PLANNING AUTHORITY COMMITTEE - 7 DECEMBER 2020 ATTACHMENTS

3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY	2
3.1.1 DELEGATED APPROVALS	
4.1 PA2020.0142 - 94 WINSPEARS ROAD EAST DEVONPORT - 3 LOT	_
SUBDIVISION	•
4.1.1 APPLICATION - P A 2020.0142 - 94 WINSPEARS ROAD	
4.1.2 REPRESENTATIONS - P A 2020.0142 - 94 WINSPEARS ROAD	
	•
4.2 PA2020.0199 - 46 MURRAY STREET, EAST DEVONPORT - 2 LOT	
SUBDIVISION	
4.2.1 APPLICATION - P A 2020.0199 - 46 MURRAY STREET	6

Application No.	Location	Development	Approval Date
PA2020.0123	8 Collins Way, Tugrah	Residential (single dwelling and outbuildings)	11/11/2020
PA2020.0144	78 Parker Street, Devonport	Residential (5 multiple dwellings)	12/11/2020
PA2020.0156	12 Charlotte Gardens, Devonport	Residential (dwelling)	5/11/2020
PA2020.0158	1 Westbury Place, Devonport	Residential (dwelling and shed)	3/11/2020
PA2020.0159	6 Smith Street, Devonport	Residential (outbuilding)	5/11/2020
PA2020.0161	169 Steele Street, Devonport	Residential (front fence)	11/11/2020
PA2020.0162	1 Tomarah Crescent, Devonport	Residential (outbuilding)	3/11/2020
PA2020.0168	37 Ronald Street, Devonport	Residential (additional unit)	12/11/2020
PA2020.0169	41 Hiller Street, Devonport	Residential (alterations and additions to dwelling)	16/11/2020
PA2020.0170	89 North Street, Devonport	Residential (single dwelling alterations and additions)	16/11/2020
PA2020.0171	1032 Melrose Road, Melrose	Residential (ancillary dwelling)	17/11/2020
PA2020.0172	38 Harris Road, Stony Rise	Residential (dwelling and garage)	4/11/2020
PA2020.0175	4/122a North Fenton Street, Devonport	Residential (multiple dwelling additions)	12/11/2020
PA2020.0178	3 Chalmers Lane, Devonport	Residential (single dwelling)	16/11/2020
PA2020.0179	96 Nicholls Street, Devonport	Residential (multiple dwelling) - outbuilding	13/11/2020
PA2020.0180	287 Tugrah Road, Tugrah	Residential (dwelling alterations and additions)	17/11/2020
PA2020.0181	12 Mulligan Drive, Spreyton	Residential (single dwelling and outbuilding)	20/11/2020
PA2020.0182	134 Don Heads Road, Don	Residential (alterations and additions)	17/11/2020
PA2020.0183	1/11 Coomera Crescent, Miandetta	Residential (multiple dwelling addition)	12/11/2020
PA2020.0184	49 Richardson Road, Tugrah	Residential (single dwelling)	17/11/2020
PA2020.0187	18 Bobwhite Drive, Aberdeen	Residential (dwelling)	13/11/2020

Offic	ce use
Application no.	
Date received:	
Fee:	
Permitted/Discretio	nary
Devonport Ci	ty Council
	nd Approvals Act 1993 (LUPAA)
Devonport Interim Pla	
2000 2000	
Application	for Planning Permit
Use or Developme	ent Site
	F WINSPEARS ROAD EAST
/	
DEVONPORT	
Certificate of Title Refe	erence No.: 170489 / 1
Applicant's Details	
Full Name/Company	Name: PDA SURVEYORS O.B.O.
RHEBANVA	
Postal Address: //	7 GUNN ST, DEVONPORT, MAS,
7310	
Telephone: 642	17(875
Email: Tom./	ceilly a pda . com . an.
Owner's Details (if	f more than one owner, all names must be provided)
Full Name/Company	Name: M.J. & H.M. RADCLIFF
200 d 27	
	/ 2
Postal Address:	POST OFFICE, WESLEY VALE
TAS ,73	07
1112	
0.	
	408 171 438
Email: The ba	nvale @ biggond. com.
	J'

ABN: 47 611 446 016
PO Box 604
137 Rooke Street
Devonport TAS 7310
Telephone 03 6424 0511
www.devonport.tas.gov.au
council@devonport.tas.gov.au

ease provide one copy of all plans with your applic		
ssessment of an application for a Use or D. (hat is proposed?: 3 407 SUBD.)	evelopment	VC DAIANUE
	1737818 (118820)	VW BILLINGE
OT)		
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escription of how the use will operate: LOT		
IN A RESIDENTIAL N MOST RESIDENTIAL USE.	PANNER TYPICS	of of
MOST RESIDENTIAL USE.	LOT 3 (BA)	ANCE LOT),
WOULD OPERATE IN A	TYPICAL)	ACRICULTUR
MANNER		
	1.	
se Class (Office use only): RESIDENT M	7 l RESOUR	ek
DEVELOPMENT.		

Notification of Landowner/s (s.52 Land Use Planning	and Approvals Act, 1993)
If land is not in applicant's ownership	
1. THOMAS REILLY	declare that the owner/
of the land has/have been notified of my intention to me	,
Applicant's signature:	Date: 21/5049/
If the application involves land owned or administered b	y the Devonport City Council
Devonport City Council consents to the making of this p	ermit application.
General Manager's signature:	Date:
If the application involves land owned or administered b	y the Crown
Crown consent must be included with the application.	

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that:

- if incomplete, the application may be delayed or rejected; and
- more information may be requested in accordance with s.54 (1) of LUPAA.

PUBLIC ACCESS TO PLANNING DOCUMENTS - DISCRETIONARY PLANNING APPLICATIONS (5.57 of LUPAA) I understand that all documentation included with a discretionary application will be made available for inspection by the public.

Applicant's signature:

Date: 21/July/20.

PRIVACY ACT

The personal information requested on this form is being collected by Council for processing applications under the Land Use and Planning Approvals Act 1993 and will only be used in connection with the requirements of this legislation. Council is to be regarded as the agency that holds the information.

Fee & payment options



Pay by Direct Deposit - BSB: 067-402 Account No. 000 000 13 - Please quote your application number.



Pay in Person at Service Tasmania - Present this notice to any Service Tasmania Centre, together with your payment. See www.service.tas.gov.au for opening hours.



Pay by Phone - Please contact the Devonport City Council offices on 64240511 during office hours, Monday to Friday.

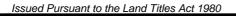


Pay by Post - Cheques should be made payable to Devonport City Council and posted to PO Box 604, Devonport, Tasmania, 7310.



RESULT OF SEARCH

RECORDER OF TITLES





SEARCH OF TORRENS TITLE

VOLUME	FOLIO
170489	1
EDITION	DATE OF ISSUE
3	24-May-2019

SEARCH DATE : 21-Jul-2020 SEARCH TIME : 11.49 AM

DESCRIPTION OF LAND

City of DEVONPORT

Lot 1 on Plan 170489

Being in part the land secondly described in Conveyance No.

15/0435

Excepting thereout See plan for excepted lands

Derivation: Part of Lot 3214, 512A-OR-OP Granted to Alexander

Tasman Parker and Part of Lot 3211, 562A-3R-36P Granted to

Samuel Sternberg

Prior CTs 169544/1 and 170404/2

SCHEDULE 1

M560068 TRANSFER to MICHAEL JAMES RADCLIFF and HEIDELINDE MARIA RADCLIFF Registered 16-Mar-2016 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any BURDENING EASEMENT: Right of carriageway (appurtenant to Lot 1 on Deeds Office Diagram No. 106/51) over Right of Way 18.29 wide on Plan No. 170489

- 54/4458 BURDENING EASEMENT: Pipeline Easement for The North West Regional Water Authority over the strip of land marked Pipeline Easement 10.00 wide ABCD on Plan No. 170489 (subject to the conditions contained therein)
- SP146139, SP169450 & SP170404 FENCING PROVISION in Schedule of Easements
- SP170404 BURDENING EASEMENT: a pipeline easement (more fully defined in A674005) for the North West Regional Water Authority over the Pipeline Easement 10.00 wide (P247676) marked DE on Plan 170489
- SP170404 BURDENING EASEMENT: a transmission line easement for Transend Pty Ltd over the Transmission Line Easement 42.67 wide on Plan 170489
- SP146139 SEWERAGE AND/OR DRAINAGE RESTRICTION
- E13 ADHESION ORDER under Section 110 of the Local Government (Building and Miscellaneous Provisions)
 Act 1993 Registered 25-May-2015 at noon

Page 1 of 2



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



E12446	ADHESION ORDER under Section 110 of the Local
	Government (Building and Miscellaneous Provisions)
	Act 1993 Registered 06-Nov-2015 at noon
E41019	MORTGAGE to Australia and New Zealand Banking Group
	Limited Registered 16-Mar-2016 at 12.01 PM
E175109	LEASE to OPTUS MOBILE PTY LIMITED of a leasehold
	estate for the term of 10 years from 27-Sep-2017 (of
	that part of the said land within described shown as
	Lot 1 on SIO 173447) Registered 24-May-2019 at noon
E175110	LEASE to OPTUS MOBILE PTY LIMITED of a leasehold
	estate for the term of 10 years from 27-Sep-2027 (of
	that part of the said land within described shown as
	Lot 1 on SIO 173447) Registered 24-May-2019 at 12.01
	PM

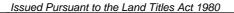
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

