



# Draft Planning Scheme Amendment

## *Land Use Planning and Approvals Act 1993*

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Notice is given pursuant to s40G of the *Land Use Planning and Approvals Act 1993* that the Brighton Planning Authority has certified draft Amendment RZ2025/01 to the Local Provisions Schedule.

A copy of the certified draft amendment and all other documents may be viewed on Council's website [www.brighton.tas.gov.au](http://www.brighton.tas.gov.au) and at the Council Offices, 1 Tivoli Road, Old Beach between 8.15am and 4.45pm Monday to Friday from **25 June 2025 until 23 July 2025**.

### **What land is affected by the amendment?**

- 596 Tea Tree Road, Tea Tree (CT 164781/1)
- 594 Tea Tree Road, Tea Tree (CT 182250/1)

### **What does the draft amendment seek to do?**

- Rezone 596 Tea Tree Road, Tea Tree (CT 164781/1) from Rural to Community Purpose; and
- Rezone part of 594 Tea Tree Road, Tea Tree (CT 182250/1) from Agriculture to Community Purpose

Notice is also given pursuant to s.40Z of the Act that Council has issued a draft permit for the following development as part of the combined permit process:

- SA 2025/004 - Subdivision (reorganisation of boundaries) at 596 Tea Tree Road, Tea Tree (CT 164781/1) and 594 Tea Tree Road, Tea Tree (CT 182250/1)

### **How can I be involved?**

Any person may make representation about the draft amendment during the above period by letter addressed to the Chief Executive Officer, Brighton Council, 1 Tivoli Road, Old Beach 7017 or by email to [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.

**It is important, if you wish to make comment that you put your comments in writing to Council. This will allow you to be involved in future processes relating to the draft amendment.**

Further information regarding the draft amendment can be obtained from Development Services, ph: 03 62687041

**JAMES DRYBURGH**

**Chief Executive Officer**

**Brighton**  
going places

# Tasmanian Planning Scheme - Brighton

## Amendment RZ 2025/01

### Instrument of Certification

The Brighton Council Planning Authority resolved at its meeting held on 17 June 2025 that Amendment RZ2025/01 of the *Tasmanian Planning Scheme - Brighton* meets the requirements specified in Section 34 of the *Land Use Planning and Approvals Act 1993*.

The common seal of the Brighton Council is affixed below, pursuant to the Council resolution of 16<sup>th</sup> January 2024 in the presence of:

Chief Executive Officer

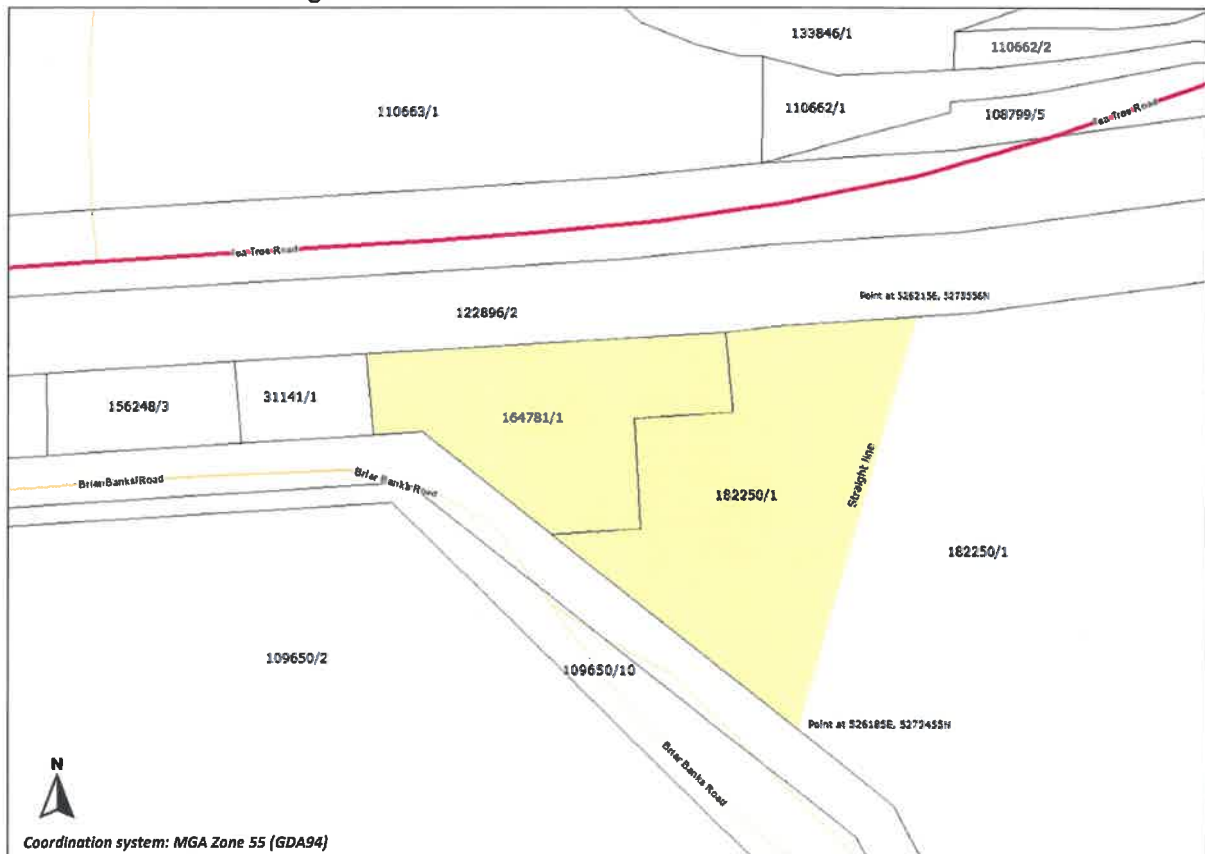
Date: 19<sup>th</sup> June 2025



#### AMENDMENT TO THE PLANNING SCHEME MAPS

Amend the planning scheme maps to rezone

- 596 Tea Tree Road, Tea Tree (CT 164781/1) from Rural to Community Purpose; and
- part of 594 Tea Tree Road, Tea Tree (CT 182250/1) from Agriculture to Community Purpose as shown in the figure below.



#### Legend

- Community Purpose Zone
- Parcels



## PLANNING PERMIT (SA 2025 / 00004)

In accordance with Division 2 of Part 4 section 57 of the *Land Use Planning and Approvals Act 1993*, the Brighton Council (Planning Authority) grants a permit for a discretionary application –

To: PDA Surveyors Pty Ltd

Of: 127 Bathurst Street  
Hobart TAS 7000

For land described as:

596 Tea Tree Road, Tea Tree & 594 Tea Tree Road, Tea Tree

Certificate of Title Volume 164781 Folio 1 and Title Volume 182250 Folio 1

### THIS PERMIT ALLOWS FOR:

The land to be developed by ***Subdivision (reorganisation of boundaries)*** and ancillary site works in accordance with the information and particulars set out in the development application and the endorsed drawings.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- (1) The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) Where a conflict occurs between the application for planning approval, the endorsed drawings and conditions of this permit, the latter prevails.

#### ***Easements***

- (3) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

***Advice:*** A Right of Way should be provided over the existing vehicle access on Lot 1 in the benefit of Lot 2 in the benefit of FR 182250/1 to maintain legal access.

#### ***Endorsement***

- (4) The final plan of survey must be noted that Council cannot and or will not provide a means of stormwater drainage to all lots on the plan of survey.

### ***Final plan***

- (5) A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- (6) Prior to Council sealing the final plan of survey for each stage, security for an amount clearly more than the value of all outstanding works and maintenance required by this permit must be lodged with the Brighton Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's Municipal Engineer in accordance with Council Policy 6.3 following approval of any engineering design drawings and shall not to be less than \$5,000.
- (7) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied.
- (8) The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

### ***Bushfire Hazard Management***

- (9) The development must be carried out in accordance with the Bushfire Hazard Report prepared by Bushfire Wise dated December 2024.
- (10) Prior to Council sealing the final plan of survey the developer is to provide to Council written confirmation from a suitably qualified person that all the requirements of the bushfire hazard management plan have been complied with.

### ***Services***

- (11) The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.
- (12) Any existing services shared between lots are to be separated to the satisfaction of Councils Municipal Engineer.
- (13) Property services must be contained wholly within each lot served or an easement provided in accordance with the requirements of the responsible authority and to the satisfaction of Councils Municipal Engineer.

### ***Construction Amenity***

- (14) The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager

- Monday to Friday 7:00 AM to 6:00 PM
- Saturday 8:00 AM to 6:00 PM
- Sunday and State-wide public holidays 10:00 AM to 6:00 PM

- (15) All works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or transport of materials, goods or commodities to or from the land; and/or appearance of any building, works or materials.
- (16) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on-site will be permitted unless approved in writing by the Council's General Manager
- (17) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the subdivision during the construction period

#### THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. Any occupation or works within the road reservation, footpath, nature strip or road require prior approval via a works in the road reservation permit available from the Councils website.

Dated 17 June 2025



**Brighton  
Council**

**MINUTES OF THE ORDINARY COUNCIL MEETING  
OF THE BRIGHTON COUNCIL, HELD IN THE COUNCIL CHAMBERS,  
COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH  
AT 5.30P.M. ON TUESDAY, 17 JUNE 2025**

**PRESENT:** Cr Gray; Cr Curran; Cr De La Torre; Cr Geard; Cr McMaster; Cr Owen and Cr Whelan

**IN ATTENDANCE:** Mr J Dryburgh (Chief Executive Officer); Mr C Pearce-Rasmussen (Director Asset Services); Ms G Browne (Director Corporate Services); Mr A Woodward (Director Development Services); Ms A Turvey (Manager Community Development & Engagement); Mr Leigh Wighton (Manager Development Engineering) and Mrs J Blackwell (Manager Planning).

**1. Acknowledgement of Country**

**2. Apologies / Applications for leave of absence**

**DECISION:**

*Cr Geard moved, Cr De La Torre seconded that Cr Irons and Cr Murtagh be granted leave of absence.*

**CARRIED**

**VOTING RECORD**

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr McMaster	
Cr Owen	
Cr Whelan	

### 3. Confirmation of Minutes

#### 3.1 Ordinary Council Meeting

The Minutes of the previous Ordinary Council Meeting held on the 20<sup>th</sup> May 2025 are submitted for confirmation.

#### **RECOMMENDATION:**

That the Minutes of the previous Ordinary Council Meeting held on 20<sup>th</sup> May 2025, be confirmed.

#### **DECISION:**

*Cr McMaster moved, Cr Curran seconded that the Minutes of the previous Ordinary Council Meeting held on 20<sup>th</sup> May 2025, be confirmed.*

**CARRIED**

#### **VOTING RECORD**

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr McMaster	
Cr Owen	
Cr Whelan	

### 4. Declaration of Interest

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairperson of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest or conflict of interest in any item on the Agenda.

In accordance with Section 48(4) of the *Local Government Act 1993*, it is the responsibility of councillors to then notify the Chief Executive Officer, in writing, the details of any interest(s) that the councillor has declared within 7 days of the declaration.

*Cr Geard declared an interest in Item 12.2*

*Cr Gray declared an interest in Item 14.16*

*Cr De La Torre declared an interest in Items 14.7 and 14.17*

### 5. Public Question Time and Deputations

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the agenda is to make provision for public question time.

*There was no requirement for Public Question Time.*

*Cr Geard left the meeting at 5.49pm due to a declared interest in Item 12.2.*

## **12.2 Combined Draft Amendment to the Brighton Local Provision Schedule & Planning Permit Application - RZ 2025/01 & SA 2025/004 - 594 & 596 Tea Tree Road, Tea Tree**

**Author:** Planning Officer (D Van)

**Authorised:** Manager Planning (J Blackwell)

<b>Type of report:</b>	Report to the Planning Authority
<b>Application number:</b>	SA 2025/004 & RZ 2025/001
<b>Applicant:</b>	<ol style="list-style-type: none"> <li>1. For subdivision permit: PDA Surveyors, Engineers, &amp; Planners (OBO Tea Tree Community Assoc. Inc.) for the subdivision application.</li> <li>2. For the draft amendment to the Brighton LPS: Brighton Council</li> </ol>
<b>Subject land and landowners:</b>	<ol style="list-style-type: none"> <li>1. 594 Tea Tree Road, Tea Tree (CT 164781/1 – PID 3205343). Owner: Tea Tree Community Association Incorporated.</li> <li>2. 596 Tea Tree Road, Tea Tree (CT 182250/1 – PID 9604056). Owner: Trent Andrew Nus.</li> </ol>
<b>Proposal:</b>	<ol style="list-style-type: none"> <li>1. Amend the Brighton Local Provisions Schedule to: <ol style="list-style-type: none"> <li>a) Rezone 596 Tea Tree Road (CT164781/1) from Rural to Community Purpose;</li> <li>b) Rezone 4,401m<sup>2</sup> of 594 Tea Tree Road (CT182250/1) from Agriculture to Community Purpose; and</li> </ol> </li> <li>2. Approve a re-organisation of boundaries (via subdivision) to add 4,401m<sup>2</sup> of 594 Tea Tree Road (CT182250/1) to 596 Tea Tree Road (CT164781/1).</li> </ol>
<b>Attachments:</b>	<p>Attachment A: Application form</p> <p>Attachment B: Owners' consent</p> <p>Attachment C: Title documents</p> <p>Attachment D: Assessment documents</p> <p>Attachment E: Instrument of certification</p> <p>Attachment F: Draft subdivision permit</p> <p>Attachment G: Statutory Assessment of the permit application</p> <p>Attachment H: Aboriginal Heritage Tasmania - Record of advice</p> <p>Attachment I: TasWater's SPAN</p> <p>Attachment J: TasRail's response</p>

## 1. EXECUTIVE SUMMARY

This report has been prepared for the Planning Authority to determine a combined permit and amendment application (the application). The application consists of two parts:

- The subdivision application was made by PDA obo Tea Tree Community Association. This is made under s.40T(1) of the *Land Use Planning and Approvals Act 1993* ('the Act').
- The draft amendment to the Brighton Local Provisions Schedule (LPS) is initiated by Brighton Council for the rezoning of the identified parcel of land. It is prepared under s.40D(b) of the Act.

Under s.40X of the Act, Council is to decide to agree whether to agree with the request made under s.40T(1) by PDA and decide under s.40D to prepare the draft amendment of the Brighton LPS to which a request under s.40T(1) relates, may consider the subdivision application at the same time as it prepares the draft amendment.

The proposed amendment does not seek to modify any overlays or local provisions that apply to the subject land and is considered to meet the requirements of LUPAA.

The proposed subdivision is considered to comply with the applicable standards of the *Tasmanian Planning Scheme – Brighton* (the planning scheme).

It is recommended that the proposed amendment be prepared and certified and the proposed subdivision be approved.

## 2. LEGISLATIVE AND POLICY REQUIREMENTS

This report has been prepared considering the requirements of the Act and applicable standards of the planning scheme.

Under section 40Y(4) of the Act, the planning authority must assess the application against the Tasmanian Planning Scheme as if the draft amendments to the LPS had been approved.

The report details the reasons for the officer's recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either: (1) adopt the recommendation or (2) vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

## 3. FINANCIAL IMPLICATIONS

Agreement was made in Council's Finance Committee Meeting on 5 November 2024, and subsequently endorsed at Council's Ordinary Council Meeting held 19<sup>th</sup> November 2024 that Council would support the application by provide funding up to \$15,392 for expenses

towards the subdivision and rezoning of the Tea Tree Community Hall, plus \$8,711 in-kind contribution for waiving Council planning fee as follows:

**Financial Implications (Estimate of costs)**

PDA	- Planning and plan preparation	\$2,750
	- Surveying	\$4,500
GES	- Fire Assessment and report	\$2,250
	- Likely outcome -1000L Fire tank at 596	\$2,910
	- Likely outcome -1000L Fire tank at 594	\$2,910
	- Gravel pads for tanks	\$ 300
Council fees (in-kind)		
	- Assessing subdivision	\$604
	- 2 x Lot fees	\$218 (\$109 each lot)
	- Final Sealing Plan	\$305
	- 2 x Lot fees	\$110 (\$55 per lot)
Planning scheme amendment fees(in-kind)		\$7,474
Advertising fees		\$1,672
<b>TOTAL COUNCIL FEES</b>		<b>\$10,383</b>
Conveyancing costs (Tierney Law)		\$1,500
Valuer costs (if required)		\$750
Stamp Duty Costs (estimate)		\$850
<b>TOTAL ESTIMATED COSTS</b>		<b>\$29,103</b>
Less Council in-kind contribution (fees)		(\$8,711)
Less Tea Tree Contribution		(\$5,000)
<b>TOTAL COUNCIL CASH CONTRIBUTION</b>		<b>\$15,392</b>

Council will reimburse the Tea Tree Community Association up to \$15,392 for the subdivision and rezoning cost associated with the development application and creation of the title, plus \$8,711 in-kind contribution for waiving the Councils planning costs.

#### 4. SUBJECT LAND

##### 4.1 Identification

The subject land is shown in Figure 1.



Figure 1. Subject land (Source: THELISTMAP)

The subject land is contained within the following parcels of land:

Property address	Title reference	Owner(s) name	Total land area	Existing zoning
596 Tea Tree Road, Tea Tree	Certificate of Title Volume 164781, Folio 1	Tea Tree Community Association Incorporated	2762m <sup>2</sup>	Rural
594 Tea Tree Road, Tea Tree	Certificate of Title Volume 182250, Folio 1	Trent Andrew Nus	44.36 ha	Agriculture

## 4.2 Zoning, overlays and local provisions

### Zoning

The subject land is zoned Rural and Agriculture. It is adjacent to a railway (Utilities Zone) to the North (see Figure 2).



Figure 2. Zoning (Source: THELISTMAP)

### Overlays

A portion of the subject land is affected by Priority Vegetation Area, Landslip Hazard Area, and Waterway and Coastal Protection Area overlays, and the entirety of the subject land is affected by a Bushfire-Prone Areas Overlay.



