

Development Applications

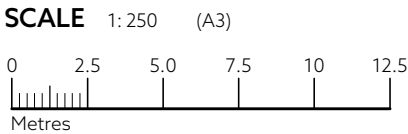
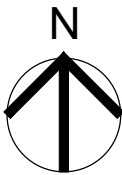
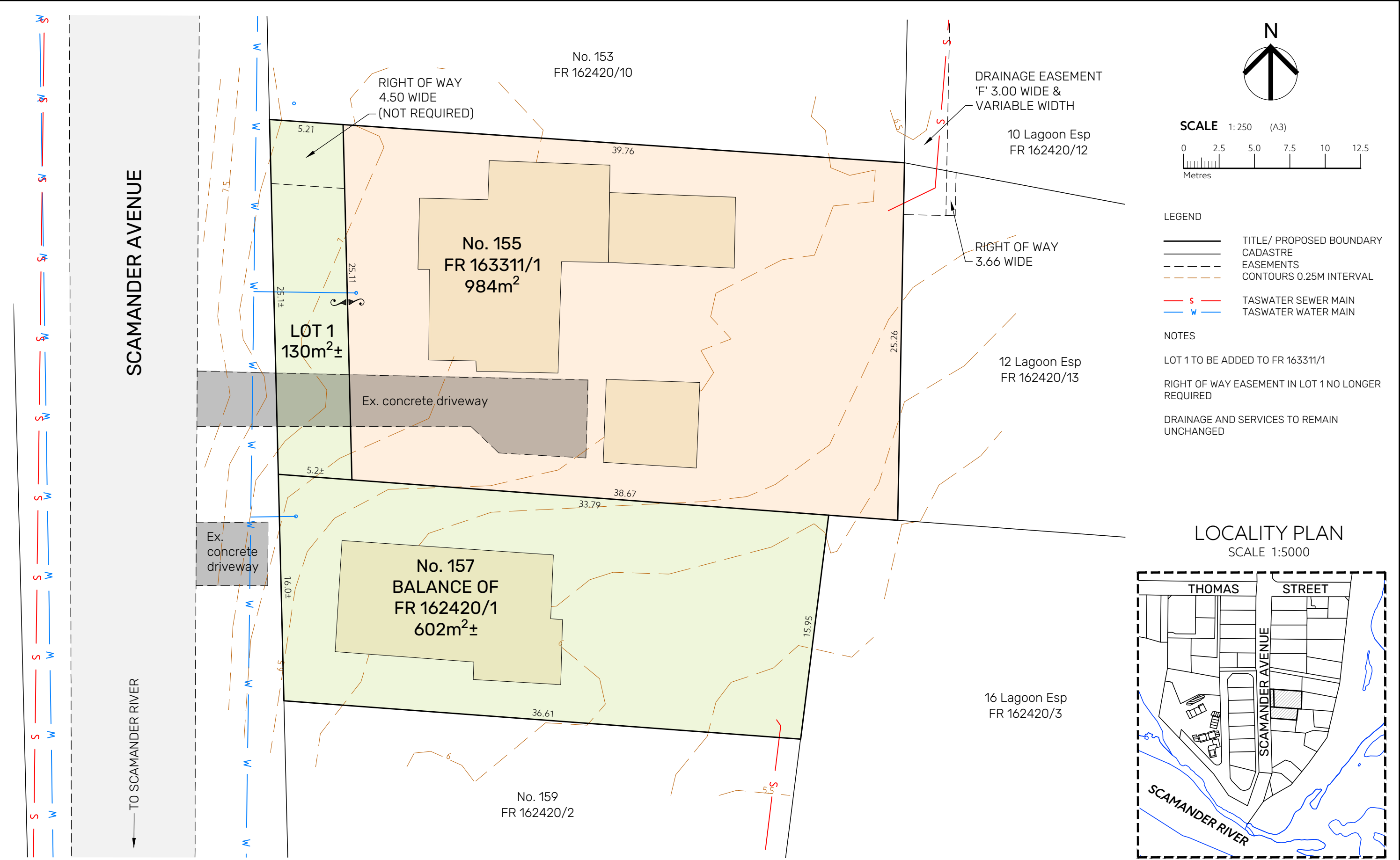
Notice is hereby given under Section 57(3) of the *Land Use Planning & Approvals Act 1993* that an application has been made to the Break O' Day Council for a permit for the use or development of land as follows:

DA Number	DA 2025 / 00134
Applicant	PDA Surveyors, Engineers and Planners
Proposal	Subdivision - 2 Lot Subdivision (Boundary Adjustment)
Location	155 Scamander Avenue, Scamander and 157 Scamander Avenue, Scamander

Plans and documents can be inspected at the Council Office by appointment, 32 – 34 Georges Bay Esplanade, St Helens during normal office hours or online at www.bodc.tas.gov.au.

