

Application for Planning Approval

Land Use Planning and Approvals Act 1993

APPLICATION NO. SA2022/045

LOCATION OF AFFECTED AREA

248 COVE HILL ROAD & 250 COVE HILL ROAD, HONEYWOOD

DESCRIPTION OF DEVELOPMENT PROPOSAL

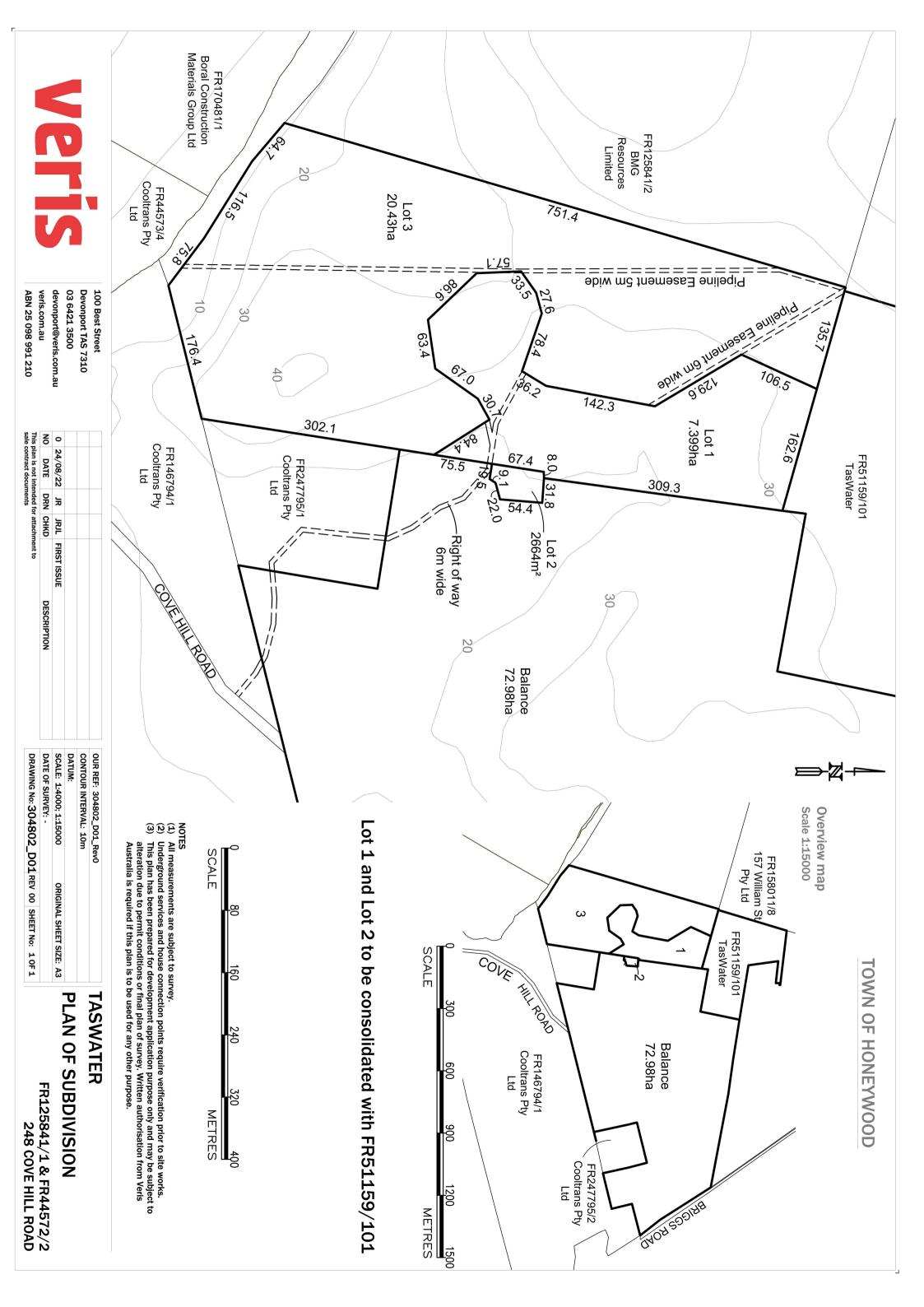
SUBDIVISION (2 LOTS) & CONSOLIDATION

A COPY OF THE DEVELOPMENT APPLICATION MAY BE VIEWED AT www.brighton.tas.gov.au AND AT THE COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH, BETWEEN 8:15 A.M. AND 4:45 P.M., MONDAY TO FRIDAY OR VIA THE OR CODE ANY MAY MAKF BFI OW. PFRSON WRITTEN REPRESENTATIONS CONCERNING AN APPLICATION UNTIL 4:45 P.M. ON 16/1/2023. ADDRESSED TO THE GENERAL MANAGER AT 1 TIVOLI ROAD, OLD BEACH, 7017 OR BY EMAIL development@brighton.tas.gov.au. REPRESENTATIONS AT SHOULD INCLUDE A DAYTIME TELEPHONE NUMBER TO ALLOW COUNCIL OFFICERS TO DISCUSS, IF NECESSARY, ANY MATTERS RAISED.

JAMES DRYBURGH General Manager









304802 Submission report

Subdivision 248 Cove Hill Road, Honeywood TasWater October 2022

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1. SUMMARY

This report is in support of a Development Application in accordance with Section 57 of the Land Use Planning and Approvals Act 1993 for subdivision and consolidation of land across the Utilities and Agriculture Zone at 248 Cove Hill Road, Honeywood. The affected land is owned by TasWater, Bridgton Council and Cooltrans Pty Ltd. This application is made on behalf of TasWater and with the consent of all landowners.