Figure 3. Waterway and Coastal Protection Area Overlay (left image) and Bushfire-Prone Areas Overlay (right image) (Source: THELISTMAP)



Figure 4. Priority Vegetation Area Overlay and Landslip Hazard Area (Source: THELISTMAP)

### 4.3 Existing use and development

	Use Class	Existing development
596 Tea Tree Road	Community Meeting and Entertainment	Community Hall and associated developments
594 Tea Tree Road	Resource Development and Residential	Single dwelling and outbuildings

### 4.4 Natural and cultural values

There is no threatened species on the site. There is a watercourse and a dam on 594 Tea Tree Road Hand priority vegetation overlay in a small part to the east of the Tea Tree Community Hall.

The subject land is identified as Agriculture Land which is modified land. No vegetation clearance is proposed.

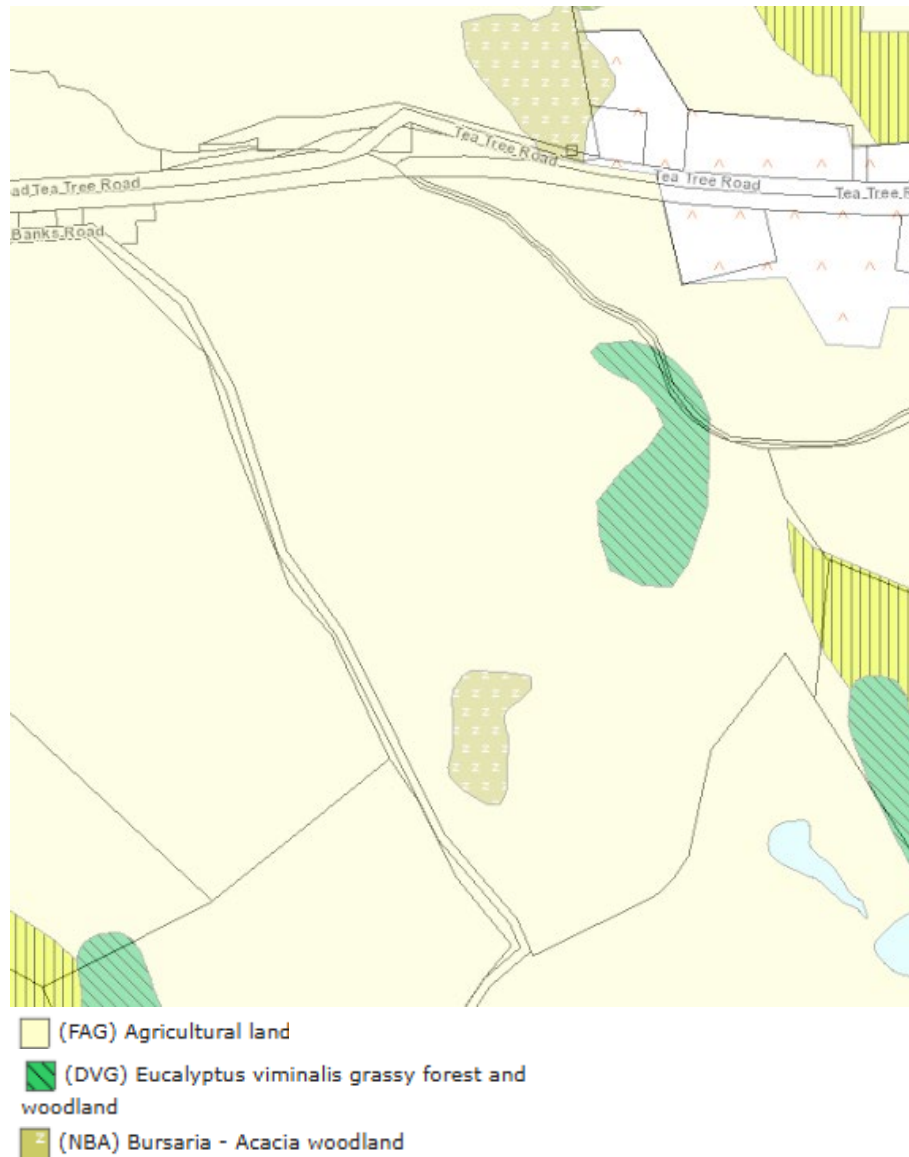


Figure 5. TASVEG 4.0 (Source: THELISTMAP)



Figure 6. Land Capability (Source: THELISTMAP)

The subject site has land capability identified as Class 4 and Class 5. The definitions of Class 4 and Class 5 Land are provided below:

- *Class 4 Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation.*<sup>1</sup>
- *Class 5 land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops*

<sup>1</sup> Grose C.J. (Ed) 1999, Land Capability Handbook. Guidelines for the Classification of Agricultural Land in Tasmania. Second Edition, Department of Primary Industries, Water and Environment, Tasmania, Australia

*may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.<sup>2</sup>*

Aboriginal Heritage Desktop Review application has been made to the Aboriginal Heritage Tasmania (AHT). AHT has confirmed that, as no ground disturbance is proposed as part of the current application, no further Aboriginal heritage assessment is required at this stage.

#### **4.5 Covenants, easements and infrastructure**

##### Covenants

No covenants apply to the subject land.

##### Easements

CT182250/1 is burdened by a 10-metre-wide Right of Way in favour of CT182126/1, as shown on Plan of Survey 182126.

#### **4.6 Services**

The Tea Tree Community Hall (596 Tea Tree Road) is serviced by reticulated water only. 594 Tea Tree Road does not have reticulated water and sewer connections. Both properties are serviced by onsite wastewater systems.

596 and 594 Tea Tree Road are serviced by TasNetworks and connected to the NBN network.

Discharge of stormwater runoff from buildings and parking areas on both properties currently occurs through infiltration into the surrounding naturally permeable soil.

#### **4.7 Natural hazards**

Given that the entirety of the subject land is affected by a Bushfire-Prone Areas, the proposed subdivision is accompanied by a Bushfire Hazard Management Report. The report concludes that the proposal would achieve and is likely to maintain a tolerable level of residual bushfire risk, provided that the recommendations made in the report and associated Bushfire Hazard Management Plan are implemented.

### **5. THE APPLICATION**

The application seeks to amend the Brighton Local Provisions Schedule to rezone the site, as shown in Figure 8. It also seeks approval for a re-organisation of boundaries (via subdivision) to add 4,401m<sup>2</sup> of 594 Tea Tree Road (CT182250/1) to 596 Tea Tree Road (CT164781/1), as shown in Figures 7 and 9.

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<sup>2</sup> Grose C.J. (Ed) 1999, Land Capability Handbook. Guidelines for the Classification of Agricultural Land in Tasmania. Second Edition, Department of Primary Industries, Water and Environment, Tasmania, Australia

The application is supported by a bushfire hazard management report and bushfire hazard management plan, prepared by a bushfire practitioner (contained within Attachment D).



Figure 7. Current zoning of the site. White line indicates new boundary for the Tea Tree Community Hall

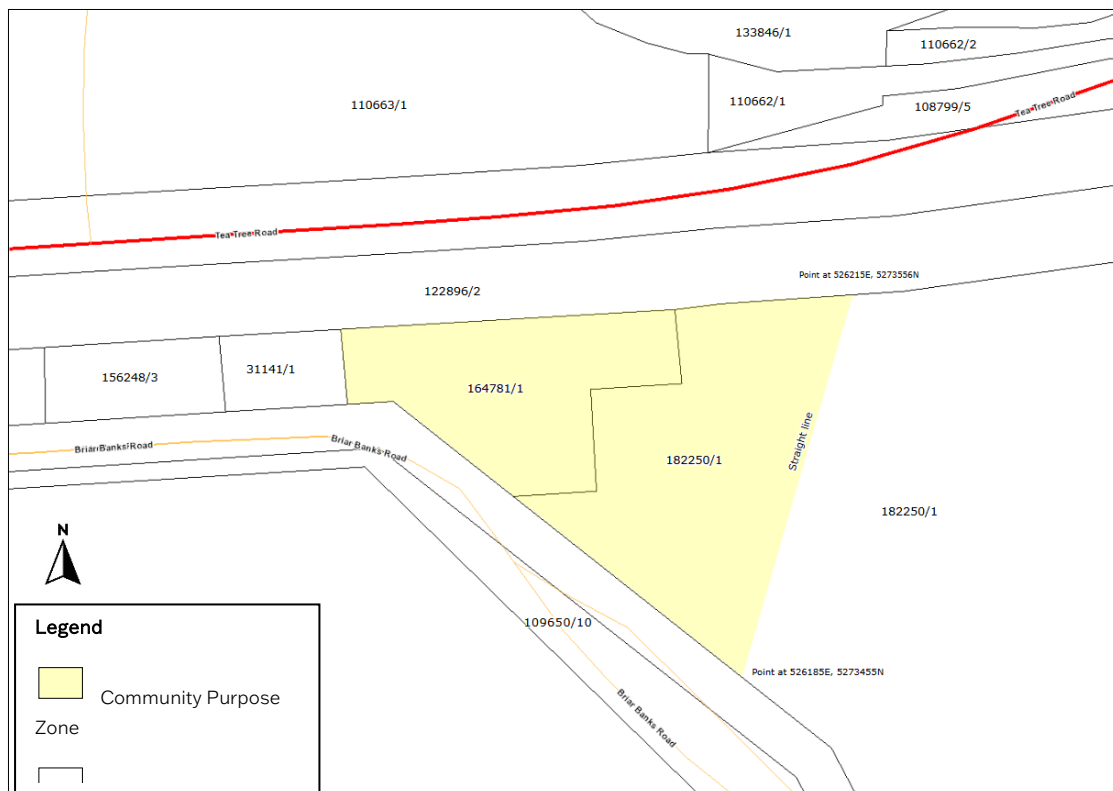


Figure 8. Proposed rezoning of the site

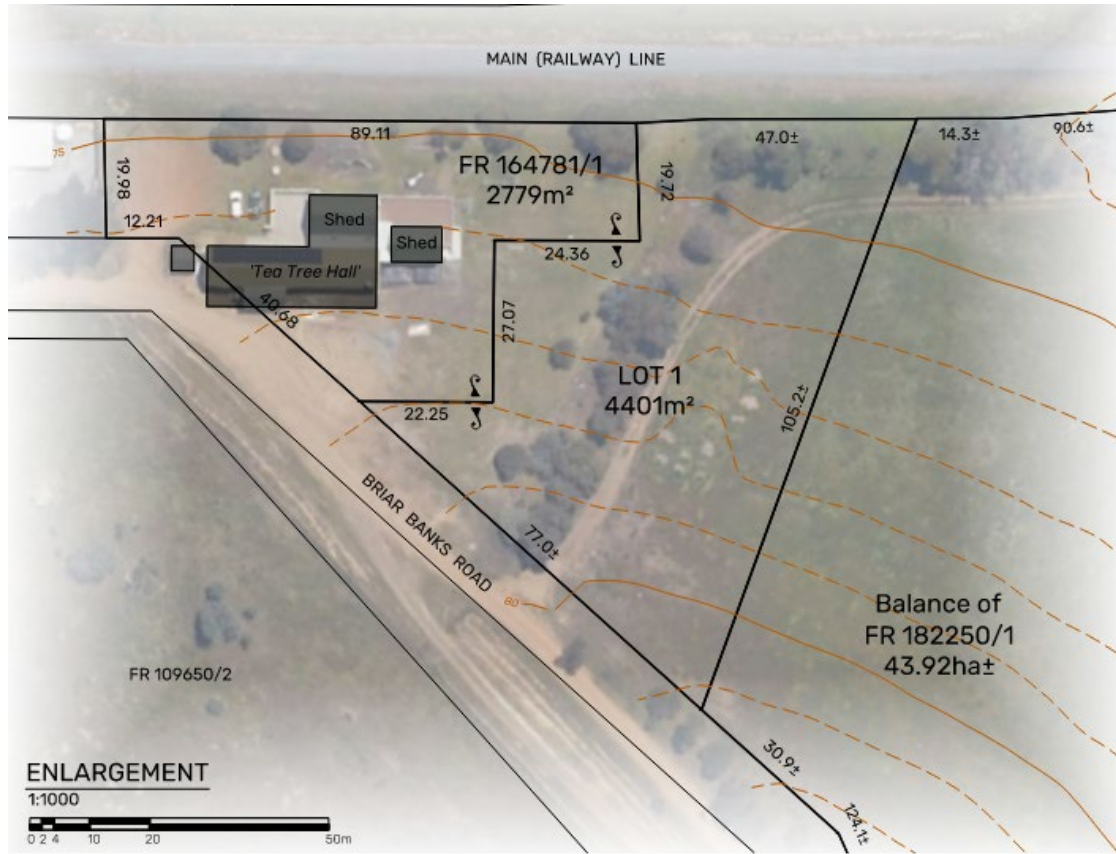


Figure 9. Proposed subdivision

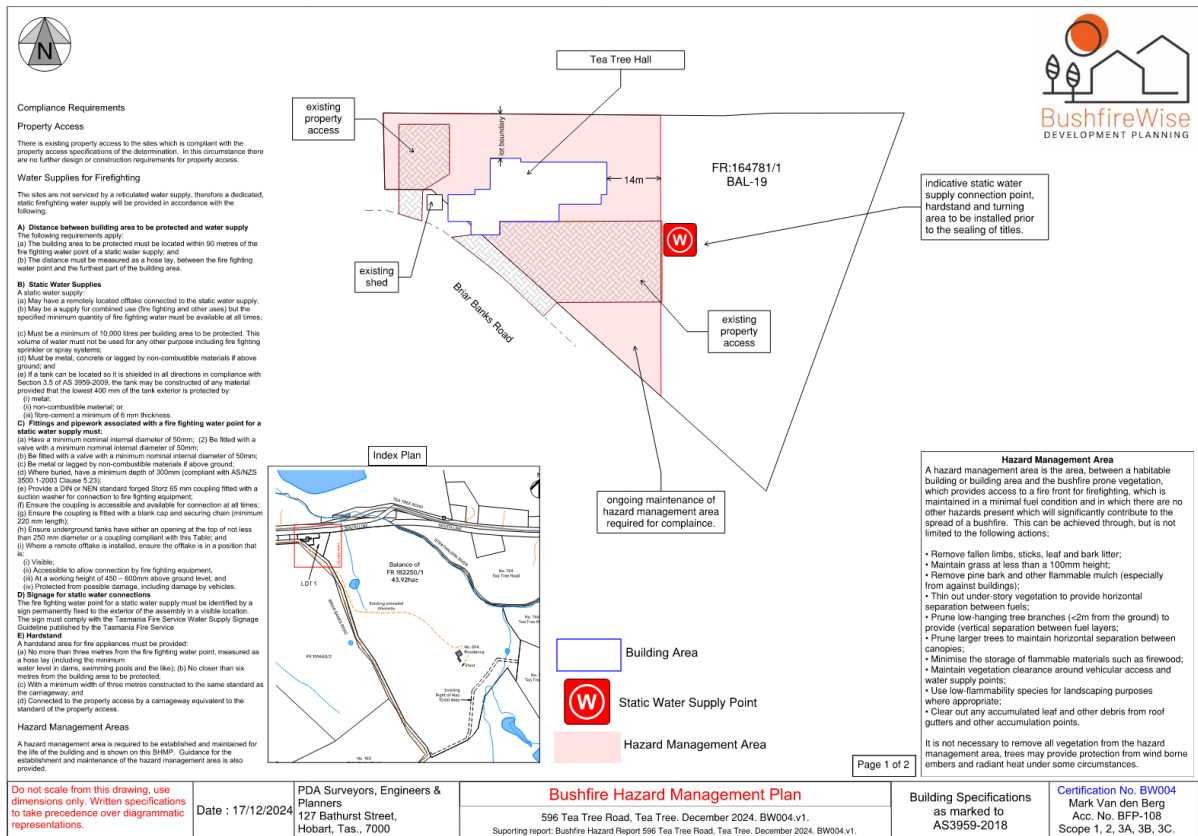


Figure 10. Bushfire Hazard Management Plan for the Tea Tree Community Hall (596 Tea Tree)

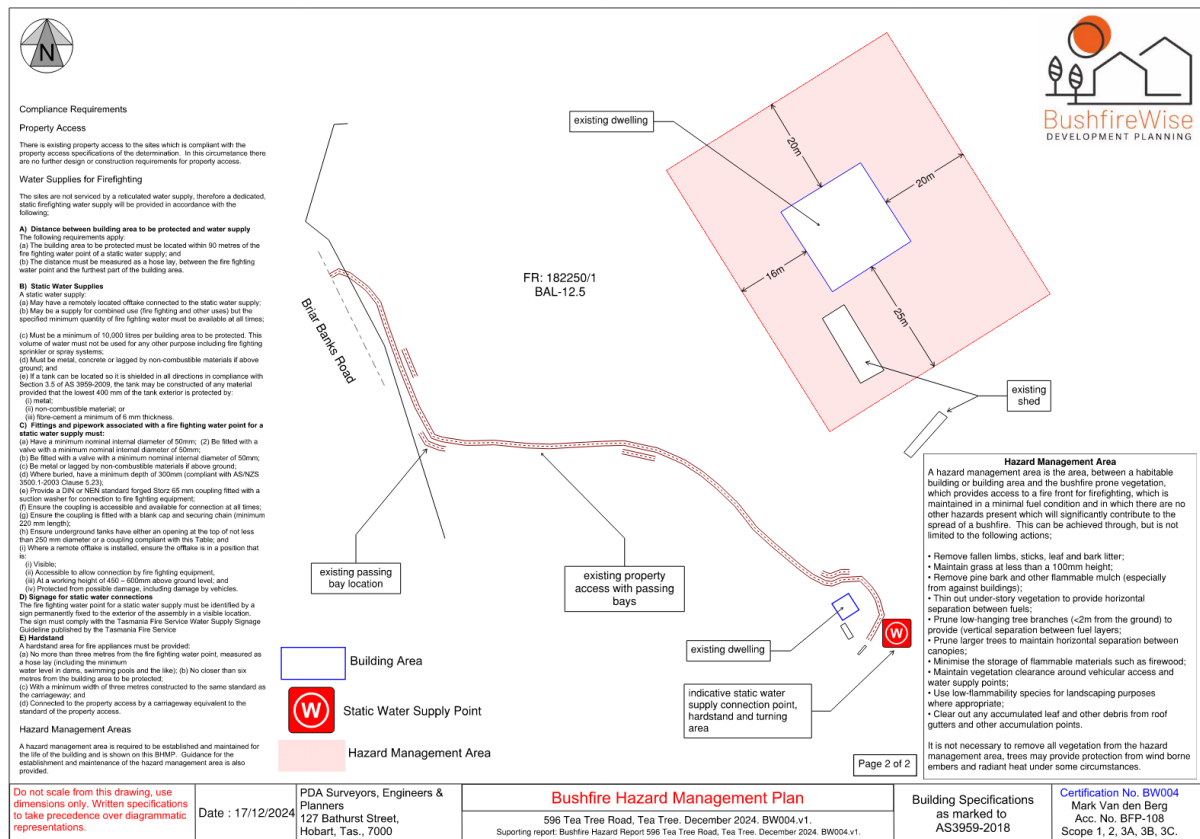


Figure 11. Bushfire Hazard Management for 594 Tea Tree

## 6. DRAFT AMENDMENT ASSESSMENT

### 6.1 Rationale

Brighton Social Infrastructure Plan<sup>3</sup> states that Community facilities are well-provided in Brighton LGA, relative to population size. There were no identified benchmarked gaps in community facilities to 2042 for Brighton LGA. However, the quality of halls is varying – with some in need of upgrading due to age and quality.

