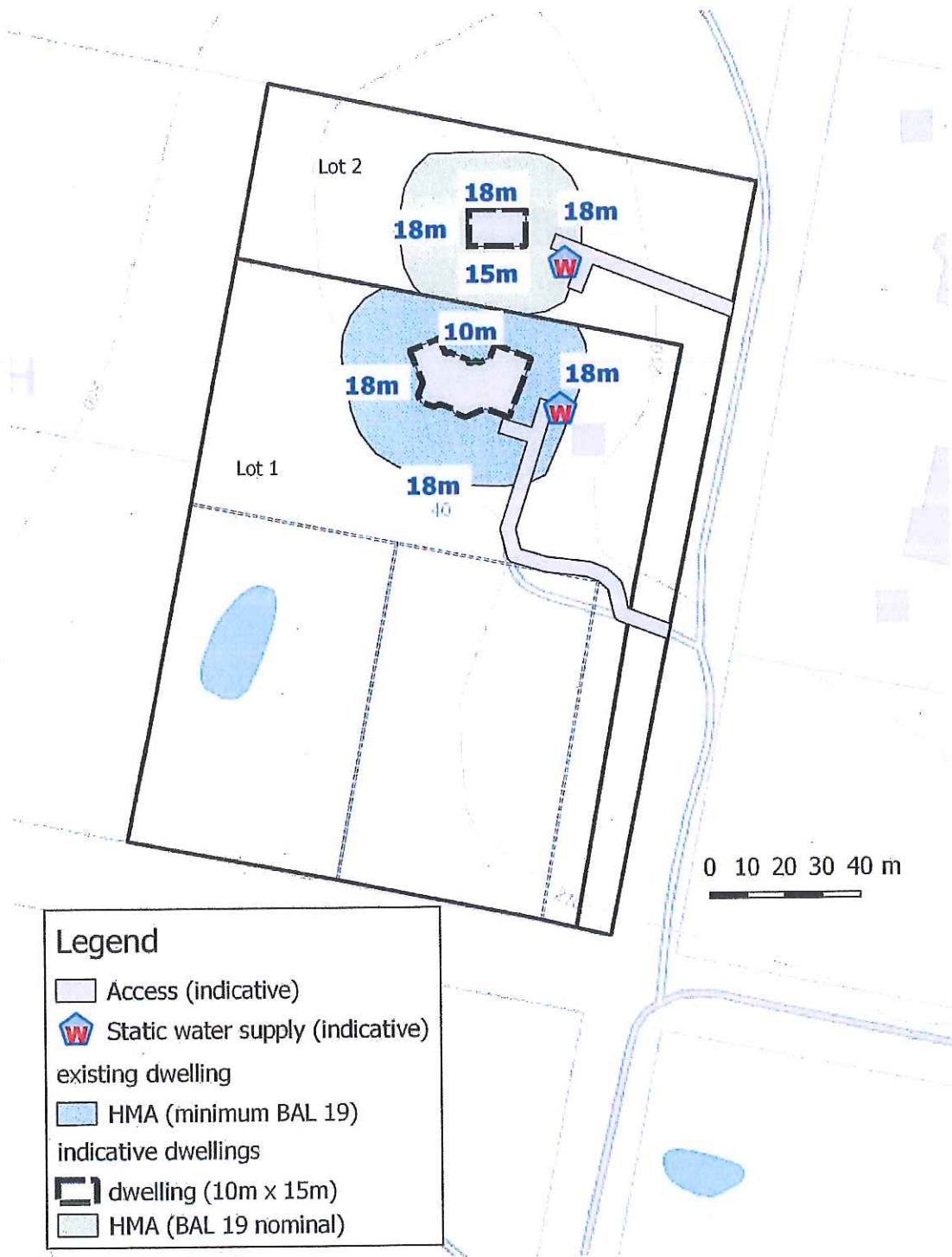


Figure 2: Hazard Management Area

**ROADS**

No roads are part of the proposed subdivision.

**PROPERTY ACCESS**

Existing access to the dwelling on lot 1 is compliant, noting a portion of that access is within a right of way on CT18068/2 and licence on Fairtlough St road reserve. Access to Lot 2 must comply with the relevant elements of Table E2 Access of Planning Directive No. 5.1 Bushfire-Prone Areas Code. It will be greater than 200m and must meet Element C including a passing bay, either at the start of the new access or if within the Fairtlough St reserve., would also serve the lot to the north, access is also required to water supply points. The Section of Sinclair street that provides access to more than 3 properties is 100m to the turn in for Lot 1, beyond that point it only provides access to 2 properties as those to the east accessed from Sinclair and Collins Streets. Access for lot 2 must be compliant prior to commencement of construction of a habitable building on the lot.