The proposal is for the subdivision and consolidation of land to create a title comprising all infrastructure associated with the Brighton Reuse Lagoon to be transferred to TasWater.

Brighton Council is the approving authority for the application.

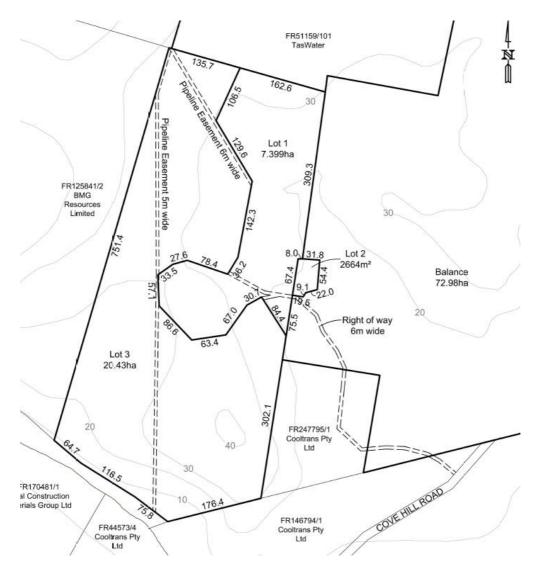
An assessment of the proposed development against the provisions of the *Tasmanian Planning Scheme–Brighton* has been undertaken. Those provisions relevant to the development are discussed in this report.

The proposal is consistent with the above-mentioned requirements and is considered appropriate for approval.

2. PROPOSAL DESCRIPTION

The proposal is illustrated in enclosed proposal plan 304802_D01_Rev0.

It comprises the subdivision of the Brighton Reuse Lagoon facilities currently located on Council and privately owned land. For access purposes the land comprising all TasWater infrastructure will be consolidated with FR51159/101. FR51159/101 has frontage with an existing vehicular access to Harris Road and is owned by TasWater. The existing access of Cove Hill Road will be utilised with the aim to develop a new access FR51159/101 in the future. The development of a new access does not form part of this application and will need to be addressed separately.



The existing easement across FR44572/2 is proposed to be amended to reflect the existing access track as well as be extended to provide access for Lot 3 over existing tracks.

