



Application for Planning Approval

Land Use Planning and Approvals Act 1993

APPLICATION NO.

SA2022/044

LOCATION OF AFFECTED AREA

203 OLD BEACH RD; 205 OLD BEACH RD; 201 OLD
BEACH RD & LOT 108 LEWIS CRT, OLD BEACH

DESCRIPTION OF DEVELOPMENT PROPOSAL

SUBDIVISION (4 LOTS)

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 QR CODE BELOW. ANY PERSON MAY MAKE WRITTEN REPRESENTATIONS CONCERNING AN APPLICATION UNTIL 4:45 P.M. ON **20/4/2023**. ADDRESSED TO THE GENERAL MANAGER AT 1 TIVOLI ROAD, OLD BEACH, 7017 OR BY EMAIL AT development@brighton.tas.gov.au. REPRESENTATIONS SHOULD INCLUDE A DAYTIME TELEPHONE NUMBER TO ALLOW COUNCIL OFFICERS TO DISCUSS, IF NECESSARY, ANY MATTERS RAISED.

JAMES DRYBURGH
General Manager



Brighton
going places

JMG Ref: 220401PL
Council Ref: SA 2022/044

10th February 2023

Jo Blackwell
Brighton Council
Via development@brighton.tas.gov.au.

Attention: Jo Blackwell

Dear Jo,

RFI RESPONSE - SA2022/044 - 201,203 & 205 OLD BEACH ROAD, OLD BEACH & LOT 108 LEWIS COURT, OLD BEACH

Please refer to the following with regards to the 'request for additional information letter' received from Brighton Council, dated 31st October 2022.

The required additional information is addressed in the sequence below.

1. Future Subdivision Layout

An indicative lot layout for the residential subdivision is provided (Attachment 1), however, this will form part of an S33 application to the Council shortly.

2. Site Plan - Public Open Space

An updated Subdivision Plan is enclosed in Updated Planning Report - Attachment 2 which includes the Public Open Space requested by Council.

3. Road and Railways Asset Code

This is agreed, a new crossover is proposed onto Arbie Lane. We have amended this in the attached report and the application form. We also request Council Consent as Road Authority for the new crossover.

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McGee & Gandy
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4. Natural Assets Code

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

<p>Objective:</p> <p>That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings and works within a waterway and coastal protection area must:</p> <ul style="list-style-type: none"> (a) be within a building area on a sealed plan approved under this planning scheme; (b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or (c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date. 	<p>P1.1</p> <p>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) impacts caused by erosion, siltation, sedimentation and runoff; (b) impacts on riparian or littoral vegetation; (c) maintaining natural streambank and streambed condition, where it exists; (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (e) the need to avoid significantly impeding natural flow and drainage; (f) the need to maintain fish passage, where known to exist; (g) the need to avoid land filling of wetlands; (h) the need to group new facilities with existing facilities, where reasonably practical; (i) minimising cut and fill; (j) building design that responds to the particular size, shape, contours or slope of the land; (k) minimising impacts on coastal processes, including sand movement and wave action; (l) minimising the need for future works for the protection of natural assets, infrastructure and property; (m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and (n) the guidelines in the Tasmanian Coastal Works Manual. <p>P1.2</p> <p>Buildings and works within the spatial extent of tidal waters must be for a use that relies</p>

	<p>upon a coastal location to fulfil its purpose, having regard to:</p> <ul style="list-style-type: none"> (a) the need to access a specific resource in a coastal location; (b) the need to operate a marine farming shore facility; (c) the need to access infrastructure available in a coastal location; (d) the need to service a marine or coastal related activity; (e) provision of essential utility or marine infrastructure; or (f) provisions of open space or for marine-related educational, research, or recreational facilities.
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Re-aligned water and sewer infrastructure is located within Class 4 watercourse or within tidal waters. Therefore, the proposal cannot comply with A1(b) and the performance criteria must be considered.

Works are minimised and relate to the construction of sewerage which will connect to existing infrastructure located within the waterway and coastal protection area.

A Construction Environmental Management Plan will be implemented to ensure impacts caused by erosion, siltation, sedimentation and runoff will be minimised (a). Works will be in accordance with the environmental best practice guidelines in the Wetlands and Waterways Works Manual (m).

Whilst in the waterway and coastal protection area works on riparian vegetation and in-stream natural habitat will be minimised (b) (d) and there will be no impacts to natural streambank, flow, fish passage will be temporary in nature (c) (e) (f).

No cutting or filling is proposed within the wetlands (g) (i).

The proposed infrastructure connects to existing infrastructure (h).

There are no buildings within the waterway (j).

The proposed works will not impact on coastal processes or require future works for the protection of natural assets, infrastructure and property (k) (l) (n).