**Table E2: Standards for Property Access**

| Column 1<br>Element   | Column<br>Requirement  |
|---|--|
| A.<br>Property access length is less than 30 metres; or access is not required for a fire appliance to access a water connection point. | There are no specified design and construction requirements. |



|  |   |
|--|---|
| <p><b>B.</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"> <li>(1) All-weather construction;</li> <li>(2) Load capacity of at least 20 tonnes, including for bridges and culverts;</li> <li>(3) Minimum carriageway width of 4 metres;</li> <li>(4) Minimum vertical clearance of 4 metres;</li> <li>(5) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;</li> <li>(6) Cross falls of less than 3 degrees (1:20 or 5%);</li> <li>(7) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;</li> <li>(8) Curves with a minimum inner radius of 10 metres;</li> <li>(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</li> <li>(10) Terminate with a turning area for fire appliances provided by one of the following:             <ol style="list-style-type: none"> <li>(a) A turning circle with a minimum inner radius of 10 metres; or</li> <li>(b) A property access encircling the building; or</li> <li>(c) A hammerhead "T" or "Y" turning head 4 metres wide and 8 metres long.</li> </ol> </li> </ol> |
| <p><b>C.</b> 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"> <li>(1) The Requirements for B above; and</li> <li>(2) Passing bays of 2 metres additional carriageway width and 20 metres length provided every 200</li> </ol>  |
| <p><b>D.</b> 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"> <li>(1) Complies with Requirements for B above; and</li> <li>(2) Passing bays of 2 metres additional carriageway width and 20 metres length must be provided every 100 metres.</li> </ol>  |

**FIRE FIGHTING WATER SUPPLY**

The subdivision is not serviced by a reticulated supply. Lot 1 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 must have compliant static supplies prior to commencement of construction.

**Table 4.3B Static Water Supply for Fire fighting**

| Column 1<br>Element  | Column 2<br>Requirement   |
|--|---|
| <p><b>A.</b> Distance between building area to be protected and water supply</p> | <p>The following requirements apply:</p> <ul style="list-style-type: none"> <li>a) The building area to be protected must be located within 90 metres of the water connection point of a static water supply; and</li> <li>b) The distance must be measured as a hose lay, between the water connection point and the furthest part of the building area.</li> </ul>  |
| <p><b>B.</b> Static Water Supplies</p>   | <p>A static water supply:</p> <ul style="list-style-type: none"> <li>a) May have a remotely located offtake connected to the static water supply;</li> <li>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;</li> <li>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;</li> <li>d) Must be metal, concrete or lagged by non-combustible materials if above ground; and</li> <li>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:               <ul style="list-style-type: none"> <li>(i) metal;</li> <li>(ii) non-combustible material; or</li> <li>(iii) fibre-cement a minimum of 6 mm thickness.</li> </ul> </li> </ul> |

|   |  |
|---|--|
| <p><b>C.</b></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"> <li>(a) Have a minimum nominal internal diameter of 50mm;</li> <li>(b) Be fitted with a valve with a minimum nominal internal diameter of 50mm;</li> <li>(c) Be metal or lagged by non-combustible materials if above ground;</li> <li>(d) Where buried, have a minimum depth of 300mm (compliant with AS/NZS 3500.1-2003 Clause 5.2.3);</li> <li>(e) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment;</li> <li>(f) Ensure the coupling is accessible and available for connection at all times;</li> <li>(g) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length);</li> <li>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</li> <li>a) Where a remote offtake is installed, ensure the offtake is in a position that is:             <ul style="list-style-type: none"> <li>(i) Visible;</li> <li>(ii) Accessible to allow connection by fire fighting equipment;</li> <li>(iii) At a working height of 450 – 600mm above ground level; and</li> </ul> </li> <li>(h) Protected from possible damage, including damage by vehicles</li> </ul> |
| <p><b>D.</b></p> <p>Signage for static water connections</p>                                    | <ul style="list-style-type: none"> <li>(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</li> <li>(2) The following requirements:             <ul style="list-style-type: none"> <li>(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;</li> <li>(b) Be in fade-resistant material with white reflective lettering and circle on a red background;</li> <li>(c) Be located within one metre of the water connection point in a situation which will not impede access or operation; and</li> </ul> </li> </ul> <p>Be no less than 400 mm above the ground.</p>  |



|                  |   |
|------------------|---|
| <p><b>E.</b></p> | <p><b>Hardstand</b></p> <p>A hardstand area for fire appliances must be provided:</p> <ol style="list-style-type: none"> <li>(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);</li> <li>(2) No closer than six metres from the building area to be protected;</li> <li>(3) With a minimum width of three metres constructed to the same standard as the carriageway; and</li> <li>(4) Connected to the property access by a carriageway equivalent to the standard of the property access.</li> </ol> |
|------------------|---|

**CONCLUSIONS**

A 2 lot subdivision is proposed from an existing title CT 180686/101 at 40 Fairtlough Street, Perth. The area is mapped as bushfire prone. Proposed Lot 1 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 must be in place prior to sealing of titles for the existing dwelling and prior to commencement of construction of new habitable buildings, with the owner of a lot being responsible for hazard management on their lot.

Access to lots must comply with the element B, and where access is longer than 200m of it must comply with Element C of Table E2 Access of Planning Directive No. 5.1 Bushfire-Prone Areas Code prior to commencement of construction of a habitable building. If additional access is required to a water supply point on Lot 1 it must be in place prior to sealing of titles.