3. SITE DESCRIPTION

The subject site is described in the following table:

| Location | FR125841/1 – 248 Cove Hill Road, Honeywood FR51159/101 – Lot 101 Midland Highway, Bridgewater FR44572/2 – 250 Cove Hill Road, Honeywood | | | |
|-----------------------------------|---|--|--|--|
| Ownership | FR125841/1 – Brighton Council FR51159/101 – TasWater FR44572/2 – Cooltrans Pty Ltd | | | |
| Site Area (ha) and Road Frontages | FR125841/1 – 27.83ha with 6m easement to Cove Hill Road FR51159/101 – 12.65ha with about 25m frontage to Harris Road FR44572/2 – 73.25ha with about 410m to Briggs Road and | | | |
| Encumbrances | Pipeline easements, Right of Ways | | | |
| Existing Use | Utilities – Brighton Reuse Lagoon | | | |
| Local Government Authority | Brighton Council | | | |
| Surrounding Land | Surrounded by agricultural and industrial land. | | | |
| Planning Scheme Designations | Utilities Zone / Agriculture Zone Overlays: Bushfire-Prone Areas Code, Attenuation Code, Specific Area Plan (Bridgewater quarry; Brighton Industrial Hub), Landslip Hazard Code (partially), Natural Assets Code (partially), Flood-Prone Areas Code (partially) | | | |
| Referral requirements | - | | | |

4. DEVELOPMENT ASSESSMENT

4.1. Tasmanian Planning Scheme - Brighton

The site is subject to assessment under the *Tasmanian Planning Scheme – Brighton*. The proposal has been assessed against the provisions of the following Sections:

- 26.0 Utilities Zone
- 21.0 Agriculture Zone
- C2.0 Parking and Sustainable Transport Code
- C3.0 Road and Railway Assets Code
- C7.0 Natural Assets Code
- C9.0 Attenuation Code
- C12.0 Flood-Prone Areas Hazard Code
- C13.0 Bushfire-Prone Areas Code
- C15.0 Landslip Hazard Code
- BRI-S4.0 Bridgewater Quarry Specific Area Plan
- BRI-S10.0 Brighton Industrial Hub Specific Area Plan

4.1.1. 26.0 Utilities Zone

Clause 26.5.1 Subdivision

PROPOSAL RESPONSE

The proposed subdivision of FR125841/1 is for the creation of a separate lot required for the provision of Utilities for public use by Council and a State authority compliant with A1 of this clause. Lot 1 and Lot 2 will be consolidated with FR51159/101, which has sufficient frontage to Harris Road compliant with A2 of this clause. The consolidation allows the land to be accessed via an existing vehicular access point. Lot 3 can be accessed via an extension to an easement over an existing access track off Cove Hill Road. The proposal is compliant with A3 of this clause.

The proposal also includes the land consolidation of Lot 1 with FR51159/101. Later is located within the Agriculture Zone and therefore requires the assessment against 26.5.1 P1. The land consolidation is required to provide frontage and future access to the Brighton Reuse Lagoon facilities. The proposal is considered compliant with P1 of this clause.

Clause 26.5.2 Services

PROPOSAL RESPONSE

Lot 1 comprises Utilities while Lot 3 is owned by Bridgton Council and appears to be utilised for public open space comprising bushland. The proposal complies with A1 and A2 of this clause.

4.1.2. 21.0 Agriculture Zone

Clause 21.5.1 Lot design

PROPOSAL RESPONSE

The proposed subdivision of FR44572/2 is for the creation of a separate lot required for the provision of Utilities for public use by a State authority compliant with A1 of this clause. Lot 1 and Lot 2 will be consolidated with FR51159/101, which has frontage to Harris Road. Access will continue to occur over an existing access track off Cove Hill Road compliant with A2 of this clause. It is noted that a future access of Harris Road is considered to be developed as part of future improvements.

The proposal also includes the land consolidation of Lot 2 and FR51159/101 with Lot 1. Later is located within the Utilities zone requiring assessment against the performance criterion.

The proposal is for subdivision and consolidation overall not creating a new lot. Lot 2 is design to include the area required for existing infrastructure only. The consolidation with FR51159/101 is required for access purposes. The proposal does not impact on agricultural productivity of the land. All lots will be in excess of 1ha and the existing lagoon complies with the required 5m setback. The proposal is compliant with 21.5.1 P1(b).

4.1.3. C2.0 Parking and Sustainable Transport Code

This Code applies to all use and development; however, there are no requirements for the Utilities use classification.

4.1.4. C3.0 Road and Railway Assets Code

The proposed development is for the subdivision of an existing and established use. The proposed development does not impact on the operation and access of the use. The Code does not apply to the proposal.