Therefore, the proposal complies with P1.1.

No works are proposed within the spatial extent of tidal waters. Therefore P1.2 is not applicable.

Acceptable Solutions	Performance Criteria
<p>A2</p> <p>Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.</p>	<p>P2</p> <p>***</p>

No works are proposed within a future coastal refugia area. Therefore, A2/P2 is not applicable.

Acceptable Solutions	Performance Criteria
<p>A3</p> <p>Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</p>	<p>P3</p> <p>Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) the need to minimise impacts on water quality; and (b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff.

Development within the waterway and coastal protection area does not involve a new stormwater point discharge into a water course, wetland or lake.

As such the proposal complies with A3.

This information is also within the Updated Planning Report.

5. Flood-Prone Areas Hazard Code

As the lots are very large and could easily accommodate residential development outside the flood area. We have attached a Flood Plan in the Updated Planning Report - Attachment 6. The full Flood Report will be available in the S33 application to be lodged with Council shortly.

6. Bushfire Prone Areas Code

An amended Bushfire Hazard Report was lodged with TFS on 9/02. The report will be provided shortly once TFS signed off.

The above is encapsulated in an updated planning report and application form.

We trust this satisfies Council's request and we can move swiftly to advertising the proposal, however, if further information or clarification is required with respect to this request, please contact me at 6231 2555 or planning@jmg.net.au.

Yours faithfully

JOHNSTONE McGEE & GANDY PTY LTD

A handwritten signature in black ink, reading 'Mingming Ma', is positioned below the company name. The signature is written in a cursive, flowing style.

**MINGMING MA
TOWN PLANNER**

ATTACHMENT 1

Indicative Subdivision Plan

IMPORTANT NOTE:

This plan was prepared as a proposed subdivision to accompany a subdivision application to the Brighton Council and should not be used for any other purpose. The dimensions, areas and total number of lots shown hereon are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land. This note is an integral part of this plan.

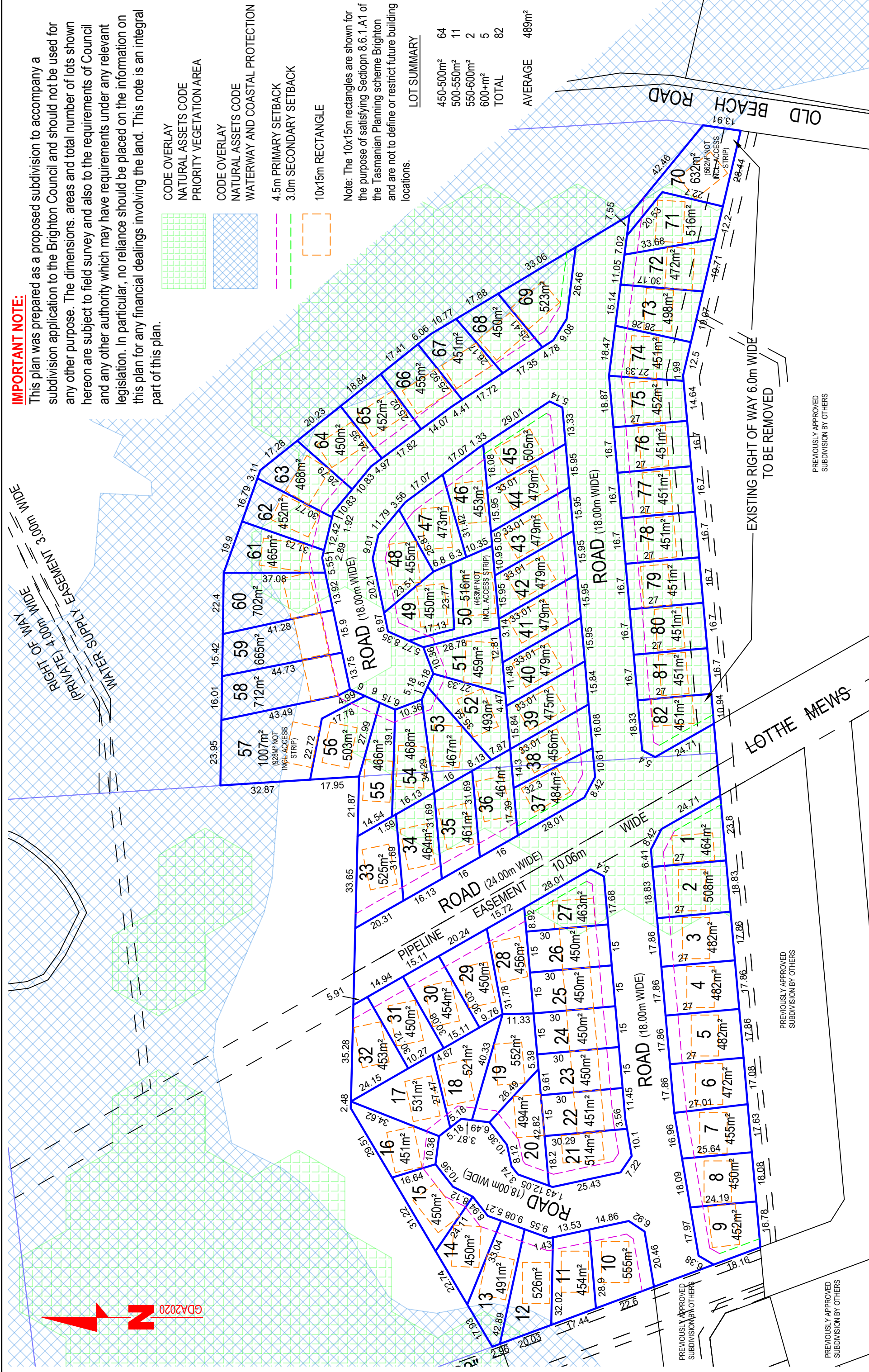
- CODE OVERLAY
NATURAL ASSETS CODE
PRIORITY VEGETATION AREA
- CODE OVERLAY
NATURAL ASSETS CODE
WATERWAY AND COASTAL PROTECTION
- 4.5m PRIMARY SETBACK
3.0m SECONDARY SETBACK
- 10x15m RECTANGLE