Representations must be submitted in writing to the General Manager, Break O'Day Council, 32 -34 Georges Bay Esplanade, St Helens 7216 or emailed to admin@bodc.tas.gov.au, and referenced with the Application Number in accordance with section 57(5) of the abovementioned Act during the fourteen (14) day advertised period commencing on Saturday 13th September 2025 **until 5pm Friday 26th September 2025.**

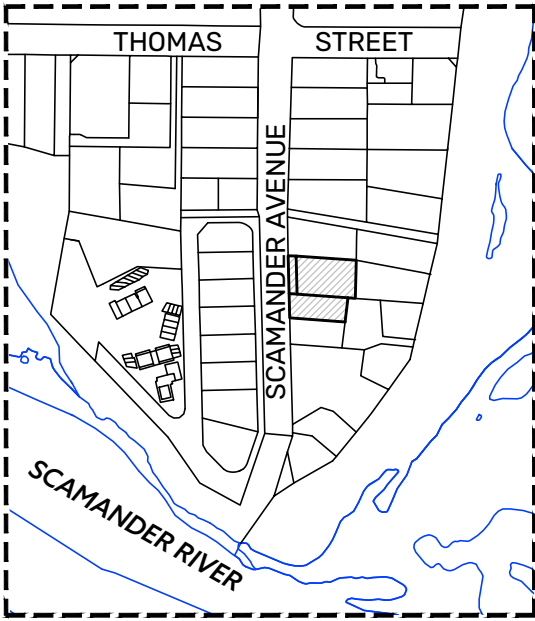
John Brown
GENERAL MANAGER




- LEGEND
- TITLE/ PROPOSED BOUNDARY
 - CADASTRE
 - EASEMENTS
 - CONTOURS 0.25M INTERVAL
 - TASWATER SEWER MAIN
 - TASWATER WATER MAIN

- NOTES
- LOT 1 TO BE ADDED TO FR 163311/1
 - RIGHT OF WAY EASEMENT IN LOT 1 NO LONGER REQUIRED
 - DRAINAGE AND SERVICES TO REMAIN UNCHANGED

LOCALITY PLAN
SCALE 1:5000



owners ALFRED ERNEST MALCOLM MIGHALL & FRANCIS MARY MIGHALL; PATRICK JOHN HEYWARD & ALERA JANE HEYWARD					Title References FR 163311/1; FR 162420/1		Council BREAK O'DAY		Tasmanian Planning Scheme BREAK O'DAY LOCAL PROVISIONS SCHEDULE		Zone 8. GENERAL RESIDENTIAL		Zone Codes NIL		Schedule of Easements (Existing easements to be retained unless noted otherwise.) RIGHT OF WAY ON LOT 1 NO LONGER REQUIRED													
-	----	----	----	----	This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.						PLANNER: HC		REVIEWED: HC		CLIENT: MALCOLM MIGHALL PROJECT DESCRIPTION: MINOR BOUNDARY ADJUSTMENT 155 & 157 SCAMANDER AVE, SCAMANDER ADDRESS: DRAWING TITLE: PLAN OF SUBDIVISION		 <div>127 Bathurst Street Hobart, Tasmania, 7000 PHONE: +61 03 6234 3217 FAX: +61 03 6234 5085 EMAIL: pda.hbt@pda.com.au www.pda.com.au Also at: Kingston, Launceston & Burnie</div>		SCALE		PAPER							
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REV	AMENDMENTS			DRAWN							DATE	APPR.	THIS SHEET MAY BE PRINTED USING COLOUR AND MAY BE INCOMPLETE IF COPIED															



Subdivision Planning Report

155 & 157 Scamander Avenue, Scamander

Subdivision and consolidation of two lots

54641HC | 03 September 2025

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PDA Contributors

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Review & Approval	HC	Director

Revision History

Revision	Description	Date
0	First Issue	08.08.2025
1	Revision 1	03.09.2025

Engagement & Costs, Fees, Charges & Invoicing Directions

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PDA Engineers, Surveyors & Planners has been engaged by Alfred Ernest Malcolm Mighall & Francis Mary Mighall & Patrick John Heyward & Alera Jane Heyward (the Permit Holder) to prepare documentation for a planning permit for a s.115 subdivision & s.110 adhesion located on land known as 155 & 157 Scamander Avenue, Scamander. Any Permit issued is affixed to land and not to any individual or Agent of the Permit Holder.

The services rendered by the Agent are strictly limited to the preparation of documentation in order to obtain planning permissions only. The Agent is not to be considered as the "Permit Holder" as part of any permit condition issued by any Authority and is not responsible for any costs, fees or charges incurred through a Permit Holder enacting a permit condition. All costs, fees and charges including invoices associated with this use or development is borne of the Permit Holder only and is to be addressed to the Permit Holder only.

In such circumstances where the primary Permit Holder named above sells land or otherwise relinquishes the land; the new permit holder is the party responsible for all costs, fees, charges and invoices incurred by enacting any permit issued that is affixed to the land.

In granting any permit or consent for this development the issuing or consenting Authority hereby agree and are bound to the terms listed above.