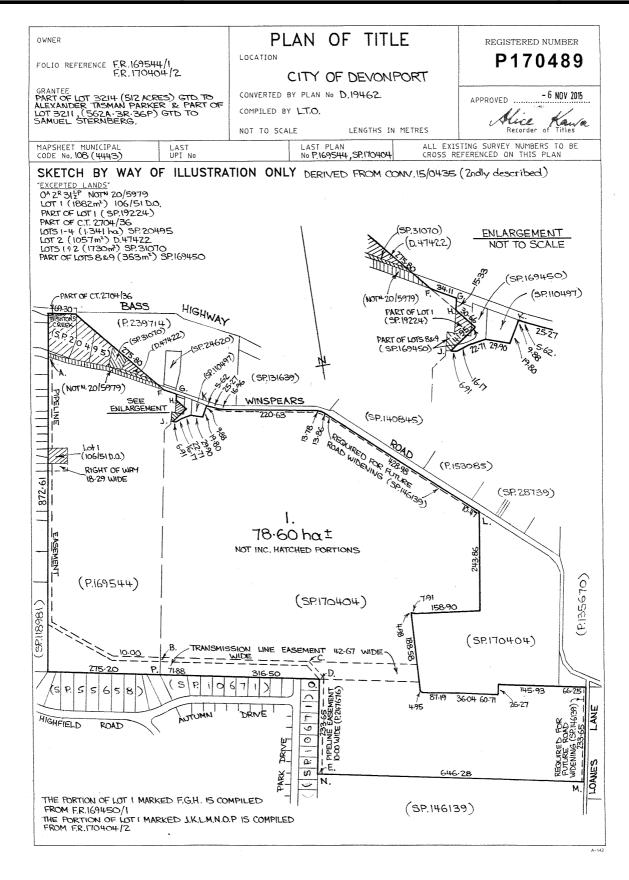


FOLIO PLAN

RECORDER OF TITLES







Search Date: 21 Jul 2020

Search Time: 11:50 AM

Volume Number: 170489

Revision Number: 02

Page 1 of 1

PLAN OF SUBDIVISION AND **DWELLING ENVELOPE**



PDA Surveyors

Devonport, Tasmania, 7310

www.pda.com.au

Surveying, Engineering & Planning

Also at: Burnie, Hobart, Launceston & Kingston

PHONE: +61 03 6423 6875 EMAIL: pda.dpt@pda.com.au

Owner

MICHAEL JAMES RADCLIFF

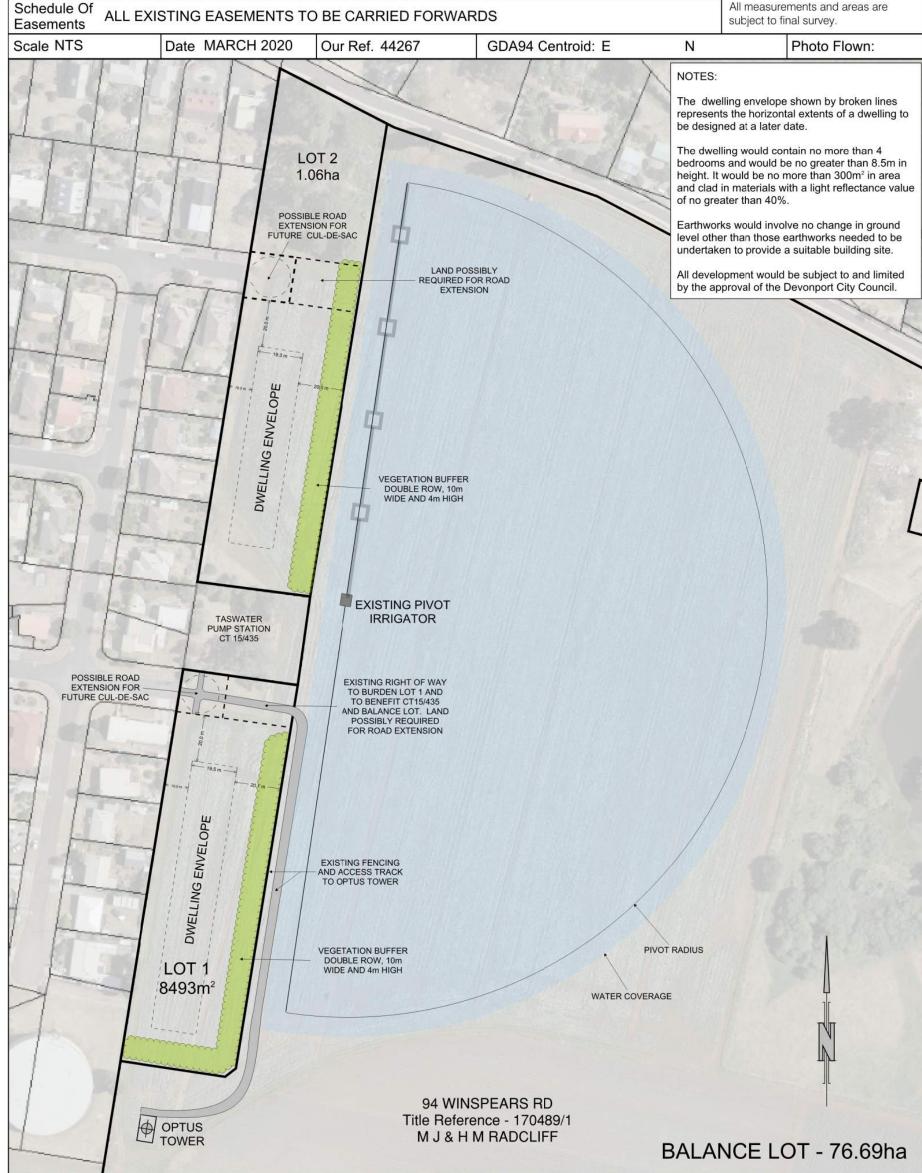
HEIDELINDE MARIA RADCLIFF

Title Ref. 170489/1

Location 94 WINSPEARS RD EAST DEVONPORT Council DEVONPORT CITY COUNCIL

Planning Scheme: DEVONPORT INTERIM PLANNING SCHEME

This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are



PLAN OF SUBDIVISION AND CONCEPT SERVICES



PDA Surveyors

Surveying, Engineering & Planning

Also at: Burnie, Hobart, Launceston & Kingston

63 Don Road
Devonport, Tasmania, 7310
www.pda.com.au

PHONE: +61 03 6423 6875 EMAIL: pda.dpt@pda.com.au

Owner

Title Ref. 170489/1

MICHAEL JAMES RADCLIFF HEIDELINDE MARIA RADCLIFF

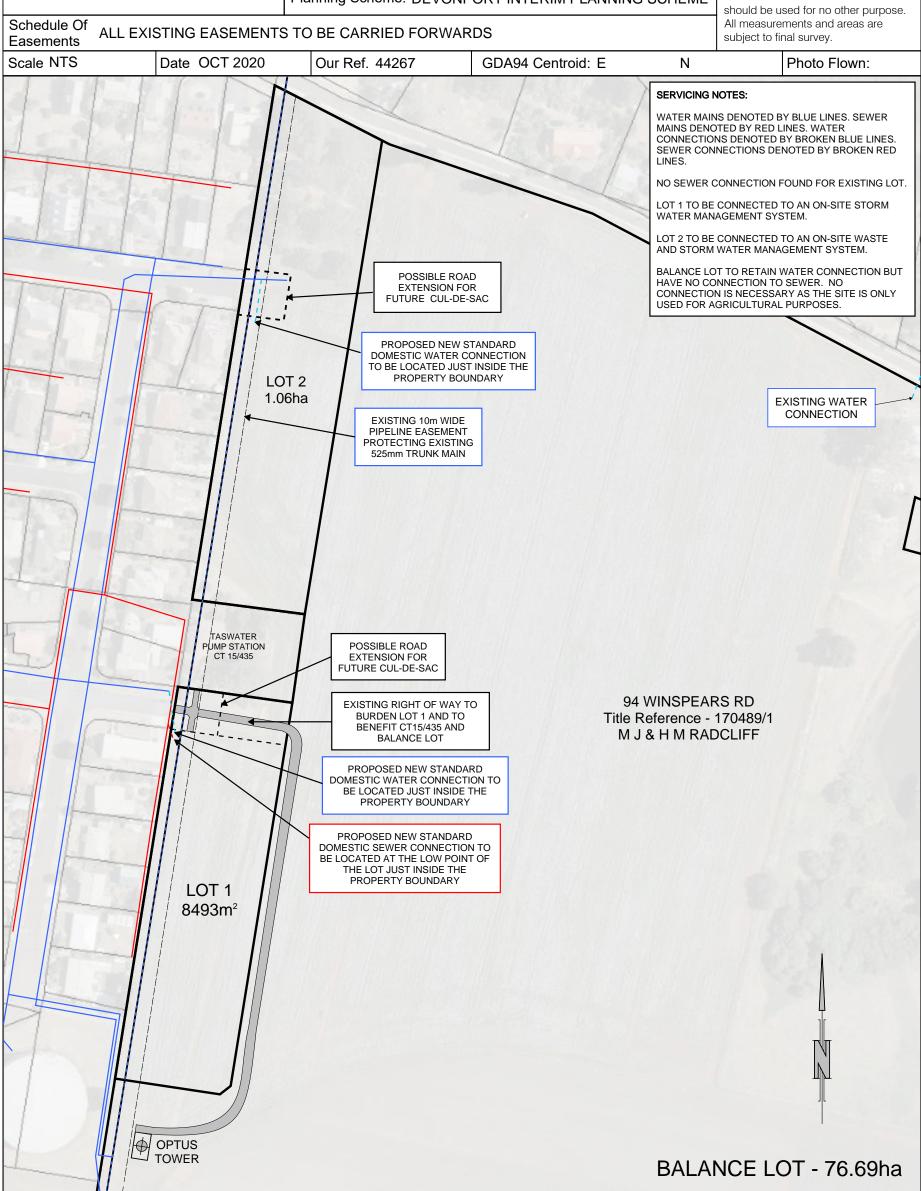
Location

94 WINSPEARS RD EAST DEVONPORT

Council DEVONPORT CITY COUNCIL

Planning Scheme: DEVONPORT INTERIM PLANNING SCHEME

This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are





ProAdvice Pty Ltd 161 St John Street PO Box 1679 Launceston TAS 7250

To whom it may concern,

Geelong 194 High Street Belmont VIC 3216 PO Box 770 Geelong VIC 3220 Tel. 03 5241 3888 geelong@proadvice.com.au

aunceston

161 St John Street Launceston TAS 7250 PO Box 1679 Launceston TAS 7250 Tel. 03 6334 0500 launceston@proadvice.com.au

Victor Harbo

Shop 3, 23 Victoria Street Victor Harbor SA 5211 PO Box 1363 Victor Harbor SA 5211 Tel. 08 8552 9641 victorharbor@proadvice.com.au

Re: Omeo Farm Improvement Plan

I have provided some comment below regarding the proposed development changes at 94 Winspears Road, East Devonport. I have visited the site and have also been involved in providing input to the proposal from an agricultural production perspective.

Background

- With expanding levels of accreditation, compliance and regulation, it is going to be increasingly difficult to farm this site in the current form with the close proximity of residential areas.
- The land in question is currently classified as Class 2. This is defined as land suitable for a wide range of intensive cropping and grazing activities. Limitations to use are slight, and these can be readily overcome by management and minor conservation practices. However, the level of inputs is greater, and the variety and/or number of crops that can be grown is marginally more restricted, than for Class 1 land. This land is highly productive and can be cropped five to eight years out of ten in a rotation with pasture or equivalent during 'normal' years, if reasonable management inputs are maintained.
- The current situation has a high biosecurity risk via problematic weeds, insects and disease via the many fenced and unfenced neighbours.
- The current site already has some existing infrastructure in the vicinity of the proposed development that restricts land use activities (TasWater).



- Normal farming activities such as irrigation, machinery operation, spraying, fertiliser spreading and harvesting activities can be incompatible with nonfarming based residential areas.
- Based on the issues highlighted above, farming at this site in the current form moving into the future may become untenable.

In principle, the proposed plan provides a proactive solution to managing the urban / rural interface using good planning and design. This incorporates designated buffer zones, vegetation barriers, defined building zones and restricted land use activities on the interface zone. The current land use situation has not kept pace with the changing planning and regulatory environment over time. The current circumstance of land use if left as is, may threaten the viability of the entire site moving into the future rather than just the interface zone. I feel maintaining the status quo in the current situation may result in a greater net agricultural loss compared to what has been proposed.

The proposed development provides a sustainable platform for ongoing farm activities by providing a proactively managed zone between rural and residential zones. This proposal aligns with the Devonport Council planning principles to preserve the natural environment of clean rivers, waterways, beaches and coastal landscapes in conjunction with rich and productive agricultural land.

If you have any questions, please do not hesitate to contact me.

Kind regards,

BEN LEDITSCHKE Consultant

0419 332 704

bleditschke@proadvice.com.au







Omeo Farm Improvements Plan

Stage 5 - Create buffer with the dwellings to the west.

Agricultural land use assessment

Geelong 194 High Street Belmont VIC 3216 PO Box 770 Geelong VIC 3220 Tel. 03 5241 3888

geelong@proadvice.com.au

Launceston 161 St John Street Launceston TAS 7250 PO Box 1679 Launceston TAS 7250

Tel. 03 6334 0500 launceston@proadvice.com.au

Victor Harbor Shop 3, 23 Victoria Street Victor Harbor SA 5211 PO Box 1363 Victor Harbor SA 5211 Tel. 08 8552 9641

victorharbor@proadvice.com.au

Omeo farm is run by Rhebanvale, which is owned and operated by Michael and Heidi Radcliff. It is primarily a horticultural enterprise with some light grazing.

In the north-western corner of Omeo Farm is an abrupt residential and agricultural interface involving 15 residential allotments. Dwellings are located as close as 5m to the edge of the farm. The properties are separated by fences with a range of heights and materials and in varying states of repair. This interface between the two properties has apparent signs of trespass weed infestation.

At the subdivision site, a Taswater double pump station protrudes into the paddock a distance of 50m, inhibiting adjacent farming practices and limiting the extent of pivot irrigation.

Michael and Heidi manage relations with each of the neighbours depending on each of the individual circumstances and personalities involved. It is apparent from these instances that the sensitivities of each use create tensions between the two land uses. For the residential properties, it is a source of complaint resulting from overspray, noise and dust caused by primary industry activity including irrigation, spraying, harvesting. For Omeo Farm it is a source of complaint, trespass, crop biosecurity risks and weed infestation and it threatens the accreditation of the farm with a pest and disease-free status.

In accordance with the PDA Surveyors plan, it is the intention of Rhebanvale to reduce the number of dwellings that neighbour the farm and thereby allow greater control over farm integrity.

The proposal is to subdivide three larger residential allotments from the farm to provide an appropriate buffer at the Zone interface. The allotments would be subject to building exclusion zones and requirements to maintain residential buffers along the boundary with Omeo Farm.



Insofar as the requirements of the Devonport Interim Planning Scheme are concerned, I note as follows:

26.1.1 Zone Purpose Statements

26.1.1.1

To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.

26.1.1.2

To provide for other use or development that does not constrain or conflict with resource development uses.

Response

In accordance with 26.1.1.1, the proposed subdivision is designed to create a more sustainable platform for farming into the future by rationalising the existing Optus access tracks, aligning the boundary with the TasWater lot and by significantly reducing the number of properties that border the farm, each one being a separate potential source of complaint and interference.

In accordance with 26.1.1.2, appropriately located dwellings within the proposed lots that are protected by the proposed vegetation buffers are less likely to cause significant constraint or conflict with the adjacent resource development use.

26.1.2 Local Area Objectives

- (a) The priority purpose for rural land is primary industry dependent upon access to a naturally occurring resource;
- (b) Air, land and water resources are of importance for current and potential primary industry and other permitted use;
- (c) Air, land and water resources are protected against -
 - (i) permanent loss to a use or development that has no need or reason to locate on land containing such a resource; and
 - (ii) use or development that has potential to exclude or unduly conflict, constraint, or interfere with the practice of primary industry



or any other use dependent on access to a naturally occurring resource;

- (d) Primary industry is diverse, dynamic, and innovative; and may occur on a range of lot sizes and at different levels of intensity;
- (e) All agricultural land is a valuable resource to be protected for sustainable agricultural production;
- (f) Rural land may be used and developed for economic, community, and utility activity that cannot reasonably be accommodated on land within a settlement or nature conservation area;
- (g) Rural land may be used and developed for tourism and recreation use dependent upon a rural location or undertaken in association with primary industry
- (h) Residential use and development on rural land is appropriate only if -
 - (i) required by a primary industry or a resource based activity; or
 - (ii) without permanent loss of land significant for primary industry use and without constraint or interference to existing and potential use of land for primary industry purposes

Response

In accordance with the with the Zone Purpose Statements, the sustainable and long term use of the balance agricultural land for primary industry purposes would be assisted by minimising the number of adjoining residential uses and by creating appropriate separation, exclusion fencing and vegetation buffering. It is considered that the advantages of the proposed circumstances outweigh the conversion of a minor amount of land to a non-agricultural use. It is considered that the proposed use and development would have a net agricultural advantage given that the current situation may threaten future activities across the whole site rather than just the interface zone.

26.1.3 Desired Future Character Statements

Use or development on rural land -

- (a) may create a dynamic, extensively cultivated, highly modified, and relatively sparsely settled working landscape featuring
 - (i) expansive areas for agriculture and forestry;
 - (ii) mining and extraction sites;



- (iii) utility and transport sites and extended corridors; and
- (iv) service and support buildings and work areas of substantial size, utilitarian character, and visual prominence that are sited and managed with priority for operational efficiency
- (b) may be interspersed with -
 - (i) small-scale residential settlement nodes;
 - (ii) places of ecological, scientific, cultural, or aesthetic value; and
 - (iii) pockets of remnant native vegetation
- (c) will seek to minimise disturbance to -
 - (i) physical terrain;
 - (ii) natural biodiversity and ecological systems;
 - (iii) scenic attributes; and
 - (iv) rural residential and visitor amenity;
- (d) may involve sites of varying size -
 - (i) in accordance with the type, scale and intensity of primary industry; and
 - (ii) to reduce loss and constraint on use of land important for sustainable commercial production based on naturally occurring resources;
- (e) is significantly influenced in temporal nature, character, scale, frequency, and intensity by external factors, including changes in technology, production techniques, and in economic, management, and marketing systems

Response

The proposal would result in a relatively insignificant change to the physical environment. The abrupt rural and residential interface would be softened. For the agricultural use, the prevalence of dwellings at the boundary would be substantially minimised. For the residential uses, the transition between the urban and the agricultural would be more manageable than it is at present.

As the agricultural/residential interface is physically softened, so should the existing and potential future tensions between owners. It is considered that the proposal is reasonably consistent with the Council's desired future character for this area.



P1 Residential use that is not required as a part of other use must -

- (a) be consistent with local area objectives;
- (b) be consistent with any applicable desired future character statement;
- (c) be on a site within which the existing or proposed development area -

(i) is not capable by reason of one or more of factors of topography, resource capability, size or shape of being utilised for resource development or extractive industry use; and

Response

The capability of the land within the proposed lots 1 and 2 to be utilised for primary industry is limited due to the number of existing and approved residential uses adjacent to the site. The value of setting this land aside for an effective buffer between the existing residential uses and the farm and the consequent benefits in farm biosecurity and sustainability outweighs the potential value in the use of this land for resource development use.

(ii) is not capable of utilisation in the operations of a resource development or extractive industry enterprise, regardless of ownership; and

Response

Due to its proximity to the existing dwellings, the land within lots 1 and 2 is constrained in its utilisation for resource development purposes. The value of setting this land aside for an effective buffer between the existing residential uses and the farm and the consequent benefits in farm biosecurity and sustainability outweighs the potential value in the use of this land for resource development use.

(iii) does not constrain or interfere with existing or potential resource development or extractive industry use of land including the balance area on the site.

Response

The establishment of an effective vegetation buffer between the residential and agricultural uses would enable them to sustainably co-exist without likely land use conflict issues. The proposed boundary location corresponds with an existing fence and access track, which represents the current edge of agricultural operations on Omeo Farm.



(d) not be likely to impose an immediate demand or contribute to a cumulative requirement for public provision or improvement in reticulated or alternate arrangements for utilities, road access, or community service.

Response

Any improvements to the access and services would be financed and managed privately rather than publicly.

New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must minimise –

(a) permanent loss of land for existing and potential primary industry use;

Response

Due to its proximity to the existing dwellings, it is considered reasonable to use the land within the proposed lots 1 and 2 as a buffer between the residential and agricultural land uses. It is considered that setting this land aside as an effective buffer between the existing residential uses and the farm would benefit the balance farmland in terms of biosecurity and sustainability. It is considered that these benefits reasonably outweigh the potential value in the use of this land for resource development use. On this basis, it is considered that the proposed subdivision suitably minimises the permanent loss of land for existing and potential primary industry use.

(b) likely constraint or interference to existing and potential primary industry use on the site and on adjacent land;

Response

The proposed reduction in the number of residential properties adjoining the farm minimises constraint and interference to a large extent. The buffer between the proposed residential and agricultural uses would enable them to sustainably co-exist without significant constraint or interference. In these circumstances, it is considered that the likelihood of constraint or interference of adjacent land use would be suitably minimised.

(c) permanent loss of land within a proclaimed irrigation district under Part 9 Water Management Act 1999 or land that may benefit from the application of broad-scale irrigation development; and

Response



Due to the presence and proximity of the adjoining dwellings and the residential use and development along the boundary, land within the proposed lots 1 and 2 is already constrained for broad scale irrigation. The proposal represents a sustainable long term broad scale irrigation solution.

(d) adverse effect on the operability and safety of a major road, a railway or a utility

Response

No known impact

(b) A plan of subdivision to create a new lot must -

(i) be required for a purpose permissible in the zone;

Response

The purpose of the subdivision is to provide a sustainable long term platform for on-going agricultural operations on the balance title.

(ii) be of a size and configuration that is not more than is required to accommodate the nominated use in accordance with the applicable standards of this planning scheme for such use;

Response

The size and configuration of each lot is appropriate for the nominated use in the context of the purpose of the subdivision.

(iii) retain the balance area for primary industry use;

Response

The balance farm would continue to be used for primary industry on a more sustainable platform.

(iv) minimise unnecessary and permanent loss of rural resource land for existing and potential primary industry use;

Response

Due to its proximity to the existing dwellings, it is considered reasonable to use the land within the proposed lots 1 and 2 as a buffer between the residential and agricultural land uses. It is considered that setting this land aside as an effective buffer between the existing residential uses and the farm would benefit the balance farmland in terms of biosecurity and sustainability. It is



considered that these benefits reasonably outweigh the potential value in the use of this land for resource development use. On this basis, it is considered that the proposed subdivision suitably minimises the permanent loss of land for existing and potential primary industry use.

(v) minimise constraint or interference to existing and potential primary industry use on the site and of adjacent land in the zone; and

Response

The proposed reduction in the number of residential properties adjoining the farm minimises constraint and interference to a significant extent. The buffer between the proposed residential and agricultural uses would enable them to sustainably co-exist without significant constraint or interference. In these circumstances, it is considered that the likelihood of constraint or interference of adjacent land use would be suitably minimised.

(vi) minimise unnecessary and permanent loss of land within a proclaimed irrigation district under Part 9 Water Management Act 1999 or land that may benefit from the application of broad-scale irrigation development; or

Response

Due to the presence and proximity of the adjoining dwellings and the residential use and development along the boundary, land within the proposed lots 1 and 2 is already constrained for broad scale irrigation. The proposal represents a sustainable long term broad scale irrigation solution.

