



# Application for Planning Approval

## *Land Use Planning and Approvals Act 1993*

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APPLICATION NO.

**SA2023/029**

LOCATION OF AFFECTED AREA

**14 NELSONS BUILDINGS ROAD, BRIGHTON**

DESCRIPTION OF DEVELOPMENT PROPOSAL

**2 LOT SUBDIVISION**

A COPY OF THE DEVELOPMENT APPLICATION MAY BE VIEWED AT [www.brighton.tas.gov.au](http://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 **02/10/2023**. ADDRESSED TO THE GENERAL MANAGER AT 1 TIVOLI ROAD, OLD BEACH, 7017 OR BY EMAIL AT [development@brighton.tas.gov.au](mailto: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**



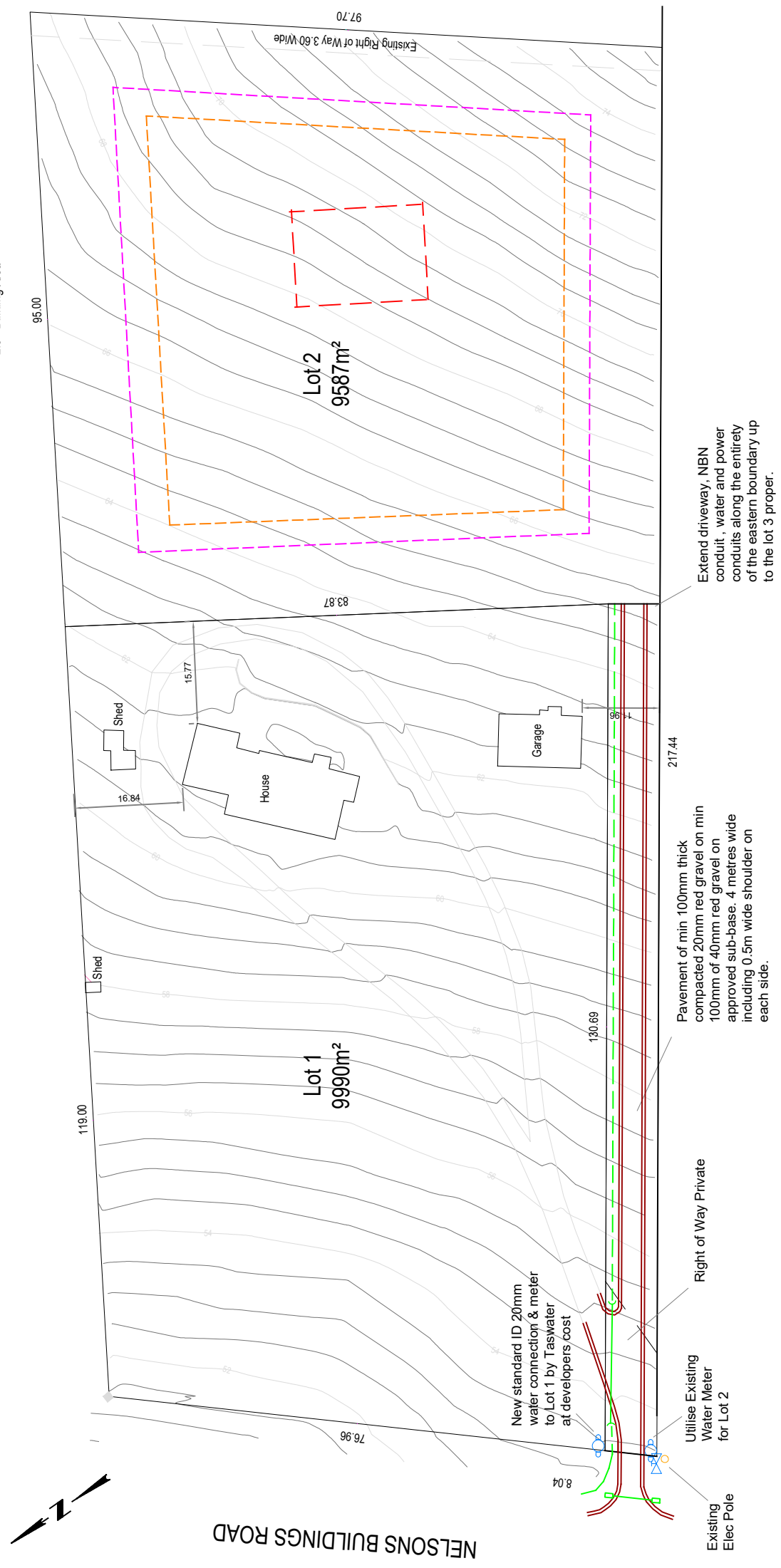
**Brighton**  
going places







- Building Area 20 x 15
- BAL 19 - Building Area
- BAL 12.5 - Building Area

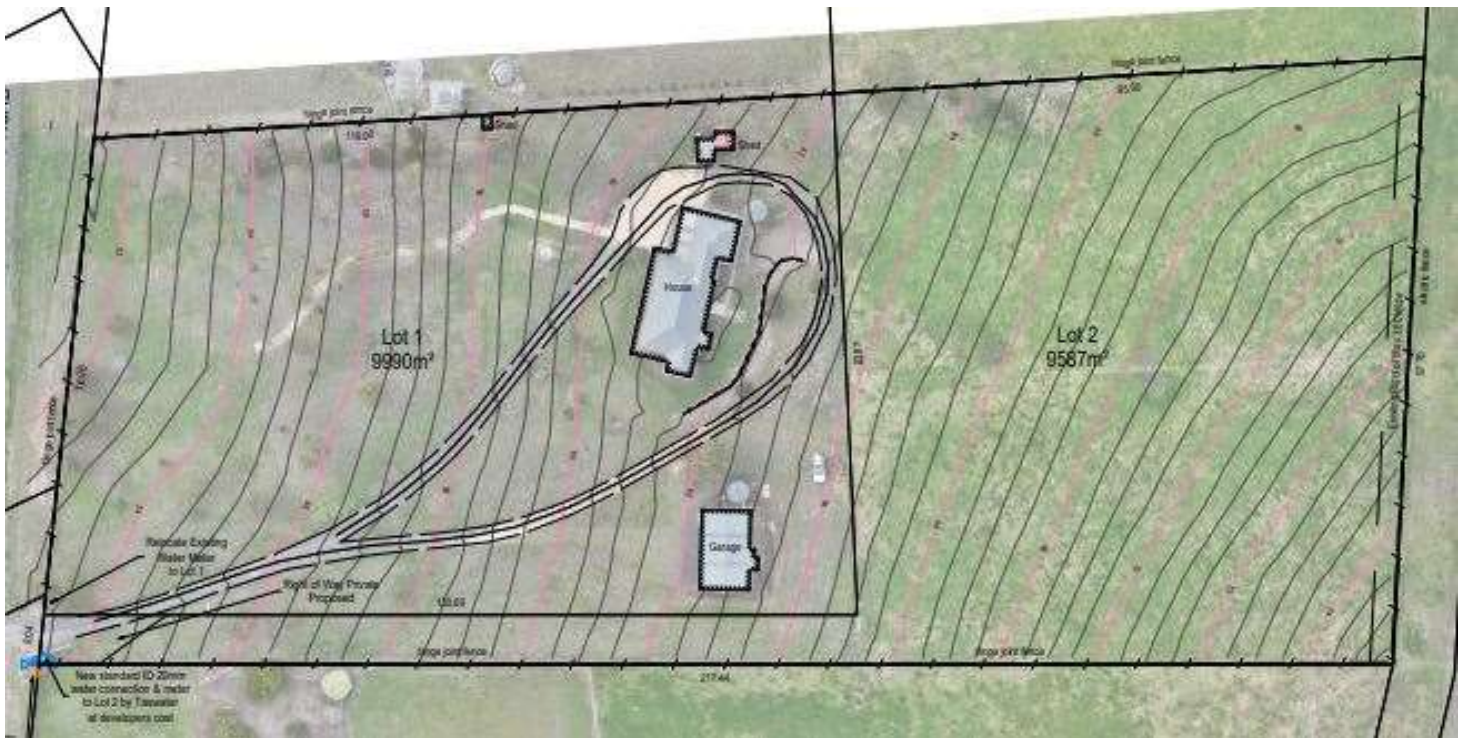


# Planning Report

14 Nelsons Buildings Road, Brighton

Subdivision – 2 Lots

23/8/2023





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## 1 Introduction

Application is made for a two (2) lot subdivision at 14 Nelsons Buildings Road, Brighton. The following documents are provided in support of the application:-

- The Proposal Plan by Peter Binny Surveys
- The Bushfire Hazard Assessment Report by Mr Samuel Walters
- Planning Assessment by Michael Whelan

### 1.1 The Existing Property

The subject property is located at 14 Nelsons Buildings Road, Brighton and is 1.958ha in area. The property is described in Certificate of Title 135468 Folio 3 and is located on the southeast side of Nelsons Buildings Road, the Midland Highway and Briggs Road.

An existing dwelling is situated on the property. The dwelling is sited 89 metres back from the Nelsons Buildings Road frontage. There is one larger outbuilding (106m<sup>2</sup>) and three small garden sheds on the property. The rear paddock is vacant.



**Fig 1:-** TheList image of the subject property



## 1.2 Natural Values

The property is divided into two paddocks. The front paddock (containing the existing dwelling) is mowed and has sparse small trees and shrubs. The rear paddock is intensively grazed and slashed. The subdivision boundary between lots 1 and 2 is the existing fence between the paddocks. No natural assets are recorded across the subdivision.

A “Bushfire Hazard Report” has been provided by Mr Samuel Walters.

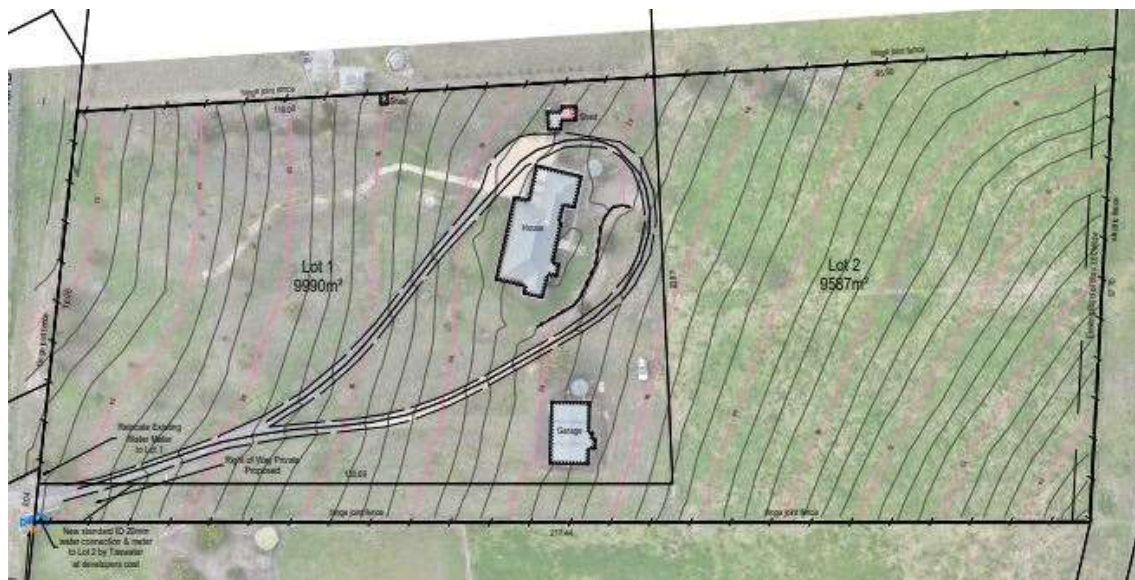
## 2 The Proposal

It is proposed that the land at 14 Nelsons Buildings Road, Brighton into (2) lots (see Fig 2 – Proposed Plan of Subdivision).