Note: The 10x15m rectangles are shown for the purpose of satisfying Section 8.6.1.A1 of the Tasmanian Planning scheme Brighton and are not to define or restrict future building locations.

LOT SUMMARY

450-500m ²	64
500-550m ²	11
550-600m ²	2
600+m ²	5
TOTAL	82

AVERAGE 489m²



AMENDMENTS		Project Name and Address	PLAN OF SUBDIVISION	Scale	FILE REF:
No.	Revision/Issue	203-205 OLD BEACH RD OLD BEACH TAS 7017	PROPOSED BOUNDARIES	0 10 25 35 50 1:1250 at A3	12946
	Date		Client		
		Unit G04 40 Malle Street, HOBART TAS 7000 P 03 6118 2030 E admin@ccsurvey.com	KUNAMA CONSTRUCTIONS PTY LTD	1.00 m	1294602
				29-7-2022	1294602
				SHEET 1 of 2	GDA 2020
				DRAWN MC	AHD 83
				CHECKED TC	

1. Site, Location & Context

The proposed development site (site) consists of five parcels:

- 203 Old Beach Road, Old Beach (CT 123119/1)
- 205 Old Beach Road, Old Beach (CT 135401/7)
- Lottie Mews, Old Beach (CT181742/2)
- Part of Lot 3 Lewis Court, Old Beach (CT183730/3)
- Part of Lot 4 Lewis Court, Old Beach (CT183730/4).

The land at 203 Old Beach Road, Old Beach (CT 123119/1) has a total area of 6.676ha with approximately 320m frontage to Old Beach Road and Lottie Mews. The land at 205 Old Beach Road, Old Beach (CT 135401/7) has a total area of 5.885ha.

Two rights of way (4m and 6m) burden the land at 203 Old Beach Road in favour of the land at 205 Old Beach Road via Old Beach Road. Lot 7 has a 10.06m wide pipeline easement. A 3m wide water supply easement is within Lot 1 and extended to Lot 7. There are existing dwellings and sheds on the subject site (Lot 1 and Lot 7) (See Figure 1). Land to the south and south-west of 203 and 205 Old Beach Road has been subdivided into residential lots. Vacant land lies directly to the north of Gage Brook with residential lots beyond. To the west of Old Beach Road are agricultural uses. Title Information is provided in Attachment 1.



Figure 1. Aerial View of Subject Site and Surrounding land (Source LISTmap - 30.08.2022).

2. Proposal

The proposal seeks approval for 2 two-lot subdivisions at 203 & 205 Old Beach Road, Old Beach.

Lot 7 will be subdivided into Lot 3 (Balance Lot) with an area of 2.261ha and Lot 2 with an area of 2.624ha.

Lot 1 will be subdivided into Lot 4 (Balance Lot) with an area of 2.881ha and Lot 1 with an area of 3.795ha.

Details of the proposed subdivision are within the Subdivision Plan (Attachment 2).

The proposed lots 1 and 2 will use a new driveway access via Lottie Mews.

