

ATTACHMENT 3 - STATUTORY ASSESSMENT

PLANNING SCHEME REQUIREMENTS

Zone Purpose

3.1 Zone Purpose

11.0 Rural Living Zone

The purpose of the Rural Living Zone is:

11.0.1 To provide for residential use or development in a rural setting where:

- (a) services are limited; or
- (b) existing natural and landscape values are to be retained.

11.0.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.

11.0.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.

11.0.4 To provide for Visitor Accommodation that is compatible with residential character.

Consistent

The subdivision will allow for residential use to occur within a rural setting noting that the existing landscape values can be retained, meeting the purpose of the zone.

11.4.1 Site coverage

That the site coverage:

- (a) is compatible with the character of existing development in the area; and
- (b) assists with the management of stormwater runoff.

Consistent

Site coverage will only affect Lot 17. The site coverage of this lot is compatible with the existing development in the area, and is able to effectively manage stormwater, meeting the objective.

A1 The site coverage must be not more than 400m².

Relies on Performance Criteria

Lot 17 contains two existing dwellings and outbuildings associated with the former rural use. The site coverage for this title will be approximately 750sqm, and as such reliance on the performance criteria is required.

P1 The site coverage must be consistent with that existing on established properties in the area, having regard to:

- (a) the topography of the site;
- (b) the capacity of the site to absorb runoff;
- (c) the size and shape of the site;
- (d) the existing buildings and any constraints imposed by existing development;
- (e) the need to remove vegetation; and
- (f) the character of development existing on established properties in the area.

Complies

All development on the lot is existing. The retention of the buildings will ensure no further development is proposed (such as demolition). The site will maintain its existing stormwater arrangements, being on-site retention and drainage over overland paths, meeting the performance criteria.

11.4.2 Building height, setback and siting

That height, setback and siting of buildings:

- (a) is compatible with the character of the area;
- (b) does not cause an unreasonable loss of amenity;
- (c) minimises the impact on the natural values of the area; and
- (d) minimises the impact on adjacent uses.

Consistent

The existing buildings on site will not cause an unreasonable loss of amenity and will minimise impacts on adjacent sensitive uses, meeting the objective of the clause.

A3 Buildings must have a setback from side and rear boundaries of not less than 10m.

Relies on Performance Criteria

There are several small outbuildings within lot 17 that are setback less than 10m from the northern side boundary. However, as this boundary and the buildings are existing, it is not considered necessary to consider the clause. Notwithstanding, it is noted that the southern existing dwelling is setback 4.8m from the new southern side boundary, and therefore reliance on the performance criteria is required.

P3 Buildings must be sited to not cause an unreasonable loss of amenity to adjoining properties, having regard to:

- (a) the topography of the site;
- (b) the size, shape and orientation of the site;
- (c) the setbacks of surrounding buildings;
- (d) the height bulk and form of existing and proposed buildings;

- (e) the character of the development existing on established properties in the area; and
- (f) any overshadowing of adjoining properties or public places.

Complies

The dwellings setback is considered reasonable. It is noted that the design of the subdivision overall has considered the existing topography and lot size requirements. As the dwelling is existing, any future development on the southern adjoining lot will be able to consider the existing impact from the dwelling. There will be no overshadowing of adjoining properties, with the proposal meeting the performance criteria.

11.5.1 Lot design

That each lot:

- (a) has an area and dimensions appropriate for use and development in the zone;
- (b) is provided with appropriate access to a road; and
- (c) contains areas which are suitable for residential development.

Consistent

The proposal ensures that each lot is of a size and dimension appropriate for a residential use, accessible via a road, and is suitable for development, meeting the objective.

A1 Each lot, or a lot proposed in a plan of subdivision, must:

- (a) have an area not less than specified in Table 11.1 and:
 - (i) be able to contain a minimum area of 15m x 20m clear of:
 - a. all setbacks required by clause 11.4.2 A2 and A3; and
 - b. easements or other title restrictions that limit or restrict development; and
 - (ii) existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3;
- (b) be required for public use by the Crown, a council or a State authority;
- (c) be required for the provision of Utilities; or
- (d) be for the consolidation of a lot with another lot provided each lot is within the same zone.

Relies on Performance Criteria

Under Table 11.1, Rural Living A lots must have a minimum lot size of 1ha. All properties meet this size requirement. Furthermore, each lot is able to contain a minimum area of 51m x 20m that is able to meet the acceptable solutions for setbacks under clause 11.4.2 A2 and A3, as well as clear of any easements.

However, an existing building on lot 17 is unable to meet the acceptable solution for the southern side setback under clause 11.4.2, and therefore the proposal relies on the performance criteria.