EXECUTIVE SUMMARY

Property Address	155 & 157 Scamander Avenue, Scamander
Proposal	Subdivision and consolidation of two lots
PID	6783296 & 3181206
CT	163311/1 & 162420/1

Planning Ordinance	Tasmanian Planning Scheme – Break O'Day Council
Land Zoning	8.0 General Residential
Applicable General Provision	7.10 – Development Not Required to be Categorised into a Use Class
Applicable Code	C2.0 – Parking and Sustainable Transport
Specific Areas Plans	Not applicable to this application

THE LAND – SITE

Title and description

The subject site consists of two adjoining lots: 155 and 157 Scamander Avenue, Scamander. Property Identification numbers: 6783296 & 3181206. The lots are located on the eastern side of Scamander Avenue, just north of the Scamander River.

155 Scamander Avenue is legally described as Lot 1 on Plan 16311 and is 984m² in size. It is a standard rectangular lot.

157 Scamander Avenue is legally described as Lot 1 on Sealed Plan 162420 and is 732m² in size. It is an 'L'-shaped lot with a 4.5m strip extending across the front of 155 Scamander Avenue, over which 155 has a right of way. This strip in practice forms part of 155 Scamander Avenue (see Figures 4 and 5).

The Schedule of Easements for Sealed Plan 162420 (157 Scamander Ave) provides that 157 Scamander Avenue is subject to a right of carriageway at the northern end of that strip of land appurtenant to 155 Scamander Ave. There are various covenants on the title, all of which are 'private' covenants relating to house style and construction. They do not impact this application.

Alfred Ernest Malcolm Mighall & Francis Mary Mighall (155 Scamander Avenue) & Patrick John Heyward & Alera Jane Heyward (157 Scamander Avenue) are the property owners.