A new DN150 TasWater Sewer Main in a 2.5m wide easement will be constructed on the proposed Lot 3 and proposed Lot 2 connecting the existing sewer manhole at Lot 4 Lewis Court, Old Beach. Further details of the proposed services and infrastructure are within the Concept Services Plans (Attachment 3).

3. Planning Assessment

The applicable planning instrument in the assessment of the application is the *Tasmanian Planning Scheme - Brighton Local Provisions Schedule* ('the Planning Scheme'). The site is zoned Future Urban as shown in Figure 2.

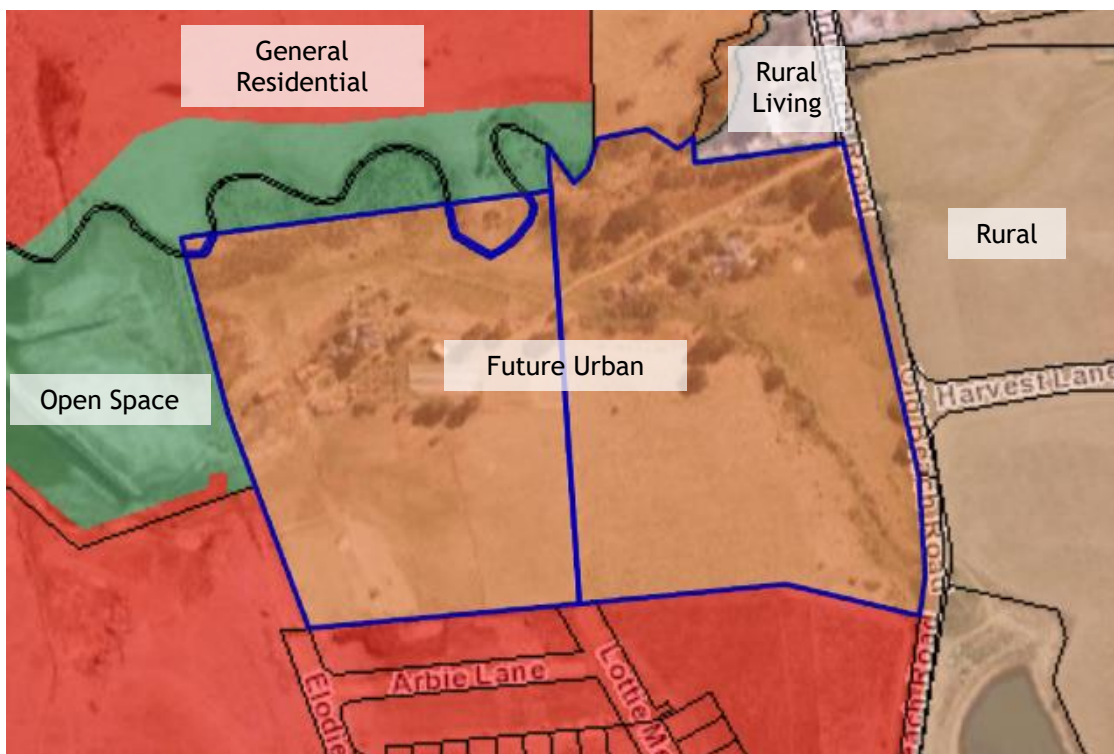


Figure 2: Zoning Map of the Site and Surrounding Area (Source from LISTmap - 30.08.2022).

The site is subject to Bushfire-prone Areas overlay and partially within Priority Vegetation Area overlay (Figure 3), and Waterway and Coastal Protection Area (Figure 4). Therefore, provisions under Natural Assets Code [C7.0] and Bushfire-Prone Areas Code [C13.0] need to be considered.