4.1.5. C7.0 Natural Assets Code

The subject site is partially overlayed with a waterway and coastal protection area as seen below.



The proposed development is required for public use by Council and a State authority. It is furthermore for the provision of Utilities and does not include any works. The proposal complies with C7.7.1 A1.

4.1.6. C9.0 Attenuation Code

The attenuation Code applies to activities listed in Tables 9.1 and 9.2; sensitive uses; and subdivision if it creates a lot where a sensitive use could be established, within an attenuation area.

The proposed subdivision is for the excision of the existing utilities infrastructure to be transferred to TasWater from Council and privately owned land. Both uses are listed in the Tables to this Code and the majority of the land is located within the Utilities Zone. Additionally, the proposal does not create lots where a sensitive could be established. The Code does not apply.

4.1.7. C12.0 Flood-Prone Areas Hazard Code

The subject site is partially overlayed with a flood-prone area as seen below.



The proposed development is required for public use by Council and a State authority. It is furthermore for the provision of Utilities and does not include any works. The proposal complies with C12.7.1 A1.

4.1.8. C13.0 Bushfire-Prone Areas Code

The proposal is exempt from this Code. Please refer to attached report provide by Geo-Environmental Solutions.

4.1.9. C15.0 Landslip Hazard Code

The subject site is partially overlayed with a flood-prone area as seen below.



The proposal is for subdivision which does not involve any significant works. The proposal is therefore exempt from this Code according to C15.4.1 (e).

4.1.10. BRI-S4.0 Bridgewater Quarry Specific Area Plan

This Specific Area Plan substitutes clause C9.6.1 of the Attenuation Code. Later does not apply to the proposed development and therefore the Bridgewater Quarry Specific Area Plan does not apply also.

4.1.11. BRI-S10.0 Brighton Industrial Hub Specific Area Plan

The Specific Area Plan does not apply for subdivision.

5. CONCLUSION

The application is made pursuant to Section 57 of the Land Use Planning and Approvals Act 1993. *Tasmanian Planning Scheme - Brighton*, in particular the provisions relating to subdivision and consolidation within the Utilities and Agriculture Zone.

The proposal will allow for the creation of a title to be owned by TasWater comprising all existing TasWater infrastructure.

It is therefore requested that the application will be recommended for approval.

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Devonport 100 Best Street Devonport TAS 7310

T 03 6421 3500 devonport@veris.com.au veris.com.au

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Proposed Subdivision 248 & 250 Cove Hill Road, Honeywood & Lot 101 Midland Highway, Bridgewater. Bushfire Hazard Report



Applicant: Veris. October 2022, J7766v1

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Appendix A - Plan of Subdivision Appendix B - Planning Certificate

1.0 Introduction

This Bushfire Hazard Report has been completed to form part of supporting documentation for a planning permit application for a proposed subdivision. The proposed subdivision occurs in a Bushfire-prone Area defined by the Tasmanian Planning Scheme – Brighton (the Scheme). This report has been prepared by Mark Van den Berg a qualified person under Part 4a of the *Fire Service Act 1979* of Geo Environmental Solutions Pty Ltd for Veris.

The report considers all the relevant objectives and standards of Code C13 of the planning scheme, specifically;

- The requirements for appropriate Hazard Management Areas (HMA's) in relation to building areas;
- The requirements for Public and Private access;
- The provision of water supplies for firefighting purposes;
- Compliance with the planning scheme.

2.0 Proposal

It is proposed that the existing boundary between three lots is adjusted resulting in three lots with different geometry as described by the proposed Plan of Subdivision in appendix A. There is no proposal for design or construction of new public roadways. The development is proposed to occur as a single stage. All lots are undeveloped in terms of sensitive use and there is no intent for the development of sensitive use.

3.0 Site Description

The subject site is located at 248 & 250 Cove Hill Road, Honeywood & Lot 101 Midland Highway, Bridgewater CT: 51159/101, 125841/1 & 44572/2 (figure 1). The site occurs in the municipality of Brighton, this application is administered through the Tasmanian Planning Scheme - Brighton which makes provision for subdivision. The proposed development occurs within the Agriculture and Utilities Zone.