If you have any questions, please do not hesitate to contact me.

Kind regards,

BEN LEDITSCHKE Consultant 0419 332 704

bleditschke@proadvice.com.au







Environmental Service and Design Pty Ltd

ABN 97 107 517 144 **ACN** 107 517 144

Office

74-80 Minna Road Heybridge TAS 7316 Phone: (03) 6431 2999 Fax: (03) 6431 2933

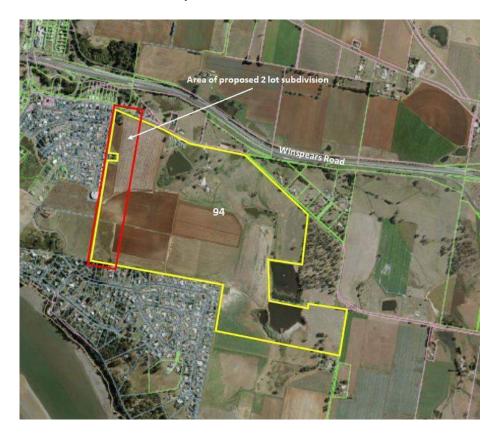
www.esandd.com.au

Postal

PO Box 651 Burnie TAS 7320

Bushfire Hazard Management Report

94 Winspears Road EAST DEVONPORT



Applicant: Rhebanvale Pty Ltd

C/O PDA Surveyors 77 Gunn Street

DEVONPORT TAS 7310

Prepared by: Bruce Harpley

Environmental Service and Design Pty Ltd

Version 1: 16 July 2020

Contact Phone Number: 0429 355 259

E- Mail: <u>bharpley@esandd.com.au</u>

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CODE E1 – BUSHFIRE-PRONE AREAS CODE

CERTIFICATE¹ UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS ACT 1993

1. Land to which certificate applies ²	1. Land to which certificate applies ²			
Land that is the Use or Development Site that is relied upon for bushfire hazard management or protection.				
Name of planning scheme or instrument:	Devonport Interim Planning Scheme 2013			
Street address:	94 Winspears Road East Devonport			
Certificate of Title / PID:	170489/1 PID 3403189			
Land that <u>is not</u> the Use or Development Site that is relied upon for bushfire hazard management or protection.				
Street address:	N/A			
Certificate of Title / PID:				
2. Proposed Use or Development				
Description of Use or Development:				
(Provide a brief description of the proposed use or development;	including details of scale, siting and context.)			
Subdivision to create 2 vacant lots and balance lot				
Code Clauses ³ :				
☐ E1.4 Exempt Development	☐ E1.5.1 Vulnerable Use			
☐ E1.5.2 Hazardous Use	X E1.6.1 Subdivision			

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

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

³ Indicate by placing X in the corresponding ☐ for the relevant clauses of E1.0 Bushfire-prone Areas Code.

BAL Assessment: 94 Winspears Road East Devonport Page 3 of 21

3. Documents relied upon ⁴				
Documents, Plans and/or Specifications				
Title:	Plan of Subdivision			
Author:	PDA Surveyors			
Date:	undated Version:			
Bushfire Hazard Re	eport			
Title:	Bushfire Hazard Report			
Author:	Bruce Harpley			
Date:	16 July 2020 Version: 1	l		
Bushfire Hazard Ma	anagement Plan			
Title:	Bushfire Hazard Management Plan			
Author:	Bruce Harpley			
Date:	16 July 2020 Version: 1	I		
Other Documents				
Title:	N/A			
Author:				
Date:	Version:			

⁴ List each document that is provided or relied upon to describe the use or development, or to assess and manage risk from bushfire. Each document must be identified by reference to title, author, date and version.

	4. Nature of Certificate ⁵				
	□ E1.4 – Use or development exempt from this code				
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)		
	E1.4 (a)	Insufficient increase in risk			
	E1.5.1 – Vulnerable Us	ses			
	E1.5.1.1 Standards for	vulnerable use			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)		
	E1.5.1.1 P1.	Risk is mitigated			
	E1.5.1.1 A2	ВНМР			
	E1.5.1.1 A3	Emergency Plan			
	E1.5.2 – Hazardous Us	Δς			
	E1.5.2.1 Standards for				
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)		
	E1.5.2.1 P1.	Risk is mitigated			
	E1.5.2.1 A2	ВНМР			
	E1.5.2.1 A3	Emergency Plan			
**	74.64 7				
X	-	standards for subdivision Provision of hazard management areas			
	Assessment Criteria	Compliance Requirement	Reference to Applicable		
	E1.6.1.1 P1.	Hazard Management Areas are sufficient to mitigate risk	Document(s)		
	E1.6.1.1 A1. (a)	Insufficient increase in risk			
X	E1.6.1.1 A1. (b)	Provides BAL 19 for all lots	Refer sections 3.2, 3.3 & 3.4 and hazard management plan		
	E1.6.1.1 A1. (c)	Consent for Part 5 Agreement			

⁵ The certificate must indicate by placing X in the corresponding □ for each applicable standard and the corresponding compliance test within each standard that is relied upon to demonstrate compliance to Code E1

	E1.6.1.2 Subdivision: Public and fire fighting access		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
	E1.6.1.2 P1.	Access is sufficient to mitigate risk	
	E1.6.1.2 A1. (a)	Insufficient increase in risk	
X	E1.6.1.2 A1. (b)	Access complies with Tables E1, E2 & E3	Refer sections 2.6, 3.3 & 3.4 and hazard management plan

	E1.6.1.3 Subdivision: Provision of water supply for fire fighting purposes						
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)				
	E1.6.1.3 A1. (a)	Insufficient increase in risk					
٥	E1.6.1.3 A1. (b)	Reticulated water supply complies with Table E4					
	E1.6.1.3 A1. (c)	Water supply consistent with the objective					
	E1.6.1.3 A2. (a)	Insufficient increase in risk					
X	E1.6.1.3 A2. (b)	Static water supply complies with Table E5	Refer sections 2.5, 3.3 & 3.4 and hazard management plan				
	E1.6.1.3 A2. (c)	Static water supply is consistent with the objective					

5. Bushfire Hazard Practitioner ⁶								
Name:	Bruce Ha	arpley	Phone No:	0429 355 259				
Address:	Environmental Service & Design Pty Ltd		Fax No:	6431 2933				
PO Box 651		x 651	Email Address:	onarpie's esanda.com.c				
	BURNIE 7320		Audress.					
Accreditation	on No:	BFP – 140	Scope:	1, 2, 3A and 3B				
6. Certification ⁷								
I, certify that in accordance with the authority given under Part 4A of the Fire Service Act 1979 –								
The use or development described in this certificate is exempt from application of Code E1 – Bushfire-Prone Areas in accordance with Clause E1.4 (a) because there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measure in order to be consistent with the objectives for all the applicable standards identified in Section 4 of this Certificate.								
or								
There is an insufficient increase in risk from bushfire to warrant the provision of specific measures for bushfire hazard management and/or bushfire protection in order for the use or development described to be consistent with the objective for each of the applicable standards identified in Section 4 of this Certificate.								
and/or								
The Bushfire Hazard Management Plan identified in Section 4 of this certificate is in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is consistent with the objective and the relevant compliance test for each of the applicable standards identified in Section 4 of this Certificate.								
Signed: certifier Date:	B. A.	20 Certificate No: 7234-1						

⁶ A Bushfire Hazard Practitioner is a person accredited by the Chief Officer of the Tasmania Fire Service under Part IVA of *Fire Service Act 1979*. The list of practitioners and scope of work is found at www.fire.tas.gov.au.

 $^{^7}$ The relevant certification must be indicated by placing X in the corresponding $\Box.$ BAL Assessment: 94 Winspears Road East Devonport

Scope of Assessors Accreditation

Bruce Harpley (BFP-140) is accredited by the Chief Officer of the Tasmania Fire Service under Section 60B of the *Fire Service Act 1979 for scope of works:*

- **1.** Certify a Bushfire Hazard Management Plan for the purposes of the Building Act 2016
- 2. Certify an Exemption from a Bushfire Hazard Management Plan for the purposes of the Building Act 2016 or the Land Use Planning and Approvals Act 1993
- **3A.** Certify a Bushfire Hazard Management Plan meets the Acceptable Solutions for Vulnerable Uses and Hazardous Uses for the purposes of the Land Use Planning and Approvals Act 1993.
- **3B.** Certify a Bushfire Hazard Management Plan meets the Acceptable Solutions for small subdivisions for the purposes of the Land Use Planning and Approvals Act 1993.

Works performed by Bruce Harpley (BFP-140) that require Tasmania Fire Service endorsement:

- **3C.** Certify a Bushfire Hazard Management Plan meets the Acceptable Solutions for large subdivisions for the purposes of the Land Use Planning and Approvals Act 1993.
- **4.** Certify an Emergency Management Strategy or Bushfire Emergency Plan

Disclaimer

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Bushfires in Tasmania are an unpredictable natural phenomenon and preparing a Bushfire Hazard Management Plan increases your chances of defending your property and assists in the protection the people whom frequent it. This Fire Hazard Management Plan in no way guarantees immunity from a bushfire in or around your property or the effects thereof.

Any measures implemented based on the advice from *Environmental Services and Design Pty Ltd,* is offered as potential methods of reducing your properties risk of fire damage only and is not to be relied upon as a total solution. It in no way guarantees that any or all buildings on site will survive the effects of a bushfire nor does it guarantee the safety and security of any individuals whom frequent the property.

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Re-Certification – Ability to Re-Evaluate

If in the event that the landowner requests a re-assessment of this plan due to a reduced or eliminated bushfire risk in the future; an Accredited Bushfire Assessor can over-ride any or all of the requirements or provisions of this plan. This provision serves to formally expunge any Part 5 Agreement with a Council Planning Authority (if placed on a Title as a condition of Permit) or to reduce the construction standards required under AS3959 Construction of Buildings in Bushfire Prone Areas (as amended) if the bushfire risk is reduced to BAL – LOW or a threat no longer exists.

Section 1

1. Introduction

Environmental Services and Design Pty Ltd has been engaged by PDA Surveyors, on behalf of the owners, to complete a bushfire hazard management assessment for a proposed subdivision at 94 Winspears Road East Devonport CT170489/1.

The proposal creates two vacant residential lots and a balance lot containing the existing dwelling and agricultural use. There is a further proposal to subdivide the existing dwelling from the balance lot which is the subject of a separate assessment. However, the existing dwelling on the balance lot must be included in this assessment as it currently forms part of the balance lot.

The purpose of this report is to document the assessment under Planning Directive 5.1 - Bushfire-Prone Areas Code and identify the bushfire attack level and any bushfire hazard management areas in accordance with AS3959-2009.

Section 2

2.1 Property Details

Property Address	94 Winspears Road East Devonport		
· · ·	·		
Certificate of Title	170489/1		
Type of Application	Subdivision		
Area	Lot 1 – 7748m ² , Lot 2 – 1.02ha and Lot 3 – approx. 76ha		
Zoning	Rural Resource		
Surrounding Zoning	North – Rural living, utilities and rural resource		
	South – Rural resource and general residential		
	East – Rural resource		
	West – General residential		
Planning Scheme	Devonport Interim Planning Scheme 2013		
Existing land Use	Agriculture		

2.2 Surrounding land use

Surrounding land uses consist of:

- North Developed and vacant rural living lots
- South Agriculture for 330m then developed residential
- East Agriculture for over 500m
- West Developed residential

2.3 Vegetation Assessment

It is proposed that both new lots contain a vegetation buffer 10m wide and 4m high along the eastern boundary. The purpose of the buffer is a wind break and to reduce irrigator spray drift to the residential area to the west. Based on the proposed vegetation buffer the vegetation to the east is assessed as grassland.

The irrigated agricultural land must be assessed as grassland as continued use of irrigated paddocks is not guaranteed into the future and crops and methods may alter over time.

Lot 1

Based on the building envelope shown on the plan of subdivision and with an area greater than 1,500m² the site assessment determined vegetation in relation to lot 1 as:

- North managed land within the boundary then the roadway and Taswater utilities infrastructure 68m then managed land within lot 2; and
- South Managed land internal to lot and communications tower 50m then grassland; and
- East grassland external to boundary; and
- West managed land developed residential area.

Lot 2

Based on the building envelope shown on the plan of subdivision and with an area greater than 1,500m² the site assessment determined vegetation in relation to lot 2 as:

- North managed land 100m within the boundary then the roadway; and
- South managed land 1within boundary then utilities infrastructure and roadway for 50m; and
- East grassland external to boundary; and
- West managed land developed residential area.

<u>Lot 3</u>

Site assessment determined vegetation in relation to lot 3 existing dwelling as grassland in all directions.

2.4 Topography

All 3 lots have a 7^0 slope to the northeast. This results in an upslope to the southwest and across slopes to the northwest and south east.

2.5 Water Supply

Lot 1

There is a reticulated water supply available to the lot from Skyline Drive and a fire hydrant is located to the west of the property boundary.

The distance from the hydrant to the northern end of the proposed building envelope, measured as a hose lay, is 90m. This is insufficient to enable the furthest portion of the building to be protected to be within the 120m hose lay required by Table E4 element A of Planning Directive 5.1 – Bushfire-Prone Areas Code.



Hydrant at Skyline Drive

A static water supply will be required and must comply with the requirements of Table E5 of Planning Directive 5.1 – Bushfire-Prone Areas Code.

Potential location for the static water supply will be dependent upon the final location of the dwelling within the proposed building envelope

A copy of the static water supply requirement forms part of the hazard management plan and are included in the specification.

Lot 2

There is a reticulated water supply available to the lot from Bel Air Crescent and a fire hydrant is located to the west of the of the property boundary.

The distance from the hydrant to the northern end of the proposed building envelope, measured as a hose lay, is 65m. This is sufficient to enable the furthest portion of the building to be protected to be within the 120m hose lay required for a distance of 40m from the northern end of the building envelope.



Hydrant at Bel Air Crescent

Provided the dwelling is within 40m of the northern end of the building envelope shown on the plan of subdivision the lot has the capability to comply with E4 of Planning Directive 5.1 – Bushfire-Prone Areas Code.

Should a dwelling be constructed more than 40m from the northern end of the building envelope, then a static water supply will be required and must comply with the requirements of Table E5 of Planning Directive 5.1 – Bushfire-Prone Areas Code.

Potential location for the static water supply will be dependent upon the final location of the dwelling within the proposed building envelope.

The area of the building envelope requiring a static water supply will be shown on the bushfire hazard management plan.

A copy of the static water supply requirement forms part of the hazard management plan and is included in the specification.

Lot 3

Lot 3 is the balance lot containing the existing dwelling and agricultural use. The proposed subdivision does not alter the use and there is no proposal for extension or renovation requiring building closer to bushfire-prone vegetation.

The hydrant noted on the northern side of Winspears Road is greater than 300m from the furthest portion of the building to be protected.

A static water supply tank was not noted during the site assessment. A static water supply with a minimum capacity of 10,000L that complies with the requirements of Table E5 Planning Directive 5.1 – Bushfire-Prone Areas Code will be required.

The potential location of the static water supply, within a 90m hose lay of the furthest portion of the building to be protected, will be shown in the bushfire hazard management plan.

A copy of Table E5 forms part of the bushfire hazard management plan and is included in the specification.

2.6 Access

Lot 1

The plan of subdivision shows the access to the lot at the northwest corner of the lot. Construction and dimensions of the access are not shown on the plan.

Based on the proposed building envelope the access length will be between 20m to 100m.

Access is required to a static water supply for firefighting. Access must comply with the requirements of Table E2 element B of Planning Directive 5.1 – Bushfire-Prone Areas Code.

Potential access is shown in the accompanying bushfire hazard management plan and must comply with the requirements of Table E2 element B of Planning Directive 5.1 – Bushfire-Prone Areas Code.

A copy of table E2 is included in the bushfire hazard management plan specification.

Lot 2

The plan of subdivision shows the access to the lot at the northwest portion of the lot. Construction and dimensions of the access are not shown on the plan.

Based on the proposed building envelope the access length will be between 40m to 100m.

Provided the dwelling is located within 40m of the northern portion of the building envelope access for firefighting appliances will not be required.

BAL Assessment: 94 Winspears Road East Devonport

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Should a dwelling be proposed greater than 40m from the northern extent of the building envelope access will be required to static water supply and must comply with the requirements of Table E2 element B of Planning Directive 5.1 – Bushfire-Prone Areas Code.