**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*

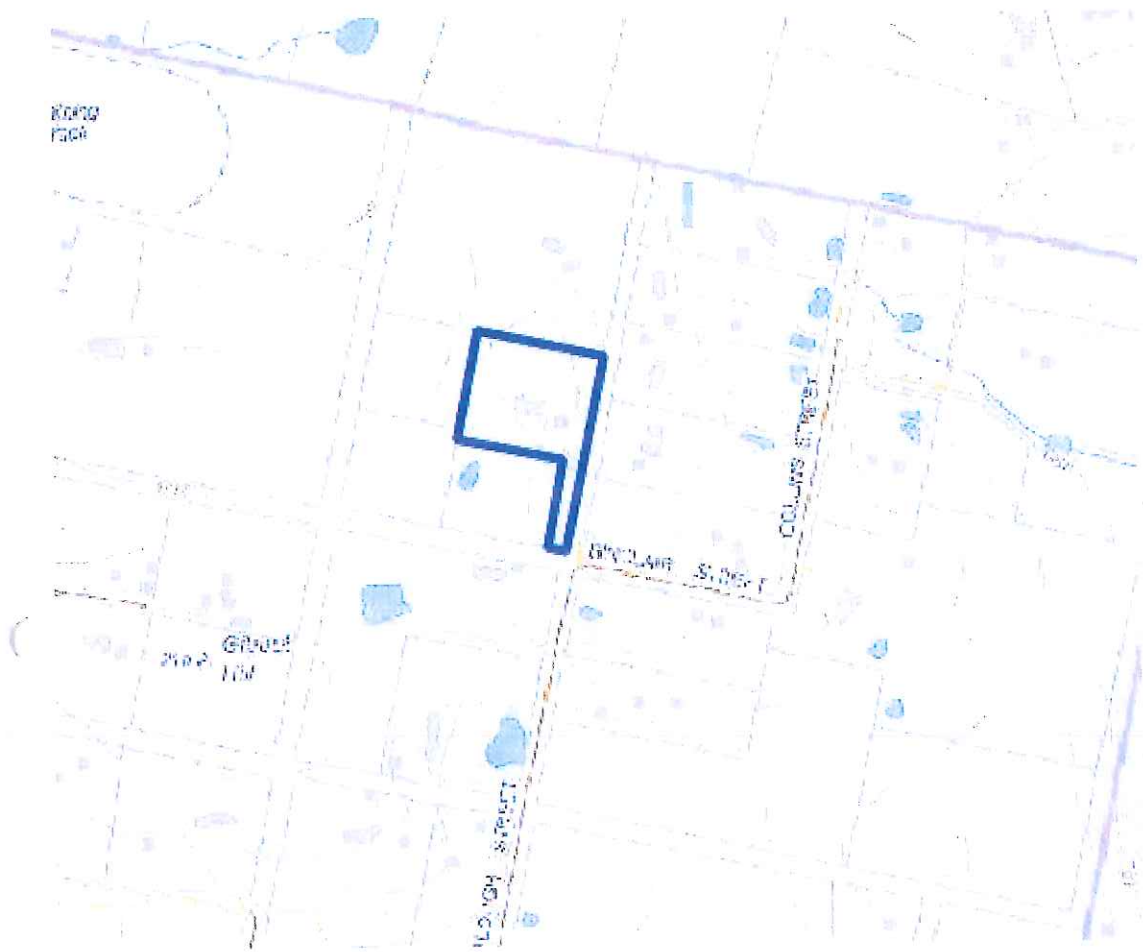


Figure 3: Location existing title





Figure 4: Aerial Image





Figure 5: Proposed Subdivision Plan



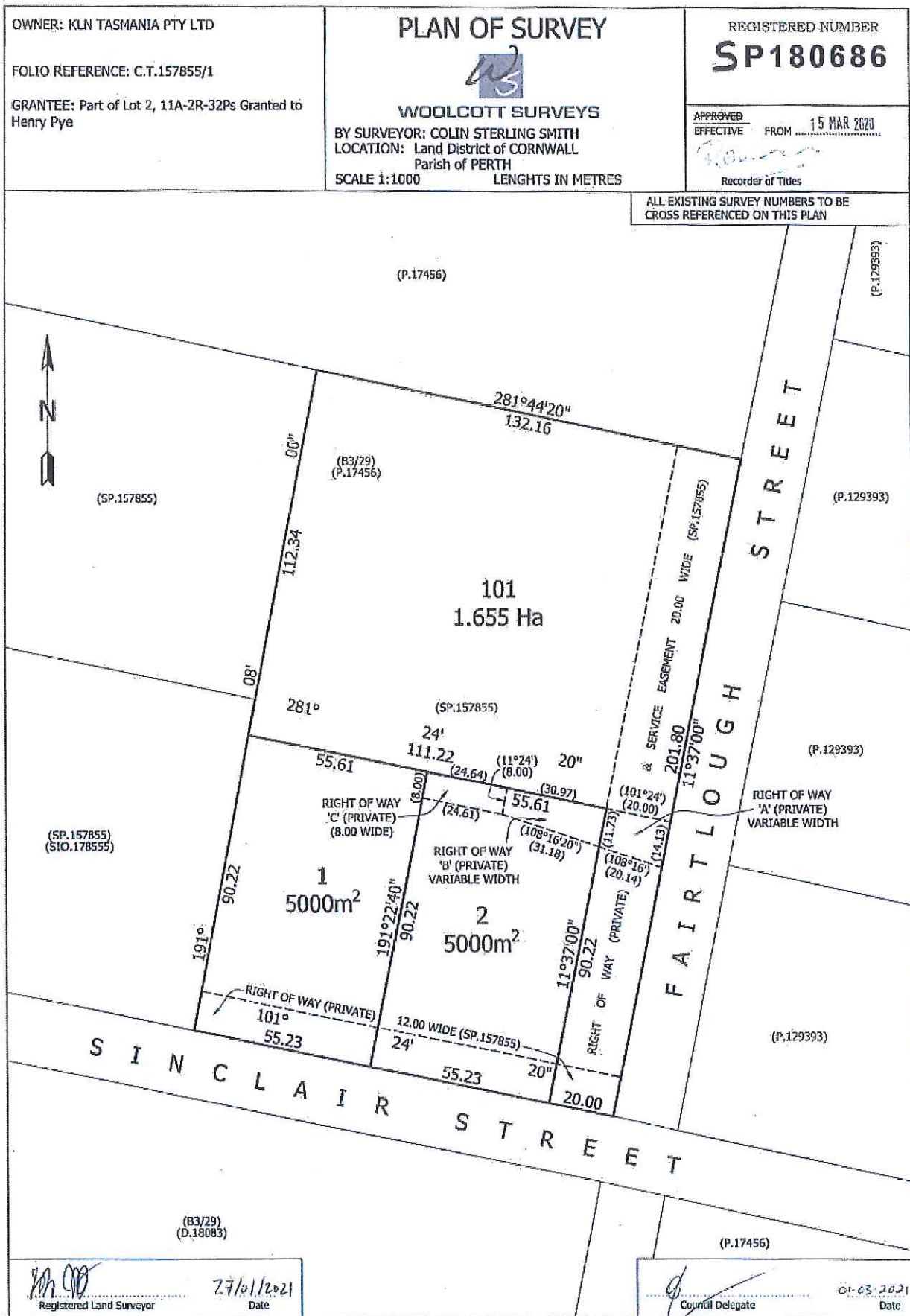


Figure 6, existing lot and right of ways





Figure 7: north eastern side existing dwelling lot 1



Figure 8: south, existing access lot 1



1-284



Figure 9 north western side existing dwelling lot 1



Figure 10: water supply existing dwelling lot 1



# Bushfire Hazard Management Plan:

1-285



**Legend**  
Potential BAL19 building area  
0 10 20 30 40 m

## Construction: 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 v2 Livingston Natural Resource Services

|                      |  |
|----------------------|--|
| Proposed Development | Subdivision, 2 lots from 1 lot                   |
| Plan of Subdivision  | Woolcott Surveys Proposed Subdivision 24/11/2020 |
| Property Owner       | LN Tasmania Pty Ltd                              |
| Address              | 40 Fairtlough Street Perth                       |
| 157855/1             | C180686/101                                      |
| PID                  | 3009406  |

For existing dwelling (lot 1) the following must be in place and compliant prior to sealing of titles and be maintained in perpetuity:

- Hazard Management Areas
- Static water supply

for future habitable buildings the following must be installed/ compliant prior to commencement of construction and be maintained in perpetuity:

- Hazard Management Areas
- Static water supply
- Access

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

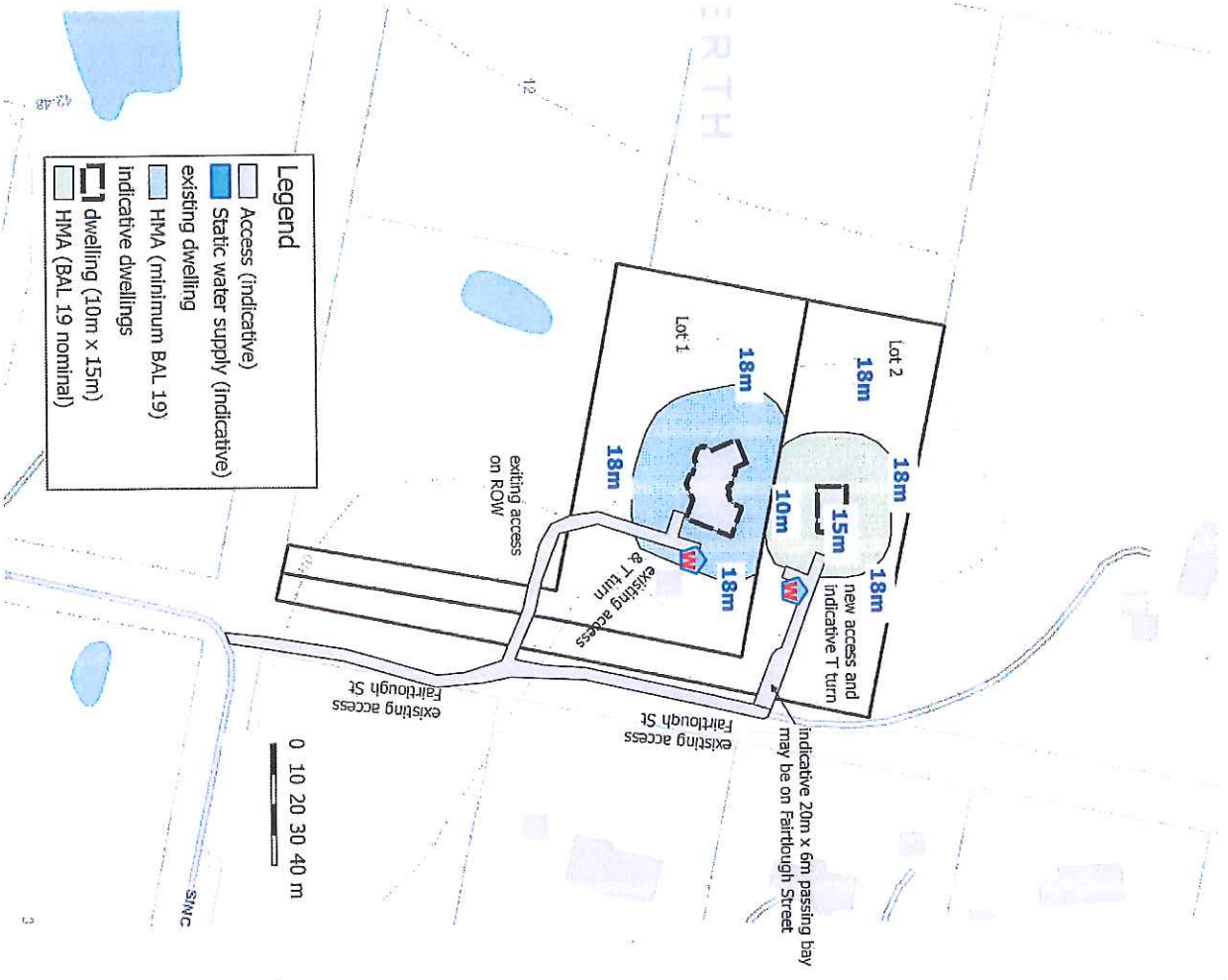
## Building Areas

| Lot | BAL Rating | Setback   |
|-----|------------|---|
| 1   | BAL 19     | 10m from northern boundary<br>18m from southern and western boundaries<br>20m (ROW) from eastern boundary                             |
| 2   | BAL 19     | 18m from northern & western boundary<br>20m (ROW) from eastern boundary<br>10m from southern boundary where not low threat vegetation |

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Date 22/3/2021  
SRL20/6752

N  
L  
R  
S





| Legend   |  |
|----------|--|
| [Symbol] | Access (indicative)                                |
| [Symbol] | Static water supply (indicative) existing dwelling |
| [Symbol] | HMA (minimum BAL 19)                               |
| [Symbol] | Indicative dwellings                               |
| [Symbol] | dwelling (10m x 15m)                               |
| [Symbol] | HMA (BAL 19 nominal)                               |

### 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 and level with a habitable building must be managed as low threat vegetation, with the exception of Lot 1 existing dwelling which requires 10m low threat vegetation (lot boundary) from northern facades.

#### 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.

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 Date 22/3/2021  
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## 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<sup>1</sup>;
  - provide a DIN or NEN standard forged Storz 65mm coupling fitted with a suction washer for connection to fire fighting 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

Compliant water supplies must be in place for:

Lot 1 existing dwelling—prior to sealing of titles

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 "T" or "Y" turning head 4m wide and 8m long

If access to a habitable building or water supply point exceeds 200m the following design and construction requirements apply: Passing bays of 2 metres additional carriageway width and 20 metres length must be provided every 200 metres.

Access to lot 2, including passing provision must be in place prior to commencement of construction of a habitable building on the lot.

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Accreditation: BFP – 105: 1, 2, 3A, 3B, 3C  
Date 22/3/2021  
SRL20/6752





**BUSHFIRE-PRONE AREAS CODE****CERTIFICATE<sup>1</sup> 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 180686/101, PID 3009406

**2. Proposed Use or Development**

Description of proposed Use  
and Development:

2 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,<br>40 Fairtlough Street, Perth 2 v2 | Scott Livingston | 22/3/2021  | 2       |
| Bushfire Hazard Management Plan,<br>40 Fairtlough Street, Perth 2 v2   | Scott Livingston | 22/3/2021  | 2       |
| Proposed 2 lot Subdivision   | Woolcott Surveys | 24/11/2020 | V4.0    |