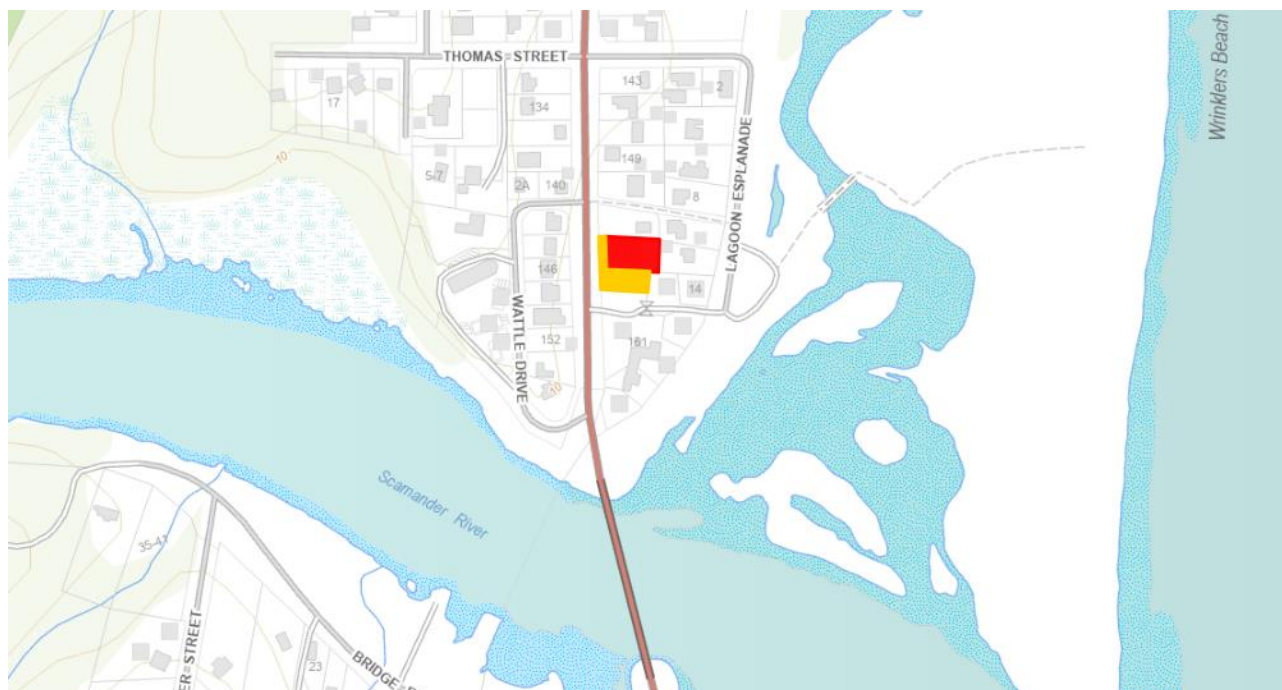


Figure 1 – Location of land 155 & 157 Scamander Avenue, Scamander

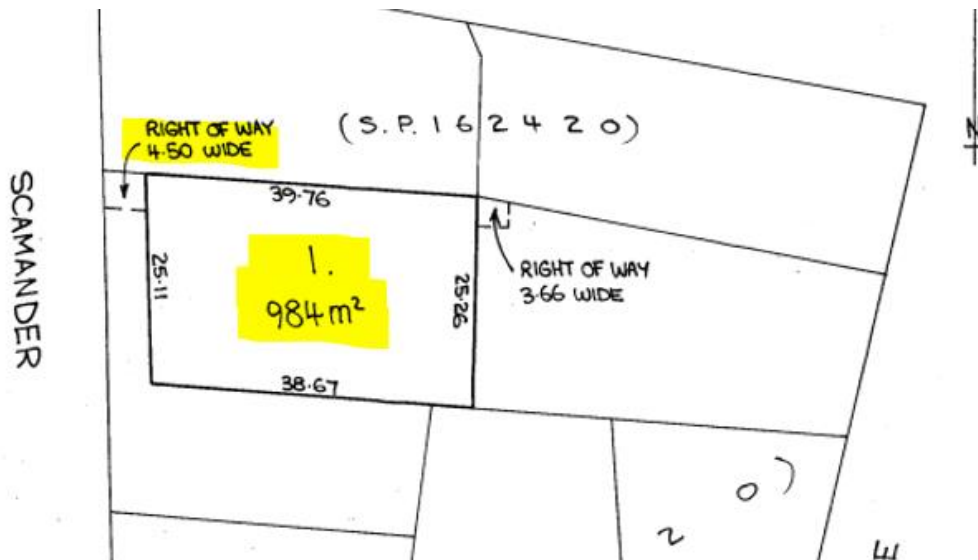


Figure 2: 155 Scamander Avenue, Lot 1 on Plan 16331, showing the right of way across 157 Scamander Avenue.

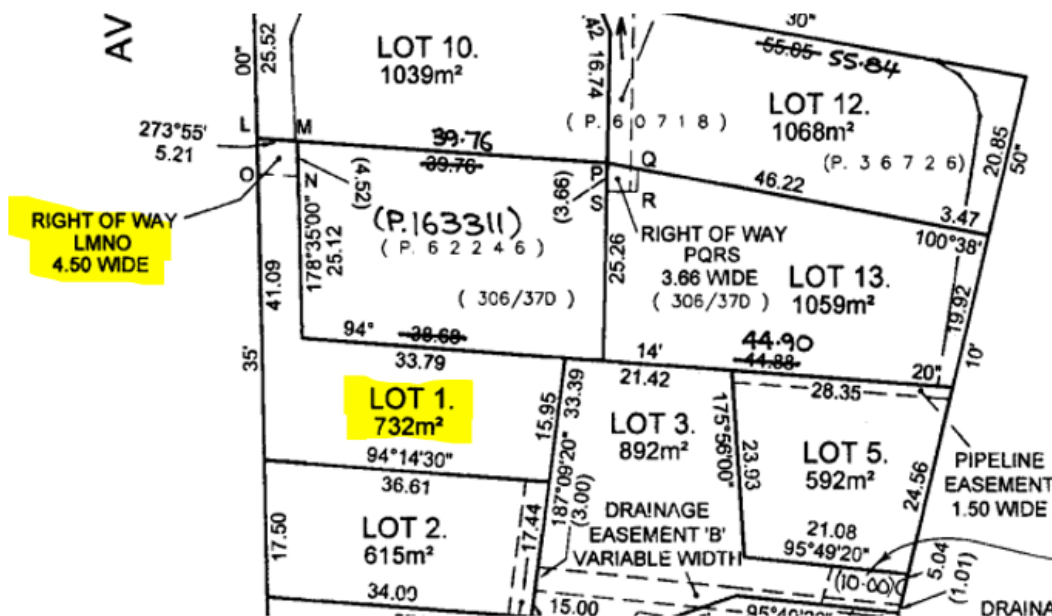


Figure 3: 157 Scamander Avenue, Lot 1 on Sealed Plan 162420 showing the same right of way (listed in the Schedule of Easements).

EXISTING USE AND DEVELOPMENT

The current use of the land is residential.

155 Scamander Avenue supports a single dwelling and an outbuilding (double garage). It has a concrete crossover, and concrete parking, turning and manoeuvring areas on site.

157 Scamander Avenue supports a single dwelling on stilts (double storey height) with parking underneath. It has a concrete crossover but gravel parking and manoeuvring areas. It is downhill of the road.

Both lots have separate access from Scamander Avenue. Scamander Avenue is a state-owned and maintained National/State Highway (Tasman Highway).

The strip belonging to 157 Scamander Avenue running across the front of 155 Scamander Avenue is used, landscaped and gated as part of 155 Scamander Avenue (see Figures 4 and 5). The access to 155 is not located in the right of way.

Both lots are connected to reticulated sewerage and water. These will not be impacted by the proposal.