<sup>3</sup> Ethos Urban, 2023, Brighton Social Infrastructure Plan, Report prepared for Brighton Council.

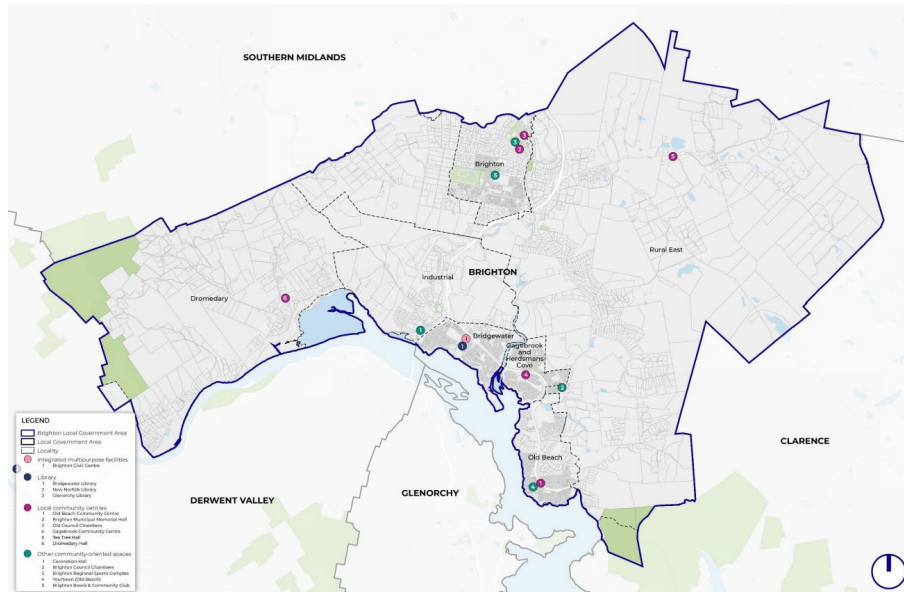


Figure 11. General Community Facilities in Brighton Municipality (Source: Ethos Urban, 2023)

It is considered that 596 Tea Tree Road and 4,401 sqm of adjoining land at 594 Tea Tree Road could be consolidated to form a new lot for the Tea Tree Community. The newly created lot from the boundary adjustment would have a split zoning of Rural and Agriculture under the Tasmanian Planning Scheme - Brighton, which is not ideal for the future expansion of activities as the Community Meeting and Entertainment use class is prohibited within the Agricultural Zone. The community hall is also being use as a fire brigade.

Under the Brighton Structure Plan 2018, there is lack of public event spaces especially in the agricultural areas of Tea Tree and the Southern Midlands. As recommended in Strategy 25 of the Brighton Structure Plan 2018, Council and local businesses should investigate options for a public market within this area <sup>4</sup>. There is no suitable zoning and existing facilities within this area to allow Community Meeting and Entertainment use to happen. Therefore, Tea Tree Community Hall with its history and existing facilities would be a suitable place for future public market.

To support the long-term use of the site, it is recommended rezoning the land to Community Purpose, with the subdivision and rezoning to be processed as a combined application.

### 6.3 Planning scheme implications

The planning scheme establishes purpose statements for achieving sustainable use and development of land, which must be examined in light of the proposed amendment. These purpose statements are complemented by application guidelines under section 8A of LUPAA (see the table below).

<sup>4</sup> Echelon Planning, 2018, Brighton Structure Plan, Report prepared for Brighton Council.

Zone	Purpose statements & application guidelines	Response
Agriculture Zone	Purpose statements	<p>The newly created Lot 1 has not been used for agricultural purposes. Historically, the site has functioned as a Community Hall, providing a venue for Community Meeting and Entertainment activities serving the Tea Tree area. The existing septic tank for the Hall is currently located in this lot. Additionally, the eastern portion of Lot 1 has been utilised as an access point and internal driveway for the adjoining property at 594 Tea Tree Road.</p> <p>Given the ongoing use of the site for community purposes are not being met. As such, it is considered more appropriate for the land to be rezoned to the Community Purpose Zone, which better aligns with the existing and intended use of the site.</p>
	Application guidelines	<p>An Agricultural Assessment and Compliance Report (AACR) has been submitted in support of the application. According to the AACR, the land capability assessment confirms that the site is consistent with Land Capability Class 4se for both 596 Tea Tree Road and the western portion of 594 Tea Tree Road.</p> <p>In accordance with Guideline AZ6, the proposed rezoning of Lot 1 from the Agriculture Zone to the Community Purpose Zone is considered appropriate for the following reasons:</p> <ul style="list-style-type: none"> <li>○ The Brighton Structure Plan and Brighton Infrastructure Plan identify a need for better community spaces in Tea Tree. Rezoning to the Community Purpose Zone will better support the ongoing use of the hall and aligns with local strategic planning objectives.</li> <li>○ The proposal will have no impact on existing natural or cultural values.</li> <li>○ The land has limited agricultural potential due to its capability</li> </ul>

		<p><i>important uses that require an alternate zone; or</i></p> <p><i>(e) it can be demonstrated that:</i></p> <p><i>(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</i></p> <p><i>(ii) there are significant constraints to agricultural use occurring on the land; or</i></p> <p><i>(iii) the Agriculture Zone is otherwise not appropriate for the land.</i></p>	<p>classification and lot size, as outlined in the AACR.</p>
<b>20. Rural Zone</b>	Purpose statements	<p>20.1.1 To provide for a range of use or development in a rural location:</p> <p>(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;</p> <p>(b) that requires a rural location for operational reasons;</p> <p>(c) is compatible with agricultural use if occurring on agricultural land;</p> <p>(d) minimises adverse impacts on surrounding uses.</p> <p>20.1.2 To minimise conversion of agricultural land for non-agricultural use.</p> <p>20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements</p>	<p>596 Tea Tree Road has been used for community meetings and entertainment. As this use is classified as discretionary within the Rural Zone, any future development or expansion of the hall would face uncertainty due to its discretionary use status.</p> <p>Furthermore, the ongoing use of the hall does not align well with the purpose of the Rural Zone, which is primarily intended to support agricultural and rural activities.</p> <p>Therefore, rezoning the site to the Community Purpose Zone is considered more appropriate, as it better reflects the existing and intended use of the land.</p>
	Application guidelines	<p><i>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p><i>RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</i></p> <p><i>RZ 3 The Rural Zone may be applied to</i></p>	<p>In accordance with the criteria outlined in RZ1, RZ2, and RZ3, the application of the Rural Zone to the land at 596 Tea Tree Road is not appropriate for the following reasons:</p> <ul style="list-style-type: none"> <li>- Agricultural Limitations: As detailed in the submitted Agricultural Assessment and Capability Report (AACR), the land is constrained in its agricultural potential due to both its limited size and its land capability classification.</li> <li>- Mapping Constraints: According to LISTmap data, the property is identified as</li> </ul>

		<p><i>land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</i></p> <p>(a) <i>it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</i></p> <p>(b) <i>it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</i></p> <p>(c) <i>the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</i></p> <p>(d) <i>the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or</i></p> <p>(e) <i>it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</i></p>	<p>being potentially constrained for inclusion in the Land Potentially Suitable for Agriculture Zone, further supporting its unsuitability for Rural zoning.</p> <ul style="list-style-type: none"> <li>- Lack of Environmental or Landscape Values: There are no identified environmental, landscape, or other natural values on the site that would necessitate the application of the Rural Zone.</li> </ul>
Community Purpose	Purpose statements	<p><i>27.1.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.</i></p> <p><i>27.1.2 To encourage multi-purpose, flexible and adaptable social infrastructure.</i></p>	<p>The proposed rezoning of the Tea Tree Community Hall site from the Rural and Agriculture Zones to the Community Purpose Zone is consistent with the purpose statements of the Community Purpose Zone and is strategically justified for the following reasons:</p> <ul style="list-style-type: none"> <li>- Alignment with Zone Purpose: The Community Purpose Zone is intended to accommodate key community facilities and services. Rezoning the Hall to this zone will formally recognise its existing and ongoing role as a central community asset in Tea Tree.</li> <li>- Support for Social Infrastructure: The rezoning will enable more flexible and adaptable use of the site for a range of community and social infrastructure purposes, supporting the evolving needs of the local population.</li> <li>- Consistency with Strategic</li> </ul>

			Planning: This change aligns with local strategic planning objectives that seek to strengthen community hubs and improve access to services and facilities in rural settlements like Tea Tree.
	Application guidelines	<p>CPZ 1 The Community Purpose Zone should be applied to land that provides, or is intended to provide, for key community facilities and services, including:</p> <ul style="list-style-type: none"> <li>(a) schools, tertiary institutions or other education facilities;</li> <li>(b) medical centres, hospital services or other care-based facilities;</li> <li>(c) emergency services facilities; or</li> <li>(d) large community halls, places of worship or other key community or cultural facilities.</li> </ul> <p>CPZ 2 Some community facilities and services may be zoned the same as the surrounding zone, such as a residential or business zone, if the zone is appropriate for the nature or scale of the intended use, such as a small scale place of worship, public hall, community centre or neighbourhood centre.</p> <p>Note: Major community facilities and services, such as tertiary educational facilities and hospital services, with unique characteristics may be more appropriately located within a Particular Purpose Zone.</p>	<p>The proposed rezoning of the Tea Tree Community Hall to the Community Purpose Zone satisfies the intent of CPZ1 and CPZ2 for the following reasons:</p> <ul style="list-style-type: none"> <li>- Established Community Role: The Tea Tree Community Hall has long served as a key community facility, providing a venue for local events, gatherings, and services that support social cohesion and community wellbeing.</li> <li>- Inappropriate Existing Zoning: The Rural and Agriculture Zones are not suitable for the ongoing use or future development of the Hall. These zones do not adequately support the operational needs or strategic potential of a community facility of this nature.</li> <li>- Support for Future Growth: Rezoning to the Community Purpose Zone will ensure the site is appropriately designated to support future upgrades, expansion, or diversification of community services in line with local needs and strategic planning objectives.</li> </ul>

### 6.3 Legislative and policy implications

#### *LUPAA requirements*

Section 34(2) of LUPAA requires that a draft amendment to a Local Provisions Schedule in Tasmania meets the following criteria:

***(a) Contains all the provisions that the SPPs specify must be contained in an LPS.***

Response: The proposed amendment is for rezoning land without modifications to the code development controls that apply to it. The proposed amendment uses a zone from the suite of zones available under the SPPs (i.e. Community Purpose Zone). If certified, all the provisions of the Community Purpose Zone will apply to this land within the new title for the Tea Tree Community Hall with any other relevant code development controls and local provisions.

***(b) Is in accordance with section 32.***

Response: The proposed draft amendment is for rezoning of land in the Brighton municipality, as identified in the instrument of certification, which has been prepared in accordance with section 32 of LUPAA. The draft amendment:

- specifies the municipal area to which its provisions apply; and
- contains a provision that the SPPs require to be included in an LPS; and
- contains a map that provides for the spatial application of the SPPs to land; and
- does not contain a provision that is inconsistent with a provision of section 11 or 12 ; and
- does not designate land as being reserved for public purposes; and
- does not override a provision of the SPPs; and
- does not modify, in relation to a part of the municipal area, the application of a provision of the SPPs; and
- does not contain a provision that the SPPs specify must not be contained in an LPS.

***(c) Furthers the objectives set out in Schedule 1.***

Response: The proposed amendment furthers the objectives of the Resource Management and Planning System of Tasmania for the reasons outlined in the table below:

Objective	Response
<b>Part 1</b>	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.	The proposed amendment contributes to further this objective by facilitating more effective and efficient use of land with limited ecological value.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water.	<p>The proposed amendment contributes to further this objective by facilitating a more justifiable and methodically arranged use of land.</p> <p>Rezoning is consistent with the purpose statement and application guidelines for the Community Purpose Zone and will not create any detrimental impacts or conflicts of land uses on adjoining land.</p> <p>Impacts on adjacent land from future permitted and discretionary uses within the Community Purpose Zone can be managed via the applicable planning scheme zoning, code and local provisions' development controls.</p>

	The Tea Tree Community Hall is serviced by reticulated water and able to maintain the reliability of the existing onsite wastewater system. No other impacts are foreseen.
(c) to encourage public involvement in resource management and planning.	The proposed amendment contributes to further this objective in that the public will be notified and provided with an opportunity to make representations and be heard.
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).	The proposed amendment contributes to further this objective by opening a spectrum of possibilities for Tea Tree Community Hall to be more effectively and efficiently used, facilitating community entertainment and meeting uses in accordance with the objectives in paragraphs (a) to (c).
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	The proposed amendment contributes to further this objective by fostering a dialogue between governmental and non-governmental actors about the desired future for the Tea Tree Community Hall.
<b>Part 2</b>	
(a) to require sound strategic planning and co-ordinated action by State and local government.	All relevant agencies and State authorities will be notified.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	The proposed amendment is considered to be consistent with the planning scheme and other planning instruments. If certified, it will form part of the Brighton Local Provisions Schedule that currently regulates the use and development of land in the Brighton municipality.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	The subject land has limited ecological value and, for the most part. No vegetation is proposed to be cleared. No proposed amendment to remove other overlays currently appear on the site. Impacts on land from any new future use or development on the site can be managed via the applicable planning scheme zoning, code and local provisions' development controls.
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels.	The proposed amendment is considered to be consistent with the State legislation and policies and the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS). Moreover, the draft amendment is in accordance with Council plans, policies and strategies.

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.	The proposal is for a combined permit and amendment application, which entails a consolidated and more efficient planning approval process.
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation.	The bigger lot with suitable zoning of Community Purpose Zone for the Tea Tree Community Zone will promote better opportunities for Tasmanians and visitors to be facilitated by the efficient uses of the Hall.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.	The subject land is not listed on the State Heritage Register or affected by the Local Historic Heritage Code of the planning scheme. Existing building will be kept and maintained for the community purpose.
(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.	The proposal was referred to TasWater under section 56O of the Water and Sewerage Industry Act 2008. TasWater's SPAN is included in <a href="#">Attachment I</a> . No public infrastructure will be affected by the proposal.
(i) to provide a planning framework which fully considers land capability.	The land capability has been fully considered in this process, provided in the Agricultural Assessment and Compliance Report.

***(d) Is consistent with each State policy.***

Response: The proposed amendment is consistent with the State Policies, as discussed in the table below:

Policy	Response
<b>Tasmanian State Coastal Policy 1996</b>	
The Tasmanian State Coastal Policy 1996 applies to land within 1km of the high-water mark.	The subject site is not within 1km of the high-water mark.
<b>State Policy on the Protection of Agricultural Land 2009</b>	
<p>The subject land has potential for agricultural use.</p> <p>Objective of this Policy is:</p> <p>To enable the sustainable development of agriculture by minimising:</p> <ul style="list-style-type: none"> <li>(a) conflict with or interference from other land uses; and</li> <li>(b) non-agricultural use or development on agricultural land that precludes</li> </ul>	<p>Compliance with the relevant agricultural land policy has been considered as part of this assessment.</p> <p>According to the submitted Agricultural Assessment and Compliance Report, the proposed draft amendment will not result in any conflict with, or interference to, existing agricultural activities on adjoining land.</p> <p>The subject land is not identified as prime agricultural land.</p>

<p>the return of that land to agricultural use.</p> <p>Principles for the implementation of this policy through planning schemes and other relevant planning Instruments:</p> <ol style="list-style-type: none"> <li>1. Agricultural land is a valuable resource and its use for the sustainable development of agriculture should not be unreasonably confined or restrained by non-agricultural use or development.</li> <li>2. Use or development of prime agricultural land should not result in unnecessary conversion to non-agricultural use or agricultural use not dependent on the soil as the growth medium.</li> <li>3. Use or development, other than residential, of prime agricultural land that is directly associated with, and a subservient part of, an agricultural use of that land is consistent with this Policy.</li> <li>4. The development of utilities, extractive industries and controlled environment agriculture on prime agricultural land may be allowed, having regard to criteria, including the following: <ol style="list-style-type: none"> <li>(a) minimising the amount of land alienated;</li> <li>(b) minimising negative impacts on the surrounding environment; and</li> <li>(c) ensuring the particular location is reasonably required for operational efficiency.</li> </ol> </li> <li>5. Residential use of agricultural land is consistent with this Policy where it is required as part of an agricultural use or where it does not</li> </ol>	<p>The portion of 594 Tea Tree Road proposed to be subdivided (Lot 1) and rezoned to the Community Purpose Zone is currently used as a car parking area for the Tea Tree Community Hall at 596 Tea Tree Road.</p> <p>The assessment concludes that the proposed amendment and subdivision will not adversely impact the current or future agricultural use of the remaining land at 594 Tea Tree Road.</p> <p>On this basis, the draft amendment is considered to be consistent with the objectives of the agricultural land policy.</p>
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unreasonably convert agricultural land and does not confine or restrain agricultural use on or in the vicinity of that land.	
<b>State Policy on Water Quality Management 1997</b>	
<p>This Policy applies to all surface waters, including coastal waters, and groundwaters, other than:</p> <ul style="list-style-type: none"> <li>(i) privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public; or</li> <li>(ii) waters in any tank, pipe or cistern.</li> </ul>	The proposed draft amendment is not impacted by this policy
<b>National Environmental Protection Measures</b>	
The National Environment Protection Measures (NEPMs) are statutory instruments that specify national standards for a variety of environmental issues and are relevant to the more detailed planning stage.	The application does not create any conflict to the NEPMs on variety of environmental matters as prescribed by the National Environment Protection Council Act 1994 (Commonwealth), including air quality, fresh water quality, noise emission, contaminated sites, hazardous waste, and re-use and recycling material.