P1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to:

- (a) the relevant requirements for development of existing buildings on the lots;
- (b) the intended location of buildings on the lots;
- (c) the topography of the site;
- (d) any natural or landscape values;
- (e) adequate provision of private open space; and
- (f) the pattern of development existing on established properties in the area,
- (g) and must be no more than 20% smaller than the applicable lot size required by clause 11.5.1 A1.

Complies

The location of the building is not expected to impact the ability for Lot 17 to be utilised for residential purposes. The buildings are established, and the site is large enough to accommodate future development if necessary. There is adequate provision for private open space, and the location of the buildings in terms of side setbacks are consistent with other dwellings in the area, notable the existing sheds on site in relation to the northern side setback. The development meets the performance criteria.

A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 40m.

Relies on Performance Criteria

The following lots have a frontage less than 40m wide:

Lots 9, 12, 13, 14, 15, 16, 17, 18, 21, and 22. All other lots exceed the 40m frontage. As such, reliance on the performance criteria is required.

P2 Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:

- (a) the width of frontage proposed, if any;
- (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;
- (c) the topography of the site;
- (d) the functionality and useability of the frontage;
- (e) the ability to manoeuvre vehicles on the site; and
- (f) the pattern of development existing on established properties in the area,

and is not less than 3.6m wide.

Complies

Lots 9, 12, 13, and 16 will each have a useable and safe frontage access constructed in accordance with relevant standards. Lots 14 and 15 will utilise a shared right of way, at 18.0m wide it is appropriate to provide access to both lots. Lots 17 and 18 will share a 14.0m wide access strip in the form of a right of way allowing access. Lot 17 will also retain access to Tasman Highway. Lots 21 and 22 will also share a 14.0m wide access strip in the form of a right of way.

The access areas were chosen taking into consideration the mild topography of the lane. Each lot will have a safe and useable access from a public road, with an ability to manoeuvre into and out of each property. Surrounding rural living estates have several examples of similar accesses sharing right of ways or access strips, especially for internal lots. All lots will have a frontage that exceeds 3.6m.

The proposal complies with the performance criteria.

A3 Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.

Complies

Each lot will have vehicular access to a frontage that will be constructed in accordance with the requirements of the road authority.

11.5.2 Roads

That the arrangement of new roads with a subdivision provides:

- (a) safe, convenient and efficient connections to assist accessibility and mobility of the community;
- (b) adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and
- (c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.

Consistent

The inclusion of a new road will ensure safe, convenient, and efficient connections to all properties, meeting the objective.

A1 The subdivision includes no new roads.

Relies on Performance Criteria

As a new road is proposed, reliance on the performance criteria is required.

P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, having regard to:

- (a) any relevant road network plan adopted by the council;
- (b) the existing and proposed road hierarchy;
- (c) maximising connectivity with the surrounding road network;
- (d) appropriate access to public transport; and
- (e) access for pedestrians and cyclists.

Complies

The new road will be in the form of a cul-de-sac. Noting there is not road network plan, the cul-de-sac will connect into Boomed Road to a rural standard, which has been established within the area. No public transport exists within the immediate area. Pedestrians and cyclists will be able to utilise the road, noting the rural nature of the area. The application meets the performance criteria.

11.5.3 Services

That the subdivision of land provides services for the future use and development of the land.

Consistent

Each lot will be able to be adequately serviced, meeting the objective.

A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:

- (a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or
- (b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service,
- (c) unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.

Complies

Each lot will connect into reticulated water.

A2 Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must:

- (a) be connected to a reticulated sewerage system; or
- (b) be connected to a reticulated sewerage system if the frontage of each lot is within 30m of a reticulated sewerage system and can be connected by gravity feed.

Relies on Performance Criteria

As no reticulated sewerage connections are proposed, reliance on the performance criteria is required.

P2 Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.

Complies

The site will be rezoned to Rural Living A. Each lot is of a sufficient size to accommodate on-site wastewater treatment systems adequate to facilitate future use and development of the land, meeting the performance criteria.

C3.0 Road and Railway Assets Code

The purpose of the Road and Railway Assets Code is:

C3.1.1 To protect the safety and efficiency of the road and railway networks; and

C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

Consistent

The proposal ensures the safety and efficiency of the road network is retained, meeting the purpose of the code.

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

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.

Consistent

The proposal ensures minimal adverse effects on the safety and efficiency of the road network, meeting the objective.

A1.2 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.

Relies on Performance Criteria

Whilst consent to lodge the application has been granted, written consent for the new junction on Boomer Road is still outstanding, and therefore reliance on the performance criteria is required.