The intent of the proposal is to provide rural residential lots that are appropriately sized and complement the existing character of the area.

Lots 1 and 2 are 9990m<sup>2</sup> and 9587m<sup>2</sup> is area respectively.

Each lot will utilise the existing compliant access as a shared driveway. Lot 2 will have frontage via an 8 metre wide internal access strip on the southern side of the property. The gravel driveway will be constructed in a 4 metre wide standard approved by Council.



**Fig 2:- Proposed Plan of Subdivision**

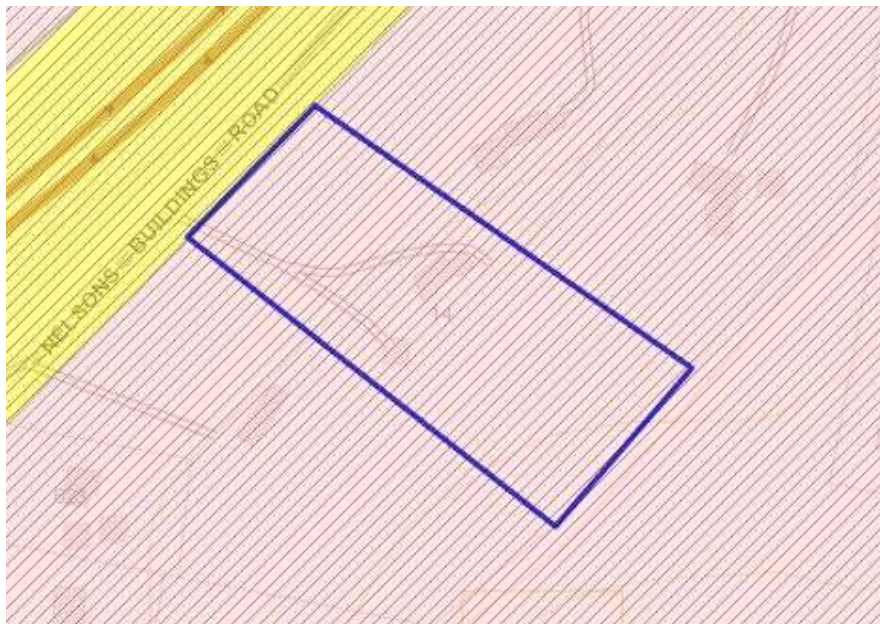
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### 3 Planning Assessment

This proposal is a subdivision in accordance with S.57 of the Land Use Planning and Approvals Act 1993 and Clause 6.8 of the Tasmanian Planning Scheme – Brighton.

#### 3.1 Zoning

The subject properties are zoned Rural Living A as defined by the Tasmania Planning Scheme – Brighton. The land is surrounded to the North, South and East with land also zoned Rural Living A. Land on the Western side of the Midland Highway is zoned also Rural Living A (See Figure 3). The highway and associated other road reservations are zoned Utilities.



**Fig 3:-** TheList – Rural Living A Zone



## 3.2 Zone Standards – Rural Living A

### 11.5.1 Lot design

<b>Objective:</b>	
<i>That each lot:</i> (a) <i>has an area and dimensions appropriate for use and development in the zone;</i> (b) <i>is provided with appropriate access to a road; and</i> (c) <i>contains areas which are suitable for residential development.</i>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> <i>Each lot, or a lot proposed in a plan of subdivision, must:</i> (a) <i>have an area not less than specified in Table 11.1 and:</i> (i) <i>be able to contain a minimum area of 15m x 20m clear of:</i> a. <i>all setbacks required by clause 11.4.2 A2 and A3; and</i> b. <i>easements or other title restrictions that limit or restrict development; and</i> (ii) <i>existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3;</i> (b) <i>be required for public use by the Crown, a council or a State authority;</i> (c) <i>be required for the provision of Utilities; or</i> (d) <i>be for the consolidation of a lot with another lot provided each lot is within the same zone.</i>	<b>P1</b> <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 sufficient useable area and dimensions suitable for its intended use, having regard to:</i> (a) <i>the relevant requirements for development of existing buildings on the lots;</i> (b) <i>the intended location of buildings on the lots;</i> (c) <i>the topography of the site;</i> (d) <i>any natural or landscape values;</i> (e) <i>adequate provision of private open space; and</i> (f) <i>the pattern of development existing on established properties in the area, and must be no more than 20% smaller than the applicable lot size required by clause 11.5.1 A1.</i>

### Response

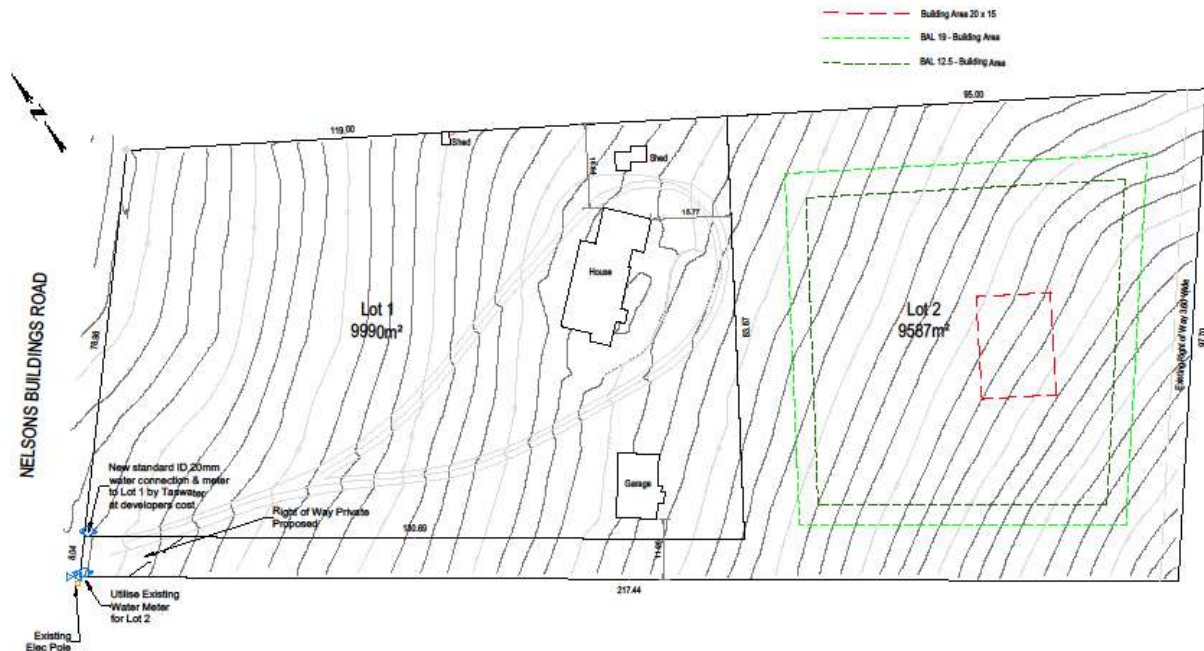
Lots 1 and 2 are 9587m<sup>2</sup> and 9990m<sup>2</sup> respectively and therefore must address the Performance Criteria.

Compliance with the performance criteria for the following reasons:-

- a) The existing dwelling on Lot 1 complies with the required setbacks of clauses 11.4.2 A2, A3 and A4. The setbacks for the existing outbuildings on the north-eastern side of Lot 1 are not impacted by the subdivision. The outbuilding on the south-eastern side of Lot 1 is currently 11.96m from the side boundary. With the subdivision the side setback is reduced to 3.96m (after the driveway width of 8 metres provided) and the rear setback is 15.98m.

The south-eastern outbuilding is 46.5m from the neighbouring dwelling at 6 Nelsons Buildings Road and the driveway to Lot 2 has a negligible effect upon the non-residential existing outbuilding structure. There is therefore no increased

impact of the existing setback for the outbuilding upon either 6 Nelsons Buildings Road or Lot 2.



**Fig 4:- Layout and separation**

- b) Lot 1 has an existing dwelling and outbuildings. The “lot proper” of Lot 2 is regular in shape (approximately 95m x 97m) and provides a significant building area. Bushfire attack levels (BAL) 12.5 and 19 as described by Mr Walters’ assessment provides for extensive buildings areas of 3765m<sup>2</sup> and 4880m<sup>2</sup>, respectively. These are more the adequate to cater for a minimum building of 20mx15m that is clear of all setback requirements.
- c) Each lot has topography that is well suited to rural living.

Both lots have similar grade and topography. The lots have a grade varying between 2° and 8° and a sparsely treed. The slope is facing the northwest and each lot commands a suitable residential aspect that provides exception solar orientation.

There are no prominent attributes across the topography of both lots and the building area is well separated from neighbouring rural living dwellings and rural properties.



- d) There is no identified landscape or natural values, other than the requirement to assess the site as a bushfire prone area.
- e) There is adequate provision of private open space on the lots given areas of 3765m<sup>2</sup> and 4880m<sup>2</sup>.
- f) The pattern of rural residential lots of this size is reflected in the surrounding lots. Lots of this density and character occur on adjoining properties of Nelsons Buildings Road (1ha) and Kanangra Court (0.5ha).

<p><b>A2</b>  <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 40m.</i></p>	<p><b>P2</b>  <i>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:</i></p> <ul style="list-style-type: none"> <li><i>(a) the width of frontage proposed, if any;</i></li> <li><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></li> <li><i>(c) the topography of the site;</i></li> <li><i>(d) the functionality and useability of the frontage;</i></li> <li><i>(e) the ability to manoeuvre vehicles on the site;</i></li> <li><i>and</i></li> <li><i>(f) the pattern of development existing on established properties in the area,</i></li> </ul> <p><i>and is not less than 3.6m wide.</i></p>
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## Response

Lot 1 has a frontage of 76.96 metres however it has a right of way over the initial section of Lot 1 at the start of the internal access. Lot 2 has a frontage of 8 metres and an internal access. Both lots must therefore comply with the Performance Criteria.

Lots 1 and 2 comply with the Performance Criteria for the following reasons:-

- a) The existing access is a sealed driveway of 8.9m width between mountable headwalls with a 4 metre wide two coat seal and gravel shoulders. The proposed access to Lot 2 is an 8 metre wide frontage with a 4 metre wide gravel driveway. Access to Lot 1 is a right of way over the first 20 metres of the Lot 2 driveway and then utilise the existing gravel driveway to the dwelling. Both gravel driveways will comply with Table C13.2 (B) in Tasmania Planning Scheme – State Planning Provisions 2023.