**da. Satisfies the relevant criteria in relation to the TPPs.**

There are currently no Tasmanian Planning Policies in effect.

**(e) As far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates.**

Response: The STRLUS (amended on 17 May 2023) outlines strategic directions (SD) and regional planning policies to support the vision for Southern Tasmania and guide land use planning and decision making.

The proposed amendment aligns with the following SD:

*SD1: Adopting a more integrated approach to planning and infrastructure;*

*SD8: Supporting strong and healthy communities;*

*SD10: Creating livable communities.*

The regional planning policies that are relevant to the amendment are addressed in the table below:

<b>Managing Risks and Hazards</b>
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Policy	Response
<p><b>MRH 1.1</b> - Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots</p> <p><b>MRH 1.2</b> - Ensure subdivision road layout designs provide for safe exit points in areas subject to bushfire hazard.</p>	<p>The Bushfire Hazard Management Plan and report submitted in support the proposal. The extension of the boundary for the existing buildings of the community hall will better provide more space for implementing the Bushfire Hazard Management Plan.</p> <p>The community hall is also used for local fire brigade. The draft amendment will provide further support community practices in bushfire hazard management delivering within the appropriate zoning.</p>
Cultural Values	
Policy	Response
<p><b>CV 1</b> - Recognise, retain and protect Aboriginal heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage.</p> <p><b>CV 1.3</b> - Avoid the allocation of land use growth opportunities in areas where Aboriginal cultural heritage values are known to exist.</p>	<p>A Heritage Desktop Review application was submitted to Aboriginal Heritage Tasmania on 12/02/2025 to understand any Aboriginal heritage values within the development area. A response was received on 24/02/2025 demonstrating no objection from the AHT.</p>
Social Infrastructure	
Policy	Response
<p><b>SI 1</b> - Provide high quality social and community facilities to meet the education, health and care needs of the community and facilitate healthy, happy and productive lives.</p> <p><b>SI 1.3</b> - Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.</p> <p><b>SI 1.5</b> - Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.</p>	<p>The draft amendment aligns with policies of Social Infrastructure.</p> <p>The draft amendment will provide more appropriate zoning which allows for high quality social and community facilities to occur on the land. It will promote multi-purpose use to respond to emerging community needs over time.</p> <p>The Tea Tree Community Hall is located on an internal road, accessed from Tea Tree Road, which is a major road. The Community Hall is located on the outskirts of Tea Tree, approximately 1km from the "village" and is considered well located for a rural area.</p>
Productive Resources	
Policy	Response

<p><b>PR 2.5</b> - Provide flexibility for commercial and tourism uses provided that long-term agricultural potential is not lost and it does not further fetter surrounding agricultural land.</p>	<p>The Tea Tree Community Hall, located at 596 Tea Tree Road, is actively used for a range of community events, including weddings and birthday celebrations. It is managed by a local committee, with proceeds reinvested into the community.</p> <p>The proposed draft amendment will facilitate an expansion of community-related activities by aligning the zoning with the existing and intended use through the application of the Community Purpose Zone.</p> <p>As outlined in the submitted Agricultural Assessment and Compliance Report, the amendment will not further fetter the use of surrounding agricultural land. The proposal is therefore considered to be consistent with the strategic intent of both community development and agricultural land protection.</p>
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*(f) Has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates.*

Response:

The proposed amendment has regard to the *Brighton Council Strategic Plan 2023-2033* and is consistent with the following strategies contained in this plan:

- 1.1 - Engage with and enable our community*
- 1.2 - Build resilience and opportunity*
- 1.3 - Ensure attractive local areas that provide social, recreational and economic opportunities*
- 3.3 - Community facilities are safe, accessible and meet contemporary needs*
- 3.4 - Advocate and facilitate Investment In our region*
- 4.3 - Ensure strong engagements and relationships to shape the agenda and advocate for our community*

The proposed amendment aligns with the *Brighton Structure Plan 2018* and provides opportunities to achieve Strategy 25 - Host Festivals and Pop-up exhibitions for Tea Tree area. It also aligns with Priority Actions set out in *Brighton Social Infrastructure Plan 2023*, including:

*Action 6 - Increase opportunities for the community to participate in cultural and creative activities*

*Action RE01 - Opportunities to increase local cultural practice through programs with vineyards and 'public-facing' rural-commercial to encourage*

*events and cultural creation – as well as stimulate the local economy. Consider partnership with rural community organisations to drive funding for events in the region and identify opportunities to consolidate and promote existing cultural offerings.*

The proposed amendment does not conflict with other Council plans, policies and strategies. It will further promote *Brighton Council's 2050 Vision*.

***(g) As far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.***

Response: The proposed amendment is for rezoning land that has sufficiently setback from other municipal areas, so it is unlikely to conflict with the LPSs that apply to these areas.

***(h) Has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.***

Response: The subject land is not affected by the gas pipeline, so the proposed amendment does not trigger any issues of gas pipeline safety.

## 7. PERMIT APPLICATION ASSESSMENT

The proposed reorganisation of boundaries (via subdivision) seeks to add 4,401m<sup>2</sup> of 594 Tea Tree Road (CT182250/1) to 596 Tea Tree Road (CT164781/1).

The application is assessed against the Tasmanian Planning Scheme – Brighton as if the draft amendment to the LPS for the rezoning to Community Purpose Zone had been approved, pursuant to section 40Y(4) of the Act. A full assessment against the applicable standards of the planning scheme is provided in Attachment G.

The following Performance Criteria are triggered for assessment:

- 21.5.1 P1 for Lot Design within Agriculture Zone
- 27.5.1 P1 for Lot Design within Community Purpose Zone
- 27.5.2 P2 and P3 for Services within Community Purpose Zone

### Agriculture Zone

The purpose of the Agriculture Zone is:

21.1.1 To provide for the use or development of land for agricultural use.

21.1.2 To protect land for the use or development of agricultural use by minimising:

- (a) conflict with or interference from non-agricultural uses;
- (b) non-agricultural use or development that precludes the return of the land to agricultural use; and
- (c) use of land for non-agricultural use in irrigation districts.

21.1.3 To provide for use or development that supports the use of the land for agricultural use.

**Response:**

The proposed subdivision meets the purpose of Agricultural Zone by minimising conflict with or interference from non-agricultural uses. Utilisation of the Community Hall will promote the amenities in the area. It complies with the zone purpose.

**21.5.1 Lot Design**

**Objective:**

To provide for subdivision that:

- (a) relates to public use, irrigation infrastructure or Utilities; and
- (b) protects the long-term productive capacity of agricultural land.

**Response:**

The proposed subdivision relates to an increase in the useable area of the only Community Hall in Tea Tree. The subdivision will not impact the long-term productive capacity of agricultural land on 594 Tea Tree as only a small proportion of land is to be transferred to the Tea Tree Community Hall. It complies with this objective.

**Acceptable Solution**

**Performance Criteria**

**A1**

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

- (a) be required for public use by the Crown, a council or a State authority;
- (b) be required for the provision of Utilities or irrigation infrastructure; or
- (c) be for the consolidation of a lot with another lot provided both lots are within the same zone.

**P1**

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

- (a) provide for the operation of an agricultural use, having regard to:
  - (i) not materially diminishing the agricultural productivity of the land;
  - (ii) the capacity of the new lots for productive agricultural use;
  - (iii) any topographical constraints to agricultural use; and
  - (iv) current irrigation practices and the potential for irrigation;
- (b) be for the reorganisation of lot boundaries that satisfies all of the following:
  - (i) provides for the operation of an agricultural use, having regard to:
    - a. not materially diminishing the agricultural productivity of the land;
    - b. the capacity of the new lots for productive agricultural use;

	<ul style="list-style-type: none"> <li>c. any topographical constraints to agricultural use; and</li> <li>d. current irrigation practices and the potential for irrigation;</li> <li>(ii) all new lots must be not less than 1ha in area;</li> <li>(iii) existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2;</li> <li>(iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use; an</li> <li>(v) it does not create any additional lots; or</li> <li>(c) be for the excision of a use or development existing at the effective date that satisfies all of the following: <ul style="list-style-type: none"> <li>(i) the balance lot provides for the operation of an agricultural use, having regard to: <ul style="list-style-type: none"> <li>a. not materially diminishing the agricultural productivity of the land;</li> <li>b. the capacity of the balance lot for productive agricultural use;</li> <li>c. any topographical constraints to agricultural use; and</li> <li>d. current irrigation practices and the potential for irrigation;</li> </ul> </li> <li>(ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot;</li> <li>(iii) any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and</li> <li>(iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use.</li> </ul> </li> </ul>
<p><b>Response:</b></p> <p>The proposal does not comply with A1. Assessment against P1 is required.</p> <p>The proposed subdivision involves the reorganisation of lot boundaries to excise land to be zoned Community Purpose from land zoned Agriculture. The proposal satisfies P1(b) for the following</p>	

reasons:

(i) the proposed Lot 2 will retain an area of 43.92 hectares within the Agriculture Zone. According to the Agricultural Assessment and Compliance Report, this lot is capable of maintaining its current and potential agricultural productivity. The subdivision will not introduce any topographical constraints that would limit agricultural use. Furthermore, the land is not located within a declared irrigation scheme, so the proposed changes will not result in the loss of agricultural land suitable for irrigation.

(ii) the subdivision will result in two lots: Lot 1 (0.44 hectares) and Lot 2 (43.4 hectares). Although Lot 1 is less than 1 hectare, it falls within the Community Purpose Zone, and therefore the 1-hectare minimum lot size under this zone provision does not apply.

(iii) the existing buildings at 594 Tea Tree Road comply with the setback requirements outlined in clauses 21.4.2 A1 and A2

(iv) there will be no changes to the existing vehicular access arrangements. Both proposed lots will maintain sufficient road frontage to support their intended uses.

(v) no additional lot is created.

On that basis, the proposed subdivision can comply with this standard's objective and performance criteria.

### Community Purpose Zone

The purpose of the Community Purpose Zone is:

27.1.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.

27.1.2 To encourage multi-purpose, flexible and adaptable social infrastructure.

#### Response:

The proposed subdivision meets the purpose of Community Purpose Zone by encouraging multipurpose, flexible and adaptable social infrastructure for the Community Hall. It also provides better opportunities for the Community Hall to extend its facilities in the future. It complies with the zone purpose.

### 27.5.1 Lot Design

Objective:

That each lot:

- (a) has an area and dimensions appropriate for use and development in the zone; and
- (b) is provided with appropriate access to a road.

#### Response:

The proposed subdivision relates to increasing the area of the only Community Hall in Tea Tree for its future development. It is provided with appropriate access to the road. It complies with this objective.

**Acceptable Solution**

**Performance Criteria**

<p><b>A1</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> <li>(a) have an area of not less than 600m<sup>2</sup> and:             <ul style="list-style-type: none"> <li>(i) be able to contain a minimum area of 10m x 15m, with a gradient not steeper than 1 in 5, clear of:                 <ul style="list-style-type: none"> <li>a. all setbacks required by clause 27.4.2 A1 and A2; and</li> <li>b. easements or other title restrictions that limit or restrict development; and</li> </ul> </li> <li>(ii) existing buildings are consistent with the setback required by clause 27.4.2 A1 and A2;</li> <li>(iii) be required for public use by the Crown, a council or a State authority;</li> <li>(iv) be required for the provision of Utilities; or</li> <li>(v) be for the consolidation of a lot with another lot provided each lot is within the same zone.</li> </ul> </li> </ul>	<p><b>P1</b></p> <p>Each lot, or lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the relevant requirements for development of buildings on the lots;</li> <li>(b) existing buildings and the location of intended buildings on the lots;</li> <li>(c) the topography of the site;</li> <li>(d) the presence of any natural hazards;</li> <li>(e) adequate provision of private open space; and</li> <li>(f) the pattern of development existing on established properties in the area.</li> </ul>
<p><b>Response:</b></p> <p>The proposed lot 1 has 7,180 sqm in land area. However, the existing building is not totally within the boundary. Therefore, it does not comply with the acceptable solution. Assessment against P1 is required.</p> <p>Lot 1 has sufficient usable area and dimensions suitable for its intended use.</p> <ul style="list-style-type: none"> <li>(a) future development can able to comply with acceptable solutions required for 5m frontage setback.</li> <li>(b) the existing building was built in 1912<sup>5</sup> and has been used continuously since then. It has an existing use right under s.12 of the Act. Any future development for new building will be subjected to relevant standards including setback requirements.</li> <li>(c) the site is generally flat which does not impose any constraints for future development.</li> <li>(d) bushfire is the only natural hazard identified on the site. The hazard is manageable with the support of the bushfire hazard management plan.</li> <li>(e) there is sufficient private open space for the intended use.</li> <li>(f) there are three properties to the west. They all have minimum setback to the front. The building</li> </ul>	

<sup>5</sup> Tea Tree Community Hall, n.d., History, accessed 19 February 2025, <Link: <https://teatreecommunity.com/history/>>.

<p>at 592 Tea Tree Road was built in 1935 and the building at 590 Tea Tree was built in 1977<sup>6</sup>. The proposed subdivision does not change the pattern of development in the area.</p> <p>On that basis, the proposed subdivision complies with this performance criteria.</p>	
<b>27.5.2 Services</b>	
<p>Objective: That the subdivision of land provides services for the future use and development of the land means as defined in the Act.</p>	
<p><b>Response:</b></p> <p>The proposed subdivision relates to increase the area of the only Community Hall in Tea Tree for their future developments. It is provided with appropriate access to the road. It complies with this objective.</p>	
Acceptable Solution	Performance Criteria
<p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<p><b>P2</b></p> <p>Each lot, or lot proposed in a plan of subdivision, excluding those 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.</p>
<p><b>Response:</b></p> <p>There is no reticulated sewerage system available for connection. Assessment against P2 is required.</p> <p>The new lot will continue to utilise the existing on-site wastewater treatment system. The expansion of land area for the Tea Tree Community Hall will provide more opportunity for the land to able to contain an appropriate system in case of future development.</p> <p>On that basis, the proposal complies with this standard.</p>	
<p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding those 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:</p> <ul style="list-style-type: none"> <li>(a) the size of the lot;</li> <li>(b) topography of the site;</li> <li>(c) soil conditions;</li> <li>(d) any existing buildings on the site;</li> <li>(e) any area of the site covered by impervious</li> </ul>

<sup>6</sup> TheLIST, Premium Property Report for 592 Tea Tree Road and 590 Tea Tree Road.

	surfaces; and (f) any watercourse on the land.
<p><b>Response:</b></p> <p>There is no public stormwater system available for connection. Assessment against P2 is required.</p> <p>The topography of the site is generally flat with minimum impervious surfaces.</p> <p>The new lot will continue to utilise the existing on-site stormwater drainage. The expansion of land area for the Tea Tree Community Hall will provide more opportunity for the land to be able to contain all stormwater within its boundary.</p> <p>On that basis, the proposal complies with this standard.</p>	

The proposal has been referred to TasWater and TasRail for comments. TasRail has no objections on the proposal ([Attachment J](#)). TasWater has issued a Submission to Planning Authority Notice advising that no conditions are required and that it has no formal comments on the application ([Attachment I](#)).

Conclusively, the proposed subdivision complies with all applicable standards under the Tasmanian Planning Scheme – Brighton as if the draft amendment to the Brighton LPS had been approved for the rezoning.

## 8. CONCLUSION

The proposed amendment meets the requirements of LUPAA. Thus, it is recommended that it be prepared and certified.

Subject to the approval of the proposed amendment, the proposed subdivision is considered to comply with the applicable standards of the planning scheme as if the draft amendment to the Brighton LPS had been approved for the rezoning. Thus, it is recommended that it be approved.

## **RECOMMENDATION:**

- A. That, in accordance with Section 40D(b) of LUPAA, Council agrees to prepare draft amendment RZ2025/01 to the Brighton Local Provisions Schedule, as shown in Attachment E;
- B. That, in accordance with Section 40F(3) of LUPAA, Council by instrument in writing affixed with the common seal of the planning authority, certifies that draft amendment RZ2025/01 meets the requirements of LUPAA, as shown in Attachment E;
- C. That, in accordance with Section 40F(4) of LUPAA, Council directs that a copy of the draft amendment and the instrument of certification are provided to the Tasmanian Planning Commission within seven (7) days;

- C. That, in accordance with Sections 40W(1) and 40X of LUPAA, Council agrees to the request made under Section 40T(1) to amend the Brighton Local Provisions Schedule and consider an application for the planning permit concurrently;
- D. That, in accordance with Section 40(Y) of LUPAA, Council approves planning permit SA2025/004, subject to the conditions provided in the draft permit shown in Attachment F;
- E. That, in accordance with Section 40Y(6) of LUPAA, Council directs that the relevant permit material relating to the permit application is provided to the Tasmanian Planning Commission within seven (7) days;
- F. That, in accordance with Section 40FA(1) of LUPAA, Council directs that a copy of the draft amendment be provided to any relevant agencies or State authorities the Planning Authority considers may have an interest in the draft amendment; and
- G. That in accordance with Section 40G and Section 40Z of LUPAA, Council directs that draft amendment RZ2025/01 and draft planning permit SA2025/004 be placed on public exhibition accordingly.