The site is located approximately 2.7km west south-west of Jews Hill (figure 1) and carries grassland and forest vegetation. The boundary adjustment area is large ~101Ha not including FR51159/101, has slopes which range from flat to <15 degrees with multiple aspects. Surrounding lands are a combination of residential, agricultural and industrial uses.

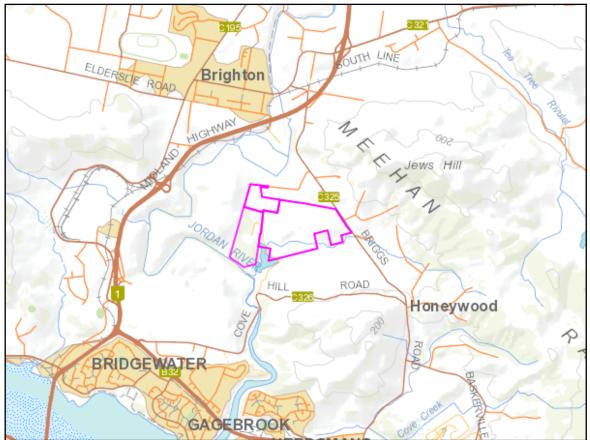


Figure 1. The site in a topographical context, pink line defines the title to be subdivided.

4.0 Bushfire Hazard Assessment

4.1 Vegetation

The site and adjacent lands within 100 metres of the proposed subdivision area carry grassland, woodland and forest vegetation. The Balance lot carries grassland vegetation to the exclusion of other vegetation types, Lot 1 carries detention/treatment ponds, grassland and woodland vegetation, Lot 2 carries a detention pond and grassland vegetation while lot 3 carries forest vegetation (eucalypt plantation & native forest).



Figure 2. Aerial photo of the site, pink line defines the title to be subdivided.

4.2 slopes

The slopes of the new lots are variable and may influence fire behaviour, however, there are numerous sites with both lots where slope will not play a significant role in fire behaviour.

5.0 Bushfire Prone Areas Code

The applicable standards of Code C13 are those in sC13.4 *Use or Development Exempt from this Code* and sC13.6 *Development standards for Subdivisions*. Consideration of the objective of the applicable standards follows:

 Hazard Management Areas – Resultant Balance lot as per Plan of Subdivision plan in appendix A, is approximately 72 Ha in extent with significant Briggs road frontage and can accommodate numerous building areas with associated hazard management areas which can provide for sufficient separation from bushfire-prone vegetation to reduce the radiant heat, direct flame attack and ember attack on the building area within its proposed title boundaries. Resultant Lot 3 is zoned utilities, residential use is a prohibited use class in this zone and is owned by Brighton Council. FR51159/101 is approximately 20 Ha in extent with the addition of Lots 1 & 2 and can accommodate numerous building areas with associated hazard management areas which can provide for sufficient separation from bushfire-prone vegetation to reduce the radiant heat, direct flame attack and ember attack on the building area within its proposed title boundaries is owned by the water corporation, TasWater.

- Public and firefighting Access public access to both lots is via an existing road network maintained by Brighton Council, there is no proposal or requirement for the construction of new public roadways. Property access to building areas can be developed in numerous locations for each resultant lot which is capable of meeting the property access standards of table C13.2 and table 2 of the Directors Determination.
- Water supplies for firefighting There is no existing or planned reticulated water supply system which services the lots. In this circumstance, development on either lot will be required to be provided with a dedicated firefighting water supply in accordance with table C13.5 and table 3B of the Directors Determination.
- There is no intent for residential development and the purpose of the boundary adjustment is to facilitate the management of public infrastructure. It is acknowledged that this does not preclude the future development of sensitive use within the Balance lot and FR51159/101, however, this report does not exempt the resultant lots from future assessment of bushfire risk for building application purposes.
- Opportunities to provide development specific bushfire assessment and mitigation will be provided as part of the building application process should development of either lot be proposed.

In this circumstance, having considered the objective of all the applicable standards, I have determined that there is an insufficient increase in risk from bushfire as a consequence of the boundary adjustment to warrant specific bushfire protection measures as part of the subdivision.