**4. Nature of Certificate**

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

<sup>1</sup> 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 checked="" type="checkbox"/> E1.6.2 / C13.6.2 Subdivision: Public and fire fighting access |                        |
|---|------------------------|
| Acceptable Solution   | Compliance Requirement |



|                                     |                                |   |
|-------------------------------------|--------------------------------|---|
| <input 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,  |

|                                     |   |   |
|-------------------------------------|---|---|
| <input checked="" type="checkbox"/> | <b>E1.6.3 / C13.1.6.3 Subdivision: Provision of water supply for fire fighting purposes</b> |   |
|                                     | <b>Acceptable Solution</b>  | <b>Compliance Requirement</b>                         |
| <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

|                          |                  |                       |                                |
|--------------------------|------------------|-----------------------|--------------------------------|
| <b>Name:</b>             | Scott Livingston | <b>Phone No:</b>      | 0438 951 021                   |
| <b>Postal Address:</b>   | 299 Relbia Road  | <b>Email Address:</b> | scottlivingston.lnrs@gmail.com |
| <b>Accreditation No:</b> | BFP – 105        | <b>Scope:</b>         | 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:**

22/3/2021

**Certificate Number:**

SRL 20/67S2

(for Practitioner Use only)



**CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE  
ITEM**

Section 321

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:

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: |  | SRL20/67S2             | 22/3/2021    |



**REFERRAL OF DEVELOPMENT APPLICATION PLN-20-0322 TO WORKS & INFRASTRUCTURE DEPARTMENT****Property/Subdivision No:** 104900.341**Date:** 16 March 2021**Applicant:** Commercial Project Delivery**Proposal:** 2 Lot Subdivision (vary lot size, no reticulated services, Scenic Management area)**Location:** 40 Fairtlough Street, Perth

W&amp;I referral PLN-20-0322, 40 Fairtlough Street, Perth

Planning admin: W&I fees paid.**WORKS & INFRASTRUCTURE DEPARTMENT CONDITIONS****STANDARD CONDITIONS FOR SMALL SUBDIVISIONS****W.1 Stormwater**

- Concentrated stormwater must not be discharged on to neighbouring properties
- The applicant must provide plans for the existing house demonstrating that stormwater run-off can be retained within Lot 1.

*Jonathan Galbraith (Engineering Officer)**Stormwater discussed with Cam Oakley 31/3/21**Date: 1/4/21*

Rosemary Jones

---

**From:** Philip Berwick <berwick@northwest.com.au>  
**Sent:** Sunday, 28 March 2021 9:51 PM  
**To:** NMC Planning  
**Subject:** 40 Fairlough Street Perth Representation

To The General Manager NMC,  
RE: PLN -20-0322  
40 Fairlough Street Perth

As The Land owner of 4 Collins Street Perth I forward my objection to the Proposal for 40 Fairlough street.  
See Points Below  
Trying to Subdivide under the required land area 1ha

Planned Storm water disposal concerns as current run off from area already comes down 4 Collins Street.

Photos provided in application clearly state the amount of vegetation on the area, however upon visual inspection this seems to have already been removed prior to application.

Measurement's on plans seem to be inflated and M2 seems to include right of way areas

Concerns over the already Substandard road works that have been carried out in Sinclair St.

Kind Regards Phil Berwick Landowner 4 Collins street Perth.



To the General Manager Northern Midlands Council.

I am writing to oppose the planning application for the development of a 2-lot subdivision at 40 Fairtlough Street, Perth, Tasmania, 7300. REFERENCE: PLN-20-0322. This is a low-density residential area with blocks minimum of 1 hectare, this allows for a rural lifestyle and is very much enjoyed by the neighbouring properties. These proposed blocks are only 500m<sup>2</sup>, with the size not meeting the 1 hectare minimum. Another issue is how would this allow the pre-requisite of 10,000 litres of water that is required to adhere to the communities emergency fire plan as well as septic and water utilities.

The proposed site falls within the Gibbet Hill management area which states that vegetation is a requirement for the tourism route. The proposed area has already been cleared making it visible from the Northern Midlands Highway therefore in breach of the vegetation management plan. Also being a resident in this area, I am aware of how much wildlife is around and removing any further vegetation would result negatively for our wildlife and also the flora and fauna within this area.

This area is also quite wet in winter, the proposed sub-division will create further water run off making the surrounding properties suffer with even more drainage issues.

Allowing this development also sets the precedent for future development in this area and the proposed conclusions to these issues not valid enough.

Sincerely,  
Ola Nicklason  
2 Collins Street Perth,  
TAS, 7300

March 28, 2021

General Manager Northern Midlands Council,

Planning Application: Reference no – PLN-20-0322

Site: 40 Fairtlough Street Perth

I oppose the approval of the proposed 2 Lot Subdivision for the reasons given below,

Clause 12.4.3.1 states that a lot must have a minimum area size of 1ha which equals 10,000m<sup>2</sup> or 2.4 acres. Both lots do not comply with this clause. The Lot sizes seem to have the right of way area included in there proposed total size. Which in effect decreases the actual usable area size of Lot 2 from a proposed 7709m<sup>2</sup> to 6157m<sup>2</sup> or 1.5 acres well short of the 2.4 acre minimum size.