Access may be required to a static water supply for firefighting. Access must comply with the requirements of Table E2 element B of Planning Directive 5.1 – Bushfire-Prone Areas Code.

Access may be required to a static water supply for firefighting. Access must comply with the requirements of Table E2 element B of Planning Directive 5.1 – Bushfire-Prone Areas Code.

A copy of the access requirements is included as part of the bushfire hazard management plan specification.

Lot 3

There is an existing all-weather access from Winspears Road to the existing dwelling. Site assessment measured the existing access length at 190m with a width of 4m with a turning area 18m x 15m adjacent to the dwelling and the shed. A passing bay will not be required.

Access complies with the requirements of Table E2 element B of Planning Directive 5.1 – Bushfire-Prone Areas Code.

3.0 Site Assessment

A site assessment was carried out on 2 July 2020 and a desk top study was carried out on 16 July 2020. The proposed plan of subdivision, prepared by PDA Surveyors, is at attachment A. Relevant site photographs are below.



East – Grassland – indicative of vegetation



Lot 2 – South from Winspears Road



West – Developed residential

3.1 Fire Danger Index

The fire danger index as per Table 2.1 AS3959-2009 for Tasmania is 50.

3.2 BAL Assessment – Lot 1

Vegetation	North X	South X	East X	West X	
classification		11			
(refer Table 2.3)	North East	South West	South East	North West	
Group A					
Forest					
Group B					
Woodland					
Group C					
Scrub land					
Group D					
Scrub					
Group E					
Mallee/Mulga					
Group F					
Rainforest			.,,		
Group G		X (50 or from bothly a	X (20		
Grassland		(50m from building	(20m within lot)		
Low threat	V	envelope)		V	
	X (for over 100m)	X (within lot and Optus		X Developed	
vegetation	(for over 100m)	tower)		residential for	
		towery			
Exclusions	Insert relevant exclusion				
EXCIUSIONS	paragraph descriptor from				
	clause 2.2.3.2				
	e and f	f		f	
Prevailing winds					
				X	
Distance to	Show distance in	า			
classified	metres	metres			
vegetation		1			
Effective Class	>100m	50m	14m	>100m	
Effective Slope	111 (00	Upslope	11-1	111100	
	Upslope/0 ⁰	Upslope/0 ⁰ X	Upslope/0 ⁰ X	Upslope/0 ⁰ X	
Slope under the	North 🐷	South	East	West	
classified	North	X	X X	X	
vegetation	North East	South West	South East	North West	
10000000					
	Downslope				
	>0 to 5	>0 to 5	>0 to 5	>0 to 5	
	>5 to 10 X	>5 to 10	>5 to 10	>5 to 10	
	>10 to 15	>10 to 15	>10 to 15	>10 to 15	
	>15 to 20	>15 to 20	>15 to 20	>15 to 20	
BAL Value for	Low	Low	12.5	Low	
each side of site					
	1	I.	<u> </u>	l	

3.2 <u>BAL Assessment</u> – Lot 2

Vegetation	North X	South X	East X	West X
classification (refer Table 2.3)	North East	South West	South East	North West
Group A				
Forest				
Group B				
Woodland				
Group C Scrub land				
Group D				
Scrub				
Group E				
Mallee/Mulga				
Group F				
Rainforest				
Group G	X (> 100 m distance)		X	
Grassland	(>100m distance	,		
Low threat	х	х		Х
vegetation	(100m within	(within boundary,		(developed
	boundary and	Taswater depot and	i	residential uses)
	roadway)	adjacent lot)		
Exclusions	Insert relevar			
	paragraph de clause 2.2.3.2			
	e and f	e and f		e and f
Prevailing winds				X
Distance to classified	Show distanc metres	e in		
vegetation	metres			
regetation	>100m	50m	20m	>100m
Effective Slope		Upslope		
	Upslope/0 ⁰	Upslope/0 ⁰ X	Upslope/0 ⁰ X	Upslope/0 ⁰ X
Slope under the	North	South	East	West
classified	X	X	Last X	X X
vegetation	North East	South West	South East	North West
		Downslope		
	>0 to 5	>0 to 5	>0 to 5	>0 to 5
	>5 to 10 X	>5 to 10	>5 to 10	>5 to 10
	>10 to 15	>10 to 15	>10 to 15	>10 to 15
	>15 to 20	>15 to 20	>15 to 20	>15 to 20
BAL Value for	Low	Low	12.5	Low
each side of site		2014	12.3	2011
Cach side of site				

3.2 BAL Assessment – lot 3 (balance lot)

Vegetation	North	X	South	X	East	X	West	X	
classification						\vdash		Ь	
(refer Table 2.3)	North East		South West		South East		North West		
Group A									
Forest									
Group B									
Woodland									
Group C									
Scrub land									
Group D									
Scrub									
Group E									
Mallee/Mulga									
Group F Rainforest									
Group G	Х		Х		х		Х		
Grassland	^		^		^		^		
Low threat									
vegetation									
Exclusions	Insert rele	evant e	xclusion						
EXCIDIONS			iptor from						
	clause 2.2		.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,						
	0.0000 2.12								
Prevailing winds							X		
Distance to	Show dist	ance ir	i						
classified	metres								
vegetation									
	19m		14m		14m		14m		
Effective Slope			Upslope						
	Upslope/0 ⁰		Upslope/0 ⁰	X	Upslope/0 ⁰	X	Upslope/0 ⁰	X	
Slope under the classified	North	X	South	X	East	X	West	X	
vegetation	North East		South West		South East		North West		
			Downslo	ne					
	>0 to 5		>0 to 5		>0 to 5		>0 to 5		
	>5 to 10 X		>5 to 10		>5 to 10		>5 to 10		
	A	•							
	>10 to 15		>10 to 15		>10 to 15		>10 to 15		
	>15 to 20		>15 to 20		>15 to 20		>15 to 20		_
				X					
BAL Value for	12.5		12.5		12.5		12.5		
each side of site									
			1		1		1		

3.3 Risk Assessment

In relation to lot 1 the following factors have been considered:

- Assessed vegetation is low threat to the north, south and west and grassland to the east; and
- The vegetation screen is assessed as a wind break and irrigator drift screen; and
- Access is required to a static water supply; and
- Static water supply is required; and
- BAL rating to the north, south and west is low; and
- Lot has a BAL rating of 12.5 to the east.

Location of a dwelling relative to the proposed building envelope achieves the required hazard management distances for a subdivision of greater than BAL 19. The distances required are shown on the bushfire hazard management plan.

In relation to lot 2 the following factors have been considered:

- Assessed vegetation is low threat to the north, south and west and grassland to the east; and
- The vegetation screen is assessed as a wind break and irrigator drift screen; and
- Dwelling located within 40m of the northern edge of the proposed building envelope can comply with the requirements for reticulated water for firefighting; and
- Dwelling located greater than 40m from the northern edge of the building envelope will require a static water supply; and
- Access may be required to a static water supply for firefighting; and
- Static water supply for firefighting, if required, can comply with the requirements; and
- BAL rating to the north, south and west is low; and
- Lot 2 has a BAL rating of 12.5 to the east.

Location of the potential building area relative to the lot boundaries achieves the required hazard management distances for a subdivision of greater than BAL 19. The distances required are shown on the bushfire hazard management plan.

The area available for compliance with the reticulated water supply is shown in the bushfire hazard management plan.

The area for a dwelling requiring a static water supply is shown on the hazard management plan.

In relation to lot 3 the following factors have been considered:

- Proposal does not result in the existing dwelling being closer to bushfire-prone vegetation; and
- Assessed vegetation surrounding the existing dwelling is grassland; and
- Existing access is greater than 200m in length and a passing bay at 200m is required;
 and
- Access is required to a static water supply for firefighting; and
- Static water supply for firefighting is required; and
- Lot 3 has an overall BAL rating of 12.5.

Location of the potential building area relative to the lot boundaries achieves the required hazard management distances for a subdivision of greater than BAL 19. The distances required are shown on the bushfire hazard management plan.

3.4 Conclusion

Adequate hazard management areas can be created within each lot to meet the requirements of Planning Directive 5.1 – Bushfire-Prone Areas Code.

Lot 1 and 2 assessment is based on the potential building envelope noted in the hazard management plan. Relocation of a dwelling outside the potential building envelope may require re-assessment of the bushfire risk and revision of the hazard management distances.

This report must be read in conjunction with the requirements of the associated bushfire hazard management plan.

4.0 Bushfire Hazard Management Plan

A bushfire hazard management plan is required and is a separate document.

The bushfire hazard management plan must be read in conjunction with this risk assessment report.

Attachment A – Plan of Subdivision



Bushfire Hazard Management Plan Hazard management areas and specification 94 Winspears Road East Devonport

CT 170489/1 (PID 3403489)



Assessor: Bruce Harpley BFP-140

Scope of works: 1, 2, 3a and 3b

Documents: Plan of Subdivision PDA Surveyors

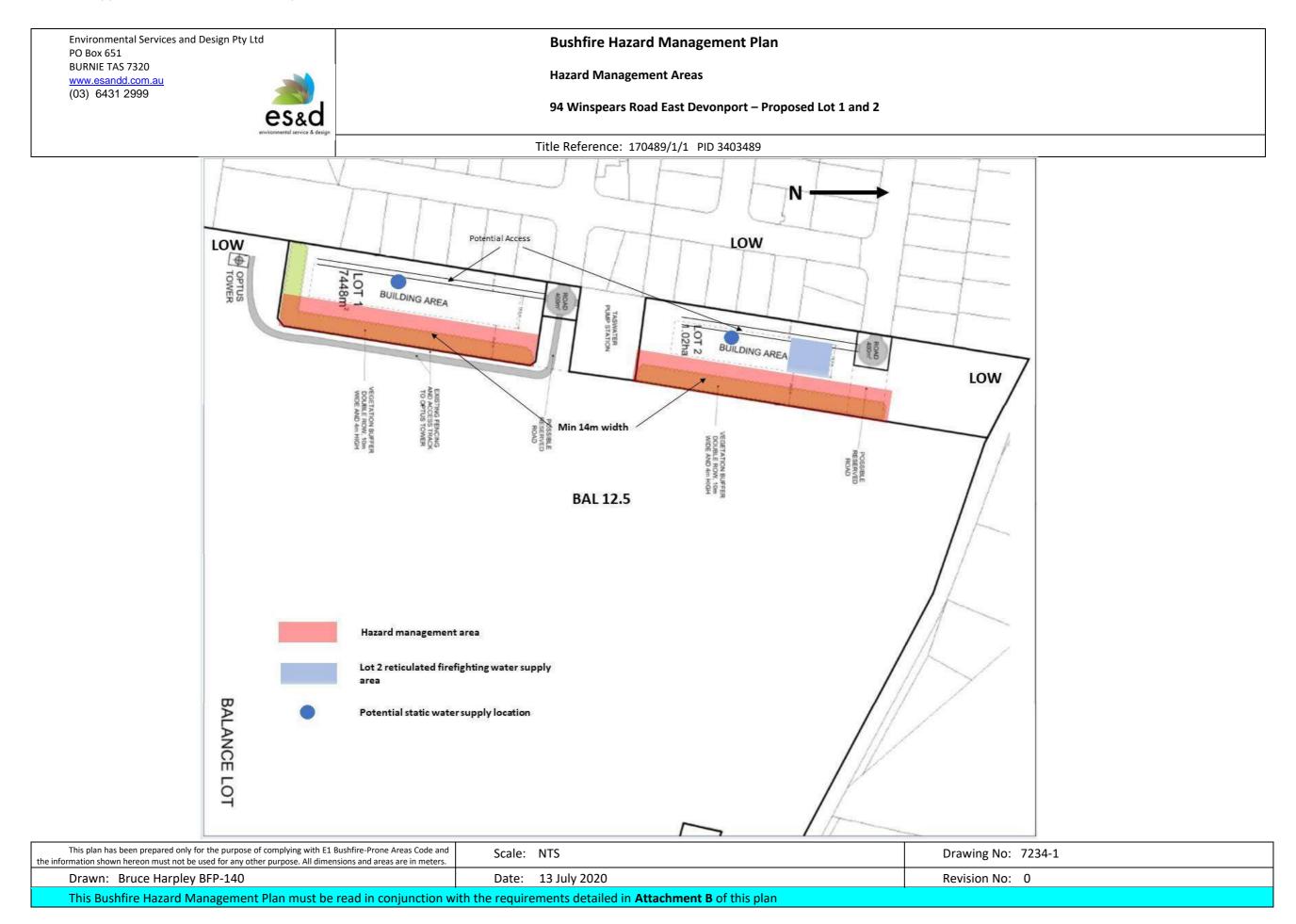
Regulatory Requirement: Devonport Interim Planning Scheme 2013 – Clause

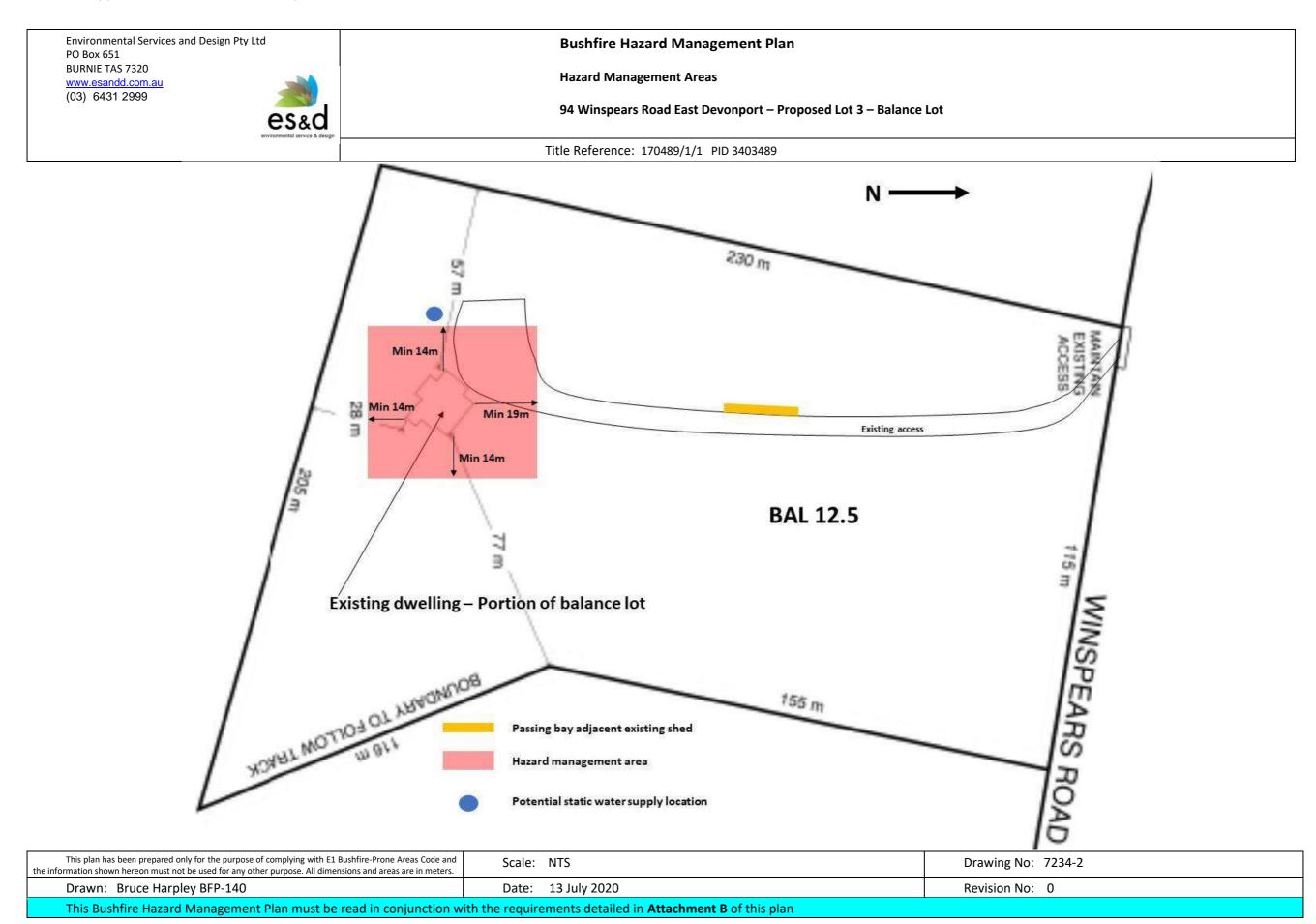
26 Rural Resource Zone

Planning Directive 5.1 – Bushfire-prone Areas Code

Date: 16 July 2020

Associated Bushfire Hazard Report: Version 1 dated 16 July 2020





Environmental Services and Design Pty Ltd PO Box 651 BURNIE TAS 7320 <u>www.esandd.com.au</u> (03) 6431 2999



Bushfire Hazard Management Plan

Specification

94 Winspears Road East Devonport

Title Reference: 170489/1 PID 3403489

1.1 Introduction

The Bushfire Attack Level (BAL) assessment is for the proposed 3 lot subdivision at **94 Winspears Road East Devonport.**

The development will have a Hazard Management Area (HMA) surrounding the features identified on Drawing No: **7234-1** and **7234-2**.