### **DECISION:**

*Cr Whelan moved, Cr Owen seconded that the recommendation be adopted.*

**CARRIED**

### **VOTING RECORD**

In favour	Against
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Cr Curran	
-----------	--

Cr De La Torre	
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Cr Gray	
---------	--

Cr Owen	
---------	--

*Cr Geard returned to the meeting at 5.54pm.*



# Application for Planning Approval Development/Use or Subdivision

Use this form to apply for planning approval in accordance with section 57 and 58 of the Land Use Planning and Approvals Act 1993 (the Act).

Tick ✓ if there has been a pre-application meeting with a Council officer:

Yes: ☐

No: ☐

Officer's  
name

Date:

## Applicant, Owner & Contact Details:

*Provide details of the Applicant and Owner of the land. (Please print)*

### Applicant/Agent

Name:	PDA Surveyors, Engineers, & Planners (OBO Tea Tree Community Assoc. Inc.)		
Address:	127 Bathurst Street		
	Hobart	Postcode:	7000
Email:	jane.monks@pda.com.au	Phone No:	62343217

As applicant, do you consent to all correspondence being sent via email rather than post? Yes: ☒ No: ☐

### Owner

Name:	Tea Tree Community Association Incorporated; Trent Andrew Nus		
Address:			
		Postcode:	
Email:		Phone No:	

## Land Details:

*Provide details of the land, including street address, title details and the existing use.*

Address:	594 & 596 Tea Tree Road		Volume:	164781, 182250
	Tea Tree	7017	Folio:	1, 1
Existing Use	Community Meeting & Entertainment; Resource Development		<i>Please use definitions in planning scheme</i>	

## Proposed Use and Development Details:

Provide details of the proposed use and of the proposed development and works.

Use	Community Meeting & Entertainment; Resource Development	Please use definitions in planning scheme
Describe Development:	Boundary Reorganisation	

Existing Floor Area:	m <sup>2</sup>	Proposed floor area:	m <sup>2</sup>
-------------------------	----------------	-------------------------	----------------

Materials:	External walls:		Colour:	
	Roof cladding:		Colour:	
Car parking	Number existing:		Proposed:	

Is vegetation proposed to be removed? ☐ Yes: ☐ No: ☒

Is the property on the Tasmanian Heritage Register? Yes: ☐ No: ☒

Is Signage proposed: Yes: ☐ No: ☒

Estimated cost of development value: \$

## Declaration:

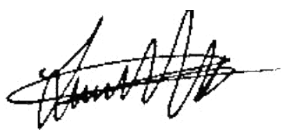
I/we hereby apply for planning approval to carry out the use or development described in this application and the accompanying documents and declare that: -

- The information in this application is true and correct.
- In relation to this application, I/we agree to allow Council employees or consultants to enter the site in order to assess the application.
- I/we authorise Council to provide a copy of any documents relating to this application to any person for the purpose of assessment or public consultation and agree to arrange for the permission of the copyright owner of any part of this application to be obtained.

- Council will only use the information provided to consider and determine the application for planning approval. Information provided may be made available for public inspection in accordance with section 57 of the Act.
- I/We declare that the Owner has been notified of the intention to make this application in accordance with section 52(1) of the *Land Use Planning and Approvals Act 1993*.

*Applies where the applicant is not the Owner and the land is not Crown land or owned by a council, and is not land administered by the Crown or a council.*

Signature:



The Applicant must sign and date this form.

Date:

31/01/2025

Refer to application checklist on reverse for additional information requirements.

## COUNCIL OR CROWN LAND

If the land that is the subject of this application is owned or administered by either the Crown or Brighton Council, the consent of the Minister of the Crown or the Chief Executive Officer of the Council, whichever is applicable, must be included here. This consent should be completed and signed by either the Minister, the Chief Executive Officer of Brighton Council, or their delegate (as specified in Subsections 52 (1D-1G) of the *Land Use Planning and Approvals Act 1993*).

Please note: If the application involves Crown land you will also need to provide a letter of consent.

I \_\_\_\_\_ being responsible for the administration of land at  
\_\_\_\_\_ declare that I have given permission for the making of  
this application for \_\_\_\_\_

Signature:



The Minister, Chief Executive Officer, or other delegate responsible for the land must sign and date this form.

Date:



*(This consent is for the making of the application only and does not constitute landlord consent for the development to occur.)*

# DEVELOPMENT/USE OR SUBDIVISION CHECKLIST

To ensure that we can process your application as quickly as possible, please read the following checklist carefully and ensure that you have provided the following at the time of lodging the application. If you are unclear on any aspect of your application, please contact Brighton Council by phone on (03) 6268 7041 or by email at [development@brighton.tas.gov.au](mailto:development@brighton.tas.gov.au) to discuss or arrange an appointment concerning your proposal. Note that Council may require additional information in accordance with section 54 of the *Land Use Planning and Approvals Act 1993*.

## 1. MANDATORY DOCUMENTATION

This information is required for the application to be valid. An application lodged without these items is unable to proceed:

- ☐ a signed application form;
- ☐ details of the location of the proposed use or development.
- ☐ a copy of the current certificate of title for all land to which the permit sought is to relate, including the title plan.
- ☐ a full description of the proposed use or development; and.
- ☐ fees prescribed by the Council.

## 2. ADDITIONAL INFORMATION:

Depending on applicable Planning Scheme standards (which vary depending on the location and type of use/development proposed), Council may also require:

- (a) Crown or Council GM consent to lodge if Crown or Council land is affected by the proposal.
- (b) any schedule of easements if listed in the folio of the title and appear on the plan, where applicable.
- (c) a site analysis and site plan at a scale acceptable to the planning authority showing, where applicable:
  - i. the existing and proposed use(s) on the site.
  - ii. the boundaries and dimensions of the site.
  - iii. topography including contours showing AHD levels and major site features.
  - iv. natural drainage lines, watercourses, and wetlands on or adjacent to the site.
  - v. soil type.
  - vi. vegetation types and distribution including any known threatened species, and trees and vegetation to be removed.

- vii. the location and capacity and connection point of any existing services and proposed services.
  - viii. the location of easements on the site or connected to the site.
  - ix. existing pedestrian and vehicle access to the site.
  - x. the location of existing and proposed buildings on the site.
  - xi. the location of existing adjoining properties, adjacent buildings, and their uses.
  - xii. any natural hazards that may affect use or development on the site.
  - xiii. proposed roads, driveways, parking areas and footpaths within the site.
  - xiv. any proposed open space, common space, or facilities on the site; and
  - xv. proposed subdivision lot boundaries.
- (d) where it is proposed to erect buildings, a detailed layout plan of the proposed buildings with dimensions at a scale of 1:100 or 1:200 as required by the planning authority showing, where applicable:
- i. the internal layout of each building on the site.
  - ii. the private open space for each dwelling.
  - iii. external storage spaces;
  - iv. parking space location and layout;
  - v. major elevations of every building to be erected;
  - vi. the relationship of the elevations to existing ground level, showing any proposed cut or fill.
  - vii. shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites; and
  - viii. materials and colours to be used on roofs and external walls.

# PERSONAL INFORMATION PROTECTION STATEMENT

The personal information that Council is collecting from you is deemed personal information for the purposes of the *Personal Information Protection Act 2004*.

The intended recipients of personal information collected by Brighton Council may be:

- Officers within Brighton Council.
- Data service providers engaged by Council from time to time.
- Any other agent/contractor of Brighton Council

The supply of the information by you is voluntary. If you cannot provide or do not wish to provide the information sought, Brighton Council may be unable to process your application or request. Council is collecting this personal information from you for the purposes of managing, addressing, advising upon, and determining the relevant application, or other Council related matters.

Personal information will be managed in accordance with the *Personal Information Protection Act 2004*, and you may make application for access or amendment to your information in writing to the Privacy Officer, Brighton Council, 1 Tivoli Road, Old Beach TAS 7017 or Phone 6268 7000.

## Form No. 1

## Owners' consent

Requests for amendments of a planning scheme or Local Provisions Schedule and applications for combined permits require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

### 1. Request made by:

Name(s):

PDA Surveyors, Engineers and Planners OBO Tea Tree  
Community Association Incorporated; & Trent Andrew Nus

Email address

Jane.Monks@pda.com.au

Contact number:

6234 3217

### 2. Site address:

Address:

594 & 596 Tea Tree Road, Tea Tree

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

CT 164781/1; PID: 3205343  
&  
CT 182250/1; PID: 9604056

3. Consent of registered land owner(s):

**Every owner, joint or part owner** of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner :

Donna Lee Terry  
OBO Tea Tree Community Association Incorporated


Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

CT 164781/1; PID: 3205343

Position  
(if applicable):

President

Signature:



Date:

Registered owner  
(please print):

Gregory Harold Gard  
OBO Tea Tree Community Association Incorporated

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

CT 164781/1; PID: 3205343

Position  
(if applicable):

Treasurer

Signature:



Date:

Registered owner  
(please print):


TRENT ANDREW NUS

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

CT 182250/1; PID: 9604056

Position  
(if applicable):

Signature:



Date:

## SEARCH OF TORRENS TITLE

VOLUME 164781	FOLIO 1
EDITION 1	DATE OF ISSUE 10-Oct-2012

SEARCH DATE : 28-Oct-2024

SEARCH TIME : 10.33 AM

DESCRIPTION OF LAND

Parish of DRUMMOND Land District of MONMOUTH

Lot 1 on Plan 164781

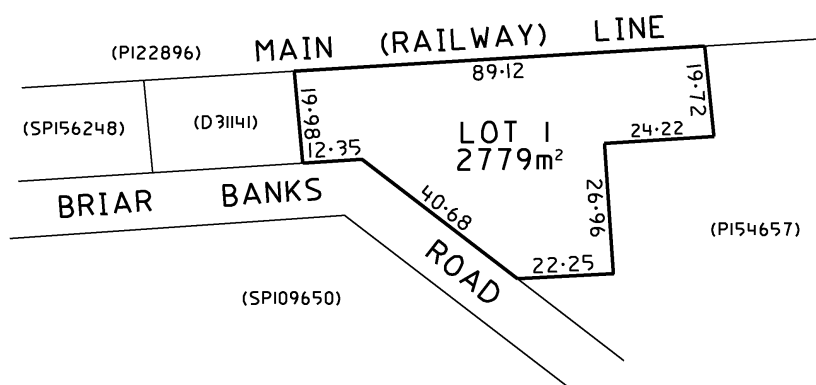
Derivation : Whole of Lot 2 (1770m2) vested in the Australian  
National Railways Commission and Part of 700 acres Gtd to J  
Glover

Prior CTs 31141/2 and 232340/1

SCHEDULE 1D53729 & M390051 TRANSFER to TEA TREE COMMUNITY ASSOCIATION  
INCORPORATED Registered 10-Oct-2012 at noonSCHEDULE 2Reservations and conditions in the Crown Grant if any  
D64991 ADHESION ORDER under Section 110 of the Local  
Government (Building and Miscellaneous Provisions)  
Act 1993 Registered 10-Oct-2012 at 12.01 PMUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

<b>OWNER</b>  <b>FOLIO REFERENCE</b> CT.31141/2 CT.232340/1  <b>GRANTEE</b> Whole of Lot 2 (1770m2) vested in the Australian National Railways Commission Part of 700 acres Gtd to J Glover		<b>PLAN OF TITLE</b>  <b>LOCATION</b> MONMOUTH - DRUMMOND  FIRST SURVEY PLAN No. 6/19 MON, 5/256 L.O. COMPILED BY LDRB SCALE 1: 1000      LENGTHS IN METRES		<b>Registered Number</b>  <b>P.164781</b>  APPROVED 9 OCT 2012 <i>Alice Kawa</i> Recorder of Titles
MAPSHEET MUNICIPAL CODE No. 102 (5227-42)	LAST UPI No FNB43 FWR72	LAST PLAN No. D31141, P232340	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	



NC

## SEARCH OF TORRENS TITLE

VOLUME 182250	FOLIO 1
EDITION 2	DATE OF ISSUE 15-Jun-2024

SEARCH DATE : 28-Oct-2024

SEARCH TIME : 10.33 AM

DESCRIPTION OF LAND

Parish of DRUMMOND Land District of MONMOUTH  
Lot 1 on Plan 182250  
Derivation : Part of 700 Acres Gtd. to J. Glover.  
Prior CT 154657/1

SCHEDULE 1

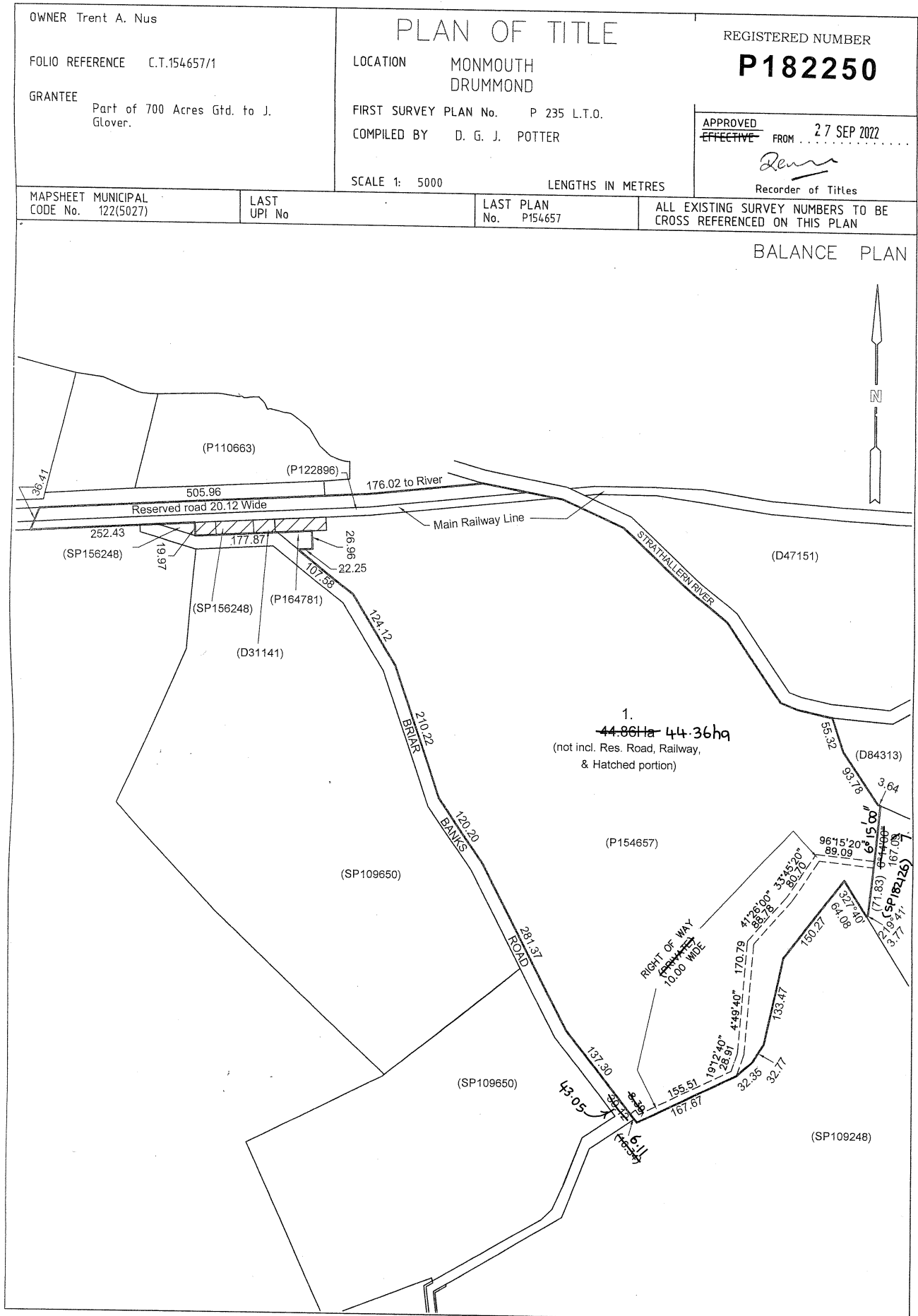
C337026 & C882171 TRANSFER to TRENT ANDREW NUS Registered  
19-Mar-2018 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
SP182126 BURDENING EASEMENT: Right of Carriageway (appurtenant  
to Lot 1 on Sealed Plan 182126) over the land marked  
Right of Way 10.00 wide on Plan 182250  
A175261 BOUNDARY FENCES CONDITION in Transfer  
N191103 MORTGAGE to MyState Bank Limited Registered  
15-Jun-2024 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



**Our Ref:** 53605CT

31<sup>st</sup> January 2025

Brighton Council  
1 Tivoli Road  
Old Beach  
TAS, 7017

Via email: admin@brighton.tas.gov.au

Dear Planning Department,

**RE: Development Application – Boundary Reorganisation  
594 & 596 Tea Tree Road, Tea Tree**

This application for planning approval for a boundary reorganisation at 594 & 596 Tea Tree Road, Tea Tree, is submitted on behalf of our client, Tea Tree Community Association Incorporated. Additionally, the land owners will be notified of lodgement in accordance with Section 52(i)(c) of the *Land Use and Approvals Act 1993*.