The performance criteria P1.1 a) b) c) and d) are not hard to justify for the developer these would apply to most residential lots. However, under P1.1 e) I would disagree that it does not affect the amenity. I purchased my lot in 1998 when the land was first developed because of the privacy, no through traffic, its rural living not unlike Devon Hills. In fact, the lots on the northern side of Sinclair Street and all lots in Collins St have no views of Perth. They all have views and or share a boundary fence with Devon Hills. All the current surrounding lots are 4 acres or larger so obviously allowing multiple smaller size lots or the construction of new dwellings in the area does affect the amenity. I propose that existing properties in Sinclair and Collins Street be included in the Devon Hills caveat, that subdivisions will not result in any new lots and land must not be further subdivided. The properties in the area do not have reticulated water, sewerage services, street lighting, curb and guttering and a storm water system.

The proposal states that stormwater will be disposed of on-site for both lots through sub-surface beds or trenches.

As per the es&d report on a site visit on the 12<sup>th</sup> of August 2020 surface rock was noted on both lots. A core sample revealed 0 to 200 – 300mm - Clay very moist to saturated and all attempts to obtain a core sample met refusal at between 200-300mm assumed sub surface rock. If the clay is saturated and has rock below how is the stormwater going to be effectively contained on site? It cannot just evaporate or soak into the ground especially during winter the ground is waterlogged.

The average size dwelling would collect 300 litres of water of the roof for every millimeter of rain. Therefore, 20mm of rain in 24 hours would produce 6000 litres rainwater into a water tank. If the tank is full the 6000 litres of water must go somewhere.

Currently there is no drainage provision on the unmade section of road in Fairtlough Street that services number 48. If the proposed driveway is constructed to Lot 2 how is the stormwater runoff going to be controlled? Is this going to be the Northern Midlands Council's responsibility to effectively prevent the stormwater from entering 4, 6 and 8 Collins Street? This can only be achieved by constructing suitable drainage work to collect and divert approximately 160 metres of driveway runoff from running across the unmade section of Fairtlough Street. This would then require the installation of over 200 metres of pipework through existing properties to the gutter in Collins Street.

The developer's response to E7.6.2 Local Scenic Management Areas is incorrect. The current dwelling on Lot 1 is visible from both the Midland Highway and Haggerston Road therefore given the permitted location of a new dwelling as per the fire plan on Lot 2 this will also be visible. Especially if all the existing vegetation is cleared.

The recent blasting works that were conducted for the Perth bypass project caused significant damage to my dwelling, resulting in tens of thousands of dollars worth of damage. This included cracking in a concrete slab, cracking to brickwork and the dwelling now requires underpinning to repair footings that have cracked and dropped. Any further developments in the area that require blasting or significant ground works to remove rock could cause further damage to my dwelling and or surrounding dwellings.

Please consider the above when considering the application.

Regards,

Damian Smith  
8 Collins Street Perth Tas 7300  
Mobile -  
Email -



The General Manager  
PO Box 156  
LONGFORD TAS 7301

|                           |  |
|---------------------------|--|
| NORTHERN MIDLANDS COUNCIL |  |
| File No.                  |  |
| Property                  |  |
| Attachments               |  |
| REC'D 30 MAR 2021         |  |
| GM                        |  |
| PLN                       |  |
| CSM                       |  |
| W                         |  |
| HR                        |  |
| HLT                       |  |

Date: 29.3.21

I, STEPHEN FRANKCOMBE wish to make a representation to planning application number: PLN-20-0322 on the following grounds:

- 1. • should not be approved due to the nominated size
- of the lots being undervise for blocks in this area and will
- detract from the existing allotments in the area.
- 12.4.3 Subdivision:

Objective

To ensure

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

d) Each lot has road access, and utility services appropriate for the zone.

Yours sincerely

STEPHEN FRANKCOMBE

more attached pages.

[Signature]

Email: .....

Address: 6 COLLINS STREET PERTH.

Contact Number: .....

Acceptable Solution listed.

AI.1 Each lot must

- a) Have a minimum area of 1ha  
(This subdivision does not result in lots of this size)

Performance Criteria

PI.1

- e) Development that would not adversely affect the amenity of, or be out of character with, surrounding development and the streetscape.

This area should not be assessed as a Residential Zone as Perth but should be assessed as the same as Devon Hills as the amenity of the area is more similar to Devon Hills than Perth. I note that under both the above it states

AI.2 Subdivision at Devon Hills will not result in any new lots and

PI.2 Land at Devon Hills must not be further subdivided.

Report admits application does not comply with AI and I submit it does not meet PI.1 due to clause e).

Also under PI.1 d) Reasonable vehicle access from the carriage way of the road.

How can a right of way running alongside a street (parallel) be seen as reasonable access.

Right of ways in this manner are unsightly and unsafe. Can council guarantee access will be by designated right of way for each allotment not just using the undeveloped Fairtlough St as is currently happening for the current allotment as it is. Developer or council should/must develop Fairtlough St through to the northern boundary as part of this plan if it is to be considered.



As a neighbouring land/home owner I will have a significant impact on my visual amenity as it currently is, but the report lists no impact which is completely untrue and I will also suffer from loss of privacy which is also listed in the report as no loss again completely untrue

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

Response. provided with frontage of 10m to Sinclair St.