Vegetation greater than 1Ha within 100m (50m grassland) of the proposal site was assessed against the Acceptable Solutions Criteria of the municipal planning scheme. AS3959-2009 was used to assign a BAL level to the development utilising a range of data specific to the subject site

1.2 Water Supply

The subject land is not connected to municipal water supply and there are no fire hydrants located within a 120m hose lay of the lots.

A static water supply for firefighting is required for lot 1 and must comply with Table E5 of Planning Directive No 5.1 Bushfire-Prone Areas Code.

A copy of Table E5 is included forms part of the hazard management plan and specification.

A reticulated water supply for firefighting is available for proposed lot 2 and the building area is noted on the hazard management plan.

If a dwelling is constructed within the building envelope but outside the area serviced by the reticulated water supply than a static water supply is required and must be maintained and available at all times.

A static water supply for firefighting is required for Lot 3 and must be maintained and available at all times

A copy of the static water supply requirements is attached to and forms part of this specification.

1.3 Access

Road access is via crossovers from **Skyline Drive for lot 1**, **Bel Air Crescent for lot 2 and Winspears Road for lot 3**. All roads are Council maintained roadways that comply with municipal standards.

Access to each site for fire appliances is required to the static water supply for firefighting

Access to lots 1 and 2 must comply with the requirements of Table E2 dependent upon the location of any proposed dwelling within the building envelope shown on the plan of subdivision.

Access to lot 3 from Winspears Road is less than 200m long and has a width of 4m and adequate turning area.

Access to each lot must comply with the requirements of Table E2 of Planning Directive No 5.1 Bushfire-Prone Areas Code.

A copy of Table E2 is included and forms part of the hazard management specification.

Egress from the site is via a **CLASS 4A** road which is constructed to Standards enabling safe passage for a variety of vehicle sizes through to a State road.

1.4 Landscaping

It is the responsibility of the landowner to maintain the landscaping in accordance with the Bushfire Hazard Management Plan.

All paths and pedestrian areas within 1m of any habitable structure on the subject site must be constructed of non- combustible materials (i.e. stone, paving, concrete, pebbles etc.).

Vegetation along pathways should be of a low flammability type and in accordance with the Tasmania Fire Services' brochure - Fire Retardant garden plants. Plants that produce a lot of debris or fine fuels should be avoided. Trees and shrubs that retain dead material in branches, or which shed long strips of bark, or rough fibrous bark, or large quantities of leaves should be avoided.

Vines on walls or tree canopies over roofed areas should be avoided. Timber, woodchip and flammable mulches cannot be used and brush and timber fencing should be avoided.

1.5 Hazard Management Area (HMA)

A bushfire Hazard Management Area (HMA) will be developed within and/or up to the property boundaries for each lot to achieve **BAL 12.5** which is greater than the required BAL 19. Refer to the above hazard management plan drawing No **7234-1** and **7234-2**.

The specified width of the HMA is to enable the existing habitable building and proposed lot 2 to comply, in the position shown on the site plan, as required by Planning Directive 5.1.

This area is to be regularly maintained and managed and in particular between the months of September and March in each calendar year. Landscaping in the HMA is to be minimised, grass maintained to a maximum height of 50mm with fuel loads not exceeding 2 tonnes per hectare.

Pathways and landscaping material surrounding any habitable structures must be of non-combustible elements for a minimum of 1m from any external walls or decks.

This BHMP is achieved by:

- Pathways located on the subject land to be of non-combustible materials
- Fuel loads to be kept to less than 2 tonnes per hectare
- Total shrub cover is to be kept to a maximum of 20% of the available area.
- Clear space from any habitable structures of at least 4 times the mature height of any shrubs planted
- Shrubs must not be planted in cluster forms or clumps
- Remove ground level fuels and trim the bottom of tree canopies to at least a height of 2m off ground level
- Minimise ground level fuels wherever possible.

1.6 Maintenance prior to the onset of each fire season

- Guttering on all habitable structures must be inspected and cleared of debris annually
- · Ensure all hoses and brass connections are in good working order
- All valley and wall/roof junctions are inspected and debris removed
- Roof sheeting inspected for damages or dislodged roofing materials (replace if necessary)
- Painted surfaces are in good condition and decaying timbers given particular attention to repair
- Screens/shutters on windows and doors are in good working condition and fit well without breaks, holes or tears
- Door mats to be of non-combustible materials
- Woodpiles, garden sheds and other combustible materials to be kept well away from habitable structures.

Table E2 – Standards for property access

Element	t	Requirement
Α.	Property access length is less than 30m; or access is not required for a fire appliance to access a fire fighting water point.	There are no specified design and construction requirements.
В.	Property access length is 30m or greater; or access is required for a fire appliance to a fire fighting water point.	The following design and construction requirements apply to property access: (a) all-weather construction; (b) load capacity of at least 20t, including for bridges and culverts; (c) minimum carriageway width of 4m; (d) minimum vertical clearance of 4m; (e) minimum horizontal clearance of 0.5m from the edge of the carriageway; (f) cross falls of less than 3 degrees (1:20 or 5%); (g) dips less than 7 degrees (1:8 or 12.5%) entry and exit angle; (h) curves with a minimum inner radius of 10m; (i) 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 (j) terminate with a turning area for fire appliances provided by one of the following: (i) a turning circle with a minimum outer radius of 10m; or (ii) a property access encircling the building; or (iii) a hammerhead "T" or "Y" turning head 4m wide and 8m long.
C.	Property access length is 200m or greater.	The following design and construction requirements apply to property access: (a) the requirements for B above; and (b) passing bays of 2m additional carriageway width and 20m length provided every 200m.

D.	Property access length is	The following design and construction requirements apply to property access:
	greater than 30m, and access is provided to 3 or more	(a) complies with requirements for B above; and
	properties.	(b) passing bays of 2m additional carriageway width and 20m length must be provided every 100m.

Table E5 – Static water supply for fire fighting

A. Distance between building area to be protected and water supply.		Requirement					
		The following requirements apply: (a) the building area to be protected must be located within 90m of the fire fighting water point of a static water supply; and (b) the distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.					
B.	Static Water Supplies	A static water supply:					
		(a) may have a remotely located offtake connected to the static water supply;					
		(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;					
		(c) 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;					
		(d) must be metal, concrete or lagged by non-combustible materials if above ground; and					
		(e) 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:					
		(i) metal;					
		(ii) non-combustible material; or					
		(iii) fibre-cement a minimum of 6mm thickness.					

C.		Fittings and pipework associated with a fire fighting water point for a static water supply must:
	accessories (including stands and tank supports)	(a) have a minimum nominal internal diameter of 50mm;
	stands and tank supports)	(b) be fitted with a valve with a minimum nominal internal diameter of 50mm;
		(c) be metal or lagged by non-combustible materials if above ground;
		(d) if buried, have a minimum depth of 300mm²;
		(e) provide a DIN or NEN standard forged Storz 65mm coupling fitted with a suction washer for connection to fire fighting equipment;
		(f) ensure the coupling is accessible and available for connection at all times;
		(g) ensure the coupling is fitted with a blank cap and securing chain (minimum 220mm length);
		(h) ensure underground tanks have either an opening at the top of not less than 250mm diameter or a coupling compliant with this Table; and
		(i) if a remote offtake is installed, ensure the offtake is in a position that is:
		(i) visible;
		(ii) accessible to allow connection by fire fighting equipment;
		(iii) at a working height of 450 – 600mm above ground level; and
		(iv) protected from possible damage, including damage by vehicles.

D.	Signage for static water connections.	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:
		(a) comply with water tank signage requirements within Australian Standard AS 2304-2011 Water storage tanks for fire protection systems; or
		(b) comply with the Tasmania Fire Service Water Supply Guideline published by the Tasmania Fire Service.
E.	Hardstand	A hardstand area for fire appliances must be:
		(a) 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);
		(b) no closer than 6m from the building area to be protected;
		(c) a minimum width of 3m constructed to the same standard as the carriageway; and
		(d) connected to the property access by a carriageway equivalent to the standard of the property access.



Environmental Service and Design Pty Ltd

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Postal

16 July 2020

Rhebanvale Pty Ltd C/O PDA Surveyors 77 Gunn Street **DEVONPORT TAS 7310**

Dear Sir,

Development Proposal – Subdivision – 94 Winspears Road East Deonport

On-site Wastewater disposal: Assessment against Acceptable Solutions

The development proposes a three lot subdivision to create a two vacant lots and a balance lot.

There is a requirement to demonstrate the proposal complies with the rural resource development standards, clause 26.0, of the Devonport Interim Planning Scheme 2013. Specifically, clause 26.4.1 – suitability of a site or lot for use or development relating to water, wastewater and stormwater.

A site visit was conducted on 29 June 2020 to assess the site and note any constraints on the land in relation to wastewater disposal.

26.4 Development Standards

A4 - On-site Wastewater Disposal

Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste –

- (a) to a sewerage system provided in accordance with the *Water and Sewerage Industry Act* 2008; or
- (b) by on-site disposal if -
 - (i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and
 - (ii) the development
 - a. is for a single dwelling; or
 - b. provides for an equivalent population of not more than 10 people per day; or
 - (iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2012 On-site domestic-wastewater management clear of any defined building area or access strip

Assessment Against Acceptable Solutions

A4 - On-site Wastewater Disposal

A core sample was taken with a Christie 50mm impact core sampler to a depth of 1.8m within the northern portion of lot two for determination of the soil category for wastewater disposal.

There are no surface waters within 100m of the proposed boundaries of either lot.

Lot 1

There is a Taswater sewer main located east of the lot within the general residential zone available for connection of a dwelling within the lot.

Lot 1 has the capability to connect to the existing reticulated sewer. This complies with the Devonport Interim Planning Scheme 2013 clause 26.4 A4 (a).

Lot 2

There is a Taswater sewer main located east of the north eastern corner of the lot. The cost of connection to the sewer main has been estimated at \$20,000. An alternative solution to reduce costs is to assess the lot for on-site disposal of wastewater.

The core sample taken on 29 June 2020 revealed a highly uniform red/brown basalt derived clay to a depth of 1.8m. The soil category for on-site wastewater disposal is assessed as a category 5 light clay with a strong structure.

The northern portion of the lot is available for on-site wastewater disposal but is constrained by the reticulated water main along the eastern boundary. Allowing a 10m buffer from the eastern boundary results in and overall area available of approximately 3,000m². The slope of the northern portion of the lot was measured at 9⁰ north.

The lot has the ability to connect to the reticulated water main requiring a design flow allowance of 150L/person/day for wastewater design.

Based on a 3 bedroom dwelling and a potential occupancy of 5 people the design flow allowance is calculated at 750L/day.

System Options

A primary treatment system, based on the basic design considerations noted above, would require approximately $4 \times 19m \times 1.0 \times 0.6m$ conventional beds. This results in an area of $252m^2$ required for the land application area and $252m^2$ required for the 'reserve' area.

A secondary treatment system (AWTS), based on the basic design considerations noted above, would require an area of $63m^2$ of drip irrigation bed.

With a slope of 9° to the north there is adequate area available in the northern portion of the lot for the installation of either a primary or secondary treatment system. It is possible for either system to meet the 18m horizontal separation required for primary treated wastewater or the 10.5m required for secondary treated wastewater.

Neither treatment system would interfere with the possible reserve road depicted on the plan of subdivision.

Alternatively, any proposed dwelling can connect to the Taswater sewer main located in Winspears Road.

Conclusion

Lot 1 can connect to the existing Taswater sewer main. Lot 2 is capable of supporting an on-site wastewater system designed in accordance with AS/NZS1547.

A site-specific wastewater design in accordance with AS/NZS1547-2012 will be required for lot 2 based on the dwelling location, number of bedrooms and location of property access.

The subdivision proposal is for a residential use with a potential population of no more than 10 persons. An on-site wastewater system, designed in accordance with AS/NZS1547, clear of defined building areas and accesses can be installed on lot 2.

The proposal has the capability to meet the requirements of section 26.4.1 clause A4 (a) and (b) of the Devonport Interim Planning Scheme 2013.

Recommendations

Lot 1 be connected to the existing Taswater sewer main.

Lot 2:

- An on-site wastewater system based on either primary or secondary treatment is achievable on the site; and
- A site-specific on-site wastewater system design compliant with AS/NZS1547 will be required; or
- The lot can connect to the existing Taswater sewer main located in Winspears Road.

The proposed subdivision development is capable of complying with the Acceptable Solutions of the Devonport Interim Planning Scheme 2013 section 26.4 Development Standards as described in clause, A4.

Yours faithfully

Bruce Harpley

Environmental Consultant



Planning Scheme Compliance Submission

3 lot subdivision and 2 x dwelling envelope at 94 Winspears Road, East Devonport

Prepared by: Thomas Reilly Date: 21 July 2020 PDA Surveyors reference: 44267

Devonport Interim Planning Scheme 2013 – Compliance submission

Provision	Applicable	Compliant	Comments
1.0 Identification of the Planning Scheme	Yes	Yes	The site is located within the Devonport Interim Planning Scheme area.
2.0 Planning Scheme Purpose	No	N/A	Consideration of section 2.0 is specifically excluded by 8.10.3.
3.0 Planning Scheme Objectives	No	N/A	Consideration of section 3.0 is specifically excluded by 8.10.3.
4.0 Interpretation	Yes	Yes	Definitions in section 4 have been adopted.
5.0 General Exemptions	No	N/A	No exemptions apply to the proposed use and development.
6.0 Limited Exemptions	No	N/A	No exemptions apply to the proposed use and development.
7.0 Planning Scheme Operation	Yes	Yes	In accordance with 7.2.1, the land on which the activity would occur is in the Rural Resource and is assessed below accordingly.

8.0 Assessment of use or development	Yes	Yes	In accordance with 8.1.2, the application documentation includes: (a) details of the location of the proposed use or development (Plan of Subdivision); (b) a copy of the certificate of title, title plan and schedule of easements (enclosed); (c) a full description of the proposed use or development; (d) a description of the manner in which the proposed use or development will operate.
9.0 Special Provisions	No	N/A	No special provisions apply.
26.1.1 Zone Purpose Statements	Yes	Yes	The proposed subdivision is intended to support the sustainable ongoing operation of farm activity on the balance land. The Zone Purpose Statements are addressed in the reporting by Ben Leditschke.
26.1.2 Local Area Objectives	Yes	Yes	The excision of the dwelling furthers the agricultural use of the agricultural land on the balance lot. The Local Area Objectives are addressed in the reporting by Ben Leditschke.
26.1.3 Desired Future Character Statements	Yes	Yes	The agricultural and residential zone interface would be softened. A dwelling on lot 1 and lot 2 would have only a minor impact on the level of compliance with the Desired Future Character Statements.
26.2 Use Table	Yes	Yes	The proposed use of Lot 1 and 2 would be Residential (discretionary). Resource development use on the balance lot would continue and is a no permit required use according to the Table.
26.3.1 Discretionary non- residential use	No	N/A	No discretionary non-residential use is proposed.
26.3.2 Required residential use	No	N/A	No required residential use is proposed.

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Yes	Yes	Contrary to A1(h), there would be a change in the title description to the site.
		P1(a)
		See above at 26.1.1
		P1(b)
		See above at 26.1.2
		P1(c)(i)
		Please see reporting by Ben Leditschke.
		P1(c)(ii)
		Please see reporting by Ben Leditschke.
		P1(c)(iii)
		Please see reporting by Ben Leditschke.
		P1(d)
		In accordance with 26.3.3(d), there are no additional reticulated utilities are proposed or
		likely to be required any time in the foreseeable future. The upgrade of any such facility would be funded privately rather than publicly. If land is to be acquired for the road
		network, it is considered that the acquisition would benefit the function of the road system.