- b) Lot 1 shares access over the first approximately 20 metres of the access to Lot 2. Sharing the existing over width access when it is only serving two lots is a better option than duplicating the access given that the access has unimpeded views and sufficient width for the intended use.
- c) The land has a gentle slope and the proposal utilises the most suitable access opportunity for Lot 2.
- d) With a width of 8 metres the shared access is both functional and useable. It allows for a 4 metre wide gravel driveway, a table drain, adequate space for the separation of underground services (water, power and NBN) and horizontal clearance widths for firefighting vehicles.
- e) With areas of 3765m<sup>2</sup> and 4880m<sup>2</sup> there is ample opportunity and ability to manoeuvre vehicles on the site and comply with Table C13.2 (B) in Tasmania Planning Scheme – State Planning Provisions 2023.
- f) The private carriageway reflects the existing character of the established properties with many having neighbouring internal accessways, driveways or shared accesses. Both access are over 3.6 metres and comply with the Performance Criteria.

<i>Element</i>	<i>Requirement</i>
<i>Property access length is 30m or greater; or access is required for a fire appliance to a fire fighting water point</i>	<p><i>The following design and construction requirements apply to property access:</i></p> <ul style="list-style-type: none"> <li><i>(a) all-weather construction;</i></li> <li><i>(b) load capacity of at least 20t, including for bridges and culverts;</i></li> <li><i>(c) minimum carriageway width of 4m;</i></li> <li><i>(d) minimum vertical clearance of 4m;</i></li> <li><i>(e) minimum horizontal clearance of 0.5m from the edge of the carriageway;</i></li> <li><i>(f) cross falls of less than 3 degrees (1:20 or 5%);</i></li> <li><i>(g) dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;</i></li> <li><i>(h) curves with a minimum inner radius of 10m;</i></li> <li><i>(i) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and</i></li> <li><i>(j) terminate with a turning area for fire appliances provided by one of the following:</i> <ul style="list-style-type: none"> <li><i>(i) a turning circle with a minimum outer radius of 10m; or</i></li> <li><i>(ii) a property access encircling the building; or</i></li> <li><i>(iii) a hammerhead “T” or “Y” turning head 4m wide and 8m long.</i></li> </ul> </li> </ul>

**Fig 6:** - Planning Directive No. 5.1 – Bushfire-Prone Areas Code - Table C13.2: Standards for Property Access



<p><b>A3</b></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><b>P3</b></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"> <li><i>(a) the topography of the site;</i></li> <li><i>(b) the length of the access;</i></li> <li><i>(c) the distance between the lot or building area and the carriageway;</i></li> <li><i>(d) the nature of the road and the traffic;</i></li> <li><i>(e) the anticipated nature of vehicles likely to access the site; and</i></li> <li><i>(f) the ability for emergency services to access the site.</i></li> </ul>
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## Response

Compliance with A3 is met as each lot will be provided with vehicular access in accordance with the requirements of Council

### 11.5.2 Roads

<p><b>Objective:</b></p> <p><i>That the arrangement of new roads with a subdivision provides:</i></p> <ul style="list-style-type: none"> <li><i>(a) safe, convenient and efficient connections to assist accessibility and mobility of the community;</i></li> <li><i>(b) adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and</i></li> <li><i>(c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.</i></li> </ul>	
<p><b>Acceptable Solutions</b></p> <p><b>A1</b></p> <p><i>The subdivision includes no new roads.</i></p>	<p><b>Performance Criteria</b></p> <p><b>P1</b></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li><i>(a) any relevant road network plan adopted by the council;</i></li> <li><i>(b) the existing and proposed road hierarchy;</i></li> <li><i>(c) maximising connectivity with the surrounding road network;</i></li> <li><i>(d) appropriate access to public transport; and</i></li> <li><i>(e) access for pedestrians and cyclists.</i></li> </ul>

## Response

Compliance with A1 as the subdivision includes no new roads.

### 11.5.3 Services

<b>Objective:</b>	
That the subdivision of land provides services for the future use and development of the land.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> <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:</i> <i>(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</i> <i>(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service,</i> <i>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</i>	<b>P1</b> <i>No Performance Criterion.</i>
<b>A2</b> <i>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:</i> <i>(a) be connected to a reticulated sewerage system; or</i> <i>(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.</i>	<b>P2</b> <i>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.</i>

#### Response A1

Compliance with A1 as the existing property full water connection will supply Lot 2 and a new full water connection will be provided at the developers cost to supply the existing house.

#### Response P2

Lot 1 has an existing AWTS system that is working fine and is contained within the lot. Lot 2 is almost 1ha in area and is regular in shape and topography. Lot 2 is more than capable of accommodating an on-site wastewater treatment system. Both lots are over 5000m<sup>2</sup> and are not required to be assessed at this stage for on-site wastewater disposal.

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### 3.3 Codes

The subject property is overlayed with a Bushfire Prone Area as shown below in Figure 3.

The subdivision also requires the following Codes under the Tasmanian Planning Scheme – Brighton Council which to be considered.

Code	Comment
C1.0 Signs Code	N/A
C2.0 Parking & Sustainable Transport Code	Comments below
C3.0 Road and Railway Assets Code	Comments below
C4.0 Electricity Transmission Infrastructure	N/A
C5.0 Telecommunications Code	N/A
C6.0 Local Historic Heritage Code	N/A
C7.0 Natural Assets Code	N/A
C8.0 Scenic Protection Code	N/A
C9.0 Attenuation Code	N/A
C10.0 Coastal Erosion Hazard Code	N/A
C11.0 Coastal Inundation Hazard Code	N/A
C12.0 Flood-Prone Areas Hazard Code	N/A
C13.0 Bushfire-Prone Areas Code	Prepared by Mr Samuel Walters - attached
C14.0 Potentially Contaminated Land Code	N/A
C15.0 Landslip Hazard Code	N/A
C16.0 Safeguarding of Airports Code	N/A

### 3.4 Code Standards

#### **C2.0 Parking and Sustainable Transport Code**

#### **C2.6 Development Standards for Buildings and Works**

##### ***C2.6.3 Number of accesses for vehicles***

<b>Objective:</b>
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.



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**Acceptable Solutions****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.*

**Response**

Compliance with the acceptable solution as there is only one access on the road frontage.

**C3.0 Road and Railway Assets Code****C3.7 Development Standards for Subdivision****C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area****Objective:**

*To minimise the effects of noise, vibration, light and air emissions on lots for sensitive uses within a road or railway attenuation area, from existing and future major roads and the rail network.*

**Acceptable Solutions****A1**

*A lot, or a lot proposed in a plan of subdivision, intended for a sensitive use must have a building area for the sensitive use that is not within a road or railway attenuation area.*

**Response**

Compliance with the acceptable solution as the building area for lot 2 is outside of the attenuation area for the Midland Highway (50m) and Lot 1 already has a dwelling outside of the attenuation distance.

**C13.0 Bushfire Prone Areas Code**

A Bushfire Hazard Assessment and Bushfire Management Plan has been prepared for the subdivision by Mr Samuel Walters of Bushfire Tasmania. Mr Walters' report provides the following conclusion:-

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## 11. Conclusion

The proposal is for a 2 lot subdivision at 14 Nelsons Buildings Road, Brighton (C.T 135468/3) creating 2 lots of just under 1 hectare in size each.

The bushfire prone vegetation of greatest threat is G. Grassland.

It is the conclusion of this bushfire hazard assessment report that if all findings and recommendations contained within this report and BHMP are implemented and maintained, the proposal will comply with all Deemed to Satisfy requirements.

Building areas on all lots are approved at the time of subdivision and will comply to a minimum BAL-19 solution in accordance with C13.6.1 A1(b) in Tasmania Planning Scheme – State Planning Provisions 2023.

The site has been assessed in accordance with Tasmania Planning Scheme – State Planning Provisions 2023 and Australian Standard 3959 – *Construction of Buildings in Bushfire Prone Areas 2018* (incorporating Amendments 1 & 2).



Samuel Walters B.Agr Sc.; BFP-130 (1, 2, 3A, 3B)

Bushfire Tasmania

Fig 7:- Extract from Bushfire Hazard Assessment Report

## Response

Recommendations from the Bushfire Hazard Assessment Report to achieve a minimum BAL rating of BAL-19 are provided on pages 21 and 22.

## 4 Conclusion

The planning assessment and supporting documentation demonstrates that the proposed subdivision at 14 Nelsons Buildings Road, Brighton meets all the requirements of the Tasmanian Planning Scheme – Brighton Council.



Michael Whelan



## BUSHFIRE HAZARD ASSESSMENT REPORT

PROPOSED 2 LOT SUBDIVISION  
14 NELSONS BUILDINGS ROAD,  
BRIGHTON

Dated August 2023

Report by Samuel Walters BFP-130

Report Code: A23-5

**Bushfire  
Tasmania**



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## APPENDICES

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Appendix B – Subdivision Plans  
Appendix C – Bushfire Hazard Management Plan

## 1. Report Summary

The purpose of this report is to provide a Bushfire Hazard Management Plan (BHMP) and Bushfire Attack Level (BAL) assessment in compliance with the Tasmania Planning Scheme – State Planning Provisions 2023 and Australian Standard 3959 2018 (incorporating Amendments 1 & 2) in relation to a 2 lot subdivision at 14 Nelsons Buildings Road, Brighton (C.T 135468/3) creating 2 lots of just under 1 hectare in size.

Our findings conclude that the potential bushfire hazard risk for the proposal is tolerable providing the recommendations and findings of this report are followed and implemented in accordance with Tasmania Planning Scheme – State Planning Provisions 2023 and Australian Standard 3959 2018 (incorporating Amendments 1 & 2). C13.6.1 A1(b) in Tasmania Planning Scheme – State Planning Provisions 2023 states that the deemed to satisfy solution is to achieve a minimum BAL-19 outcome for building areas.

Bushfire-prone vegetation that poses the greatest threat is G. Grassland.

Hazard management areas (HMA's) are needed to satisfy minimum separation distances on each lot. These setbacks vary depending on the lot, the effective slope and vegetation assessed.

New buildings constructed within proposed building area's (BA's) will comply with requirements for a BAL-19 compliant building solution and will be approved at the time of subdivision.

There is the option for any dwelling on each lot to achieve BAL-12.5 with increased separation. HMA's on each lot may be reduced in size to the specific separation distances surrounding any proposal once the final dwelling location is known.

The existing dwelling location on Lot 1 has adequate separation with HMA in place to satisfy BAL-12.5.

New site access on lot 2 will depend on final dwelling location. If >30m and <200m in length and provides access to a static firefighting water supply point, it must comply with Table C13.2 (B) in Tasmania Planning Scheme – State Planning Provisions 2023.

If >200m in length it must comply with Table C13.2 (C).

Existing site access on Lot 1 is >30m and <200m long and conditionally deemed to comply with Table C13.2 (B) in Tasmania Planning Scheme – State Planning Provisions 2023 pending minor upgrading of gravel in some areas as well as ensuring hardstand material is consistent with driveway.

Existing habitable dwelling must install a static water supply point in accordance with C13.6.3 A2(b)(C) and Table C13.5 in Tasmania Planning Scheme – State Planning Provisions 2023. This is to be in place prior to the sealing of titles.

Proposed habitable dwellings within the building area on lot 2 as well as any proposed new habitable buildings on lot 1 will require a static water supply in accordance with C13.6.3 A2(b)(c) and Table C13.5 in Tasmania Planning Scheme – State Planning Provisions 2023.