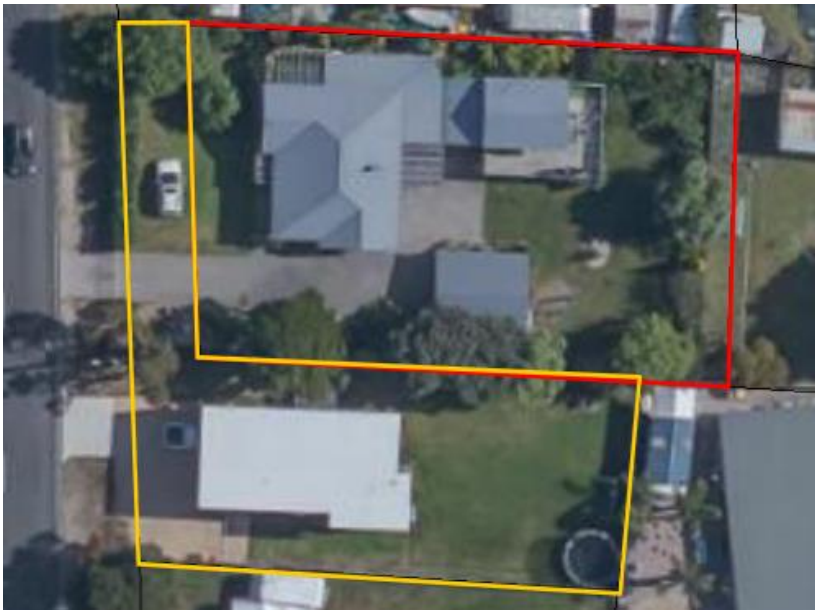


Figure 4: Aerial view of the lots (2023-24 Season). 155 to the north.



Figure 5: 155 Scamander Avenue (Google Street View May 2023)



Figure 6: 157 Scamander Avenue (Google Street View May 2023)

Parking and Access

Access to the land is via concrete crossovers from off Scamander Avenue. Two carparking spaces are provided on each lot.

Reticulated Services

The following describes the reticulated services that service the immediate area:

- Water reticulation is available to the subject site
- Sewer reticulation is available to the subject site
- Telephone services are available within the subject area
- Overhead electricity reticulation is available within the subject area
- NBN Fibre to Premises (FTTP) is located within the subject area.
- Gas reticulation is not available to the subject site.

SITE ANALYSIS

Zoning

The land is zoned: **General Residential**



Figure 7 – Zoning – General Residential (red) – source: www.thelist.tas.gov.au

Topography

The land slopes gently to the east at around 1 in 19 and is located between the 10m and 5m contours.



Figure 8 – Hillshade view showing the subject site (blue and yellow outlines) and 10m and 5m contours (pink) - 155 & 157 Scamander Avenue, Scamander – source: www.thelist.tas.gov.au

Surrounding Property Use

Surrounding land is similarly zoned General Residential.

All the immediately surrounding properties support single dwellings. Further to the south is Pelican Sands Scamander self-contained holiday accommodation. To the west, off Wattle Drive, is Blue Seas Holiday Villas. To the north, off Thomas Street is a two-unit strata development.

Land Overlays

The land is not subject to any statutory overlays:



The proponents are seeking to rectify the discrepancy between what is shown on the titles and how the land is used, as described above (Figures 4 & 5).

The proposal is to subdivide the 'leg' of 157 Scamander Avenue that runs across the front of 155 Scamander Avenue and adhere it to 155 Scamander Avenue (per subdivision plan). The 'leg' is approx. 130m² in area. The right of way will become redundant and will be removed from the title.

No. 155, which is currently 984m² would increase to 1,114m².

No. 157, which is currently 732m² would reduce to 602m². In this regard, it is noted the minimum lot size under the acceptable solution in the General Residential zone is 450m².

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

PLANNING SCHEME ASSESSMENT

The planning instrument is the Tasmanian Planning Scheme.

The relevant sections of the Planning Scheme are listed below for discussion. The issue and item identifier is provided and states whether the proposal meets the Acceptable Solutions (AS) or the Performance Criteria (PC) for each relevant section.

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

GENERAL PROVISIONS

Clause 7.10.1 provides that Development Not Required to be Categorised into a Use Class (excluding adjustment of a boundary) may be approved at the discretion of the Planning Authority.

7.10.2 provides that such an application may be approved only if there is no unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area.

7.10.3 provides that in exercising its discretion, the Planning Authority must have regard to

- (a) the purpose of the applicable zone
- (b) the purpose of any applicable code
- (c) any relevant local area objectives
- (d) the purpose of any applicable specific area plan.

Response:

It is submitted that the proposal, as outlined above, complies with 7.10.2 and 7.10.3:

7.10.2: the proposal is to regularise what is already occurring 'on the ground'. There will be no change to current arrangements and no detrimental impact on adjoining uses or amenity.

7.10.3(a): The proposal is in line with the purpose of the General Residential zone, particularly 8.1.1 and 8.1.2. It provides for residential use for two single dwellings where full infrastructure services are available and regularises the existing utilisation of access to transport infrastructure.