6.0 Compliance

6.1 Planning Compliance

Table 3 summarises the compliance requirements for subdivisions in bushfire prone areas against Code C13 as they apply to this proposal. A planning certificate has been issued for the proposed use and development and is exempt from the requirements of the Code. All the applicable objectives of the code have been considered.

Table 1. Compliance with Code C13 of the Tasmanian Planning Scheme - BrightonClauseCompliance

| Clause | Compliance |
|--|--|
| C13.4 Use or development exempt from this code | The proposed use is exempt from the requirements of Code C13 as there is an insufficient increase in risk from bushfire to warrant specific bushfire protection measures as part of the subdivision. |
| C13.5 1 Vulnerable Uses | Not applicable. |
| C13.5.2 Hazardous Uses | Not applicable |
| C13.6.1 Subdivision: Provision of hazard management areas | Not applicable |
| C13.6.2 Subdivision: Public and firefighting access | Not applicable |
| C13.6.3 Subdivision: Provision of water supply for firefighting purposes | Not applicable |

6.2 Building Compliance (for future development)

Subsequent building applications will require demonstrated compliance with the Directors Determination. If future development is undertaken a new specific Bushfire Hazard Report will be required to satisfy the building approval process. This report may <u>not</u> be used to satisfy subsequent development on either lot.

7.0 Summary

The proposed development occurs within a bushfire-prone area. The proposed lots are large (>20 Ha) and are capable of supporting compliant development under the current development standards. No lots have been created that are not capable of supporting future compliant sensitive use.

A planning certificate has been provided which exempts the proposal from the requirements of the Code as there is an insufficient increase in risk from bushfire as a result of the proposal.

If future development for an individual lot is proposed a new report which addresses the proposal specifically will be required.

8.0 Limitations Statement

This Bushfire Hazard Report has been prepared in accordance with the scope of services between Geo-Environmental Solutions Pty. Ltd. (GES) and the applicant. To the best of GES's knowledge, the information presented herein represents the Client's requirements at the time of printing of the report. However, the passage of time, manifestation of latent conditions or impacts of future events may result in findings differing from that described in this report. In preparing this report, GES has relied upon data, surveys, analyses, designs, plans and other information provided by the Client and other individuals and organisations referenced herein. Except as otherwise stated in this report, GES has not verified the accuracy or completeness of such data, surveys, analyses, designs, plans and other information.

The scope of this study does not allow for the review of every possible bushfire hazard condition and does not provide a guarantee that no loss of property or life will occur as a result of bushfire. As stated in AS3959-2018 "It should be borne in mind that the measures contained in this Standard cannot guarantee that a building will survive a bushfire event on every occasion. This is substantially due to the degree of vegetation management, the unpredictable nature and behaviour of fire, and extreme weather conditions". In addition, no responsibility is taken for any loss which is a result of actions contrary to AS3959-2018 or the Tasmanian Planning Commission Bushfire code.

This report does not purport to provide legal advice. Readers of the report should engage professional legal practitioners for this purpose as required. No responsibility is accepted for use of any part of this report in any other context or for any other purpose by third party

8.0 References

Building Amendment (Bushfire-Prone Areas) Regulations 2014

Determination, Director of Building Control – Requirements for Building in Bushfire-Prone Areas, version 2.2 6^h February 2020. Consumer, Building and Occupational Services, Department of Justice, Tasmania.