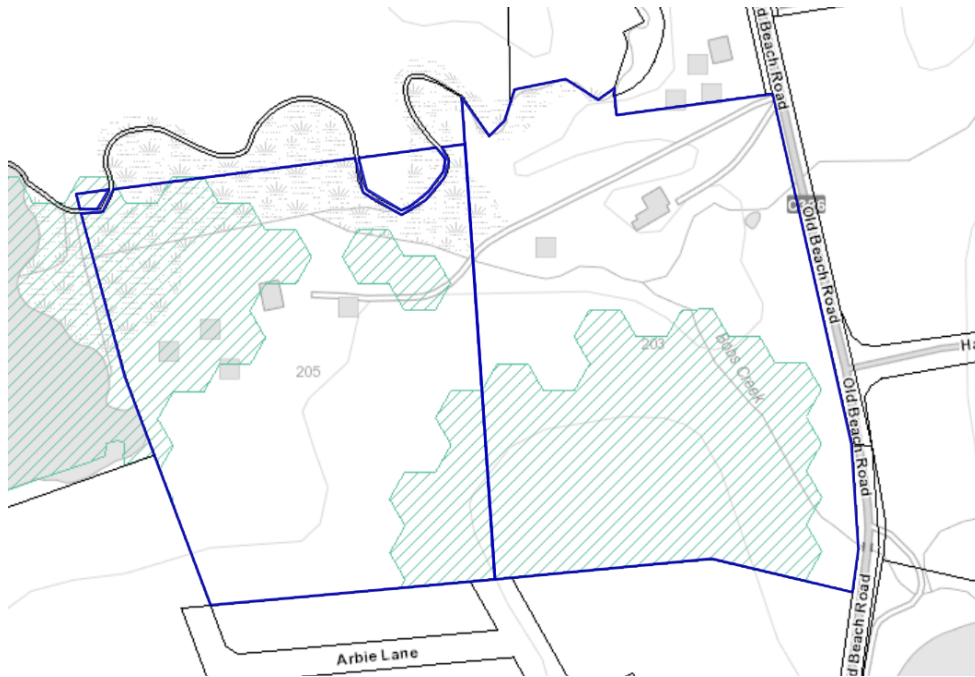


Figure 3: Priority Vegetation Area overlay (Source from LISTmap - 30.08.2022).

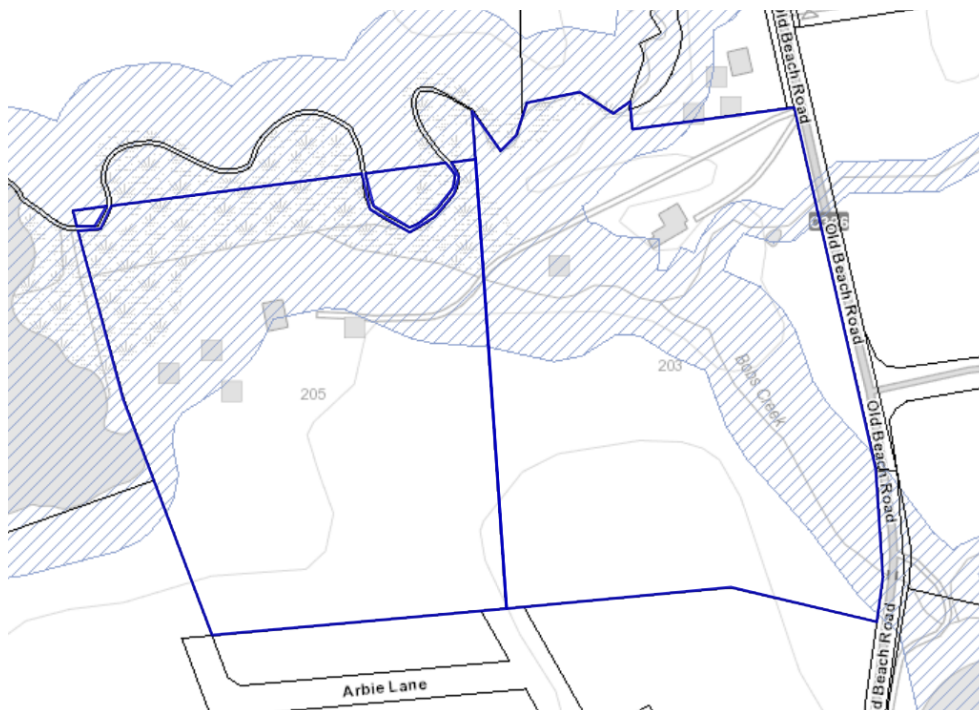


Figure 4: Waterway and Coastal Protection Area (Source from LISTmap - 30.08.2022).

Zone - Future Urban Zone [30.0]

The proposal is for two 2-lot subdivisions within the Future Urban Zone, therefore provisions under Section 30.5 Development Standards for Subdivision need to be considered.

30.5.1 Lot design

<p>Objective: That subdivision of land not in accordance with a specific area plan does not prejudice the efficient future utilisation of land for urban development.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be:</p> <p>(a) required for public use by the Crown, a council or a State authority;</p> <p>(b) be required for the provision of Utilities; or</p> <p>(c) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be for the excision of an existing dwelling provided that the lot design and layout does not preclude or hinder the effective and efficient future subdivision and development of the land to urban densities, having regard to:</p> <p>(a) any existing access arrangements; and</p> <p>(b) the location of any services.</p>

As the proposed subdivision is not for public use by the Crown, a Council or a State authority, therefore, it cannot meet the Acceptable Solution, thus the Performance Criteria needs to be considered.