26.4.1 Suitability of a site or
lot on a plan of subdivision
for use or development

Yes	Yes	A1 (a)			
		Contrary to A1(a), lot 1 would have an area of 8,943m ² .			
		A1 (b) In accordance with (b), the proposed building area would be:			
		 (i) of suitable size; (ii) clear of all setbacks (in view of advice from Ben Leditschke); (iii) clear of zone boundary setbacks (in view of advice from Ben Leditschke); (iv) clear of easements; (v) clear of rights of way; (vi) clear of utilities; (vii) clear of access strips; (viii) suitably accessible from the frontage. 			
		(VIII) salidably decessible from the frontage.			
		P1			
		Lots 1 and 2 would provide suitable space for a dwelling to be constructed on each that visuitably accessible, clear of agricultural activity (in view of advice from Ben Leditschke) an unaffected by utilities or easements.			
		A3 The dwellings on lots 1 and 2 would be serviced by TasWater's reticulated water system.			
		A4 & A5			
		The dwellings on lot 1 would be serviced by an on-site storm-water management system. would be connected to TasWater's reticulated sewer system. The dwelling on lot 2 would			

			be serviced by an on-site storm-water and wastewater management system in accordance with the advice of Bruce Harpley of ES&D.
26.4.2 Location and configuration of development	Yes	Yes	A1 Each dwelling on lots 1 and 2 would be clear of the frontage, side and rear boundaries.
			A2 The dwellings would have heights no greater than 8.5m.
			A3 N/A - no use or development proposed that is controlled by this clause.
26.4.3 Location of development for sensitive uses	Yes	Yes	P1 Please see reporting by Ben Leditschke.
26.4.4 Subdivision	Yes	Yes	Please see reporting by Ben Leditschke.
26.4.5 Controlled Environment Agriculture	No	N/A	N/A - no use or development proposed that is controlled by this clause.
E1 Bushfire-Prone Areas Code	Yes	Yes	The attached report from Bruce Harpley addresses the standards of the Code.
E2 Airport Impact Management Code	Yes	Yes	Lots 1 and 2 would be beneath controlled airspace but clear of ANEF contours and would pose no threat to aviation in terms of building heights.

E3 Clearing and Conversion of Vegetation Code	No	N/A	No clearing or conversion of vegetation would occur.
E4 Change in Ground Level Code	Yes	Yes	In accordance with E4.6.1 A1, earthworks would involve no change in ground level other than those earthworks needed to provide a suitable building site and suitable access to the site. No ground water is present on the site.
E5 Local Heritage Code	No	N/A	There are no local heritage areas affected by the proposed use or development.
E6 Hazard Management Code	No	N/A	E6.4.3(a) and E6.4.4(a) The landslide hazard risk profile is not affected by the proposed subdivision and dwelling envelopes. Each dwelling would not be exposed to risk flooding, landslide or contamination.
E7 Sign Code	No	N/A	No signage proposed.
E8 Telecommunication Code	No	N/A	There would be no impact on telecommunication facilities.
E9 Traffic Generating Use and Parking Code	Yes	Yes	With approximately 1ha for Lots 1 and 2, there would be adequate circumstances for the parking and loading of vehicles associated with each respective dwelling.
E10 Water and Waterways Code	Yes	Yes	The balance lot would contain water bodies (dams) but no development of a type that the Water and Waterways Code is designed to control would occur within 30m of those water bodies.
Specific Area Plans	No	N/A	No specific area plans applicable to the site.

From: Panela Chiddy <panelachiddy@ymail.com>
Sent: Monday, 16 November 2020 10:40 AM

To: Devonport City Council **Subject:** 94 Winspears Road

To the General Manager Devonport City Council

Dear Sir

I am writing in regards to receiving a letter re planning application for 94 Winspears Road Ambleside, File Number PA2020.0142 While I have looked at all the on line details and don't think it will impact us here at Highfield Road I am concerned on two levels.

One is the statement of two subdivision lots, does this mean one house per lot or multiple dwellings per lot? My other concern is that by starting to subdivide this area, will this not set a precedent and before long more and more areas of this very fertile, good farming land will be split up for subdivisions. Land which supplies us with vegetables and creates work for locals, just destroyed for more homes.

I do not want Devonport to go the path Burnie has chosen, destroying good pasture for the sake of getting more rates.

Let's look after our farming land, it's why we live in Tasmania and not a concrete jungle.

Yours Sincerely

M J and P T Chiddy 17 Highfield Road Ambleside 7310

Sent from my iPad

From: Grant Goodwin < grantgoodwin04@gmail.com>

Sent: Monday, 16 November 2020 7:17 PM

To: Devonport City Council **Subject:** Objection to PA2020.0142

Devonport City Council

Objection to PA2020.0142

Dear Sir/Madam,

I Grant Goodwin reside at 149 Winspears Road, East Devonport & strongly object to the foreshadowed subdivision at 94 Winspears Road East Devonport. The area for the application to subdivide, is prime agriculture land & should not be subjected to any housing subdivision what so ever. It abounds intensive farming activity & further to that, the access point to it, Winspears Road - which is a narrow road & cannot accomodate the influx of traffic that will be presented from development of this site - in relation to residential subdivisions. Furthermore, there is no sewage points, nor storm water points & the entire area that Mr Radcliffe intends to subdivide, was presented to council quite a few years ago by the previous owner, Geoff Winspear. It was deemed then by the planning authority at Devonport Council, to be deleterious to the area & would impact upon the quality of life of the existing residents that reside in Winspears Road. Not withstanding the fact, that i repeat the entire area is totally unsuitable for residential activity due to the classification of prime agriculture land. I note on the application, of a buffer zone but in my experience buffer zones look okay on paper, but when put in practice, when residential areas are abound intensive agriculture, nothing but conflict comes.

In conclusion, i implore council to reject this application & to do otherwise would be a travesty on agriculture land & to the existing residents of Winspears Road. Mr Radcliffe purchased this farm a few years ago & clearly the intent was subdivide to recoup the cost. This should not be granted as Radcliffe, if he could not afford to buy the farm and use it as such, his intent to subdivide, it will once again have a huge deleterious impact to those that reside in Winspears Road.

Yours faithfully,

Grant F. Goodwin

From: Graham Kent <gbkent@bigpond.com>
Sent: Tuesday, 17 November 2020 2:37 PM

To: Devonport City Council

Subject: Fwd: Planning application No. PA2020.0142

------ Forwarded Message -----Subject:Planning application No. PA2020.0142
Date:Tue, 17 Nov 2020 14:36:13 +1100
From:Graham Kent <gbkent@bigpond.com>
To:council@devonport.tas.gov.au

Reference PA 2020.0142

94 Winspears Road

East Devonport 7310

For Attention The General Manager

Dear Sir.

This is a representation opposing the subdivision request as proposed in the the Application for a planning permit based upon the following:-

- 1. The area of land is zoned correctly as "Premium Agricultural Land" and should remain so ad infinitum!
- 2. The supporting reasons given for establishing subdivisions 1 and 2 being "bio security" and "trespassing" cannot be significant enough to warrant the proposed protective infrastructure given that the complete property is open to weather conditions and air born contaminants from all points of the compass along with mostly unlimited overland access by trespassers.

Comment

If the reason is solely a described then a simple buffer zone and security fence along the said boundary should be more than adequate instead of increasing the residential occupancy of the area.

Yours faithfully

Graham and Pat Kent

165 Winspears Road

East Devonport

From: Don Willing <donwilling1@gmail.com>
Sent: Tuesday, 17 November 2020 4:57 PM

To: Devonport City Council

Subject: Objection 94 Winspears Road Devonport

Attachments: DRAFT - Letter to Matthew Atkins - Questions on Notice to Meeting 231120_Ver00.docx

18 November 2020

General Manager
Devonport City Council
137 Rooke Street
DEVONPORT TAS 7310
TAS 7310

Janet Willing 171 Winspears Road AMBLESIDE

By email to council@devonport.tas.gov.au

Dear Sir

The following is submitted in response to the planning permit application by MJ & HM Radcliff

I refer to the various assertions made variously by PDA Surveyors and Proadvice.

The latter in their introductory letter state as follows:-

Dot point 1

No reason or examples provided to back up their assertion

Dot point 3

Providing fencing, financially assisted by neighbours should assist in substantially reducing bio-security risk, if it materially exists at all. This risk, if it exists to any extent can be managed by other means by the property owner.

Dot point 4

No example provided

Dot point 5

In the 34 years living in a dwelling adjacent to a farming property have we ever experienced any problems mentioned here. Never have we felt the need to contact the farmer operating the primary production activity in relation to any of the matters as noted.

Dot point 6

I find it difficult to understand how the owners of this property outlaid a considerable sum not many years ago (say 5 or 6) knowing the potential problems associated with many residences on its boundary. No rational person(s) would have purchased this property knowing that its potential primary production future may become **untenable** (**proadvice**). Clearly this assertion is an absolute stretch.

The penultimate paragraph, last sentence is a lovely "motherhood" statement which provides nothing to the argument of allowing a change of use of parts of the Omeo property.

The agricultural land use assessment provided by **pro advice** asserts that the risks associated with the interaction with a number of neighbours is substantially reduced by dealing with a smaller number afforded by this subdivision. This argument can be countered by:-

- (1) Maintaining a suitable distance between cropping and neighbour fences as we have with our farming neighbour without any change of owner by subdivision.
- (2) Establish a vegetation buffer between residential and agricultural uses

I question whether the proposed subdivision may in fact facilitate more than one dwelling on each lot, if not as a result of this application but of a future application which would be in conflict with the tenor of the legislation applicable to this matter.

As an aside, if my farming neighbour were to apply to subdivide the property (if he owned it, which he does not), then I would object against it, validly or invalidly on the basis that I very much prefer a farming neighbour to a residential neighbour any day of the week and I am sure there must be many adjoining Omeo who feel the same way.

Yours faithfully Janet Willing From: Peter Stegman <pstegmann@bigpond.com>
Sent: Tuesday, 17 November 2020 2:41 PM

To:Devonport City CouncilSubject:Planning Application ObjectionAttachments:Planning application Radcliff.doc

I attach Objection to Planning Application PA 2020.0142-94.

Peter Stegmann.

118 River Road, East Devonport 7310.

17 November 2020.

The General Manager, Devonport City Council, Devonport 7310.

Re: PA 2020.0142-94

I wish to object to the above Planning Application.

Approval of this application for Lots 1 and 2, would set a precedent to allow further sub-division of agricultural land, as there are many more houses backing on to this, and another adjacent farm owned by the applicant to the south, as well as the potential 42 lot sub-division planned for 14 Cameray Street.

- 1. The area is prime agricultural land and has been successfully cropped/farmed for a very long time;
- 2. The owner leased the farm prior to purchase, and would have been aware of the issues he currently perceives, before he purchased;
- 3. In the past, spray irrigation may have caused problems for some neighbours, but this is not an issue with new linear irrigation;
- 4. This highly productive farm existed well before any houses were built and anyone who builds or buys adjacent to farmland should be aware of the consequences of farming practices;
- 5. If the owner feels that a buffer is desirable it should not allow for any residential development and should be on his existing property;
- 6. It appears to be pointless to have a 10 metre wide tree buffer on the sub-divided Lots 1 and 2, over which the applicant would not have control;
- 7. The sub-division of Lot 3 (house and 12.5 acres) is short-sighted as any future owner of the farm may wish to live on the site and will need to use more of the farmland to build a residence and infra-structure.

In summary, if this sub-division is approved it could signal the beginning of more so-called buffer zones to be set up around residences that are adjacent to farmland in other parts of the municipality.

Peter Stegmann 0427 278 863

From: Bushfire Practitioner <bfp@fire.tas.gov.au>
Sent: Monday, 16 November 2020 2:11 PM

To: Devonport City Council

Cc: Bushfire Practitioner; bharpley@esandd.com.au

Subject: TFS Representation - DEVELOPMENT APPLICATION PA 2020.0142 – 94 WINSPEARS ROAD, EAST

DEVONPORT - PROPOSED SUBDIVISION

Attachments: PA 2020.0142 TFS representation - 94 Winspears Road East Devonport.pdf

Good afternoon,

Please find attached TFS's representation in response to PA 2020.0142,

Regards,

Chris Moore

Planning & Assessment Officer Community Fire Safety

Tasmania Fire Service

Service | Professionalism | Integrity | Consideration

Northern Region Office | 339 Hobart Road Youngtown Tasmania 7249 Mobile 0418 356 446 chris.moore@fire.tas.gov.au | www.fire.tas.gov.au

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Bushfire Risk Unit

File No: AD3703

General Manager Devonport City Council council@devonport.tas.gov.au

Attn: Planning Department

Dear Sir/Madam,

DEVELOPMENT APPLICATION PA 2020.0142 – 94 WINSPEARS ROAD, EAST DEVONPORT – PROPOSED SUBDIVISION

I write in relation to the abovementioned development application that is currently on public exhibition. Please consider this submission as a representation on behalf of the Tasmania Fire Service.

The application seeks planning approval for a 3 lot subdivision within the Rural Resource Zone.

The site is within a bushfire-prone area as defined by the Devonport Interim Planning Scheme 2013. The development must therefore demonstrate compliance with Section E1.0 of the Bushfire-Prone Areas Code.

Tasmania Fire Service has no in-principle objection to the proposed development providing it complies with the Bushfire-Prone Areas Code.

Our concern is with the proposed vegetation buffers and the Hazard Management Areas within Lots 1 and 2. Vegetation buffers of this length and width normally have plantings of various heights and widths that could be conductive to fire spread if high flammability plants or mulches are used. It's important that they are properly planned and managed to reduce bushfire risk as much as possible. This should include specifying plants and materials of lower flammability and a maintenance regime that ensures the plants are sufficiently irrigated and any dead material is removed regularly.

Considering the potential to have grassland in the adjoining lot adjacent to the vegetation buffer we believe that a 4m wide hazard management area between the vegetation buffer and building area will not provide sufficient separation for any development on Lots 1 and 2. To address this we believe that the hazard management area should start from the western side of the vegetation buffer.

We recommend that the matters identified in this letter could likely be addressed through a permit condition that requires an amended Bushfire Hazard Management Report and Bushfire Hazard Management Plan that deals with the points raised above.

State Headquarters Cnr Argyle and Melville Streets | GPO Box 1526 Hobart Tasmania 7001 | Phone (03) 6173 2740

Southern Region 1040 Cambridge Road, Cambridge Tasmania 7170 | Phone (03) 6166 5500

Northern Region 339 Hobart Road Youngtown Tasmania 7249 | Phone (03) 6777 3666 | Fax (03) 6345 5860

North West Region 15 Three Mile Line | PO Box 1015 Burnie Tasmania 7320 | Phone (03) 6477 7250 Fax (03) 6433 1551



If you would like to discuss this matter further, please contact me on 0418 356 446 or at bfp@fire.tas.gov.au

Yours sincerely,

C. Moore

Chris Moore

PLANNING & ASSESSMENT OFFICER

16 November 2020

Сс

From:

Sent: Tuesday, 10 November 2020 8:32 AM

To: Devonport City Council

Subject: Attn General Manager : Representation # PA2020.01.0142

Attachments: Subdivision.docx

Good morning,

Please find attached Representation for File PA2020.0142 94Winspears Road, EAST DEVONPORT. I request that my **personal details** are **not made public** and be whited out if necessary.

Kind regards,

10 November 2020

GENERAL MANAGER
DEVONPORT CITY COUNCIL
PO BOX 604
DEVONPORT TAS 7310

Planning Application File: PA2020.01.0142
Description: 3 Lot Subdivision
94 WINSPEARS ROAD EAST DEVONPORT

Dear

I write to **OBJECT** to the above planning application for the following reasons:

1. Agricultural Land Zoning – The proposed subdivision of 94 Winspears Road East Devonport Lots 1 & Lot 2 is not in keeping with the Planning Scheme Agricultural zoning of Agricultural for this property.

The planning scheme plays a very important role in ensuring agricultural land is protected for agricultural enterprises.

Agricultural land is an extremely valuable resource for Tasmania and the Zone Purpose States that Agricultural Zone purpose is

- To provide for the use or development of land for agricultural use.
- To protect land for the use or development of agricultural use by minimising:
 - a) Conflict with or interference from non-agricultural uses;
 - b) Non-agricultural use or development that precludes the return of the land to Agricultural use: and
- c) Use of land for non-agricultural use in irrigation

•

The proposed Lot 1 & Lot 2 subdivision of 94 Winspears Road, East Devonport would, if granted planning approval, set a deeply concerning precedent for this property to again be further subdivided in months or years to come and the implications this would then have on other similarly zoned Agricultural properties in the NW Tasmanian region wishing to subdivide and sell off valuable fertile agricultural land for other purposes. The property at 94 Winspears Road, East Devonport has had residential zoned properties bordering along three of its boundaries for some 30 – 40 years without any notable, extraordinary issues or apparent impact on the productivity or viability of this obviously very well managed and tidy Agricultural property.