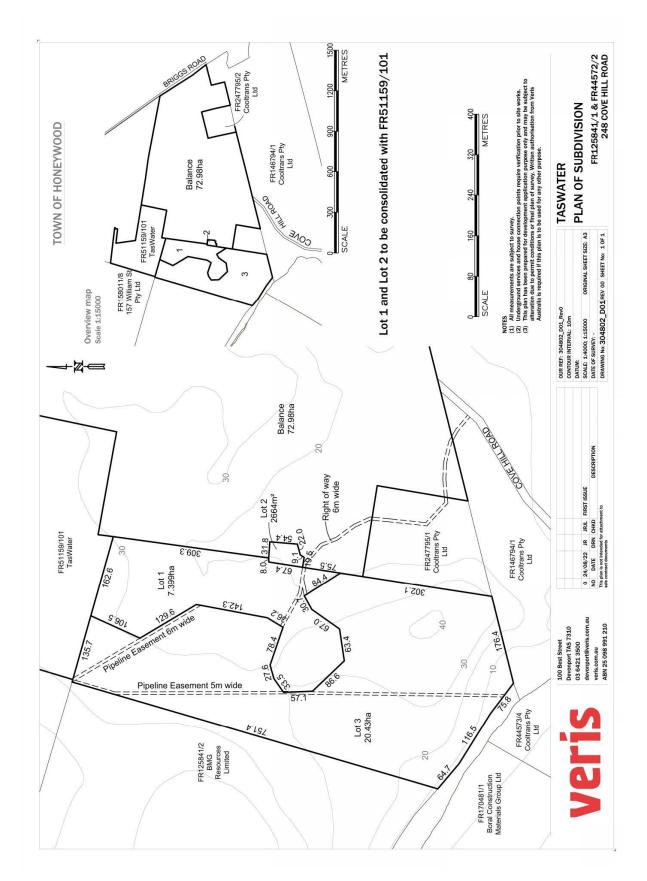
Standards Australia 2018, *Construction of buildings in bushfire prone areas*, Standards Australia, Sydney.

Tasmanian Planning Commission 2017, *Planning Directive No.5.1 – Bushfire prone Areas Code*. Tasmanian Planning Commission, Hobart. 1st September 2017.

The Bushfire Planning Group 2005, *Guidelines for development in bushfire prone areas of Tasmania – Living with fire in Tasmania*, Tasmania Fire Service, Hobart.

Tasmanian Planning Scheme – Southern Midlands.

Appendix A - Site Plan



Appendix B

Planning Certificate

BUSHFIRE-PRONE AREAS CODE

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

1. Land to which certificate applies

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

Street address:

248 & 250 Cove Hill Road, Honeywood & Lot 101 Midland Highway, Bridgewater.

Certificate of Title / PID:

FR125841/1 & FR44572/2 & FR51159/101

2. Proposed Use or Development

Description of proposed Use and Development:

Boundary Adjustment resulting in three lots.

Applicable Planning Scheme:

Tasmanian Planning Scheme – Brighton

3. Documents relied upon

This certificate relates to the following documents:

| Title | Author | Date | Version |
|---|-------------------|------------|-----------|
| Plan of Subdivision | Veris | 24/08/2022 | 304802D01 |
| Bushfire Hazard Report 248 & 250 Cove Hill Road, Honeywood & Lot 101 Midland Highway, Bridgewater. October 2022. J7766v1 | Mark Van den Berg | 13/10/2022 | 1 |

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

4. Nature of Certificate

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

| \boxtimes | E1.4 / C13.4 – Use or development exempt from this Code | | |
|-------------|---|-------------------------------|--|
| | Compliance test | Compliance Requirement | |
| | E1.4(a) / C13.4.1(a) | Insufficient increase in risk | |

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

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

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

| E1.6.2 / C13.6.2 Subdivision: Public and fire fighting access | | |
|---|---|--|
| Acceptable Solution Compliance Requirement | | |
| E1.6.2 P1 / C13.6.2 P1 | <i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i> | |
| E1.6.2 A1 (a) / C13.6.2 A1 (a) | Insufficient increase in risk | |
| E1.6.2 A1 (b) / C13.6.2 A1 (b) | Access complies with relevant Tables | |

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

| 5. Bu | shfire Hazard Practitioner | | |
|--------------------|--|-------------------|---------------------------------|
| Name: | Mark Van den Berg | Phone No: | 03 62231839 |
| Postal Address: | 29 Kirksway Place Battery Point Tas. 7004 | Email Address: | mvandenberg@geosolutions.net.au |
| Accreditati | on No: BFP – 108 | Scope: | 1, 2, 3a, 3b & 3c |

6. Certification

 \boxtimes

I certify that in accordance with the authority given under Part 4A of the *Fire Service Act 1979* that the proposed use and development:

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

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

| Signed: certifier | 12lad de | | | |
|----------------------|-------------------|------------------------|-----------------------------|--|
| Name: | Mark Van den Berg | Date: | 13/10/2022 | |
| | | Certificate Number: | J7766 | |
| | | (for Practitio | (for Practitioner Use only) | |