The proposed subdivision is to excise the two existing dwellings from the subject site. The proposed layout of new lots will not preclude or hinder the effective and efficient future subdivision by avoiding interactions with the Waterway and Coastal Protection overlay and Bobs Creek and keeping the proposed new lots to enable future development. There is one 4m right of way on the proposed Lot 4 to provide access to balance Lot 3. The proposed Lot 2 will use the new access from the proposed Lot 1. In addition, the proposed Lot 1 and Lot 2 also connects to the existing subdivision road (Lottie Mews) on the north side of the subject site (a).

Services have been considered within the lot design and will not hinder the future development of land, see Attachment 2 (b).

As such, the proposal complies with 30.5.1 P1.

4. Code and Overlay

The site is subject to Bushfire-prone Areas overlay and partially within Priority Vegetation Area overlay (Figure 3), and Waterway and Coastal Protection Area (Figure 4). Therefore, provisions under Natural Assets Code [C7.0] and Bushfire-Prone Areas Code [C13.0] need to be considered.

As there are no exemptions to Parking and Sustainable Transport Code [C2.0] and Road and Railway Assets Code [C3.0], the provisions under both codes need to be considered.

C2.0 Parking and Sustainable Transport Code

The proposal is for two 2-lot subdivisions within a Future Urban Zone, therefore, a number of provisions are not considered applicable listed below:

- C2.5.1 Car parking numbers
- C2.5.2 Bicycle parking numbers
- C2.5.3 Motorcycle parking numbers
- C2.5.4 Loading bays
- C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone
- C2.6.1 Construction of parking areas
- C2.6.2 Design and layout of parking areas
- C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone
- C2.6.5 Pedestrian access
- C2.6.6 Loading bays
- C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone
- C2.6.8 Siting of parking and turning areas

C2.6.3 Number of accesses for vehicles

Objective:	
That:	
(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;	
(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and	
(c) the number of accesses minimise impacts on the streetscape.	
Acceptable Solutions	Performance Criteria
A1 The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater.	P1 ***

Each proposed lot has one access; therefore, the proposal complies with C2.6.3 A1.

Acceptable Solutions	Performance Criteria
A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.	P2 ***

The subject site is not within Central Business Zone or in a pedestrian priority street, therefore, C2.6.3 A2 is not applicable.

C2.7.1 Parking precinct plan

The subject site is not within a parking precinct plan, therefore, C2.7.1 A1 is not applicable.

C3.0 Road and Railway Assets Code

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

<p>Objective: To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.</p>	
Acceptable Solutions	Performance Criteria
<p>A1.1</p> <p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. <p>A1.2</p> <p>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3</p> <p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4</p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road. <p>A1.5</p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>P1</p> <p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.

Old Beach Road is not a Category 1 or 2 roads, accordingly, A1.1 is considered as not applicable.

No new junction is proposed, thus A1.2 is not applicable.

No railway crossing is proposed, thus A1.3 is not applicable.

The vehicle traffic will be able to enter and leave the site or a major road in a forward direction based on the site having sufficient space for vehicle movements (A1.5).

As the vehicular traffic of the site will increase by more than 10% or 10 vehicle movements per day, the proposed development cannot meet C3.5.1 A1.4, therefore P1 must be considered.

The site traffic will increase by 200% as the dwellings on the site will increase from two to four (approximately an additional 16-20 vmpd (a).

The nature of the traffic is mostly light vehicles as the site is for future residential use (b).

Most traffic from the development will be on Lottie Mews and Old Beach Road. Both of the streets are not category 1 or 2 roads (c).

The speed limit is 50kmph (d).

No alternative access will be provided on-site (e).

The access is for private vehicle movement to access residential dwellings (f).

The proposed lots are for future residential use, no traffic impact assessment will be provided at this stage (g).

No written advice has been received from the road authority (h).

On the basis above, the proposal complies with C3.5.1 P1.

C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area

No buildings and works are proposed within a road or railway attenuation area, therefore, C3.6.1 is not applicable.

C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area

The subject site is not within a road or railway attenuation area, therefore, provision C3.7.1 is not applicable.

C7.0 Natural Assets Code

As the proposal is for subdivision within the Waterway and Coastal Protection Area and a Priority Vegetation Area, the provisions under the Natural Assets Code need to be considered.

A Natural Values Assessment (Attachment 4) is provided which found no threatened vegetation communities, threatened species or threatened species habitat present. Development on this site will not impact on any significant natural values.