7.10.3(b): The proposal is in line with the purpose of the Parking and Sustainable Transport Code in that it provides the correct amount of parking for the two single dwellings (2.1.1), provides safe and adequate access to the properties (C2.1.3), and provides parking that does not cause loss of amenity to the surrounding area (C2.1.4).

7.10.3(c) & (d) are not applicable.

It is submitted that General Provision 7.10 is complied with.

ZONE PROVISIONS

The subject site is located in the General Residential zone.

8.0 General Residential Zone

8.1 Zone Purpose

The purpose of the General Residential Zone is:

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.1.3 To provide for non-residential use that:
 - (a) primarily serves the local community; and
 - (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.
- 8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

8.2 Use Table - not applicable to subdivision per clause.6.2.6

8.3 Use Standards – not applicable as above

8.4 Development Standards for Dwellings - Not applicable to this application

8.5 Development Standards for Non-dwellings - Not applicable to this application

8.6 Development Standards for Subdivision

8.6.1 Lot design

Objective:

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;
- (c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and
- (d) is orientated to provide solar access for future dwellings

Acceptable Solutions

A1

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

- (a) have an area of not less than 450m² and:
 - (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:
 - a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and
 - b. easements or other title restrictions that limit or restrict development; and
 - (ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;

Performance Criteria

P1

Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:

- (a) the relevant requirements for development of buildings on the lots;
- (b) the intended location of buildings on the lots;
- (c) the topography of the site;
- (d) the presence of any natural hazards;
- (e) adequate provision of private open space; and
- (f) the pattern of development existing on established properties in the area.

<p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	
<p>Response</p> <p>A1(a), and A1(d) are both met.</p> <p>A1(a):</p> <p>(i): 155 Scamander Avenue will have a lot size of 1114m² and 157 Scamander Avenue 602m². Both easily contain the required building area with a gradient of around 1:19, clear of all zone setbacks and clear of all easements.</p> <p>(ii) Existing buildings all comply with the zone setback requirements.</p> <p>A1(d): The proposed 'excision' of 130m² from 157 Scamander Avenue is to consolidate it with 155 Scamander Avenue, and both are zoned General Residential.</p>	
<p>A2</p> <p><i>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 12m.</i></p>	<p>P2</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, 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:</i></p> <ul style="list-style-type: none"> <i>(a) the width of frontage proposed, if any;</i> <i>(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</i> <i>(c) the topography of the site;</i> <i>(d) the functionality and useability of the frontage;</i> <i>(e) the ability to manoeuvre vehicles on the site; and</i> <i>(f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.</i>
<p>Response</p> <p>A2 is met.</p> <ul style="list-style-type: none"> • No. 155 will have a frontage of 25.11m • No. 157 will have 16m. 	
<p>A3</p> <p><i>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.</i></p>	<p>P3</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the topography of the site;</i> <i>(b) the distance between the lot or building area and the carriageway;</i> <i>(c) the nature of the road and the traffic;</i>

	<p>(d) the anticipated nature of vehicles likely to access the site; and</p> <p>(e) the ability for emergency services to access the site.</p>
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Response

A3 is met.

Both proposed lots already have a concrete crossover from Scamander Avenue.

- No. 155's crossover is approx. 4m wide.
- No. 157's crossover is approx. 4.7m wide.



Figure 10: the two crossovers. No. 155 on the left.

<p>A4</p> <p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	<p>P4</p> <p>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</p> <p>(a) the size, shape and orientation of the lots;</p> <p>(b) the topography of the site;</p> <p>(c) the extent of overshadowing from adjoining properties;</p> <p>(d) any development on the site;</p> <p>(e) the location of roads and access to lots; and</p> <p>(f) the existing pattern of subdivision in the area.</p>
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Response

Not applicable: No new road.

8.6.2 Roads

Objective:

That the arrangement of new roads within a subdivision provides for:

- (a) safe, convenient and efficient connections to assist accessibility and mobility of the community;
- (b) the 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.

Acceptable Solution	Performance Criteria
<p>A1</p> <p>The subdivision includes no new roads.</p>	<p>P1</p> <p>The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:</p> <p>(a) any road network plan adopted by the council;</p>

	<p>(b) the existing and proposed road hierarchy;</p> <p>(c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential;</p> <p>(d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;</p> <p>(e) minimising the travel distance between key destinations such as shops and services and public transport routes;</p> <p>(f) access to public transport;</p> <p>(g) the efficient and safe movement of pedestrians, cyclists and public transport;</p> <p>(h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016;</p> <p>(i) the topography of the site; and</p> <p>(j) the future subdivision potential of any balance lots on adjoining or adjacent land.</p>
<p>Response</p> <p>A1 is met: No new road.</p>	