## 2. Introduction

### 2.1. The Proposal

The proposal involves a 2 lot subdivision at 14 Nelsons Buildings Road, Brighton (C.T 135468/3) creating 2 lots of just under 1 hectare in size.

### 2.2. Scope of Report

Bushfire Tasmania was engaged by WW Tas Pty Ltd to undertake a Bushfire Hazard Management Plan (BHMP) and BAL assessment for planning approval for a 2 lot subdivision to determine vegetation management requirements, firefighting water supply requirements, site access requirements and construction requirements to comply with Tasmania Planning Scheme – State Planning Provisions 2023 and Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas 2018 (incorporating Amendments 1 & 2).

The proposal is assessed in accordance with Tasmania Planning Scheme – State Planning Provisions 2023, specifically C13.6.1 A1(b), C13.6.2 A1(b), Table C13.2, C13.6.3 A2(b)(c), Table C13.5 as well as Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas 2018 (incorporating Amendments 1 & 2). The site is assessed to a Fire Danger Index (FDI) of 50.

### 2.3. Property Information

Address: 14 Nelsons Buildings Road, Brighton

Zoning: Rural Living Zone A

Municipality: Brighton

Planning Scheme: Tasmanian Planning Scheme Brighton

### 2.4. Planning Overlays

Based on the Brighton Local Provisions Schedule:

- Bushfire Prone Areas



### 3. Site Conditions and Observations

#### 3.1. Site Description

The subject property is located on the eastern side of Nelsons Buildings Road, on the foothills on the north western side of the Meehan Range. It is situated within similar types of larger properties with Nelsons Buildings Road running parallel with the Midland Highway immediately to the west.

Topography is reasonably consistent over the proposal with moderate to gentle slopes slowly flattening toward Nelsons Buildings Road. Slopes range from 2-4 degrees by Nelsons Buildings Road to 5-8 degrees on slopes to the south east, east and north east. Vegetation is grassland, both managed lawns and paddock.

There is an existing dwelling and several sheds on proposed lot 1 with a gravel driveway directly off Nelsons Buildings Road.

Proposed lot 2 is paddock with grazing cattle.



Figure 1: contoured listmap. [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) Subject property and proposed lot structure outlined in blue with proposed building areas in orange.

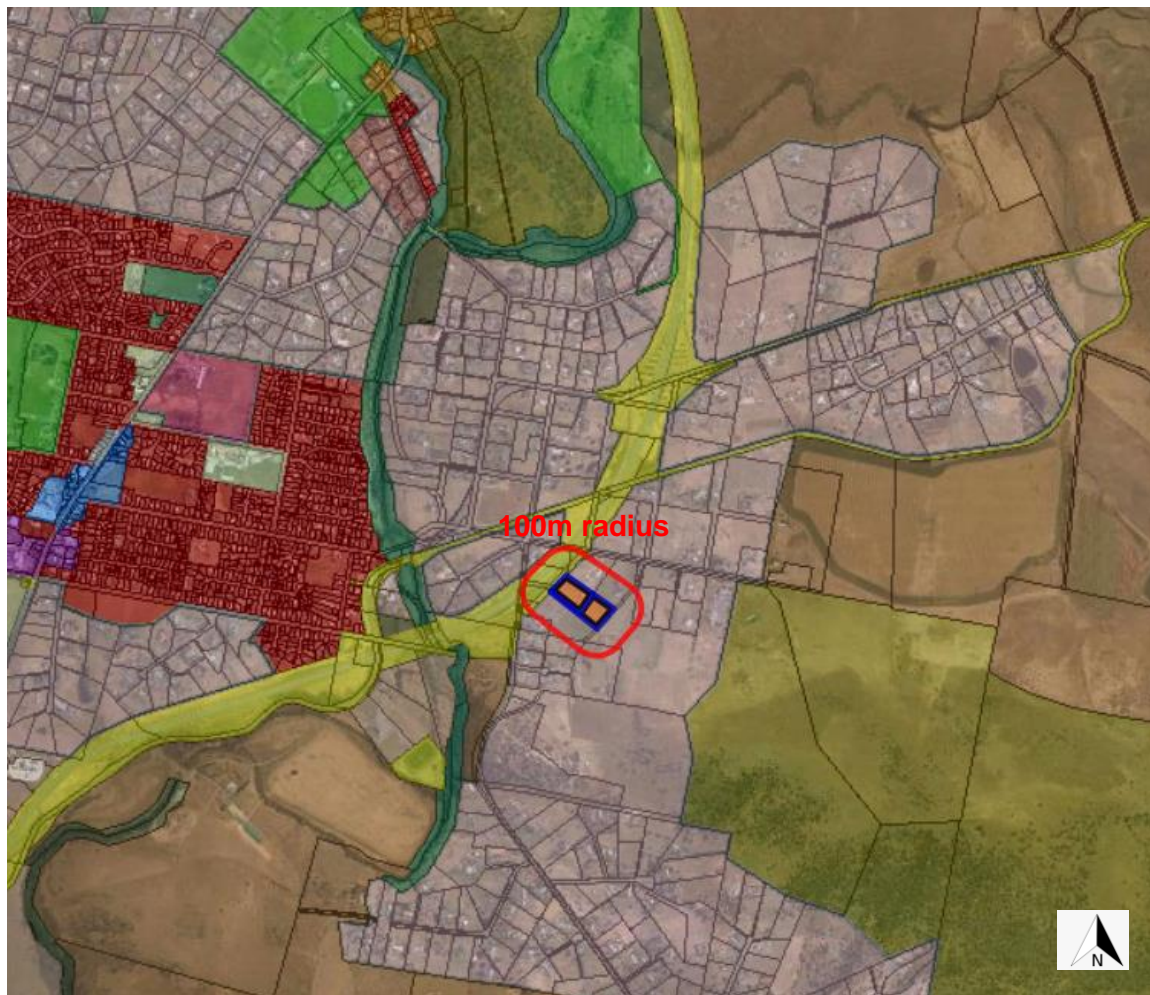


Figure 2: contoured listmap. [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) Subject property and proposed lot structure outlined in blue with proposed building areas in orange. Shows site situated in Rural Living Zone A zoning.

### 3.2. Surrounding Area

The subject site is located in a rural living zone A zoned area. This zoning includes properties on the north, east and southern aspects for at least several hundred meters.

Properties to the north, north east, east and south within this zone are similar to the lot size and use of the intended 2 lots of this proposal. They are developed with dwellings and outbuildings and typically are surrounded by managed gardens and grassland. However sections of paddock remain and are grazed or in fallow. Larger lots within this zone to the east and south east aren't developed and consist of grassland with patchy scrub/shrubs.

The subject site fronts onto Nelsons Buildings Road and that in turns abuts the Midland Highway to the west, which is zoned utilities. There are some thin strips of grass and weeds in this area ranging between 5-15m wide. Rural living zone A zoned land continues beyond the Midland Highway to the west.

Much larger lots >550m to the north east are zoned agriculture and appear to be used for grazing and annual crops. Very large properties bordering agriculture to the south



are zoned landscape conservation and comprise grassland and some remnant wooded vegetation.

Figure 3 below gives the TasVeg4.0 listmap of the area.

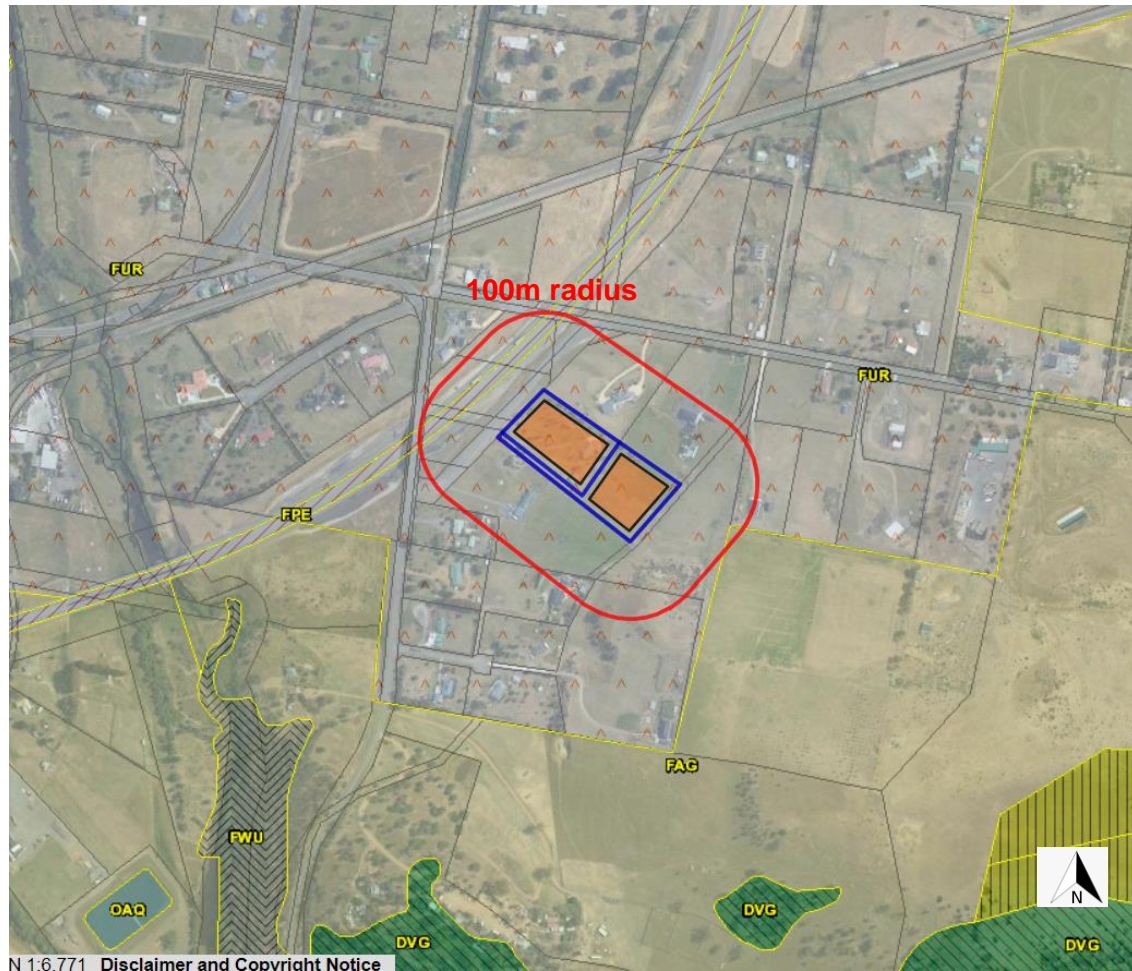


Figure 3: contoured TasVeg4.0 listmap. [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) Subject property and proposed lot structure outlined in blue with proposed building areas in orange.





Figure 4: contoured TasVeg4.0 listmap. [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) Property outline in blue, proposed building areas in orange. Red shading indicates grassland bushfire prone vegetation within 100m of proposal.

### 3.3. Additional Information

Subdivision not expected to be staged.

There are several class 10a sheds on proposed lot 1. These are all >6m from the existing dwelling and as such bushfire construction measures, site access and water supply are not applicable.

There has been bushfire activity surrounding the site. According to thelist fire history overlay, 3 fires have been close to impacting the site.