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

<p>Objective: That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Buildings and works within a waterway and coastal protection area must:</p> <p>(a) be within a building area on a sealed plan approved under this planning scheme;</p> <p>(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or</p> <p>(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.</p>	<p>P1</p> <p>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <p>(a) impacts caused by erosion, siltation, sedimentation and runoff;</p> <p>(b) impacts on riparian or littoral vegetation;</p> <p>(c) maintaining natural streambank and streambed condition, where it exists;</p> <p>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</p> <p>(e) the need to avoid significantly impeding natural flow and drainage;</p> <p>(f) the need to maintain fish passage, where known to exist;</p> <p>(g) the need to avoid land filling of wetlands;</p> <p>(h) the need to group new facilities with existing facilities, where reasonably practical;</p> <p>(i) minimising cut and fill;</p> <p>(j) building design that responds to the particular size, shape, contours or slope of the land;</p> <p>(k) minimising impacts on coastal processes, including sand movement and wave action;</p> <p>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</p> <p>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</p> <p>(n) the guidelines in the Tasmanian Coastal Works Manual.</p> <p>P1.2</p> <p>Buildings and works within the spatial extent of</p>

	<p>tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <ul style="list-style-type: none"> (a) the need to access a specific resource in a coastal location; (b) the need to operate a marine farming shore facility; (c) the need to access infrastructure available in a coastal location; (d) the need to service a marine or coastal related activity; (e) provision of essential utility or marine infrastructure; or <p>provisions of open space or for marine-related educational, research, or recreational facilities.</p>
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Re-aligned water and sewer infrastructure is located within Class 4 watercourse or within tidal waters. Therefore, the proposal cannot comply with A1(b) and the performance criteria must be considered.

Works are minimised and relate to the construction of sewerage which will connect to existing infrastructure located within the waterway and coastal protection area.

A Construction Environmental Management Plan will be implemented to ensure impacts caused by erosion, siltation, sedimentation and runoff will be minimised (a). Works will be in accordance with the environmental best practice guidelines in the Wetlands and Waterways Works Manual (m).

Whilst in the waterway and coastal protection area works on riparian vegetation and in-stream natural habitat will be minimised (b) (d) and there will be no impacts to natural streambank, flow, fish passage will be temporary in nature (c) (e) (f).

No cutting or filling is proposed within the wetlands (g) (i).

The proposed infrastructure connects to existing infrastructure (h).

There are no buildings within the waterway (j).

The proposed works will not impact on coastal processes or require future works for the protection of natural assets, infrastructure and property (k) (l) (n).

Therefore, the proposal complies with P1.1.

No works are proposed within the spatial extent of tidal waters. Therefore P1.2 is not applicable.

Acceptable Solutions	Performance Criteria
<p>A2</p> <p>Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.</p>	<p>P2</p> <p>***</p>

There is no future coastal refugia area within the subject site, therefore, the clause under C7.6.1 A2 is not considered applicable.

Acceptable Solutions	Performance Criteria
A3 Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.	P3 Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to: (a) the need to minimise impacts on water quality; and (b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff.

There is no new stormwater point discharge into a watercourse, wetland or lake within a waterway and coastal protection area, therefore, C7.6.1 A3 is not applicable.

Acceptable Solutions	Performance Criteria
A4 Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.	P4 ***

There are no dredging or reclamation works proposed on site, therefore, C7.6.1 A4 is not applicable.

Acceptable Solutions	Performance Criteria
A5 Coastal protection works or watercourse erosion or inundation protection works must not occur within a waterway and coastal protection area or a future coastal refugia area.	P5 ***

There are no coastal protection works or watercourse erosion or inundation protection works proposed on site, therefore, C7.6.1 A5 is not applicable.

C7.6.2 Clearance within a priority vegetation area

As there are no clearance works proposed within the priority vegetation area, the sub-clauses under C7.6.2 are not considered applicable.

C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

<p>Objective: That:</p> <p>(a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:</p> <p>(a) be for the creation of separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:</p> <p>(a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and (b) future development likely to be facilitated by the subdivision.</p>

As the proposed lots are unable to meet the requirements of the acceptable solutions the performance criteria need to be considered.

The proposed subdivision minimises adverse impacts on natural assets including:

- locating building areas and associated bushfire hazard management areas are outside of the waterway and coastal protection area (a). A Bushfire Hazard Report has been prepared and is with the Tasmania Fire Service for assessment.
- The subdivision will facilitate future residential development which will be able to minimise impacts on the waterway (b).

As such, the proposal complies with C7.7.1 P1.

C7.7.2 Subdivision within a priority vegetation area

<p>Objective: That:</p> <p>(a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.</p>
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Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <ul style="list-style-type: none"> (a) be for the purposes of creating separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area. 	<p>P1.1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> (a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person; (b) subdivision for the construction of a single dwelling or an associated outbuilding; (c) subdivision in the General Residential Zone or Low Density Residential Zone; (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design; (e) subdivision involving clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or (f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site. <p>P1.2</p> <p>Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <ul style="list-style-type: none"> (a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards; (b) any particular requirements for the works and future development likely to be facilitated by the subdivision; (c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings; (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation (e) any on-site biodiversity offsets; and (f) any existing cleared areas on the site.