8.6.3 Services

<p>Objective:</p> <p>That the subdivision of land provides services for the future use and development of the land.</p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p><i>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 connection to a full water supply service.</i></p>	<p>P1</p> <p><i>A 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 connection to a limited water supply service, having regard to:</i></p> <p>(a) flow rates;</p> <p>(b) the quality of potable water;</p> <p>(c) any existing or proposed infrastructure to provide the water service and its location;</p> <p>(d) the topography of the site; and</p> <p>(e) any advice from a regulated entity.</p>
<p>Response</p> <p>A1 is met: Both lots are connected to the full water supply service. These connections are not impacted by the proposal.</p>	
<p>A2</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a</i></p>	<p>P2</p> <p><i>No Performance Criterion.</i></p>

<i>riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</i>	
<p>Response</p> <p>A2 is met: Both lots are connected to the reticulated sewerage system. These connections are not impacted by the proposal.</p>	
<p>A3</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</i></p>	<p>P3</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the size of the lot;</i> <i>(b) topography of the site;</i> <i>(c) soil conditions;</i> <i>(d) any existing buildings on the site;</i> <i>(e) any area of the site covered by impervious surfaces; and</i> <i>(f) any watercourse on the land.</i>
<p>Response</p> <p>A3 is met.</p> <p>Neither of the lots collects stormwater on site. There are no connections uphill to Scamander Avenue. It is assumed that both lots connect to Council's reticulated stormwater system along Lagoon Esplanade.</p>	

CODES

The site is not subject to any statutory overlays. As the Parking and Access Code applies to all development and use applications, it is addressed here.

C2.0 Parking and Sustainable Transport Code

C2.1 Code Purpose

The purpose of the Parking and Sustainable Transport Code is:

- C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.
- C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.
- C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.
- C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.
- C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.
- C2.1.6 To provide for parking precincts and pedestrian priority streets.

C2.5 Use Standards

C2.5.1 Car parking numbers

Objective:

That an appropriate level of car parking spaces are provided to meet the needs of the use.

Acceptable Solution

A1

The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:

- (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;*
- (b) the site is contained within a parking precinct plan and subject to Clause C2.7;*
- (c) the site is subject to Clause C2.5.5; or*
- (d) it relates to an intensification of an existing use or development or a change of use where:*
 - (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or*
 - (ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:*

$$N = A + (C - B)$$

N = Number of on-site car parking spaces required

A = Number of existing on site car parking spaces

B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1

C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.

Performance Criteria

P1.1

The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:

- (a) the availability of off-street public car parking spaces within reasonable walking distance of the site;*
- (b) the ability of multiple users to share spaces because of:*
 - (i) variations in car parking demand over time; or*
 - (ii) efficiencies gained by consolidation of car parking spaces;*
- (c) the availability and frequency of public transport within reasonable walking distance of the site;*
- (d) the availability and frequency of other transport alternatives;*
- (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;*
- (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;*
- (g) the effect on streetscape; and*
- (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development, or*

P1.2

The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:

- (a) the nature and intensity of the use and car parking required;*
- (b) the size of the dwelling and the number of bedrooms; and*
- (c) the pattern of parking in the surrounding area.*

Response

A1 is met.

Both lots provide at least two onsite carparking spaces, as required by Table C2.1 for a single dwelling with two or more bedrooms in the General Residential zone.

No. 155 has a double garage plus additional parking in the driveway. No. 157 has a single carport under the house and a second parking area in front of and south of the house.

C2.6 Development Standards for Buildings and Works

C2.6.1 Construction of parking areas

Objective:

That parking areas are constructed to an appropriate standard.

Acceptable Solutions

A1

All parking, access ways, manoeuvring and circulation spaces must:

- (a) be constructed with a durable all weather pavement;*
- (b) be drained to the public stormwater system, or contain stormwater on the site; and*
- (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.*

Performance Criteria

P1

All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:

- (a) the nature of the use;*
- (b) the topography of the land;*
- (c) the drainage system available;*
- (d) the likelihood of transporting sediment or debris from the site onto a road or public place;*
- (e) the likelihood of generating dust; and*
- (f) the nature of the proposed surfacing.*

Response

No. 155 has a concrete driveway with appropriate drainage and complies with A1.

No. 157 has a gravel driveway and associated parking and manoeuvring areas. P1 is addressed here.

P1 is considered satisfied.

The key test is that the parking, access and manoeuvring areas must be *readily identifiable and constructed so they are useable in all weather conditions*.

The parking and manoeuvring areas on No. 157 are clearly identifiable – they are fully visible from the road, the crossover and the front of the site.

They are also useable in all weather conditions, as outlined below:

- (a) The nature of use: a single dwelling generates on average 8 vehicle movements per day. Whilst this is already a low number of vehicle movements, it appears No. 157 is used as a holiday home rather than principal place of residence (the owners' postal address is Trevallyn). This means that it is only used seasonally, most likely during the summer, when weather conditions are at their best, or infrequently on weekends, resulting in less wear and tear on the surface and less opportunity for negative impact on useability.
- (b) Topography: the land slopes gently away from the road at around 1 in 19, thus not causing excessive runoff to the rear of the block, but sloping enough to not pool in the parking areas.
- (c) Drainage: there is kerb and gutter along Scamander Avenue, but it is unlikely the gravelled area would drain to that as it lies downhill of the kerb. Downhill of the gravelled area is around 320m²

of grassed permeable land (the back yard), providing adequate area for any runoff to disperse across the land.