The biggest of those was the widespread and notorious 1966-1967 bushfires, which burned large areas of south east Tasmania, approximately 650m south of the proposal. A small fire in 2012 approximately 150m to the south of the subject property burned several paddocks of an area approximately 4.5ha in size.

The third was the large 2003 Broadmarsh fires that extend for several kms to the south west of the site, approximately 700m away.

A small fire at the Brighton Training facility in 2014 is noted, approximately 2.2kms to the west.

See Figure 5 below for the closest fire events on a listmap.

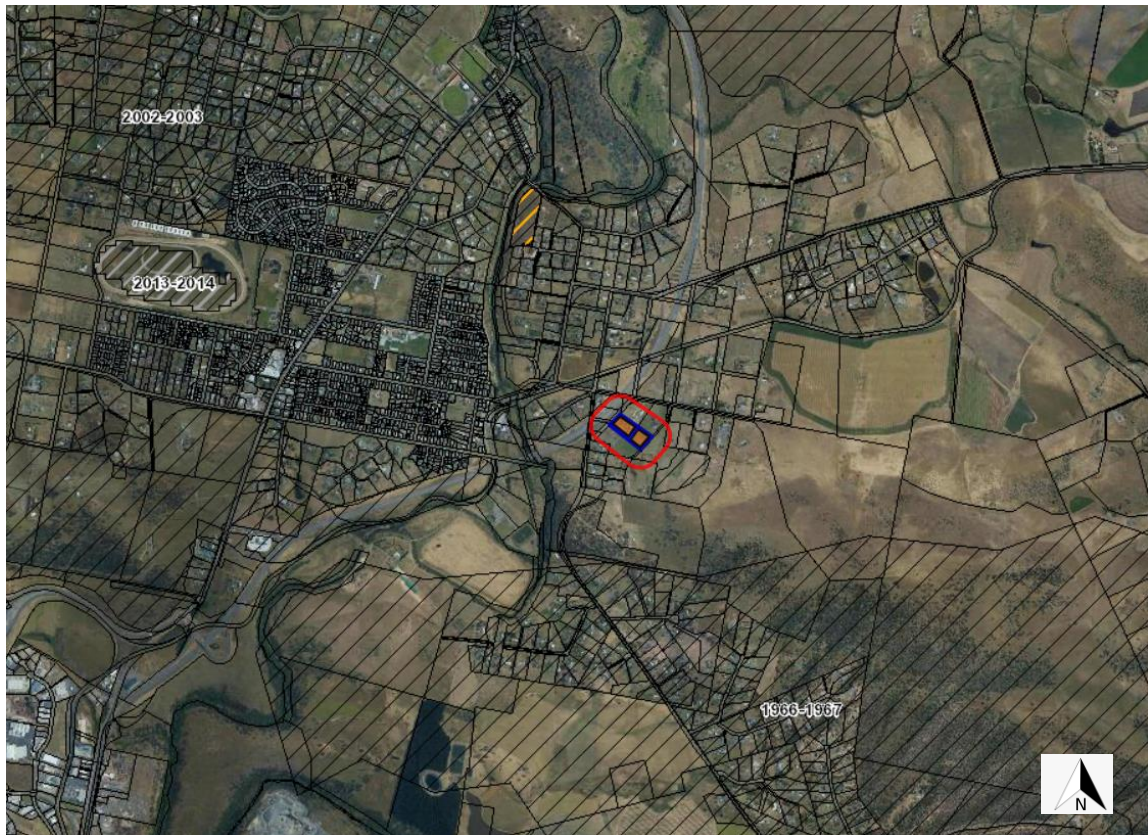


Figure 5: Fire History listmap. [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) Subject property outline in blue, fire events denoted by hashed areas with dates inserted.

## 4. Bushfire Attack Level Assessment

### 4.1. Vegetation

According to TasVeg4.0, the proposal is shown to be situated on vegetation classified as (FUR) urban areas. This appears accurate for the proposed lot 1 with the existing dwelling which has mown grass and sparse small to medium sized assorted shrubs and trees.

Proposed lot 2 however is grassland being grazed by cows and a classification of (FAG) agricultural would likely be better description. The same applies to neighbouring 6 Nelsons Buildings Road and 48 Nelsons Buildings Road.

Land to the east/south east on 88 Nelsons Buildings Road and 4 Kanangra Court would also fall under the likely classification of (FAG).

Land adjoining the above areas to the east is zoned (FAG) and this appears apt with paddocks and crops.

Land to the north, west and south for several hundred meters is classified as (FUR) and again is a combination of managed vegetation and grassy areas.

### Fire Behaviour

Fire behaviour suggests that threats to building areas on both lots may arise from land to the north, east and south which include:

- potentially fast-moving grass fires over grassland vegetation, fanned by winds from all directions. Resulting impact may be head fires or flanking fires depending on the direction and slope – which is varied. Ember attack would impact sites based on implementation of HMA's. Without HMA's, flame contact may result.

All lots would likely experience ember attack and spot fires. Spot fires may be unpredictable/erratic depending on wind conditions. Grassfires typically travel quickly under the right conditions and should be treated with extreme caution and appropriate preparation.

The following table gives the predominant vegetation types for ground cover, middle growth and canopy for the surrounding area within 150m of building areas for each lot:

Table 1: Both Lots. Grassland.

Vegetation Height	Species
Canopy	N/A
Middle Growth	Sparse <i>Bursaria spinosa</i> (Prickly Box) to south east
Ground Cover	Assorted native and introduced pasture species Assorted weed species

Bushfire prone vegetation is assessed as G. Grassland.

See photographs in appendix A for an indication of the surrounding vegetation.

#### 4.2. Slope

Effective slopes beneath down-, across- and up-slope grassland bushfire prone vegetation ranges between approximately 2-8° with aspects ranging from north-north westerly to north westerly.

#### 4.3. Separation Distances

Refer to Tables 2 & 3 indicating the minimum defendable space distances required from bushfire prone vegetation in order to achieve BAL-19 and/or BAL-12.5 for each lot.

Table 2: Defendable Space Table for building area on lot 1

	North East	South East	South West	North West
Vegetation Type	G. Grassland	G. Grassland	G. Grassland	Managed [AS3959 clause 2.2.3.2(d)(e)(f)]
Surrounding land relative to site	Up-slope / Across/flat	Up-slope / Across/flat	Up-slope / Across/flat	Down-slope 0-5°
Minimum Defendable Space Required to achieve BAL-12.5	≥14m	≥14m	≥14m	≥50m
Minimum Defendable Space Required to achieve BAL-19	≥10m	≥10m	≥10m	≥50m
Defendable Space achieved with HMA	14m or 10m	14m or 10m	14m or 10m	50m

Table 3: Defendable Space Table for building area on lot 2

	North East	South East	South West	North West
Vegetation Type	G. Grassland	G. Grassland	G. Grassland	Managed [AS3959 clause 2.2.3.2(d)(e)(f)]
Surrounding land relative to site	Down-slope 0-5°	Up-slope / Across/flat	Up-slope / Across/flat	Down-slope 0-5°
Minimum Defendable Space Required to achieve BAL-12.5	≥16m	≥14m	≥14m	≥50m
Minimum Defendable Space Required to achieve BAL-19	≥11m	≥10m	≥10m	≥50m
Defendable Space achieved with HMA	16m or 11m	14m or 10m	14m or 10m	50m

All separation distances are in accordance with Table 2.6 in AS3959 2018 and apply as per the HMA's set out in the BHMP (see Appendix C).

Implementation and ongoing maintenance of these separation distances and subsequent HMA's allows for:

- A BAL-19 compliant building solution on all aspects for any building within building areas on all lots. BAL-12.5 is achievable on each lot as long as minimum separation distances are adhered to as outlined in Tables 2 & 3.
- HMA's can be reduced in size to separation distances required for the specific dwelling location once finalised.

Note: A minimum 4m wide gravel site access road on the 8m wide access strip for lot 2 is to be constructed prior to the sealing of tiles. This provides an additional 5m of low threat separation (4m with 0.5m cleared either side) and thus provides at least the minimum 14m of separation required from grassland to the south west for BAL-12.5. The BHMP in Appendix C reflects this with only a 10m setback required on the south western boundary for lot 1.



#### 4.4. BAL

Based on all the assessed variables, BAL ratings can be seen in Table 4 for each lot. This in accordance with Table 2.6 of AS3959 2018. Table 3.1 of AS3959, 2018 (incorporating Amendments 1 & 2) describes BAL-19 and BAL-12.5:

Table 4: Both lots, Building Area BAL ratings with either BAL-12.5 or BAL-19 HMA in place

Bushfire Attack Level (BAL)	Heat flux exposure thresholds for classified vegetation within 100m of site	Predicted bushfire attack and levels of exposure	Construction Sections
BOTH LOTS BAL – 12.5	$\leq 12.5 \text{ kW/m}^2$	Ember attack	3 & 5
BOTH LOTS BAL – 19	$> 12.5 \text{ kW/m}^2$ $\leq 19 \text{ kW/m}^2$	Increasing ember attack & burning debris ignited by windborne embers together with increasing heat flux	3 & 6

## 5. Bushfire Hazard Management Objectives

### 5.1. Hazard Management Areas

The purpose of hazard management areas (HMA) is to provide a vegetation buffer in order to reduce fuel loads to a manageable level and aid in preservation of life and property. HMA's can be vegetated but in a manner that does not facilitate fire spread and helps occupants and/or firefighters to control fire activity (where possible) within the HMA.

However, HMA's are not intended as fail safe, they are highly dependent on the prevailing weather and fire conditions on the day as well as to what degree they are maintained (measured against clause 2.2.3.2 of AS3959 2018).

All HMA's on each lot have been assessed and designed in line with C13.6.1 A1(b) in Tasmania Planning Scheme – State Planning Provisions 2023.

2 HMA's have been issued for each building area to give options to build to BAL-19 or BAL-12.5. These HMA's can be refined and reduced in size to encompass the specific dwelling location once finalised.

#### Both Lots:

To satisfy HMA vegetation requirements, grass must be regularly mown to a nominal 100mm or less height (AS3959 2018 clause 2.2.3.2(f)).

Retained trees >4m in height to have lower 2m trimmed and maintained. Shrubs / small trees <4m in height can be planted/retained in line with general vegetation information below. Any retained trees 2–4m in height should have the lower 1m trimmed and managed. All vegetation within HMA should be spaced appropriately and maintained in line with guidelines below:

#### General Vegetation Management Information:

Vegetation may be planted within the HMA but must satisfy low threat conditions in accordance with AS3959 2018 clause 2.2.3.2(d)(e)(f). Any building refers to a class 1a or class 10a within 6m of a class 1a.

Shrubs <0.5m in height may be planted not within 1.5m of any building.

Vegetation 0.5–1m in height may be planted either individually or in single rows with spacing between foliage of a minimum 2m and not within 3m of any building.

Shrubs up to 2m in height can be planted either individually or in single rows but must be spaced with a minimum 6m between foliage and not within 6m of any building.

Large plants 4m or more in height can be planted but low and mid-level growth up to 2m in height to be trimmed and maintained over time with minimum spacing between crowns of 20m.

Vegetation 2m or more in height should not be planted within 10m of any building.

All new vegetation 1–4m in height should be spaced from large vegetation (>4m) at least 8m from tree crown (measured vertically).