As the proposed lots are unable to meet the requirements of the Acceptable Solutions the Performance Criteria need to be considered.

A Natural Values Assessment is provided in Attachment 4, indicating there is no priority vegetation within the proposed Lots. Therefore, the proposed works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation (P1).

C12.0 Flood-Prone Areas Code

As the lots are very large and could easily accommodate residential development outside the flood area. We have attached a Flood Plan in Attachment 4. The full report will be available in the S33 application to be lodged with Council shortly.

C13.0 Bushfire-Prone Areas Code

The subject site is fully covered by the Bushfire-prone Area overlay, therefore provisions under the Bushfire-Prone Areas Code need to be considered.

As the proposal is not for vulnerable or hazardous uses, therefore, clauses under C13.5.1 and C13.5.2 are not considered applicable.

C13.6.1 Provision of hazard management areas

Objective: That subdivision provides for hazard management areas that:	
(a) facilitate an integrated approach between subdivision and subsequent building on a lot;	
(b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and	
(c) provide protection for lots at any stage of a staged subdivision.	
Acceptable Solutions	Performance Criteria
A1	P1
(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or	***
(b) The proposed plan of subdivision:	
(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;	
(ii) shows the building area for each lot;	
(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances	

<p>required for BAL 19 in Table 2.6 of Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than the separation distances required for BAL 19 in Table 2.6 of Australian Standard AS3959:2018 Construction of buildings in bushfire-prone Areas; and</p> <p>(c) if hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	
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The proposal complies with A1(b)(i) of C13.6.1 Subdivision: Provision of hazard management areas of the planning scheme as the attached proposed plan of subdivision includes both the lots that are proposed within a bushfire-prone area. The proposed subdivision would not be staged. The proposal complies with A1(b)(ii) and (iii) as the plan of subdivision shows building areas for each lot and hazard management areas between the building areas and bushfire-prone vegetation greater than the separation distances required for BAL-19 in AS3959:2018.

A1(b)(iv) is also met as the attached BHMP also shows hazard management areas between the building areas and bushfire-prone vegetation equal to or greater than the separation distances required for BAL-19 in AS3959:2018 and is certified by an accredited person. A1(c) is not relevant as hazard management areas would not be located on land external to the proposed subdivision.

Throughout construction and until lots are sold and settled all vegetation within the hazard management area must be maintained to a Low Threat Level in accordance with AS3959-2018 by the developer.

A Bushfire Hazard Report has been prepared and is with the Tasmania Fire Service for assessment.

As such, the proposal complies with C13.6.1 A1.

C13.6.2 Public and fire fighting access

<p>Objective: That access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <p>(a) allow safe access and egress for residents, fire fighters and emergency service personnel;</p>

<p>(b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack, and for hazard management works to be undertaken;</p> <p>(c) are designed and constructed to allow for fire appliances to be manoeuvred;</p> <p>(d) provide access to water supplies for fire appliances; and</p> <p>(e) are designed to allow connectivity, and where needed, offering multiple evacuation points.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas, is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table C13.1, proposed property accesses will comply with Table C13.2 and proposed fire trails will comply with Table C13.3 and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p>P1</p> <p>***</p>

The proposal complies with sub-clause (b) under A1 as the attached Bushfire Hazard Report shows the layout of fire tanks and building areas with a bushfire hazard management plan and is compliant with the standards contained within Table C13.1, C13.2 and C13.3.

As such, the proposal complies with C13.6.2 A1.

5. Summary

The proposal seeks to obtain a planning permit for two 2-lot subdivisions at 203 & 205 Old Beach Road, Old Beach.

A new crossover will be constructed for proposed Lot 1 along the south boundary via Old Beach Road. A 6m right of way is proposed on proposed Lot 1 to enable vehicle movement and access to proposed Lot 2.

The lots are capable of being serviced.

The application generates the following discretions under the *Tasmanian Planning Scheme - Brighton Local Provisions Schedule*:

- 30.5 Development Standards for Subdivision
 - 30.5.1 Lot Design P1;
- C7.0 Natural Assets Code
 - C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area P1;
 - C7.7.2 Subdivision within a priority vegetation area.
- C3.0 Road and Railway Assets Code
 - C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction.

The proposal has been assessed against the relevant performance criteria and found to comply. In conclusion, the application is considered to meet the relevant Planning Scheme standards and therefore should be supported by the Planning Authority.

If Council requires any further information or clarification with respect to this application, please contact me at 6231 2555 or planning@jmg.net.au.

Yours faithfully

JOHNSTONE MCGEE & GANDY PTY LTD



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Town Planner