A new residential housing development has recently been approved along the end of Cameray Street East Devonport for 44 separate lots. A few of these new properties will share a boundary fence line with the existing Agricultural property of 94 Winspears Road, East Devonport.

My concern is that if a precedence is set by the approval the Subdivision of Lot 1 & Lot 2 of 94 Winspears Road, East Devonport then it is not unreasonable to expect that further requests may be forthcoming from the owner of 94 Winspears Road East Devonport for more subdivided lots along the inside of the boundary line where fence line is shared by Residential properties. If this is allowed to occur, then in years to come this prime agricultural property will likely become unviable due to the decreased agricultural land resulting from the land being subdivided into hobby farm size lots. The integrity of this prime agricultural property needs to be safe guarded by the Planning Authority from these hobby farm type subdivisions. One only has to look at Acacia Hills off the Sheffield Road to see what an eye sore this type of development can be.

2. Lot 1 & Lot 2 subdivision Biosecurity risk— there are no guarantees that the buyers of these two proposed subdivisions lots (akin to hobby farms), will maintain their properties to be free from weeds, insects or vermin that could present a biosecurity threat to the remainder of the Agricultural land at 94 Winspears Road East Devonport property. The subdivided lots therefore would present a similar risk as current residential properties bordering the property.

From my general observations, vehicles entering or leaving this Agricultural property do not appear to undergo any wash down procedure. It is common knowledge that vehicles entering or leaving any property be it rural or suburban, can present a biological risk to that property and other properties.

Taswater and Optus vehicles drive onto this property on a routine basis without washdown.

It is well documented that here in NW Tasmania (as well as other Tasmanian regions), wind dispersed weeds cause problems for land owners. The weed seeds can move from several meters up to several kilometres carried in the wind. As many would acknowledge, here in Devonport region, we do experience frequent high wind gusts throughout many months of the year, spreading weeds near and far. Many weed species have seeds especially adapted to be carried by the wind. A buffer land break between residential properties and agriculture land would not necessarily eradicate the emergence of weeds, only those not spread by wind dispersed means. Birds and vehicles spread many weeds commonly seen around Tasmania as well. The pathways most likely to spread weeds on farms include birds, wind, water, machinery and vehicles, hay and fodder, and livestock.

It is my view that the proposed Subdivision proposal is at odds with the requirements of the Planning Scheme and is contrary to the State Policy on the Protection of Agricultural Land 2009 (PAL Policy) and request that the planning application is refused.

PLEASE NOTE: I request that my details are not made available to the public

Yours sincerely,

.

3 | Page

	Office use
	Application no.
	Date received:
	Fee:
	Permitted/Discretionary
-	

Devonport City Council

Land Use Planning and Approvals Act 1993 (LUPAA)

Devonport Interim Planning Scheme 2013

Application for Planning Permit

Use or Development Site

Street Address:

46 MURRAY STREET, EAST DEVONPORT

Certificate of Title Reference No.:

CT 45363-1

Applicant's Details

Full Name/Company Name:

MICHELL HODGETTS SURVEYORS

Postal Address: PO BOX 712, DEVONPORT 7310

Telephone: 6424 5144

Email: mhasurv@bigpond.net.au

Owner's Details (if more than one owner, all names must be provided)
Full Name/Company Name:

JULIAN CHARLES RAND, MAREE HEATHER RAND

& CAMERON LIAM RAND

Postal Address: PO BOX 2055, SPREYTON 7310

Telephone: 0418 144 741

Email: jrand123@hotmail.com

ABN 47611446016 PO Box 604 137 Rooke Street Devonport TAS 7310 Telephone 03 6424 0511 www.devonport.tas.gov.au



		-
Assessment of	f an application for a Use or Development	
What is proposed	§:	
	2 LOT SUBDIVISION	
Description of hov	v the use will operate:	
	GENERAL RESIDENTIAL	
	OLNEIVAL RESIDENTIAL	
e Class (Office use	only):	

Applications may be lodged by email to Council - council@devonport.tas.gov.au The following information and plans must be provided as part of an application unless the planning authority is satisfied that the information or plan is not relevant to the assessment of the application:

Application fee

Completed Council application form

Copy of certificate of title, including title plan and schedule of easements

A site analysis and site plan at an acceptable scale on A3 or A4 paper (1 copy) showing:

- The existing and proposed use(s) on the site
- The boundaries and dimensions of the site
- Typography including contours showing AHD levels and major site features
- Natural drainage lines, watercourses and wetlands on or adjacent to the site
- Soil type
- Vegetation types and distribution, and trees and vegetation to be removed
- The location and capacity of any existing services or easements on the site or connected to the site
- Existing pedestrian and vehicle access to the site
- The location of existing adjoining properties, adjacent buildings and their uses
- Any natural hazards that may affect use or development on the site
- Proposed roads, driveways, car parking areas and footpaths within the site
- Any proposed open space, communal space, or facilities on the site
- Main utility service connection points and easements
- Proposed subdivision lot boundaries, where applicable
- Details of any proposed fencing

Where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 on A3 or A4 paper (1 copy) showing:

- Setbacks of buildings to property (title) boundaries
- The internal layout of each building on the site
- The private open space for each dwelling
- External storage spaces
- Car parking space location and layout
- Elevations of every building to be erected
- The relationship of the elevations to natural ground level, showing any proposed cut or fill
- Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites
- Materials and colours to be used on roofs and external walls

A plan of the proposed landscaping including:

- Planting concept
- · Paving materials and drainage treatments and lighting for vehicle areas and footpaths
- Plantings proposed for screening from adjacent sites or public spaces

Details of any signage proposed

/alue of use and/or development		
Notification of Landowner/s (s.52 Land Use I	Planning and Approvals Act, 1993)	
If land is not in applicant's ownership		
 JOHN TURNBULL of MICHELL HODG of the land has/have been notified of my intention 		
Applicant's signature:	Date: 23/10/2020	
If the application involves land owned or adminis	tered by the Devonport City Council	
Devonport City Council consents to the making o		
General Manager's signature:	Date:	
f the application involves land owned or adminis	tered by the Crown	
Crown consent must be included with the applica		

Signature

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that:

- if incomplete, the application may be delayed or rejected; and
- more information may be requested in accordance with s.54 (1) of LUPAA.

PUBLIC ACCESS TO PLANNING DOCUMENTS - DISCRETIONARY PLANNING APPLICATIONS (s.57 of LUPAA)

I understand that all documentation included with a discretionary application will be made available for inspection by the public.

Applicant's signature:

Date: 23/10/2020

PRIVACY ACT

The personal information requested on this form is being collected by Council for processing applications under the Land Use and Planning Approvals Act 1993 and will only be used in connection with the requirements of this legislation. Council is to be regarded as the agency that holds the information.

Fee & payment options

DD

Pay by Direct Deposit - BSB: 067-402 Account No. 000 000 13 - Please quote your application number.



Pay in Person at Service Tasmania – Present this notice to any Service Tasmania Centre, together with your payment. See www.service.tas.gov.au for opening hours.



Pay by Phone – Please contact the Devonport City Council offices on 64240511 during office hours, Monday to Friday.

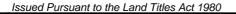


Pay by Post – Cheques should be made payable to Devonport City Council and posted to PO Box 604, Devonport, Tasmania, 7310.



RESULT OF SEARCH

RECORDER OF TITLES





SEARCH OF TORRENS TITLE

VOLUME	FOLIO
45363	1
EDITION	DATE OF ISSUE
5	14-Sep-2020

SEARCH DATE : 22-Oct-2020 SEARCH TIME : 04.49 PM

DESCRIPTION OF LAND

City of DEVONPORT

Lot 1 on Diagram 45363

Derivation: Part of Lot 1 Sec P Gtd to W Bryant and Part of

Lot 2 Sec P Gtd to R Winspear

Prior CT 2714/26

SCHEDULE 1

C904092 & M811167 TRANSFER to JULIAN CHARLES RAND and MAREE HEATHER RAND (jointly as between themselves) of one undivided 1/2 share and CAMERON LIAM RAND of one undivided 1/2 share as tenants in common Registered 14-Sep-2020 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any E233833 MORTGAGE to Bendigo and Adelaide Bank Limited Registered 14-Sep-2020 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



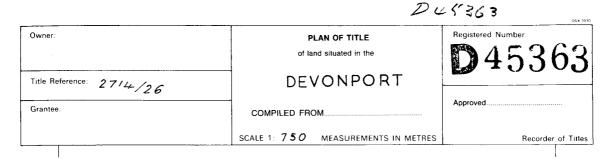


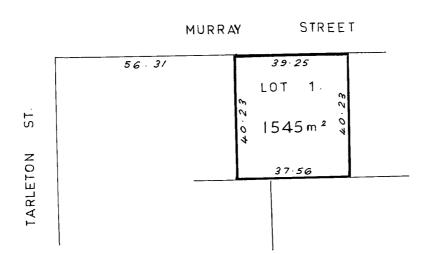
FOLIO PLAN

RECORDER OF TITLES









Search Date: 22 Oct 2020

Search Time: 04:49 PM

Volume Number: 45363

Revision Number: 01

Page 1 of 1



Prepared by Michell Hodgetts Surveyors

Application for Planning Permit

PROPOSED SUBDIVISION

In the

GENERAL RESIDENTIAL ZONE

46 MURRAY STREET, EAST DEVONPORT

Supporting Documentation

OCTOBER 2020

Proposal

The applicants, JC, MH & CL Rand are seeking to subdivide land under the *Devonport City Council Interim Planning Scheme 2013*.

The proposal takes 1 existing allotments and creates 2 allotments in total.

A copy of the proposal plans is included.

The applicant is applying to the Council, as the Planning Authority, to utilise its discretion and approve the development in accordance with the provisions of Section 57 of the Land Use Planning and Approvals Act 1993.

Planning Scheme Provisions The applicable planning instrument is **Devonport City Council Interim Planning Scheme 2013** and the subject land is zoned as General Residential.

The relevant sections of the Planning Scheme are listed below for discussion. The relevant issue and item identifier is provided and states whether the proposal meets the Acceptable Solutions (AS) or the Performance Criteria (PC) for each relevant section. Issues that address the Performance Criteria are listed as "Discretionary" and discussion is put forward to the relevant points.

The clauses that are not applicable to the proposal have not been discussed.

The applicable Scheme standards for development in the **General Residential Zone** are described in the following relevant sections of the **Devonport City Council Interim Planning Scheme 2013**:

10.0 General Residential Zone

- 10.1 Zone Purpose
 - o 10.1.1 Zone Purpose Statements
 - o 10.1.2 Local Area Objectives
 - o 10.1.3 Desired Future Character Statements
- 10.2 Use Table
- 10.3 Use Standards
 - o 10.3.1 Discretionary Permit Use
 - o 10.3.2 Impact of Use
- 10.4 Development Standards
 - o 10.4.2 Setbacks and building envelope for all dwellings
 - 10.4.3 Site coverage and private open space for all dwellings
 - o 10.4.4 Sunlight and overshadowing for all dwellings
 - 10.4.7 Frontage fences for all dwellings
 - o 10.4.9 Suitability of a site or lot for use or development
 - o 10.4.10 Dwelling density for single dwelling development
 - o 10.4.13 Subdivision
 - o 10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision

Part E Codes

There are no specific Codes applicable in relation to the **Devonport City Council Interim Planning Scheme** 2013

Part F Special Area Plans

There are no specific area plans applicable in relation to the **Devonport City Council Interim Planning Scheme 2013.**

10.1 Zone Purpose

The proposed **subdivision** is for **residential** and associated use and development on general residential land. As such it complies with the following:

10.1.1 Zone Purpose Statements

10.1.1.1

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

10.1.1.2

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

10.1.2 Local Area Objectives

The proposal is consistent with the local area objectives described below:

- (a) Suburban residential area make efficient use of land and optimise available and planned infrastructure provision through a balance between infill and redevelopment of established residential areas and incremental release of new land
- (b) Suburban residential areas provide equivalent opportunity for single dwelling and multiple dwelling developments and for shared and supported accommodation through private, public, and social investment.
- (c) Suburban residential areas enable opportunity for convenient access to basic level services and facilities for education, health care, retail, social, and recreation purposes;
- (d) Suburban residential areas provide small-scale employment opportunities in home occupation and home based business.
- (e) The amenity and character of suburban residential use is commensurate with the location of housing and support activity within a shared urban setting, and is to take into account
 - (i) the likely impact on residential use from the occurrence and operation of non-housing activity;
 - (ii) the effect of location and configuration of buildings within a site on
 - a. apparent bulk and scale of buildings and structures;
 - b. opportunity for on-site provision of private open space and facilities for parking of vehicles;
 - c. opportunity for access to daylight and sunlight;
 - d. visual and acoustic privacy of dwellings; and
 - e. consistency of the streetscape; and
 - (iii) the relationship between new sensitive use and the use of land in an adjoining zone

10.1.3 Desired Future Character Statements

Use or development in a suburban residential area is to provide –

- (a) housing as a predominant but not exclusive form of development;
- (b) choice and diversity in the design, construction, and affordability of buildings;
- (c) buildings that are typically of one or two storeys;
- (d) buildings that are set apart from adjacent buildings to -
 - (i) reduce apparent bulk and scale;
 - (ii) enable each an opportunity for access to sunlight; and
 - (iii) assist visual and acoustic privacy between adjoining dwellings;
- (e) a streetscape in which buildings are setback consistently from the frontage;
- (f) site coverage that retains sufficient external ground area for recreation, service activity, and vehicle parking; and
- (g) an ordered pattern of lots and a well-connected internal road network

10.2 Use Table

The use class is described as residential in the **Devonport City Council Interim Planning Scheme 2013** which is a permitted use.

10.3 Use Standards

10.3.1 Discretionary Permit Use

The proposal supports a general living area and services the requirements of the local community and their routines.

Acceptable Solutions

Α1

There are no Acceptable Solutions

Performance Criteria

P1

Discretionary permit use must -

- (a) be consistent with local area objectives;
- (b) be consistent with any applicable desired future character statement; and
- (c) minimise likelihood for adverse impact on amenity for use on adjacent land in the zone

10.3.2 Impact of Use

Objective:

Use in this zone that is a discretionary permit use is required to serve local needs and must minimise adverse impact on the amenity of residential use

Acceptable Solutions

Α1

Permitted non-residential use must adjoin at least one residential use on the same street frontage.

Performance Criteria

P1

Use that is not in a residential use must -

- (a) be consistent with local area objectives;
- (b) be consistent with any applicable desired future character statement;
- (c) be required to service and support the local community; and
- (d) minimise likelihood for adverse impact on amenity for residential use on adjacent land in the zone.

Α2

Permitted non-residential use must not generate more than 40 average daily vehicle movements.

P2

Permitted non-residential use must not generate more Use that is not in a residential use must –

- (a) be consistent with local area objectives;
- (b) be consistent with any applicable desired future character statement;
- (c) be dependent on the site for provision of significant social, economic, or environmental benefit to the local community; and
- (d) be required to obtain vehicular and pedestrian access from a no-through road as a consequence of
 - (i) the effect of topography on ability to create access upon a through road; or
 - (ii) a regulatory limit on the ability to obtain pedestrian or vehicular access upon a through road; and
 - (iii) have minimal likelihood for unreasonable impact on amenity for residential use on adjacent land in the zone

A3

Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm

Р3

Hours of operation, including for the delivery and despatch of goods and the conduct of routine cleaning, maintenance and service, must be reasonable to requirements of the use and unlikely to cause conflict or interference to the amenity of other use on adjacent land in the zone

Performance:

Acceptable Solution Satisfied

Discussion:

The proposal is for residential subdivision so complies with all use standards.

10.4 Development Standards

10.4.2 Setbacks and building envelope for all dwellings

Objective:

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) assist in the attenuation of traffic noise or any other detrimental impacts from roads with high traffic volumes; and
- (c) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (d) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Acceptable Solutions

A1

Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:

- (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or
- (b) if the frontage is not a primary frontage, at least 3 m, or, if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or
- (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or
- (d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.

Performance Criteria

Р1

A dwelling must:

- (a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and
- (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.

A2

A garage or carport must have a setback from a primary frontage of at least:

- (a) 5.5 m, or alternatively 1 m behind the façade of the dwelling; or
- (b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or
- (c) 1 m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the frontage.