Future plantings/landscaping should be planned with this in mind and be appropriately managed. We recommend plants of low flammability, such as – but not limited to – those in the Tasmania Fire Service booklet *Fire Resisting Garden Plants for the urban fringe and rural areas*, 2017.

In conjunction with the above, it is recommended owners refer to the TFS guidelines for HMA's contained within the Building for Bushfire Booklet dated June 2020 at [www.fire.tas.gov.au](http://www.fire.tas.gov.au).

## 5.2. Roads and Private Access

Roads and private site access is important for firefighting services in order to enter and exit the property under all circumstances, especially threatening and potentially dangerous conditions. There are certain design parameters that must be met to allow safe vehicle and foot access by firefighters and emergency services.

Existing site access on Lot 1 is >30m and <200m long and conditionally deemed to comply with Table C13.2 (B) in Tasmania Planning Scheme – State Planning Provisions 2023 pending minor upgrading of gravel surface in some areas as well as ensuring hardstand material is consistent with driveway. An indicative location for this is shown on the BHMP in Appendix C.

If proposed site access to lot 2 is >30m and <200m in length and provides access to a static firefighting water supply point, it must comply with Table C13.2 (B) in Tasmania Planning Scheme – State Planning Provisions 2023. If >200m it must comply with Table C13.2 (C). There is sufficient width in the 8m wide access strip to allow passing bays of an additional 2m width if required.

See Table C13.2:

**Table C13.2: Standards for Property Access**

Element		Requirement
<b>A.</b>	Property access length is less than 30m; or access is not required for a fire appliance to access a fire fighting water point.	There are no specified design and construction requirements.
<b>B.</b>	Property access length is 30m or greater; or access is required for a fire appliance to a fire fighting water point.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> <li>(a) all-weather construction;</li> <li>(b) load capacity of at least 20t, including for bridges and culverts;</li> <li>(c) minimum carriageway width of 4m;</li> <li>(d) minimum vertical clearance of 4m;</li> <li>(e) minimum horizontal clearance of 0.5m from the edge of the carriageway;</li> <li>(f) cross falls of less than 3 degrees (1:20 or 5%);</li> <li>(g) dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;</li> <li>(h) curves with a minimum inner radius of 10m;</li> <li>(i) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and</li> <li>(j) terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> <li>(i) a turning circle with a minimum outer radius of 10m; or</li> <li>(ii) a property access encircling the building; or</li> <li>(iii) a hammerhead "T" or "Y" turning head 4m wide and 8m long.</li> </ul> </li> </ul>
<b>C.</b>	Property access length is 200m or greater.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> <li>(a) the requirements for B above; and</li> <li>(b) passing bays of 2m additional carriageway width and 20m length provided every 200m.</li> </ul>
<b>D.</b>	Property access length is greater than 30m, and access is provided to 3 or more properties.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> <li>(a) complies with requirements for B above; and</li> <li>(b) passing bays of 2m additional carriageway width and 20m length must be provided every 100m.</li> </ul>

### 5.3. Water Supply for Firefighting

The ability for firefighters and occupants alike to have easy and safe access to a firefighting water supply point is paramount. Water supply points and fire hydrants (whether on the subject property or along public streets and roads) must be visible and positioned to allow easy/safe approach. Static (unreticulated) water supply points must be clearly labelled with water signage.

Existing habitable dwelling on lot 1 must install a static water supply in accordance with C13.6.3 A2(b)(c) and Table C13.5 in Tasmania Planning Scheme – State Planning Provisions 2023. This is to be in place prior to the sealing of titles.

Any additional habitable building within the building area on lot 1 will require a static water supply in accordance with C13.6.3 A2(b)(c) and Table C13.5.

Proposed habitable dwellings within the building area on lot 2 will require a static water supply in accordance with C13.6.3 A2(b)(c) and Table C13.5 in Tasmania Planning Scheme – State Planning Provisions 2023.

See Table C13.5 below:

**Table C13.5: Static Water Supply for Fire Fighting**

Element		Requirement
<b>A.</b>	Distance between building area to be protected and water supply.	<p>The following requirements apply:</p> <ul style="list-style-type: none"> <li>(a) the building area to be protected must be located within 90m of the fire fighting water point of a static water supply; and</li> <li>(b) the distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.</li> </ul>
<b>B.</b>	Static Water Supplies.	<p>The static water supply:</p> <ul style="list-style-type: none"> <li>(a) may have a remotely located offtake connected to the static water supply;</li> <li>(b) may be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times;</li> <li>(c) must be a minimum of 10,000L per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems;</li> <li>(d) must be metal, concrete or lagged by non-combustible materials if above ground; and</li> <li>(e) if a tank can be located so it is shielded in all directions in compliance with Section 3.5 of <i>Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas</i>, the tank may be constructed of any material provided that the lowest 400mm of the tank exterior is protected by: <ul style="list-style-type: none"> <li>(i) metal;</li> <li>(ii) non-combustible material; or</li> <li>(iii) fibre-cement a minimum of 6mm thickness.</li> </ul> </li> </ul>

C.	Fittings, pipework and accessories (including stands and tank supports).	<p>Fittings and pipework associated with a fire fighting water point for a static water supply must:</p> <ul style="list-style-type: none"> <li>(a) have a minimum nominal internal diameter of 50mm;</li> <li>(b) be fitted with a valve with a minimum nominal internal diameter of 50mm;</li> <li>(c) be metal or lagged by non-combustible materials if above ground;</li> <li>(d) if buried, have a minimum depth of 300mm;</li> <li>(e) provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment;</li> <li>(f) ensure the coupling is accessible and available for connection at all times;</li> <li>(g) ensure the coupling is fitted with a blank cap and securing chain (minimum 220mm length);</li> <li>(h) ensure underground tanks have either an opening at the top of not less than 250mm diameter or a coupling compliant with this Table; and</li> <li>(i) if a remote offtake is installed, ensure the offtake is in a position that is: <ul style="list-style-type: none"> <li>(i) visible;</li> <li>(ii) accessible to allow connection by fire fighting equipment;</li> <li>(iii) at a working height of 450 – 600mm above ground level; and</li> <li>(iv) protected from possible damage, including damage by vehicles.</li> </ul> </li> </ul>
D.	Signage for static water connections.	<p>The fire fighting water point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must comply with:</p> <ul style="list-style-type: none"> <li>(a) water tank signage requirements of <i>Australian Standard AS 2304:2019 Water storage tanks for fire protection systems</i>; or</li> <li>(b) <i>Water Supply Signage Guideline, version 1.0</i>, Tasmania Fire Service, February 2017.</li> </ul>
E.	Hardstand.	<p>A hardstand area for fire appliances must be:</p> <ul style="list-style-type: none"> <li>(a) no more than 3m from the firefighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like);</li> <li>(b) no closer than 6m from the building area to be protected;</li> <li>(c) a minimum width of 3m constructed to the same standard as the carriageway; and</li> <li>(d) connected to the property access by a carriageway equivalent to the standard of the property access.</li> </ul>



## 6. Subdivision Plan

### 6.1. Proposed Layout

The intended subdivision layout is to allow an internal additional lot. Access to this lot (proposed lot 2) will be via a minimum 8m wide access strip directly off Nelsons Buildings Road. The access strip provides ample width to cater for a minimum 4m wide private access road (driveway) as well as for any passing bays if the driveway length exceeds 200m in length. If the driveway to a static firefighting water supply point is >30m and <200m it will comply with Table C13.2 (B) in Tasmania Planning Scheme – State Planning Provisions 2023 providing acceptable access and turning for firefighting vehicles.

If >200m in length to a static firefighting water supply point, it must comply with Table C13.2 (C) and provide a passing bay to ensure safe passage for occupants and emergency services in the case of a fire.

The existing driveway provides a loop around the existing dwelling on lot 1 allowing adequate turning for emergency services vehicles and occupants.

Building areas are large and allow for a range of building locations and BAL options

### 6.2. Preferred Layout

This can be used as a guide to achieve optimal bushfire management outcomes, or best practice. The aim is to provide solutions that are comparable to the existing layout but incorporate practical bushfire safety measures whilst at the same time not reduce the commercial appeal of the development.

The proposed layout is consistent with appropriate bushfire threat site preparation.

There are no other comments on preferred layout.

## 7. Additional Planning Requirements

### 7.1. Vegetation Management

The proposal is not sited within any natural asset code overlay, for example a priority vegetation area.

Current site conditions are grassland with some grazing cattle. All known threatened vegetation observations are outside of the subject site and HMA's.

Figure 6 below shows threatened vegetation observations:



Figure 6: Threatened vegetation observations listmap, observations denoted by green triangles. [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au).

The proposal is deemed to be in accordance with C7.7.2 A1(e) of the Tasmanian Planning Scheme 2023.

## 7.2. Environmental Values

As a general rule it is important that proposed works do not lead to excessive vegetation removal (beyond what is required in this report) and measures should be taken to control and stabilize soil where vegetation has been removed in order to prevent erosion. This subdivision is unlikely to significantly alter existing site conditions.

The implementation of any HMA and site access for the proposal is not anticipated to significantly alter the current site and vegetation conditions.

## 8. Regulations

Regulations governing construction in bushfire prone areas encompass all documents relating to planning, design and implementation. These documents include:

- Tasmania Building Act 2016
- Tasmania Building Regulations 2014
- Tasmania Building Regulations 2016
- Director's Determination – Bushfire Hazard Areas Version 1.1 2021
- Tasmania Planning Scheme – State Planning Provisions 2023
- National Construction Code– 2022
- AS3959 (2018) (incorporating Amendments 1 & 2) – Construction of buildings in bushfire prone areas
- The ABCB Performance Standard for Private Bushfire Shelters Part 1

## 9. Report Limitations and General Information

This report aims to provide sound advice, best practice strategies and measures in accordance with AS3959 2018 (incorporating Amendments 1 & 2), Tasmania Planning Scheme – State Planning Provisions 2023, the Director's Determination – Bushfire Hazard Areas Version 1.1 2021 relevant to the site assessed.

We rely on information provided to us by clients and agents on behalf of clients. The assessment provided in this report relates only to the subject proposal/land/property, which has been identified in this report.

It is outside the scope of our accreditation to provide performance solutions. Bushfire Tasmania can provide performance solutions only with the advice and approval of the Tasmania Fire Service.

The purpose of recommendations contained in this report are to deliver clarity of circumstances relating to potential bushfire hazard(s). In addition, they are designed to assist in developing mitigation measures and on-going management of the site and surrounding area to provide a tolerable level of risk in accordance with all relevant standards. Any proposed future building(s) or changes in vegetation that may impact this site from a bushfire hazard perspective have not been considered in this report. No responsibility is taken for any loss as a result of actions taken which may be contrary to AS3959 2018 or the Directors Determinations. All findings and conclusions in this report are based on these.