How can lots realistically have frontage to Sinclair St when neither have real boundary to Sinclair St.

Again can only be achieved with unsightly and unsafe right of way.

Wastewater control.

Currently my land is being eroded by the natural and manmade water course from this area with water flowing from the non development of Fairtlough St through and onto my land.

I believe with 2 more right of way accesses and development on the current vacant portion of land this will exacerbate this problem.

How will this be controlled, if at all.

Will council bare the costs in the future of water damage to 4, 6 and 8 Collins St.

How does the developer plan to prevent further water run off

Based on reports listed I note core sample met refusal at 200-300 mm and saturated clay.

0 - 200/300 mm

1. Can wastewater be contained within allotment or will this also



end up as run off.

2. How will any development be completed, as obviously excavation will be near impossible and recent blasting for the new highway created damage to houses within the area.

It is also noted in the report that it says cannot be sighted from Highway and Haggerston Road, so no visual impact. This is untrue and existing dwelling can be seen and if cleared would make new dwelling even more visual.

This area is not a standard residential area and should never be assessed as such.

It is a lifestyle area with residents paying a premium when purchasing for that space and tranquility that comes from living in an area as this. Why should we lose this because a developer has \$ signs in their eyes.

The applicant does not even own this land in this area.

I ask councillors to consider this.

What do you love about your home location and what would you think if somebody wanted to turn it all upside down.

As this application is being assessed as a whole lot with application PLN-20-0211

I ask the council to reverse their original decision on that plan also to maintain the original zoning of the area.

PO Box 210

Newstead TAS 7250

**April 7, 2021**Northern Midlands Council  
Planning Department

Dear Sir/Madam

**PLN 20-0322 – 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>Concerned with the stormwater disposal as current run off from the area already comes down Collins Street.</p> <p>Concerned with stormwater absorption ability given clay soils and rock.</p> | <p>It is unclear what is meant by this question however, the stormwater report prepared to assess the subdivision explains there is no intention to discharge stormwater from the site therefore no adjoining properties will be subject to any additional stormwater flows as a result of future development. The lots both have sufficient area to dispose of stormwater on-site through sub-surface trenches.</p> |
| <p>Vegetation has been removed prior to application.</p>   | <p>There has been no vegetation removal on the two lots subject to this application.</p>   |
| <p>Lot areas on plan include right of way areas.</p>   | <p>The inclusion of right of ways within a site area is the correct manner to calculate site area for a subdivision.</p>   |
| <p>Concerns around substandard road work in Sinclair St</p>  | <p>The extension of the road in Sinclair Street by the developer is to standard. Council had to sign off on it before the new titles were issued.</p>  |
| <p>Proposed lots size of 500m<sup>2</sup> does not meet 1ha minimum and does not allow for 10000 litre water tank for fire fighting or a septic tank.</p>  | <p>The proposed lot sizes are 7709m<sup>2</sup> and 8841m<sup>2</sup> therefore reference to a 500m<sup>2</sup> lot is incorrect. The two proposed lots have more than adequate area to provide for the</p>  |



|   |   |
|---|---|
|   | <p>requisite 10 000 litre water tank and on-site wastewater disposal.</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>The previous approval of two 5000m<sup>2</sup> lots on the balance of the site demonstrates that smaller lot sizes are achievable in the area subject to the matters under the performance criteria being addressed.</p> |
| <p>The site falls within the Gibbet Hill Management Area which states that vegetation is a requirement for the tourism route. Vegetation has already been removed on the site which is visible from the Midlands Hwy.</p> | <p>Vegetation has not been removed from the subject two lots.</p>   |
| <p>The proposal does not meet P1.1 e) in that the subdivision will affect the amenity of the area.<br/>Suggests that lots in the area be included in the Devon Hills caveat that prevents further subdivision.</p>        | <p>The site is located within the Low Density Residential Zone and subdivision below 1ha is allowable provided the relevant Performance Criteria are met.</p>   |
| <p>There is no drainage provision on the unmade section of Fairtlough St that services number 48. If the proposed driveway is constructed to Lot 2 how is the stormwater going to be controlled.</p>                      | <p>It is unclear what is meant by this question however, the stormwater report prepared to assess the subdivision explains there is no intention to discharge stormwater from the site therefore no adjoining properties will be subject to any additional stormwater flows as a result of future development. The lots both</p>  |

|  |  |
|--|--|
|  | have sufficient area to dispose of stormwater on-site through sub-surface trenches.  |
| Any future dwelling on lot 2 will be visible from Midlands Hwy and Haggerston Road.                | There is minimal vegetation currently on lot 2. Development of a future dwelling upon it will likely result in additional plantings as landscaping is established.                             |
| Concern that any future development that requires blasting works will damage representors house. . | Not a relevant planning consideration  |
| Concern that the right of way accesses are unsightly and unsafe                                    | The right of way is already established on the title and will only provide access for one additional dwelling. Two ten metre ROW as proposed off a made street will not cause safety concerns. |

Yours faithfully



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