The application documentation consists of:

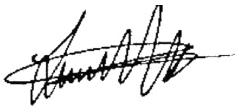
- Title Plan and Folio – CT 164781/1 & CT 182250/1
- Plan of Subdivision
- A copy of the Brighton application form – completed and signed
- TPC Land owner consent Form No.1 – completed and signed
- Planning Scheme Amendment letter of request
- Planning assessment overview of the *Tasmanian Planning Scheme – Brighton*
- Bushfire Hazard Assessment and Bushfire Hazard Management Plan

Please do not hesitate to contact me at your earliest convenience should you require additional information or further clarification.

Yours faithfully,

**PDA Surveyors, Engineers & Planners**

Per:



Jane Monks  
PLANNER

**HOBART:**

C.M. Terry, BSurv (Tas.), M.SSI (Director)  
H. Clement, BSurv (Tas.), M.SSI (Director)  
M.S.G. Denholm, BGeom (Tas.), M.SSI (Director)  
T.W. Walter, Dip. Surv & Map (Director)  
M. Westerberg, M.E.M., M.I.E. AUST., C.P.ENG. (Director)  
A. Collins, Ad. Dip. Surv & Map, (Senior Associate)  
D. Pantou, B.E. F.I.E. AUST., C.P.ENG. (Consultant)

**KINGSTON:**

M.M. Stratton, BSurvSpSc, GradDipLandSurv (Tas.) (Associate)  
A.P. (Lex) McIndoe, BSurv (Tas.) (Consultant)

**LAUNCESTON:**

L.H. Kiely, Ad. Dip. Civil Eng, Cert IV I.T. (Senior Associate)  
J.W. Dent, OAM, B. Surv (Tas.), M.SSI (Consultant)

**BURNIE/DEVONPORT:**

A.W. Eberhardt, BGeom (Tas.), M.SSI (Director)  
D. Menger (Senior Associate)

**OFFICES ALSO AT:**

- 6 Freeman St, Kingston, TAS 7050 (03) 6229 2131
- 11/16 Main Rd, Huonville, TAS 7109 (03) 6264 1277
- 3 Franklin St, Swansea, TAS 7190 (03) 6130 9099
- 3/23 Brisbane St, Launceston, TAS 7250 (03) 6331 4099
- 6 Queen Street, Burnie, TAS 7320 (03) 6431 4400
- 77 Gunn St, Devonport, TAS 7310 (03) 6423 6875

**Our Ref:** 53605CT

31<sup>st</sup> January 2025

Brighton Council  
1 Tivoli Road  
Old Beach  
TAS, 7017

Via email: admin@brighton.tas.gov.au

Dear General Manager,

**RE: Request for Planning Scheme Amendment  
594 & 596 Tea Tree Road, Tea Tree**

We are writing to formally request that Brighton Council initiate a planning scheme amendment for the rezoning of 594 & 596 Tea Tree Road and concurrently consider the attached subdivision application under Section 40X of the *Land Use Planning and Approvals Act 1993*.

The subject land is currently utilised by the Tea Tree Community Association for community meetings and entertainment. The proposed planning scheme amendment seeks to rezone the land from Rural to Community Purpose Zone, ensuring that the zoning aligns with its existing and intended community-focused use. In conjunction with the proposed subdivision, this amendment will facilitate improved land use and development opportunities that will directly benefit the local community.

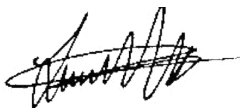
Given the direct relationship between the proposed amendment and the subdivision application, we kindly request that the Council consider both matters concurrently. This approach would allow for a more efficient assessment process and ensure that planning outcomes align with the strategic objectives of the *Tasmanian Planning Scheme - Brighton*. Please note, a copy of the Tasmanian Planning Commission Owners' Consent Form No.1 has been completed and attached to allow Council to proceed with the combined application under Section 40X of the *Land Use Planning and Approvals Act 1993*.

Please do not hesitate to contact me at your earliest convenience should you require additional information or further clarification.

Yours faithfully,

**PDA Surveyors, Engineers & Planners**

Per:



Jane Monks  
PLANNER

**HOBART:**

C.M. Terry, BSurv (Tas.), M.SSI (Director)  
H. Clement, BSurv (Tas.), M.SSI (Director)  
M.S.G. Denholm, BGeom (Tas.), M.SSI (Director)  
T.W. Walter, Dip. Surv & Map (Director)  
M. Westerberg, M.E.M., M.I.E. AUST., C.P.ENG. (Director)  
A. Collins, Ad. Dip. Surv & Map, (Senior Associate)  
D. Pantou, B.E. F.I.E. AUST., C.P.ENG. (Consultant)

**KINGSTON:**

M.M. Stratton, BSurvSpSc, GradDipLandSurv (Tas.) (Associate)  
A.P. (Lex) McIndoe, BSurv (Tas.) (Consultant)

**LAUNCESTON:**

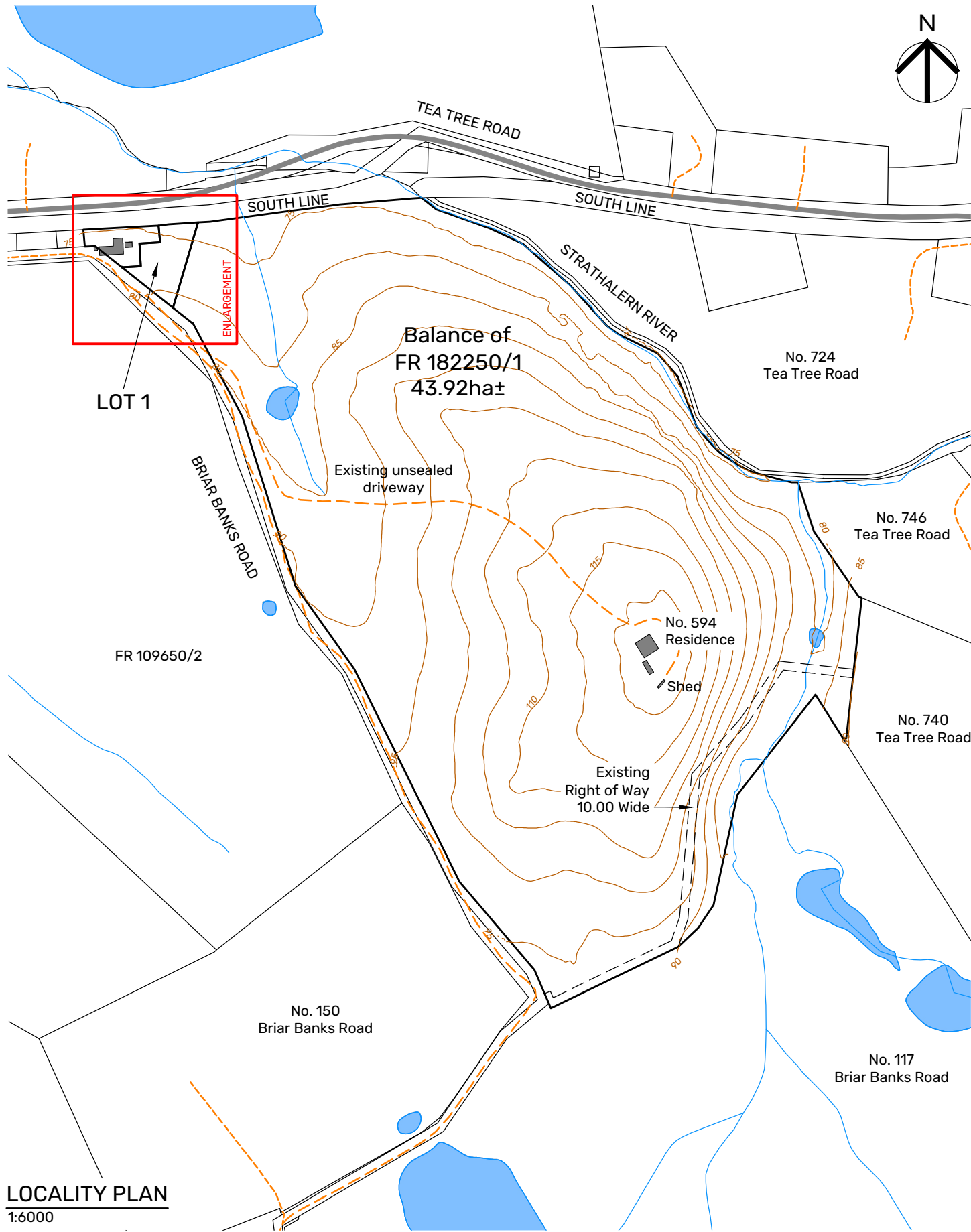
L.H. Kiely, Ad. Dip. Civil Eng, Cert IV I.T. (Senior Associate)  
J.W. Dent, OAM, B. Surv (Tas.), M.SSI (Consultant)

**BURNIE/DEVONPORT:**

A.W. Eberhardt, BGeom (Tas.), M.SSI (Director)  
D. Menger (Senior Associate)

**OFFICES ALSO AT:**

- 6 Freeman St, Kingston, TAS 7050 (03) 6229 2131
- 11/16 Main Rd, Huonville, TAS 7109 (03) 6264 1277
- 3 Franklin St, Swansea, TAS 7190 (03) 6130 9099
- 3/23 Brisbane St, Launceston, TAS 7250 (03) 6331 4099
- 6 Queen Street, Burnie, TAS 7320 (03) 6431 4400
- 77 Gunn St, Devonport, TAS 7310 (03) 6423 6875



LOCALITY PLAN  
1:6000

## PLAN OF SUBDIVISION

**Owners**  
Tea Tree Community Association  
Incorporated; Trent Andrew Nus

**Title References**  
FR 164781/1; FR 182250/1

**Address**  
594 & 'Tea Tree Hall'  
596 Tea Tree Road Tea Tree Tas 7017

**Council**  
Brighton Council

**Tasmanian Planning scheme**  
Brighton Local Provisions Schedule

**Zone**  
20 Rural  
21 Agriculture

**Zone Overlay**  
13 Bushfire-prone Areas Code

**Point of interest Lat/Lon :**  
-42.690, 147.319

**Schedule of Easements**  
Existing Right of Way 10.00 Wide  
carried forward

**NOTES**  
Lot 1 is to be added to FR 164781/1 to  
form a single parcel of 7180m<sup>2</sup>±.

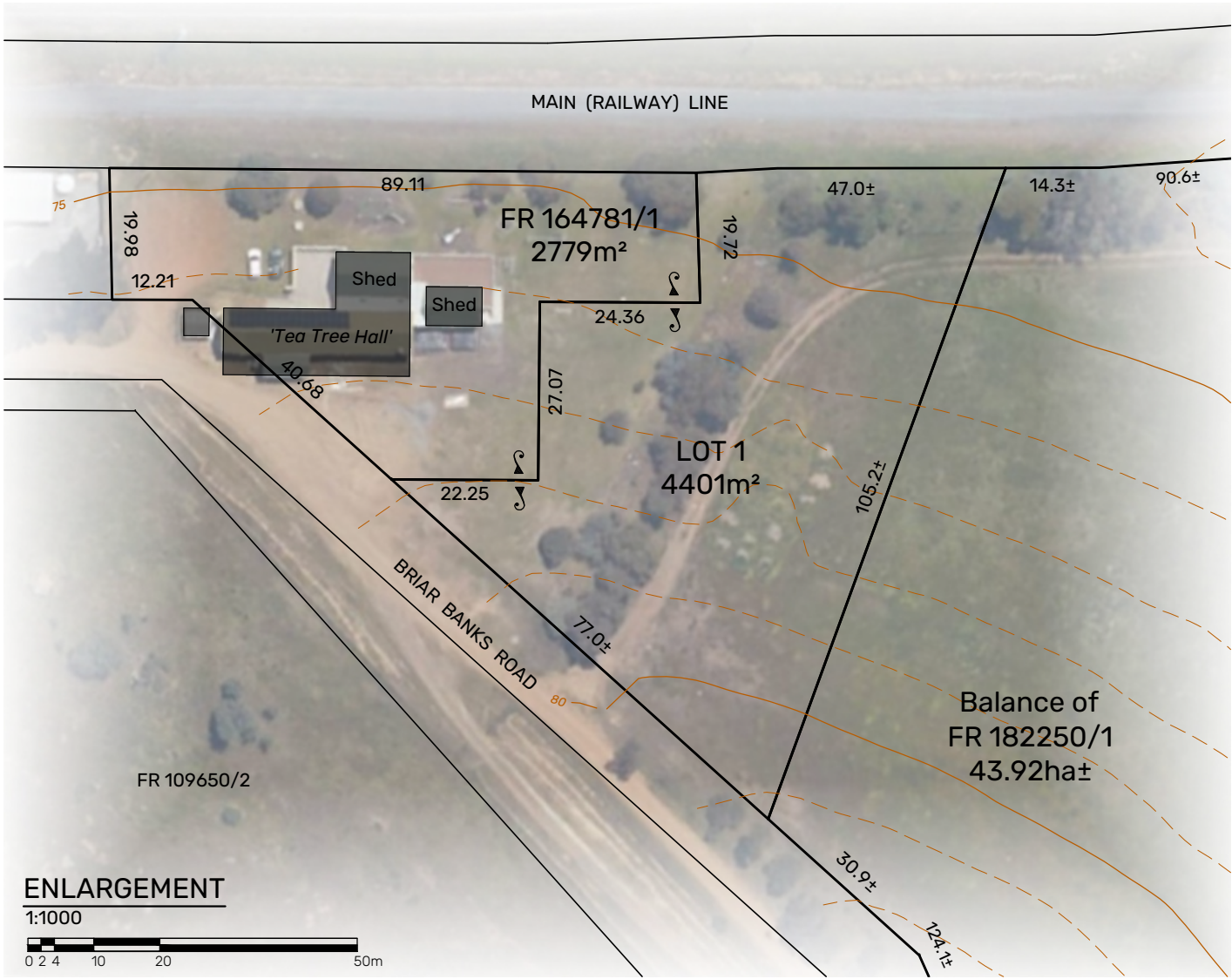
This plan has been prepared only for  
the purpose of obtaining preliminary  
subdivision approval from the Council  
and the information shown hereon  
should be used for no other purpose.  
All measurements and areas are  
subject to final survey.

Entire site is subject to the Biodiversity  
Protection Area Overlay. This isn't  
shown for plan clarity  
Digital Aerial Photo:

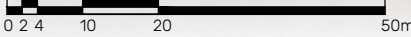
Basemap Orthophoto  
<https://services.thelist.tas.gov.au/arcgis/rest/services/Basemaps/Orthophoto/MapServer/WMTS/1.0.0/WMTSCapabilities.xml>

5.0m Contours:  
South East2019 DEM  
<https://elevation.fsdf.org.au/>  
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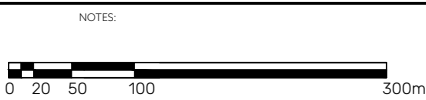
LIST Cadastral Parcels  
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REV	AMENDMENTS	DRAWN	DATE	APPR.



SURVEYOR	GEOCIVIL
DRAWN	CHECKED
MK	CMT
DATE	28 OCTOBER 2024

PLAN OF SUBDIVISION  
596 TEA TREE ROAD, TEA TREE  
for TEA TREE COMMUNITY ASSOCIATION INCORPORATED



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SCALE	PAPER
1:6000	(A3)
JOB NUMBER	DRAWING
53605CT-P1	



# PDA

SURVEYORS, ENGINEERS & PLANNERS



## Planning Report

594 & 596 Tea Tree Road, Tea Tree  
Boundary reorganisation

53605CT | JAN 2025

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## PDA Contributors

<b>Planning Assessment</b>	Jane Monks	21 <sup>st</sup> January 2025
<b>Review &amp; Approval</b>	Craig Terry	31 <sup>st</sup> January 2025

## Revision History

Revision	Description	Date
0	First Issue	21 <sup>st</sup> January 2025
1	V2	31 <sup>st</sup> January 2025

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## EXECUTIVE SUMMARY

Approval is sought for a boundary reorganisation at 594 & 596 Tea Tree Road, Tea Tree ( PID: 3205343 & 9604056). This planning assessment, combined with supplementary documentation has been provided in support of the proposed development.