Of particular note and importance from AS3959:

*This standard is primarily concerned with improving the ability of buildings in designated bushfire-prone areas to better withstand attack from bushfire thus giving a measure or protection to the building occupants (until the fire front passes) as well to the building itself.*

*Improving the design and construction of buildings to minimize damage from the effects of bushfire is but one of several measures available to property owners and occupiers to address damage during bushfire. Property owners should be aware that this Standard is part of a process that aims to lessen the risk of damage to buildings occurring in the event of the onslaught of bushfire. Other measures of mitigating damage from bushfire fall within the areas of planning, subdivision, siting, building design, landscaping and maintenance.*

Furthermore, compliance with AS3959 does not guarantee that no loss will occur to life or property as a result of bushfire, as stated in AS3959:

*It should be borne in mind that the measures contained in this Standard cannot guarantee that a building will survive a bushfire event on every occasion. This is substantially due to the degree of vegetation management, the unpredictable nature and behaviour of fire, and extreme weather conditions.*

*The survivability of buildings is also dependent on a combination of measures such as landscaping, water supplies, access, building design and maintenance. Care should also be exercised when siting and designing for these measures when constructing a building under this Standard.*

Monitoring current TFS advice is imperative and landowners should be aware in Catastrophic Fire Danger Rating conditions, even very well-prepared buildings may not be safe. Residents in bushland areas should not plan to defend any building, regardless of any preparations they have made.

It is the intention that based on the implementation of sound bushfire prevention measures in conjunction with on-going maintenance and keeping informed of possible fire threats that loss of property and/or life may be reduced.

If your property is within a bushfire prone area or if likely to be impacted by bushfire in some way, it is highly recommended that property owners/managers develop and implement a bushfire survival plan. This should address all aspects of bushfire safety and bushfire prevention measures applicable to the property. In addition, an evacuation plan should be developed and rehearsed to ensure occupants can realistically enforce it should the need arise. Please refer to the TFS Bushfire Emergency Planning Guidelines V3.0 2021 as a reference to better plan evacuation procedures as part of any bushfire survival plan and listen to ABC local radio for updates in the event of a fire in your area.

This assessment and BHMP is valid for 6 years from the date of issue.

## 10. Recommendations

### Hazard Management Areas

There is a requirement for proposed building areas and existing buildings to achieve a minimum BAL-19 rating in line with C13.6.1 A1(b) in Tasmania Planning Scheme – State Planning Provisions 2023. HMA's have been imposed that achieves:

- A BAL-19 compliant building solution on all aspects for any building within building areas on both lots. BAL-12.5 is achievable on each lot as long as minimum separation distances are adhered to as outlined in Tables 2 & 3 in section 4.3.
- The existing dwelling on proposed lot 1 has separation distances with the HMA in place to satisfy BAL-12.5.
- HMA's can be reduced in size to separation distances required for the specific dwelling location once finalised.
- Vegetation within HMA's must be maintained in line Clause 2.2.3.2 (d)(e)(f) of AS3959 2018. Refer to section 5.1 for recommendations and information on HMA compliance.

### Site Access

- Existing site access on Lot 1 is >30m and <200m long and conditionally deemed to comply with Table C13.2 (B) in Tasmania Planning Scheme – State Planning Provisions 2023 pending minor upgrading of gravel surface in some areas as well as ensuring hardstand material is consistent with driveway. An indicative location for this is shown on the BHMP in Appendix C.

Minor upgrades to existing driveway are to be completed prior to the sealing of titles.

- If proposed site access to lot 2 is >30m and <200m in length and provides access to a static firefighting water supply point, it must comply with Table C13.2 (B) in Tasmania Planning Scheme – State Planning Provisions 2023. If >200m it must comply with Table C13.2 (C).

Site access on the 8m wide access strip from Nelsons Buildings Road to the building area on lot 2 should be completed for the length of the 8m wide access strip prior to the sealing of titles.

### Firefighting Water Supply

- Existing habitable dwelling on lot 1 must install a static water supply in accordance with C13.6.3 A2(b)(c) and Table C13.5 in Tasmania Planning Scheme – State Planning Provisions 2023. This is to be in place prior to the sealing of titles.

Any additional habitable building within the building area on lot 1 will require a static water supply in accordance with C13.6.3 A2(b)(c) and Table C13.5.



- Proposed habitable dwellings within the building area on lot 2 will require a static water supply in accordance with C13.6.3 A2(b)(c) and Table C13.5 in Tasmania Planning Scheme – State Planning Provisions 2023.

#### General

- We recommend future owner(s) of any lot be issued with a copy of the bushfire hazard management plan and this report for future planning and reference.
- Building areas on all lots are approved at the time of subdivision and will comply to a minimum BAL-19 solution in accordance with C13.6.1 A1(b) in Tasmania Planning Scheme – State Planning Provisions 2023.
- There are several class 10a sheds on proposed lot 1. These are all >6m from the existing dwelling and as such bushfire construction measures, site access and water supply requirements are not applicable.

## 11. Conclusion

The proposal is for a 2 lot subdivision at 14 Nelsons Buildings Road, Brighton (C.T 135468/3) creating 2 lots of just under 1 hectare in size each.

The bushfire prone vegetation of greatest threat is G. Grassland.

It is the conclusion of this bushfire hazard assessment report that if all findings and recommendations contained within this report and BHMP are implemented and maintained, the proposal will comply with all Deemed to Satisfy requirements.

Building areas on all lots are approved at the time of subdivision and will comply to a minimum BAL-19 solution in accordance with C13.6.1 A1(b) in Tasmania Planning Scheme – State Planning Provisions 2023.

The site has been assessed in accordance with Tasmania Planning Scheme – State Planning Provisions 2023 and Australian Standard 3959 – *Construction of Buildings in Bushfire Prone Areas 2018* (incorporating Amendments 1 & 2).



Samuel Walters B.Agr Sc.; BFP-130 (1, 2, 3A, 3B)

Bushfire Tasmania

## 12. References

- AS3959-2018 Construction of buildings in bushfire prone areas, Standards Australia, Sydney (incorporating Amendments 1 & 2).
- Wiltshire,R and Jordan,G. *Treeflip*, School of Plant Science, University of Tasmania, 2009.
- Wiltshire,R and Potts,B. *Eucaflip*, School of Plant Science, University of Tasmania, 2007.
- Director's Determination – Bushfire Hazard Areas Version 1.1 2021.
- Tasmania Building Act 2016.
- Tasmania Building Regulations 2014.
- Tasmania Building Regulations 2016.
- From Forest to Fjaeldmark, *Descriptions of Tasmania's Vegetation*. Department of Primary Industries, Water and Environment, 2005.
- Tasmania Planning Scheme Brighton.
- Tasmania Planning Scheme – State Planning Provisions 2023.
- [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)
- Chladil, M and Sheridan, J. *Fire Resisting Garden Plants for the urban fringe and rural areas*. Tasmania Fire Service, 2017.
- TasVeg3.0 Tasmanian Vegetation Monitoring and Mapping Program, Biodiversity Conservation Branch, DPIPWE, 2013.
- Bushfire Planning Group, *Guidelines for Development in Bushfire Prone Areas of Tasmania*, Tasmania Fire Service, Hobart, 2005.
- [www.fire.tas.gov.au](http://www.fire.tas.gov.au)
- TFS *Bushfire Emergency Planning Guidelines* Version 3.0, August 2021. Tasmania Fire Service.
- TFS *Building for Bushfire booklet*, Tasmania Fire Service, June 2020.
- TFS *Water Supply Signage Guideline* Version 1.0, Tasmania Fire Service, February 2017.
- TFS *Firefighting Water Supplies booklet*, Tasmania Fire Service.

**Appendix A – Site Photographs**

**Photograph 1 – Looking east toward subject site with existing cross-over and driveway mid photo.**



**Photograph 2 – Looking north east along Nelsons Buildings Road from same location as photo 1. Midland Highway on left.**





**Photograph 3 – Looking south west along Nelsons Buildings Road from out the front of subject site.**



**Photograph 4 – Looking north-north west over Midland Highway from same location as photo 3.**





**Photograph 5 – Looking east along existing driveway toward dwelling on lot 1.**



**Photograph 6 – Looking north over western section of subject site from same location as photo 5 (Nelsons Buildings Road can be seen upper mid photo).**





**Photograph 7 – Looking west from south western boundary of lot 1 toward neighbouring dwelling on 6 Nelsons Buildings Road.**



**Photograph 8 – Looking west from south western boundary of lot 2 toward neighbouring 6 Nelsons Buildings Road with dwelling on that property upper mid left.**





**Photograph 9 – Looking south-south east toward 6 Nelsons Buildings Road and beyond  
from same location as photo 8.**



**Photograph 10 – Looking south east toward grassland on 88 Nelsons Buildings Road  
(beyond 2<sup>nd</sup> middle fence) from eastern boundary of lot 2.**





**Photograph 11 – Looking north west over lot 2 from and eastern boundary of it. Dwelling and shed seen is on lot 1.**



**Photograph 12 – Looking north east along inner fence on eastern boundary of lot 2 toward dwelling on 48 Nelsons Buildings Road (left) and 68 Nelsons Buildings Road (far right).**





**Photograph 13 – Looking north over lot 2 from south eastern side toward dwelling on 48 Nelsons Buildings Road (right), 40 Nelsons Buildings Road (mid left) and existing dwelling on lot 1 (far left).**



**Photograph 14 – Looking north east toward 48 Nelsons Buildings Road from proposed north eastern boundary between lots 1 and 2.**





**Photograph 15 – Looking north-north east toward 40 Nelsons Buildings Road from north eastern corner of proposed lot 1.**



**Photograph 16 – Looking north toward 40 Nelsons Buildings Road from driveway and hardstand area on proposed lot 1 (on north western side of existing dwelling).**





**Photograph 22 – Looking south west toward dwelling and shed on lot 1 from north eastern corner of proposed lot.**



**Photograph 25 – Looking south-south east toward existing dwelling on lot 1 from north western side of it. Indicative hardstand area in foreground (with upgrades pending).**