P2

A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints.

Performance:

Acceptable Solution Satisfied

Discussion:

Both lots are compliant with all of the above.

A3

A dwelling, excluding outbuildings with a building height of not more than 2.4 m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m horizontally beyond the building envelope, must:

- (a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:
 - a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and
 - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and
- (b) only have a setback within 1.5 m of a side boundary if the dwelling:
 - does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or
 - (ii) does not exceed a total length of 9 m or onethird the length of the side boundary (whichever is the lesser).

Р3

The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:
 - reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
 - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
 - (iii) overshadowing of an adjoining vacant lot; or
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

Performance:

Acceptable Solution & Performance Criteria Satisfied

Discussion:

Lot 1 is vacant and complies with A3.

The existing house on lot 2 is 2-storey and complies with P3.

The dividing boundary is proposed to be 1.5m off the existing house on Lot 2.

10.4.3 Site coverage and private open space for all dwellings

Objective:

To provide:

- (a) for outdoor recreation and the operational needs of the residents; and
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is integrated with the living areas of the dwelling; and
- (d) private open space that has access to sunlight.

Acceptable Solutions

Α1

Dwellings must have:

- (a) a site coverage of not more than 50% (excluding eaves up to 0.6 m); and
- (b) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
- (c) a site area of which at least 25% of the site area is free from impervious surfaces.

Performance Criteria

Р1

Dwellings must have:

- (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:
 - (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and
 - (ii) operational needs, such as clothes drying and storage; and
- (b) reasonable space for the planting of gardens and landscaping.

Performance:

Acceptable Solution Satisfied

Discussion:

The proposal is compliant with A1(a) – the dwelling on Lot 2 has a site coverage of less than 50% A1 (b) Not applicable

A1(c) balance of both sites is greater than 25% free of impervious materials.

A2

A dwelling must have an area of private open space that:

- (a) is in one location and is at least:
 - (i) 24 m²; or
 - (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level(excluding a garage, carport or entry foyer); and
- (b) has a minimum horizontal dimension of:
 - (i) 4 m; or
 - (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level(excluding a garage, carport or entry foyer); and
- (c) is directly accessible from, and adjacent to,

P2

A dwelling must have private open space that:

- (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:
 - conveniently located in relation to a living area of the dwelling; and
 - (ii) orientated to take advantage of sunlight.

- a habitable room (other than a bedroom); and
- (d) is not located to the south, south-east or southwest of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and
- (e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and
- (f) has a gradient not steeper than 1 in 10; and
- (g) is not used for vehicle access or parking.

Performance:

Acceptable Solution Satisfied

Discussion:

The proposal is compliant with all of the above

10.4.4 Sunlight and overshadowing for all dwellings **Objective**:

To provide:

- (a) the opportunity for sunlight to enter habitable rooms (other than bedrooms) of dwellings; and
- (b) separation between dwellings on the same site to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.

Acceptable Solutions

A1

A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).

A2

A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):

- (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):
 - (i) at a distance of 3 m from the window; and
 - (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.
- (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st lune.
- (c) That part, of a multiple dwelling, consisting of:
 - (i) an outbuilding with a building height no more than 2.4 m; or

Performance Criteria

P1

A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).

P2

A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing a window of a habitable room (other than a bedroom), of another dwelling on the same site, that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).

(ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.

A3

A multiple dwelling, that is to the north of the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3, must be in accordance with (a) or (b), unless excluded by (c):

- (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4C):
 - (i) at a distance of 3 m from the northern edge of the private open space; and
 - (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.
- (b) The multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.
- (c) That part, of a multiple dwelling, consisting of:
 - (i) an outbuilding with a building height no more than 2.4 m; or
 - (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.

Pβ

A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, required in accordance with A2 or P2 of subclause 10.4.3.

Performance:	Acceptable Solution Satisfied
Discussion:	
The proposal is compliant with all of the above	

10.4.7 Frontage fences for all dwellings Objective:

To control the height and transparency of frontage fences to:

- (a) provide adequate privacy and security for residents; and
- (b) allow the potential for mutual passive surveillance between the road and the dwelling; and
- provide reasonably consistent height and transparency. (c)

Acceptable Solutions

a frontage must have a height above natural ground level of not more than:

- (a) 1.2 m if the fence is solid; or
- (b) 1.8 m, if any part of the fence that is within 4.5 m of a primary frontage has openings above a height of 1.2 m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).

Performance Criteria

A fence (including a free-standing wall) within 4.5 m of A fence (including a free-standing wall) within 4.5 m of a frontage must:

- (a) provide for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling; and
- (b) be compatible with the height and transparency of fences in the street, taking into account the:
 - (i) topography of the site; and
 - (ii) traffic volumes on the adjoining road.

Performance:	Acceptable Solution Satisfied
Discussion:	
The proposal is compliant with all of the above	

10.4.9 Suitability of a site or lot for use or development **Objective**:

The minimum properties of a site and of each lot on a plan of subdivision are to –

- (a) provide a suitable development area for the intended use;
- (b) provide access from a road; and
- (c) make adequate provision for connection to a water supply and for the drainage of sewage and stormwater

Acceptable Solutions

A1

A site or each lot on a plan of subdivision must -

- (a) have an area of not less than 330m² excluding any access strip; and
- (b) if intended for a building, contain a building area of not less than 10.0m x 15.0m
 - clear of any applicable setback from a frontage, side or rear boundary;
 - (ii) clear of any applicable setback from a zone boundary;
 - (iii) clear of any registered easement;
 - (iv) clear of any registered right of way benefiting other land;
 - (v) clear of any restriction imposed by a utility;
 - (vi) not including an access strip;
 - (vii) accessible from a frontage or access strip; and
 - (viii) if a new residential lot, with a long axis within the range 30° east of north and 20° west of north

Performance Criteria

P1

A site or each lot on a plan of subdivision must -

- (a) be of sufficient area for the intended use or development without likely constraint or interference for –
 - (i) erection of a building if required by the inte
 - (ii) access to the site;
 - (iii) use or development of adjacent land;
 - (iv) a utility; and
 - (v) any easement or lawful entitlement for access to other land; and
- (b) if a new residential lot, be orientated to maximise opportunity for solar access to a building area

Performance:

Acceptable Solution Satisfied

Discussion:

- (a) area of both Lots is greater than 330sqm
- (b) Lot 2 contains an existing dwelling. There is ample room for Lot 1 to contain a 15x10m building envelope.

The proposal is therefore considered to be compliant.

Α2

A site or each lot on a subdivision plan must have a separate access from a road –

- (a) across a frontage over which no other land has a right of access; and
- (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or
- (c) by a right of way connecting to a road -
 - (i) over land not required as the means of access to any other land; and
 - (ii) not required to give the lot of which it is a

P2

- (a) A site must have a reasonable and secure access from a road provided
 - (i) across a frontage; or
 - (ii) by an access strip connecting to a frontage, for an internal lot; or
 - (iii) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and
 - (iv) the dimensions of the frontage and any

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part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and

- (d) with a width of frontage and any access strip or right of way of not less than -
 - (i) 3.6 m for a single dwelling development; or
 - (ii) 6.0 m for multiple dwelling development or development for across ræss it the mitriælaunse of access for that land: and
- (e) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan
- access strip or right of way must be adequate for the type and volume of traffic likely to be generated by -
- a. the intended use; and
- b. the existing or potential use of any other land which requires use of the
- (v) the relevant road authority in accordance with the Local Government (Highways) Act 1982 or the Roads and Jetties Act 1935 must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or
- (b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan

Performance:

Acceptable Solution Satisfied

Discussion:

Both lots front Murray Street. Lot 2 has an existing driveway. It is proposed a new driveway be constructed for Lot 1 as shown on the attached plan.

The proposal is therefore considered to be compliant.

А3

It must be unnecessary to require a water supply

A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the Water and Sewerage Industry Act 2008

Performance:

Acceptable Solution Satisfied

Discussion:

Lot 2 is connected to a reticulated water system

As part of this application it is proposed that a new water connection is constructed for lot 1 as shown on the attached plan.

The proposal is therefore considered to be compliant.

A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and waste and disposal of sewage or waste water water to a sewage system provided in accordance with the Water and Sewerage Industry Act 2008

It must be unnecessary to require the drainage

Performance:

Acceptable Solution Satisfied

Discussion:

The house on lot 2 has an existing sewer connection.

It is proposed a new sewer connection be constructed for lot 1 and connect to the existing sewer main on the northern side of Murray Street as shown on the attached plan.

The proposal is therefore considered to be compliant.

Α5

A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the *Urban Drainage Act 2013*

Р5

It must be unnecessary to require the drainage of stormwater

Performance:

Acceptable Solution Satisfied

Discussion:

The existing house located on lot 2 drains to the kerb in Murray Street. A new connection to the kerb for lot 1 is proposed.

10.4.10 Dwelling density for single dwelling development

Objective:

Residential dwelling density [R2] is to -

- (a) make efficient use of suburban land for housing;
- (b) optimise utilities and community services; and
- (c) be not less than 12 and not more than 30 dwellings per hectare

Acceptable Solutions

A1

(a) The site area per dwelling for a single dwelling must be not less than 325m²

Performance Criteria

D1

Dwelling density for a single dwelling must be on a site constrained for residential development at suburban densities as a result of –

- (a) size and shape of the site;
- (b) physical and topographic conditions;
- (c) capacity of available and planned utilities;
- (d) arrangements for vehicular or pedestrian access;
- (e) unacceptable level of risk from exposure to a natural hazard listed in a Code that is part of this planning scheme;
- (f) contamination;
- any requirement of a conservation or urban design outcome detailed in a provision in this planning scheme;
- (h) a utility; or
- (i) any lawful and binding requirement
 - the State or a council or by an entity owned or regulated by the State or a council to acquire or occupy part of the site; or
 - (ii) an interest protected at law by an easement or other regulation

Performance:

Acceptable Solution Satisfied

Discussion:

(a) Area of both Lots is greater than 325 sqm.

The proposal is therefore considered to be compliant.

10.4.13 Subdivision

Objective:

The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the General Residential zone

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Acceptable Solutions

Δ1

Each new lot on a plan of subdivision must be –

- (a) intended for residential use;
- (b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority

Performance Criteria

Ρ1

Each new lot on a plan of subdivision must be -

(a) for a purpose permissible in the zone

Performance:

Acceptable Solution Satisfied

Discussion:

- (a) Both Lots are intended for residential use
- (b) Not applicable

The proposal is therefore considered to be compliant.

A2

A lot, other than a lot to which A1(b) applies, must not (a) be an internal lot

- An internal lot on a plan of subdivision must be –
 (i) reasonably required for the efficient use of land as a result of a restriction on the layout of lots imposed by
 - slope, shape, orientation and topography of land;
 - an established pattern of lots and development;
 - c. connection to the road network;
 - connection to available or planned utilities;
 - a requirement to protect ecological, scientific, historic, cultural or aesthetic values, including vegetation or a water course; or
 - f. exposure to an unacceptable level of risk from a natural hazard; and
- (ii) without likely impact on the amenity of adjacent land

Performance:

Acceptable Solution Satisfied

Discussion:

(a) Neither Lot is an internal Lot.

The proposal is therefore considered to be compliant.

10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision **Objective**:

Distribution and connection of reticulated electricity supply to new lots on a plan of subdivision is to be without visual intrusion on the streetscape or landscape qualities of the residential area

Acceptable Solutions

Performance Criteria

Α1

P1

Electricity reticulation and site connections must be installed underground

It must be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground

Performance:

Acceptable Solution Satisfied

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Discussion:

The house on Lot 2 is already connected to the electricity grid.

Lot 1 is capable of connecting to the overhead powerline in Murray Street.

The proposal is therefore considered to be compliant.

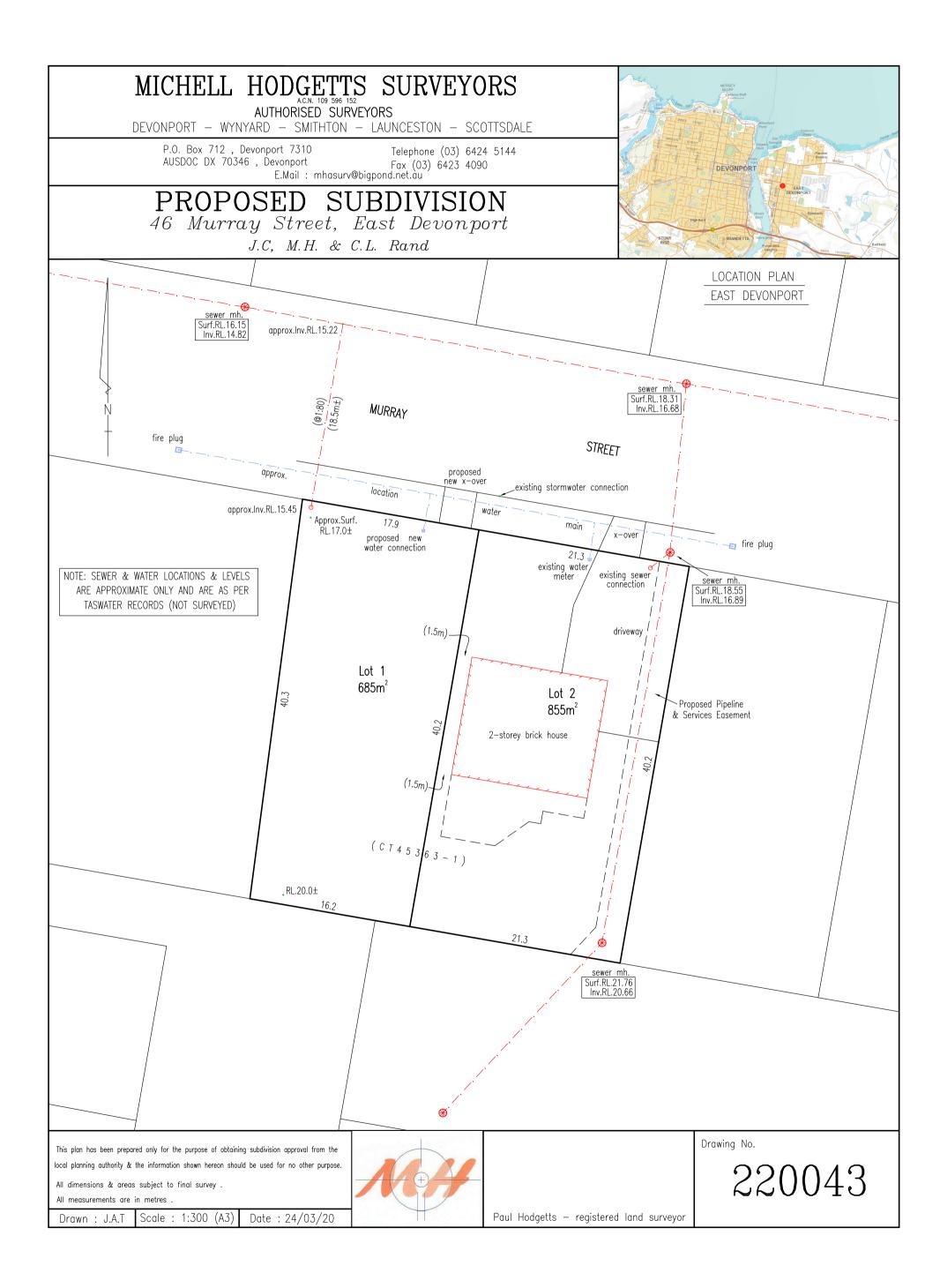
Conclusion

This supporting documentation demonstrates that the proposal of a **Subdivision** supports and furthers the Planning Scheme aims and objectives, relevant Clauses and Schedules as set out for development within the **General Residential Zone**.

With the above in mind, a planning permit for a **2 Lot Subdivision** at **46 Murray Street, East Devonport** is respectfully sought from the Planning Authority.



Annexure A – Proposal Plans



MICHELL HODGETTS SURVEYORS AUTHORISED SURVEYORS DEVONPORT - WYNYARD - SMITHTON - LAUNCESTON - SCOTTSDALE

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PROPOSED SUBDIVISION
46 Murray Street, East Devonport

J.C, M.H. & C.L. Rand





This plan has been prepared only for the purpose of obtaining subdivision approval from the local planning authority & the information shown hereon should be used for no other purpose. All dimensions & areas subject to final survey .

All measurements are in metres

Drawn : J.A.T Scale : 1:300 (A3) Date : 24/03/20

Paul Hodgetts — registered land surveyor

220043

Drawing No.