### Development Details:

Client/Owner	Tea Tree Community Association Incorporated; Trent Andrew Nus
Property Address	594 & 596 Tea Tree Road, Tea Tree
Proposal	Boundary reorganisation
Land Area	44.63ha

PID / CT	3205343; 9604056	164781/1; 182250/1
Planning Ordinance	<i>Tasmanian Planning Scheme - Brighton</i>	
Land Zoning	20.0 Rural; 21.0 Agriculture	
Specific Areas Plans	N/A	
Code Overlays	Priority Vegetation; Waterway and Coastal Protection Area; Bushfire-prone Area; Landslip Hazard Band (Low) (Medium)	

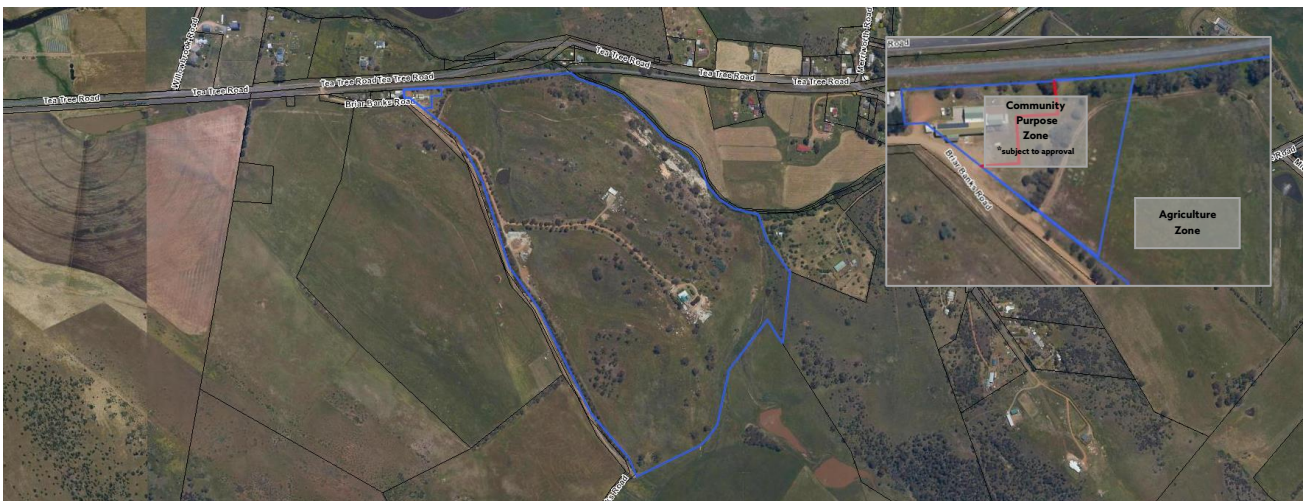
Use Status	Community Meeting & Entertainment; Resource Development
Application Status	Discretionary

# 1. Introduction/Context

Approval is sought for a boundary reorganisation at 594 & 596 Tea Tree Road, Tea Tree. In support of the proposal, the following associated documents have been provided in conjunction with this planning assessment:

- Title Plan and Folio: CT 164781/1 & CT 182250/1
- Plan of Subdivision: PDA 53605CT-1
- Bushfire Hazard Assessment & Bushfire Hazard Management Plan prepared by Mark Van den Berg of Bushfire Wise: BW004v1

## 1.1. The Land



**Figure 1.** Existing aerial image of the subject land and enlargement illustrating land zoning (LISTmap, 2025)

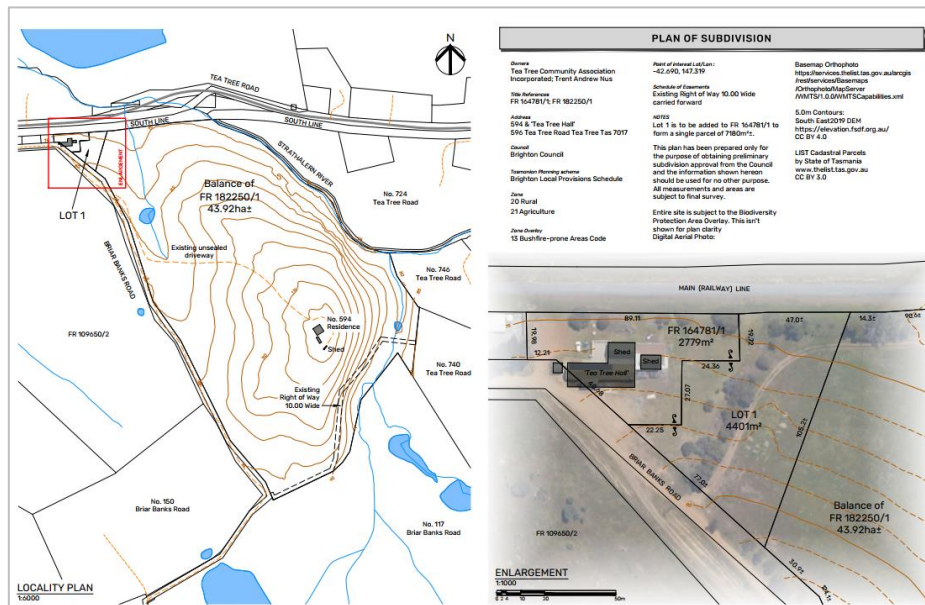
The subject land is located at 594 & 596 Tea Tree Road, Tea Tree, comprising two titles with a combined total area of 44.63ha, as shown in Figure 1. The larger title, CT 182250/1, is zoned Agriculture and features a residential development situated on the crest of a hill, surrounded by grassland currently utilised for grazing. The smaller title, CT 164781/1, is subject to an accompanying application for rezoning to the Community Purpose Zone. It currently accommodates the Tea Tree Community Hall, which includes a play area and landscaped grounds designed for community use and activities.

## 1.2 Natural Values

There are currently no Natural Values identified on the subject land due to extensive land modification and fragmentation.

## 2. The Proposal

A Planning Permit for boundary reorganisation is sought, in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993* and Clause 6.8 of the *Tasmanian Planning Scheme – Brighton*.



**Figure 2.** Proposed Plan of Subdivision  
 (Please refer to the attached file PDA 53605CT-P1 for complete Plan of Subdivision)

It is proposed that the boundaries of titles CT 164781/1 and CT 182250/1 be reorganised. An area of 4401m<sup>2</sup> (Lot 1) from CT 182250/1 will be added to CT 164781/1, resulting in a single parcel of 7180m<sup>2</sup>. The balance of CT 182250/1 will be reduced to 43.92ha, as illustrated in Figure 2. All existing service connections and access locations will remain unchanged.

As Council is progressing an accompanying application to rezone the resultant lot (CT 164781/1), this assessment will proceed on the premise that the rezoning to Community Purpose Zone has been approved. This will facilitate the expansion of the Tea Tree Community Hall and support its use for community-based activities and recreation. Consequently, the resultant lot of CT 164781/1 will be evaluated under the provisions of the Community Purpose Zone, while the balance of CT 182250/1 will continue to be assessed under the provisions of the Agriculture Zone.

## 3. Planning Assessment

This current proposal for subdivision has been developed in accordance with the *Tasmanian Planning Scheme – Brighton*

### 3.1 Use Class

Community Meeting & Entertainment; Resource Development

### 3.2 Zoning

As previously stated, the resultant lot of CT 164781/1 will be assessed under the provisions of the Community Purpose Zone, while the balance of CT 182250/1 will be assessed under the provisions of the Agriculture Zone.

### 3.3 Zone Standards

#### 21.0 Agriculture Zone

21.5 Development standards for Subdivision

##### 21.5.1 Lot design

Objective:	
To provide for subdivision that: (a) relates to public use, irrigation infrastructure or Utilities; and (b) protects the long term productive capacity of agricultural land.	
Acceptable Solutions	Performance Criteria
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, a council or a State authority; (b) be required for the provision of Utilities or irrigation infrastructure; or (c) be for the consolidation of a lot with another lot provided both lots are within the same zone.	<b>P1</b> Each lot, or a lot proposed in a plan of subdivision, must: (a) provide for the operation of an agricultural use, having regard to: (i) not materially diminishing the agricultural productivity of the land; (ii) the capacity of the new lots for productive agricultural use; (iii) any topographical constraints to agricultural use; and (iv) current irrigation practices and the potential for irrigation; (b) be for the reorganisation of lot boundaries that satisfies all of the following: (i) provides for the operation of an agricultural use, having regard to: a. not materially diminishing the agricultural productivity of the land; b. the capacity of the new lots for productive agricultural use; c. any topographical constraints to agricultural use; and d. current irrigation practices and the potential for irrigation; (ii) all new lots must be not less than 1ha in area;

- (iii) existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2;
- (iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use; and
- (v) it does not create any additional lots; or
- (c) be for the excision of a use or development existing at the effective date that satisfies all of the following:
  - (i) the balance lot provides for the operation of an agricultural use, having regard to:
    - a. not materially diminishing the agricultural productivity of the land;
    - b. the capacity of the balance lot for productive agricultural use;
    - c. any topographical constraints to agricultural use; and
    - d. current irrigation practices and the potential for irrigation;
  - (ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot;
  - (iii) any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and
  - (iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use.

#### Response:

**P1 is met:** The proposal satisfies Performance Criteria (b) as follows:

- (b) The proposed reorganisation of lot boundaries that satisfies all of the following:
  - (i) The topography of the land limits the agricultural use and currently provides operation grazing operations, having regard to:
    - a. & b. At 43.92ha, the balance of CT 182250/1 retains its agricultural productivity and grazing capacity;
    - c. As the subject land is encompassed by a hill, its agricultural capacity is constrained to operations that are suitable for hilly terrain, such as livestock grazing;
    - d. *Not applicable*;
  - (ii) At 43.92ha, the proposed lot is greater than 1ha;
  - (iii) The existing dwelling and associated outbuildings are consistent with the setback requirements of clause 21.4.2 A1 and A2;
  - (iv) The frontage of the land to Briar Banks Road is sufficient for the intended use; and
  - (v) No new lots are proposed to be created;

## A2

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.

### Response:

**A2 is met:** Each lot has existing vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.

## 27.0 Community Purpose Zone

### 27.5 Development standards for Subdivision

#### 27.5.1 Lot design

### Objective:

That each lot:

- (a) has an area and dimensions appropriate for use and development in the zone; and
- (b) is provided with appropriate access to a road.

### Acceptable Solutions

#### A1

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

- (a) have an area of not less than 600m<sup>2</sup> 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 27.4.2 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 27.4.2 A1 and A2;
- (b) be required for public use by the Crown, a council or a State authority;
- (c) be required for the provision of Utilities; or
- (d) be for the consolidation of a lot with another lot provided each lot is within the same zone.

### Performance Criteria

#### P1

Each lot, or 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) existing buildings and the location of intended 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.

### Response:

**P1 is met:** The proposed reorganisation of boundaries satisfied the performance criteria as follows:

- (a) *Not applicable* as the land contains existing development;

- (b) The proposed lot includes the Tea Tree Community Hall, along with associated buildings and play area. The increase in land area offers enhanced opportunities for expanding community recreational activities and future development;
- (c) The topography of the land is predominantly flat and open, making it well-suited for the continued intended use and potential future development;
- (d) *Not applicable* as no natural hazards have been identified;
- (e) At 7180m<sup>2</sup>, there is sufficient space and opportunity for private open space;
- (f) The proposed subdivision is unique in nature, as it is intended for community purposes, distinguishing it from the surrounding rural and agricultural developments. While the lot size and density differ from neighbouring properties, the proposal is designed to meet the specific needs of the Tea Tree Community. The increased land area will enhance community access to recreational and social spaces, while preserving the area's open, rural character.

## A2

Each lot, or lot proposed in a plan of subdivision, must have a frontage or legal connection to a road by a right of carriageway of not less than 10m.

### Response:

**A2 is met:** At 129m±, the frontage of the proposed lot is over 10m.

## A3

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

### Response:

**A3 is met:** The proposed lot is to utilise the existing vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.

## 27.5. Services

### Objective:

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

### Acceptable Solutions

### Performance Criteria

## A1

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

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

**Response:**

**A1 is met:** The proposed lot will utilise the existing water connection and therefore meets Acceptable Solution (a).

**A2**

Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.

**P2**

Each lot, or lot proposed in a plan of subdivision, excluding those 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.

**Response:**

**P2 is met:** The proposed lot will utilise the existing on-site wastewater system and has the capacity to connect to a reticulated sewerage system if one becomes available in the future.

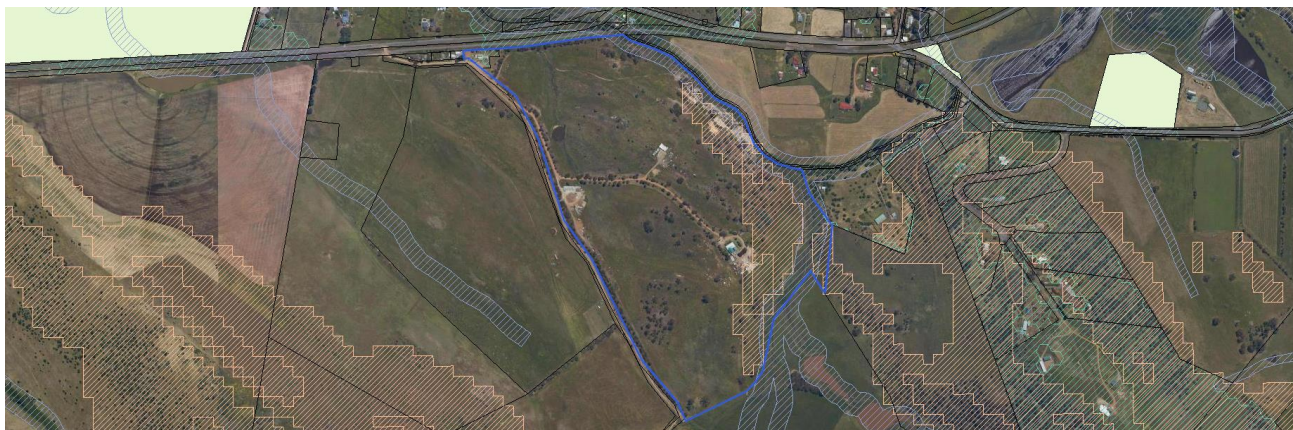
**A3**

Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.

**Response:**

**P2 is met:** The proposed lot will continue to utilise the existing public stormwater connection.

## 3.4 Codes



**Figure 4.** Scheme Overlay identification of the subject land and surrounds (LISTmap, 2025)

*Note: The entire site is subject to the Bushfire-prone Area overly, this isn't shown for image clarity*

The subject land is overlaid with Priority Vegetation, Waterway and Coastal Protection Area, Bushfire-prone Area, Landslip Hazard Band (Low) (Medium), as illustrated in Figure 4. Whilst the proposed subdivision also requires the following Codes under the *Tasmanian Planning Scheme – Brighton* to be considered.

Code	Comments:
C1.0 Signs Code	N/A
<b>C2.0 Parking and Sustainable Transport Code</b>	As this Code is relevant to this proposal, an assessment is provided below
<b>C3.0 Road and Railway Assets Code</b>	As this Code is relevant to this proposal, an assessment is provided below
C4.0 Electricity Transmission Infrastructure	N/A
C5.0 Telecommunications Code	N/A
C6.0 Local Historic Heritage Code	
<b>C7.0 Natural Assets Code</b>	As this Code is relevant to this proposal, an assessment is provided below
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
<b>C13.0 Bushfire-Prone Areas Code</b>	Please refer to the attached Bushfire Hazard Report prepared by Mark Van den Berg of Bushfire Wise
C14.0 Potentially Contaminated Land Code	N/A
<b>C15.0 Landslip Hazard Code</b>	As this Code is relevant to this proposal, an assessment is provided below
C16.0 Safeguarding of Airports Code	N/A

## 3.5 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.	
<b>Acceptable Solutions</b>	
<b>A1</b> 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.	
<b>Response:</b>	
<b>A1 is met:</b> Each lot has no more than one vehicle access point per road frontage.	

### C3.0 Road and Railway Assets Code

#### C3.7 Development Standards for subdivision

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

<b>Objective:</b>	
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.	
<b>Acceptable Solutions</b>	
<b>A1</b> 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.	
<b>Response:</b>	
<b>A1 is met:</b> <i>Not applicable</i> - the proposal is not proposed for a sensitive use within the railway attenuation area.	

## C7.0 Natural Assets Code

### C7.7 Development Standards for subdivision

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

<b>Objective:</b>
That: (a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.
<b>Acceptable Solutions</b>
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must: (a) be for the creation of separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.
<b>Response:</b>
<b>A1 is met:</b> The proposal meets acceptable solution (e), as no works are proposed within the waterway and coastal protection area.

#### C7.7.2 Subdivision within a priority vegetation area

<b>Objective:</b>
That: (a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.
<b>Acceptable Solutions</b>
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must: (a) be for the purposes of creating separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.
<b>Response:</b>

**A1 is met:** The proposal meets acceptable solution (e), as no works are proposed within the priority vegetation area.

## C13.0 Bushfire-Prone Areas Code

A Bushfire Hazard Assessment and Bushfire Hazard Management Plan has been prepared and supplied in support of the proposed subdivision. As seen below, Section 6.1 of Bushfire Wise Bushfire Hazard Report by Mark Van den Berg, provides a summary of planning compliance applicable to this current application. Whilst the Bushfire Hazard Management Plan can be located in Appendix C of the attached report.

### 6.1 Planning Compliance

Table 2 summarises the compliance requirements for subdivisions in bushfire prone areas against Code C13 as they apply to this proposal. A planning certificate has been issued for the associated BHMP as being compliant with the relevant standards as outlined in appendix D.

Table 2. Compliance with Code C13 of the Tasmanian Planning Scheme.

Clause	Compliance
C13.4 Use or development exempt from this code	The proposal is not exempt from Code C13.
C13.5.1 Vulnerable Uses	Not applicable.
C13.5.2 Hazardous Uses	Not applicable
C13.6.1 Subdivision: Provision of hazard management areas	The Bushfire Hazard Management Plan is certified by an accredited person. Each lot within the subdivision has a building area and associated hazard management area shown which is suitable for BAL-19 or BAL-12.5 construction standards. Hazard management areas are able to be contained within each individual lot, therefore there is no requirement for part 5 agreements or easements to facilitate hazard management. The proposal is compliant with the acceptable solution at A1, (b).
C13.6.2 Subdivision: Public and firefighting access	There is no proposal for public roadways or fire trails as part of this development. The Bushfire Hazard Management Plan shows the location of existing property access. In this circumstance there is an insufficient increase in risk from bushfire to warrant specific design or construction standards for property access for FR: 182250/1. The proposal is compliant with the acceptable solution at A1, (a). (FR:164781/1) property access is compliant with table C13.2 and A1, (b). The Bushfire Hazard Management Plan is certified by an accredited person.
C13.6.3 Subdivision: Provision of water supply for firefighting purposes	The Bushfire Hazard Management Plan requires static water supplies to be provided for both lots. The specifications for static water supplies are provided and are consistent with table C13.5 and are required prior to the sealing of titles. The proposal is compliant with the acceptable solution at A2, (b).

## C15.0 Landslip Hazard Code

### C15.7 Development Standards for subdivision

#### C15.7.1 Subdivision within a landslip Hazard area

<b>Objective:</b>	
That subdivision within a landslip hazard area does not create an opportunity for use or development that cannot achieve a tolerable risk from a landslip.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area, must: (a) be able to contain a building area, vehicle access, and services, that are wholly located outside a landslip hazard area; (b) be for the creation of separate lots for existing buildings; (c) be required for public use by the Crown, a council or a State authority; or (d) be required for the provision of Utilities.	<b>P1</b> Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area must not create an opportunity for use or development that cannot achieve a tolerable risk from landslip, having regard to: (a) any increase in risk from a landslip for adjacent land; (b) the level of risk to use or development arising from an increased reliance on public infrastructure; (c) the need to minimise future remediation works; (d) any loss or substantial compromise, by a landslip, of access to the lot on or off site; (e) the need to locate building areas outside the landslip hazard area; (f) any advice from a State authority, regulated entity or a council; and (g) the advice contained in a landslip hazard report.
<b>Response:</b>	
<b>A1 is met:</b> The proposal meets acceptable solution (a), as the existing building area, vehicle access, and services, are wholly located outside the landslip hazard area.	