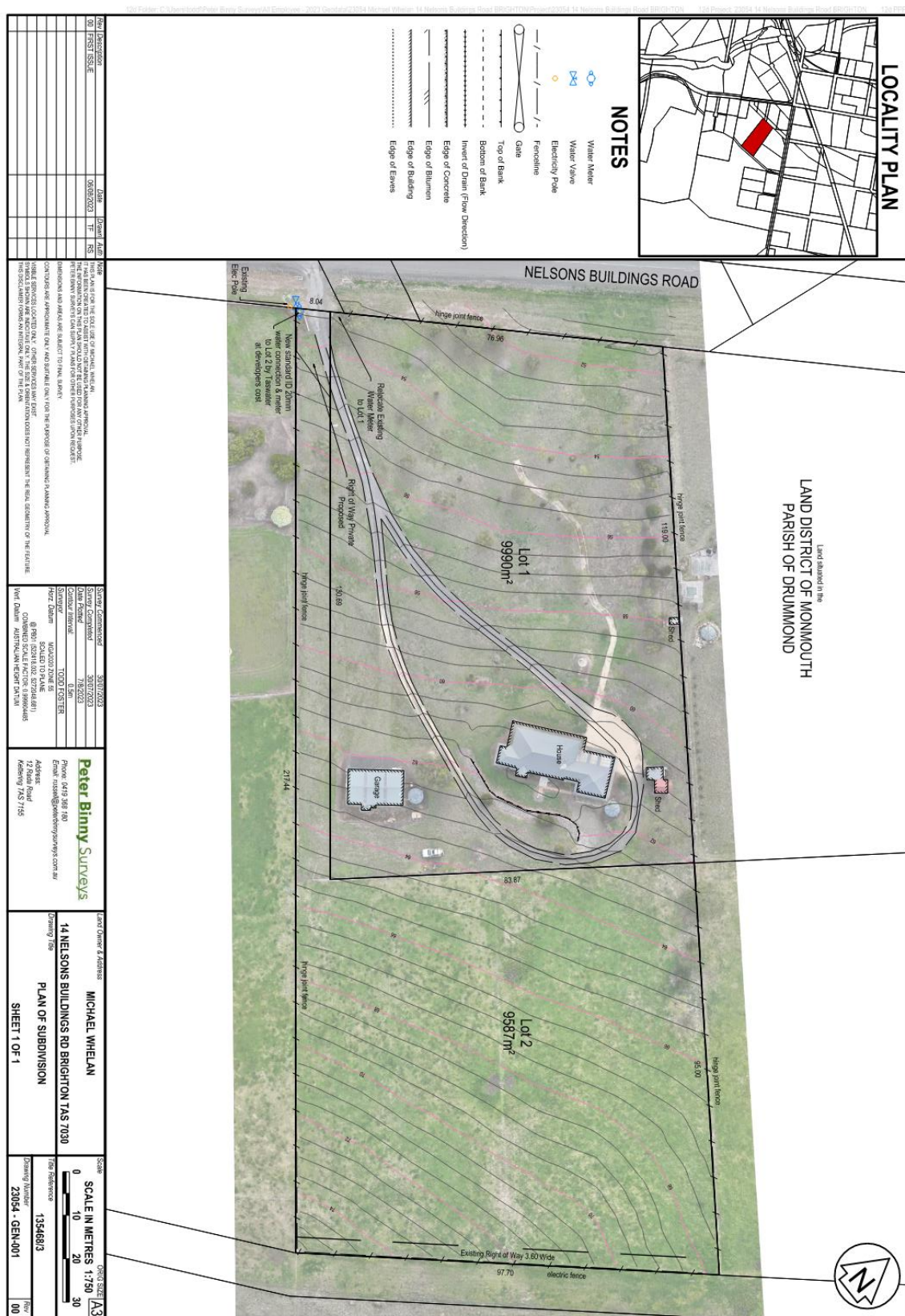




Photograph 26 – Looking east along looped driveway from same location as photo 25.



## Appendix B – Subdivision Plans



**Appendix C – Bushfire Hazard Management Plan**

See attached







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## BUSHFIRE-PRONE AREAS CODE

### CERTIFICATE<sup>1</sup> UNDER S51(2)(d) *LAND USE PLANNING AND APPROVALS ACT 1993*

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#### 1. Land to which certificate applies

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

**Street address:**

14 Nelsons Buildings Road, Brighton

**Certificate of Title / PID:**

135468/3

#### 2. Proposed Use or Development

**Description of proposed Use and Development:**

2 Lot Subdivision

**Applicable Planning Scheme:**

Tasmania Planning Scheme Brighton

#### 3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Hazard Assessment Report for 2 Lot Subdivision at 14 Nelsons Buildings Road, Brighton, report code A23-5 Rev 1	Samuel Walters Bushfire Tasmania BFP-130	August 2023	1.0
Bushfire Hazard Management Plan for 14 Nelsons Buildings Road, Brighton dated 22/08/2023, code A23-5	Samuel Walters Bushfire Tasmania BFP-130	22/08/2023	Rev A
Plan of Subdivision for Michael Whelan at 14 Nelsons Buildings Road, Brighton TAS 7030. Drawing Number 23054 - GEN-001	Peter Binny Surveys	06/08/2023	Rev 00

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

#### 4. Nature of Certificate

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

<input type="checkbox"/>	<b>E1.4 / C13.4 – Use or development exempt from this Code</b>	
	<b>Compliance test</b>	<b>Compliance Requirement</b>
<input type="checkbox"/>	E1.4(a) / C13.4.1(a)	Insufficient increase in risk

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

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

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

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

<input checked="" type="checkbox"/>	<b>E1.6.3 / C13.1.6.3 Subdivision: Provision of water supply for fire fighting purposes</b>	
	<b>Acceptable Solution</b>	<b>Compliance Requirement</b>
<input type="checkbox"/>	E1.6.3 A1 (a) / C13.6.3 A1 (a)	Insufficient increase in risk
<input type="checkbox"/>	E1.6.3 A1 (b) / C13.6.3 A1 (b)	Reticulated water supply complies with relevant Table
<input type="checkbox"/>	E1.6.3 A1 (c) / C13.6.3 A1 (c)	Water supply consistent with the objective
<input type="checkbox"/>	E1.6.3 A2 (a) / C13.6.3 A2 (a)	Insufficient increase in risk
<input checked="" type="checkbox"/>	E1.6.3 A2 (b) / <b><u>C13.6.3 A2 (b)</u></b>	Static water supply complies with relevant Table
<input type="checkbox"/>	E1.6.3 A2 (c) / C13.6.3 A2 (c)	Static water supply consistent with the objective

## 5. Bushfire Hazard Practitioner

Name: Samuel Walters

Phone No: 0438 559 371

Postal Address: 21 Dysart Street  
Clifton Beach  
TAS 7020

Email Address: sam@bushfiretasmania.com.au

Accreditation No: BFP – 130

Scope: 3B

## 6. Certification

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

- ☐ Is exempt from the requirement Bushfire-Prone Areas Code because, having regard to the objective of all applicable standards in the Code, there is considered to be an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures, or
- ☒ The Bushfire Hazard Management Plan/s identified in Section 3 of this certificate is/are in accordance with the Chief Officer's requirements and compliant with the relevant **Acceptable Solutions** identified in Section 4 of this Certificate.

Signed:  
certifier



Name: Samuel Walters

Date: 23/08/2023

Certificate  
Number: A23-5 004

(for Practitioner Use only)

Michal Whelan  
PO Box 270  
BRIGHTON TAS 7030  
wwtas@bigpond.net.au  
12/9/2023

Brighton Council  
1 Tivoli Road  
OLD BEACH TAS 7017  
Attn: Brian White

Dear Sir/Madam,

**RFI - SUBDIVISION REMAINING TWO (2) LOTS – 14 NELSONS BUILDINGS ROAD, BRIGHTON**

I refer to your letter dated 11<sup>th</sup> September 2023. The following response is made:-

*Application Requirements - Access & Vegetation Removal*

*1. Access Arrangements*

*Clarification is sought as to whether the proposal requires alterations to the entry access and how the new internal access road will transition off the entry and around the pole stay wire and the private pole. Any changes required will need to be shown on an amended plan. Perhaps an enlarged Image of this section of the proposal could be provided?*

The existing private pole is 8.810 metres from the existing side boundary and therefore 0.810metres from the proposed boundary. A setback of 2 metres from each driveway is proposed (see attached enlarged plan).

The existing pole stay is 2.330 metres from the side boundary. A clearance of 1 metre from the stay would provide the (4 metre wide) access with a clearance of 0.7 metres on the northern side. A 1 metre clearance would seem more than adequate given the location of the stay on private land and in a exceptionally low speed location. The stay is also located between the boundary fence and the white entry fence. The entry fence provides for an additional physical barrier and traffic calming device.

*2. Vegetation Removal*

*Any vegetation that needs to be removed from site will need to be shown on an amended plan.*

The application requires the removal of three (3) trees as shown of the same attached plan, google earth picture and photo. Two trees are 5-6 metres in height and a third tree is no more than 2 metres in height. All three trees are eucalypts and are of “stunted” appearance. There is a significant number (40+) of other trees remaining on Lot 1.

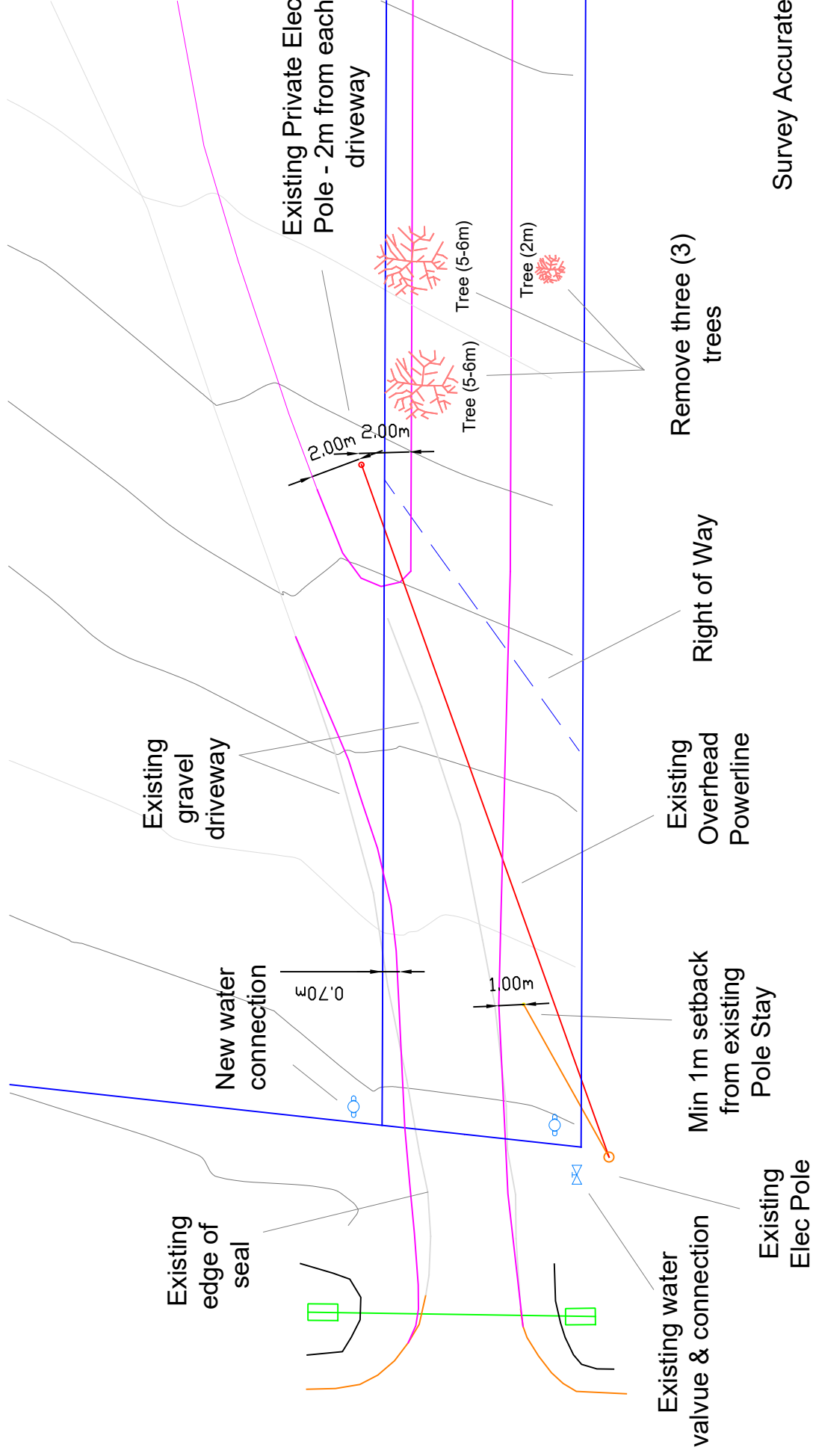
Please do not hesitate to contact me if you have any further queries.

Regards

Michael Whelan



# NELSONS BUILDINGS ROAD











Cyclone  
Quality Gates