A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.
Complies All traffic is able to enter and leave in a forward direction.
P1 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: <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.
Complies The applicant provided a Traffic Impact Assessment, prepared by qualified traffic engineers at Traffic & Civil Services, to assist in the assessment of the proposal. The subdivision will result in 207 vehicle trips accessing Tasman Highway from Boomer Road, and 126 vehicle trips accessing Boomer Road. The proposed upgrades to the Tasman Highway and Boomer Road intersection are consistent with Australian Road, Department of State Growth, and City of Launceston guidelines for projected traffic in 2033, demonstrating the traffic generation is able to be absorbed into the road network. The nature of the traffic generated by the use will be 98% light vehicles, where are the type of vehicles rural roads are able to manage. Boomer Road has a speed limit of 60kmh, whilst Tasman Highway is 100kmh. The upgrades to the intersection junction allows for safe access. There are no other alternative accesses available. The traffic report finds no reason to disallow the proposal due to traffic impacts. Council as the road authority supports the proposal on the basis that Boomer Road will be upgraded to ensure the increase in traffic is achievable. The proposal complies with the performance criteria.
C7.0 Natural Assets Code
The purpose of the Natural Assets Code is:

C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.
C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.
C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.
C7.1.4 To minimise impacts on identified priority vegetation.
C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

Consistent

The proposal ensures minimal impact on water quality and priority vegetation, meeting the purpose of the code. The applicant provided a Flora and Fauna Report, prepared by qualified person Sally Scrivens to assist in the assessment of the subdivision.

C7.6.2 Clearance within a priority vegetation area

That clearance of native vegetation within a priority vegetation area:
(a) does not result in unreasonable loss of priority vegetation;
(b) is appropriately managed to adequately protect identified priority vegetation; and
(c) minimises and appropriately manages impacts from construction and development activities..

Consistent

A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.

Complies

No clearing of native vegetation is proposed as part of the subdivision.

P1.1 Clearance of native vegetation within a priority vegetation area must be for:
(a) 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) buildings and works associated with 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) 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) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.

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

That:

- (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.

Consistent

The proposal ensures minimal impact on the waterway, meeting the objective.

A1 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:

- (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.

Relies on Performance Criteria

As the subdivision is unable to meet (a) through to (e), reliance on the performance criteria is required.

P1 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:

- (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.

Complies

The provided flora and fauna report has confirmed that access for lot 9 is within the waterway buffer is appropriate. Notwithstanding, all building areas and bushfire hazard management area are outside of the waterway protection area, demonstrating compliance with the performance criteria.

C7.7.2 Subdivision within a priority vegetation area

That:

- (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.

Consistent

The proposal ensures the subdivision will not have an unnecessary or unacceptable impact on priority vegetation, meeting the objective.

A1 Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:

- (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.

Relies on Performance Criteria

As works will inevitably occur within the priority vegetation area, reliance on the performance criteria is required.

P1.1 Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:

- (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.

Complies

The submitted flora and fauna report has concluded that the subdivision and subsequent development will have minimal impacts on the priority vegetation, noting that no threatened flora or fauna species are considered to be at a greater risk of being impacted by the proposed subdivision. This meets Performance Criteria P1.1(f).

P1.2 Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

- (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.

Complies

The submitted flora and fauna report has concluded that none of the native vegetation communities are expected to be cleared as a result of the proposed subdivision. The subdivision design has considered bushfire requirements and lot layout to ensure the vegetation is protected. As such, the proposal complies with the performance criteria.

C13.0 Bushfire-Prone Areas Code

The purpose of the Bushfire-Prone Areas Code is:

C13.1.1 To ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

Consistent

The proposal ensures the subdivision is appropriately designed and located to reduce risk to human life and property to meet the objective. The application is supported by a Bushfire Hazard Management report, prepared by accredited practitioner Michael Tempest.

C13.6.1 Provision of hazard management areas

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.

Consistent

A1

- (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 required for BAL 19 in Table 2.6 of *Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas*; and
 - (iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than the separation distances required for BAL 19 in Table 2.6 of *Australian Standard AS3959-2018 Construction of buildings in bushfire-prone Areas*; and
- (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.

Complies

The bushfire report confirms each lot is able to provide for BAL 19, meeting A1(b).

C13.6.2 Public and fire fighting access

That access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, fire fighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack, and for hazard management works to be undertaken;

<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>
Consistent
<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>Complies</p> <p>The bushfire report confirms access complies with relevant tables, meeting A1(b).</p>

C13.6.3 Provision of water supply for fire fighting purposes

<p>That an adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage to allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.</p>
Consistent
<p>A1</p> <p>In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table C13.4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting</p>

purposes is sufficient to manage the risks to property and lives in the event of a bushfire.

Complies

The bushfire report confirms reticulated water supply complies with the relevant table, meeting A1(b).

A2

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

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

(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table C13.5; or

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

Complies

The bushfire report confirms static water supply complies with relevant table, meeting A2(b).