- (d) Transporting sediment or debris: given the gentle slope to the east, away from the road, and the concrete nature of the crossover (5.5-6m long), sediment or debris is unlikely to be transported onto the road.
- (e) Dust: the parking and manoeuvring areas are gravelled, so likely to generate little dust.
- (f) Surfacing: the parking and manoeuvring areas are surfaced with compacted gravel. They are compact (small) in size and compacted by vehicle movement. The carport is under the house so sheltered from direct weather.

It is submitted that the parking and manoeuvring areas are readily identifiable and useable in all weather conditions.

C2.6.2 Design and layout of parking areas

Objective:

That parking areas are designed and laid out to provide convenient, safe and efficient parking.

Acceptable Solution	Performance Criteria
A1.1 <i>Parking, access ways, manoeuvring and circulation spaces must either:</i> <ul style="list-style-type: none"> (a) <i>comply with the following:</i> <ul style="list-style-type: none"> (i) <i>have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;</i> (ii) <i>provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</i> (iii) <i>have an access width not less than the requirements in Table C2.2;</i> (iv) <i>have car parking space dimensions which satisfy the requirements in Table C2.3;</i> (v) <i>have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</i> (vi) <i>have a vertical clearance of not less than 2.1m above the parking surface level; and</i> (vii) <i>excluding a single dwelling, be delineated by line marking or other clear physical means; or</i> (b) <i>comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</i> 	P1 <i>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</i> <ul style="list-style-type: none"> (a) <i>the characteristics of the site;</i> (b) <i>the proposed slope, dimensions and layout;</i> (c) <i>useability in all weather conditions;</i> (d) <i>vehicle and pedestrian traffic safety;</i> (e) <i>the nature and use of the development;</i> (f) <i>the expected number and type of vehicles;</i> (g) <i>the likely use of the parking areas by persons with a disability;</i> (h) <i>the nature of traffic in the surrounding area;</i>
A1.2	

Parking spaces provided for use by persons with a disability must satisfy the following:

- (a) be located as close as practicable to the main entry point to the building;*
- (b) be incorporated into the overall car park design; and*
- (c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.1*
- (i) the proposed means of parking delineation; and*
- (j) the provisions of Australian Standard AS 2890.1:2004 Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.*

Response

A1 is met.

(a)(i): Both lots have a gradient of around 1 in 19. AS2890 provides for a gradient of 1 in 4.

(a)(ii): Both lots provide for vehicles to enter and exit in a forward direction (even though they do not provide for more than 4 parking spaces so arguably don't have to).

(a)(iii): Both lots have an access width of more than 3m.

(a)(iv):

No. 155: The double garage is at a 90° angle to the manoeuvring space. The garage is approx. 7.2m long, exceeding the required length of 5.4m. The garage is around 6.5m wide, providing for two side-by-side carparks with the width required of 3.2m each.

No. 157: The carport is at a 90° angle to the manoeuvring space. The length available to the carport is around 15m although it is gated around 1/2 of the way in, so providing a carpark length without opening the gate, of around 7.5m. The carport is around 4m wide, exceeding the max. requirement of 3.2m.

(a)(v):

No. 155: The combined access and manoeuvring width is 6m, more than the required 4.8m.

No. 157: The combined access and manoeuvring width is almost 12m.

(a)(vi): Both the garage and carport provide more than the minimum clearance of 2.1m.

(a)(vii): n/a – excludes a single dwelling.

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 <i>The number of accesses provided for each frontage must:</i> (a) <i>be no more than 1; or</i> (b) <i>no more than the existing number of accesses,</i> <i>whichever is the greater.</i>	P1 <i>The number of accesses for each frontage must be minimised, having regard to:</i> (a) <i>any loss of on-street parking; and</i> (b) <i>pedestrian safety and amenity;</i> (c) <i>traffic safety;</i> (d) <i>residential amenity on adjoining land; and</i> (e) <i>the impact on the streetscape.</i>
Response A1 is met. Each lot has a single existing access and no additional is proposed.	
A2 <i>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</i>	P2 <i>Within the Central Business Zone or in a pedestrian priority street, any new accesses must:</i> (a) <i>not have an adverse impact on:</i> (i) <i>pedestrian safety and amenity; or</i> (ii) <i>traffic safety; and</i> (b) <i>be compatible with the streetscape.</i>
Not applicable to this application.	

CONCLUSION

This supporting document demonstrates the proposal to subdivide and consolidate meets the relevant Clauses and Schedules as set out for development within the General Residential Zone.

Where the proposal does not comply with the Acceptable Solution (AS) it has been demonstrated that the Performance Criteria (PC) are satisfied meeting the objective of the relevant provision.

With the above in mind, a planning permit for subdivision and consolidation at 155 & 157 Scamander Avenue, Scamander is respectfully sought from the Planning Authority.



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