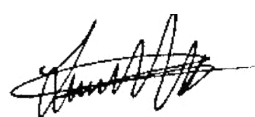
## Conclusion

The planning assessment and supporting documentation provided, demonstrates that the development proposal for a Boundary reorganisation at 594 & 596 Tea Tree Road, Tea Tree, meets all requirements of the *Tasmanian Planning Scheme – Brighton*

Yours faithfully,

**PDA Surveyors, Engineers & Planners**

Per:



Jane Monks

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# Bushfire Hazard Report



Location: 596 Tea Tree Road, Tea Tree.

Applicant: PDA Surveyors, Engineers & Planners

Date: December 2024

Certification number: BW004v1

Author: Mark Van den Berg – BFP-108

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### Disclaimer:

The measures contained in Australian Standard 3959-2009 cannot guarantee that a building will survive a bushfire event on every occasion. This is substantially due to the unpredictable nature and behaviour of fire and extreme weather conditions. Reasonable steps have been taken to ensure that the information contained within this report is correct and reflects the conditions on and around the proposal at the time of assessment. The assessment has been based on the information provided by you or your designer.

### Authorship:

This report was prepared by Mark Van den Berg BSc. (Hons.) FPO (planning) of BushfireWise. Base data for mapping including digital and aerial photography: TasMap, LIST, GoogleEarth, Mark Van den Berg.

# 1.0 Introduction

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

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

- The requirements for appropriate Hazard Management Areas (HMA's) in relation to building areas;
- The requirements for Public and Private access;
- The provision of water supplies for firefighting purposes;
- Compliance with the planning scheme, and
- Provides a Bushfire Hazard Management Plan to facilitate appropriate compliant future development.

# 2.0 Proposal

The proposal is for the adjustment of boundaries between two existing lots, no new lots will created. The proposal is to be assessed as a subdivision of land for planning application purposes and is described as per the plan of subdivision in appendix A. Proposed Lot 1 is to be added to FR164781/1 which has existing development (Tea Tree Hall), the balance from the division of lot 1, FR182250/1 has existing residential development with existing property access. Public access to both lots is provided by an existing public roadway, Briar Banks Road. The development is proposed to occur as a single stage.

# 3.0 Site Description

The subject site comprises private land on two titles at 596 and 594 Tea Tree Road, tea Tree, FR:164781/1 and FR:182250/1 respectively (Figure 1). Located in the municipality of Brighton, this application is administered through the Tasmanian Planning Scheme - Brighton, which makes provision for subdivision. The proposed development falls within the Rural and Agriculture zones.

The lots are situated to the west of the Tea Tree settled area, approximately 1 km north of Elliots Hill (Figure 1). FR:182250/1 is characterized by grassland vegetation on moderate to steep slopes with multiple aspects, the dominant land use is grazing with complimentary residential development, the lot is approximately 43 Ha in extent. FR:164781/1 is a smaller lot (~0.27Ha) which hosts the Tea Tree

Community Hall, playground and associated infrastructure, it carries low threat vegetation in the form of managed landscaped grounds. The lot features gentle slopes with an easterly aspect adjacent to an active trainline. Surrounding lands are dominated by grassland vegetation and intensive horticulture including annual and perennial crops. Associated residential development and farm buildings occur through the area and are generally dispersed throughout the landscape (Figure 2.)

Bushfire-prone vegetation surrounds the residential development within FR: 182250/1 which has direct linkages with landscape scale bushfire-prone vegetations units to the south-east on Hammonds Tier and to the south-west within the Meehan Range. More distantly, bushfire-prone vegetation (other than grassland) to the north of both lots centred on Shene, Merriworth and Butlers Hills should not be discounted as a source of bushfire risk. Existing development within FR: 164781/1 is afforded some protection from bushfire attack from the north by the 'South Line' and Tea tree Road which effectively create a significant fuel break to the benefit of the site.



Figure 1. The site in a topographical context, pink line defines the subdivision boundary (approx.).



Figure 2. Aerial photo of the site, pink line denotes the property boundaries (approximate).

## 4.0 Bushfire Hazard Assessment

### 4.1 Vegetation

Existing development within FR: 164781/1 is influenced by grassland vegetation to the east and south while the existing residential development with FR: 182250/1 is influenced by both grassland and low open woodland vegetation which surrounds the site. Adjacent lands within 100 metres of the existing buildings carry grassland and low open woodland vegetation (regenerating shrubs and trees in paddocks) which are linked to landscape scale bushfire-prone vegetation. The highest risk vegetation for FR: 164781/1 occurs to the east of the site, while existing residential development on FR: 182250/1 is equally exposed from all directions due to its hilltop location.

### 4.2 slope

Slope influences how fast a fire moves, how intensely the fire burns and the amount of radiant heat that is given off by the burning vegetation. Effective slope, is the slope of the land underneath the vegetation that has the potential to burn. The effective slope with the potential to influence the bushfire attack on the existing building with FR: 164781/1 is flat and upslope of the building. The effective slope which will

influence the bushfire attack on the existing building within FR: 182250/1 ranges from 4 degrees to 20 degrees downslope of the site.



Figure 3. Grassland and low open woodland vegetation to the east of the Tea Tree Hall.

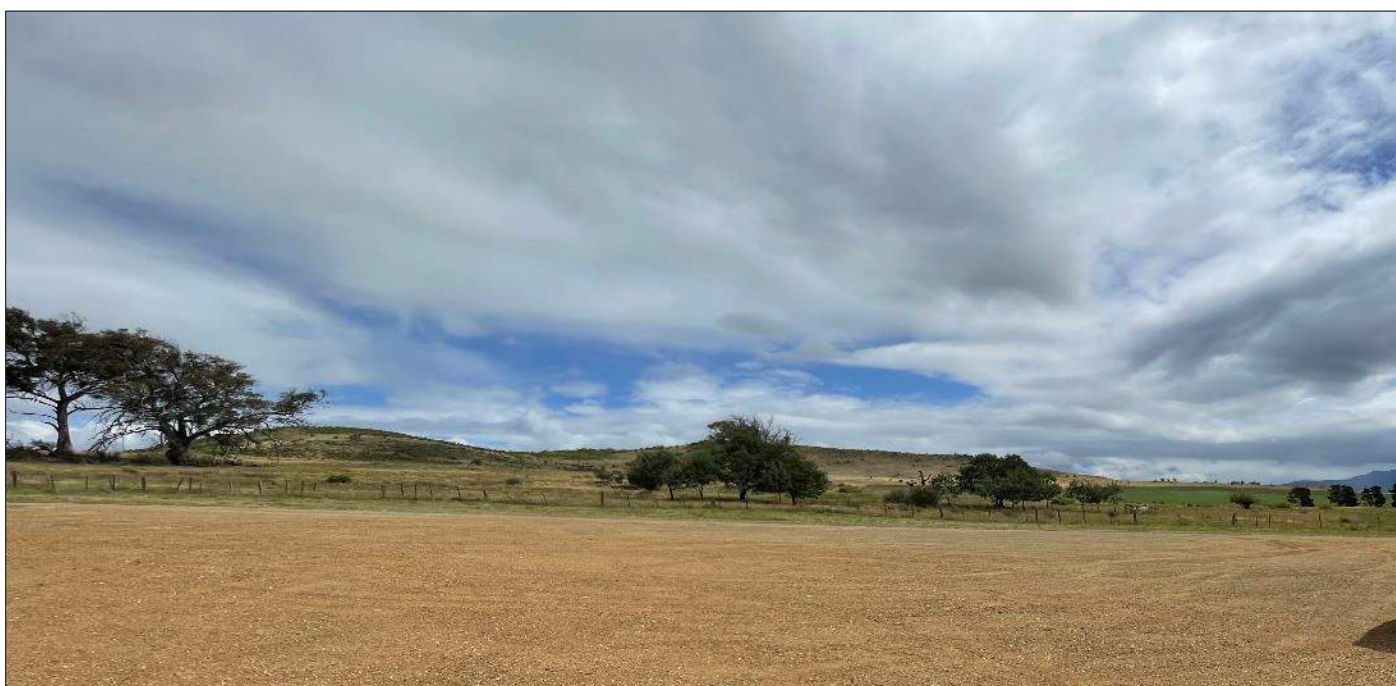


Figure 4. Grassland vegetation to the south-west of the Tea Tree Hall.

### 4.3 Bushfire Attack Level

An assessment of vegetation and topography was undertaken within and adjacent to the subdivision area. A bushfire attack level assessment as per *AS3959-2018* was completed (Appendix B) which has determined setbacks for each building area from bushfire-prone vegetation such that subsequent development does

not exceed BAL-19 of AS3959-2018 (appendix B). The building areas for both lots reflect the footprint of existing development. The building areas and bushfire attack level are marked on the BHMP.

## 5.0 Bushfire Prone Areas Code

Code C13 of the planning scheme articulates requirements for the provision of hazard management areas, standards for access and firefighting water supplies and requirements for hazard management for staged subdivisions.

### 5.1 Hazard Management Areas

Hazard management areas are required to be established and/or maintained for both building areas, they provide an area around the building within which fuels are managed to reduce the impacts of direct flame contact, radiant heat and ember attack on the site. Both lots will require the HMA to be established prior to the sealing of titles.

The Bushfire Hazard Management Plan (BHMP) shows building areas (for habitable buildings) and the associated HMA's, guidance for establishment and maintenance of HMA's is provided below and on the BHMP.

The subdivision is to occur as a single stage. Each proposed lot can accommodate a hazard management area with sufficient separation from bushfire-prone vegetation not exceeding the requirements for BAL-19 of AS3959-2018. This means that each lot is not dependent on adjacent land use or management for bushfire mitigation.

#### 5.1.1 Building areas

Building areas for habitable buildings on each lot are shown on the BHMP. Each lot has been assessed and a Bushfire Attack Level (BAL) assigned to it. If future building work is located within the building area and complies with the minimum setbacks, the building work may be constructed to the bushfire attack level assigned to that lot. If associated structures like sheds or other non-habitable buildings exist or are proposed, they do not need to conform to a BAL unless they are within 6 metres of the habitable building.

#### 5.1.2 Hazard Management Area requirements

A hazard management area is the area, between a habitable building or building area and the bushfire prone vegetation which provides access to a fire front for firefighting, is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire. This can be achieved through, but is not limited to the following strategies;

- Remove fallen limbs, sticks, leaf and bark litter.
- Maintain grass at less than a 100mm height.

- Avoid or minimise the use of flammable mulches (especially against buildings).
- Thin out under-story vegetation to provide horizontal separation between fuels.
- Prune low-hanging tree branches (<2m from the ground) to provide vertical separation between fuel layers.
- Remove or prune larger trees to establish and maintain horizontal separation between tree canopies.
- Minimise the storage of flammable materials such as firewood.
- Maintain vegetation clearance around vehicular access and water supply points.
- Use low-flammability plant species for landscaping purposes where possible.
- Clear out any accumulated leaf and other debris from roof gutters and other debris accumulation points.

It is not necessary to remove all vegetation from the hazard management area, trees and shrubs may provide protection from wind borne embers and radiant heat under some circumstances if other fuels are appropriately managed.

## 5.2 Public and firefighting Access

### 5.2.1 Public Roads

There is no proposal for the construction of new public roadways or fire trails as part of this proposal, in this circumstance there are no applicable standards for the construction of new public roads or fire trails.

### 5.2.2 Property access (for building compliance)

#### 5.2.2.1 FR: 182250/1

There is existing property access to the existing dwelling within in this lot. The location of property access is shown on the BHMP. In this circumstance there are no additional design or construction requirements applicable to the existing property access. The existing property access is compliant with the specifications of Table C13.2 in that, the carriage has a load capacity of 20t is 4 metres wide, has 0.5m wide shoulders, has crossfalls, dips and gradients that are less than 3, 7 and 10 degrees respectively and has curves with an inner radius greater than 10m and terminates in a turning circle with an outer radius of 10 metres.

#### 5.2.2.2 FR: 164781/1

The existing property access is less than 30 metres in length. In this circumstance there are no further design or construction requirements for property access.

## 5.3 Water supplies for firefighting

The lots are not serviced by a reticulated water supply. In this circumstance, a static water supply dedicated for firefighting for each building area which is compliant with the specifications of table 1 is required. The firefighting water supplies will need to be installed prior to the sealing of titles.

Table 1. Specifications for static water supplies for firefighting.

Element		Requirement
A.	Distance between building area to be protected and water supply	<p>The following requirements apply:</p> <p>(a) The building area to be protected must be located within 90 metres of the firefighting water point of a static water supply; and</p> <p>(b) The distance must be measured as a hose lay, between the firefighting water point and the furthest part of the building area.</p>
B.	Static Water Supplies	<p>A static water supply:</p> <p>(a) May have a remotely located offtake connected to the static water supply;</p> <p>(b) May be a supply for combined use (firefighting and other uses) but the specified minimum quantity of firefighting water must be available at all times;</p> <p>(c) Must be a minimum of 10,000 litres per building area to be protected. This volume of water must not be used for any other purpose including firefighting sprinkler or spray systems;</p> <p>(d) Must be metal, concrete or lagged by non-combustible materials if above ground; and</p> <p>(e) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959:2018, the tank may be constructed of any material provided that the lowest 400 mm of the tank exterior is protected by:</p> <ul style="list-style-type: none"> <li>(i) metal;</li> <li>(ii) non-combustible material; or</li> <li>(iii) fibre-cement a minimum of 6 mm thickness.</li> </ul>
C.	Fittings, pipework & Accessories (including stands & tank supports)	<p>Fittings and pipework associated with a firefighting water point for a static water supply must:</p> <p>(a) Have a minimum nominal internal diameter of 50mm;</p> <p>(b) Be fitted with a valve with a minimum nominal internal diameter of 50mm;</p> <p>(c) Be metal or lagged by non-combustible materials if above ground;</p> <p>(d) Where buried, have a minimum depth of 300mm;</p> <p>(e) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to firefighting equipment;</p> <p>(f) Ensure the coupling is accessible and available for connection at all times;</p> <p>(g) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length);</p> <p>(h) Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a coupling compliant with this Table; and</p> <p>(i) Where a remote offtake is installed, ensure the offtake is in a position that is:</p> <ul style="list-style-type: none"> <li>(i) Visible;</li> <li>(ii) Accessible to allow connection by firefighting 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>
D.	Signage for static water connections	<p>The firefighting 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:</p> <p>(a) comply with water tank signage requirements within AS 2304:2019; or</p>

Element		Requirement
		(b) comply with the Tasmania Fire Service Water Supply Signage Guideline published by the Tasmania Fire Service.
E.	Hardstand	<p>A hardstand area for fire appliances must be provided:</p> <p>(a) No more than three metres from the firefighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like);</p> <p>(b) No closer than six metres from the building area to be protected;</p> <p>(c) With a minimum width of three metres constructed to the same standard as the carriageway; and,</p> <p>(d) Connected to the property access by a carriageway equivalent to the standard of the property access.</p>

## 6.0 Compliance

### 6.1 Planning Compliance

Table 2 summarises the compliance requirements for subdivisions in bushfire prone areas against Code C13 as they apply to this proposal. A planning certificate has been issued for the associated BHMP as being compliant with the relevant standards as outlined in appendix D.

Table 2. Compliance with Code C13 of the Tasmanian Planning Scheme.

Clause	Compliance
C13.4 Use or development exempt from this code	The proposal is not exempt from Code C13.
C13.5 1 Vulnerable Uses	Not applicable.
C13.5.2 Hazardous Uses	Not applicable
C13.6.1 Subdivision: Provision of hazard management areas	<p>The Bushfire Hazard Management Plan is certified by an accredited person. Each lot within the subdivision has a building area and associated hazard management area shown which is suitable for BAL-19 or BAL-12.5 construction standards. Hazard management areas are able to be contained within each individual lot, therefore there is no requirement for part 5 agreements or easements to facilitate hazard management.</p> <p>The proposal is compliant with the acceptable solution at A1, (b).</p>
C13.6.2 Subdivision: Public and firefighting access	<p>There is no proposal for public roadways or fire trails as part of this development.</p> <p>The Bushfire Hazard Management Plan shows the location of existing property access. In this circumstance there is an insufficient increase in risk from bushfire to warrant specific design or construction standards for property access for FR: 182250/1. The proposal is compliant with the acceptable solution at A1, (a). (FR:164781/1) property access is compliant with table C13.2 and A1, (b).</p> <p>The Bushfire Hazard Management Plan is certified by an accredited person.</p>

Clause	Compliance
C13.6.3 Subdivision: Provision of water supply for firefighting purposes	<p>The Bushfire Hazard Management Plan requires static water supplies to be provided for both lots. The specifications for static water supplies are provided and are consistent with table C13.5 and are required prior to the sealing of titles.</p> <p>The proposal is compliant with the acceptable solution at A2, (b).</p>

## 6.2 Building Compliance (for future development)

Future residential development may not require assessment for bushfire management requirements at the planning application stage. Subsequent building applications will require demonstrated compliance with the Directors Determination. If future development is undertaken in compliance with the Bushfire Hazard Management Plan associated with this report, a building surveyor may rely upon it for building compliance purposes if it is not more than 6 years old.

## 7.0 Summary

The Bushfire Hazard Report for 596 Tea Tree Road, Tea Tree, evaluates and mitigates bushfire risks for a proposed boundary adjustment. Prepared by BushfireWise for the Tea Tree Community association, it supports a planning permit application under the Tasmanian Planning Scheme- Brighton. The sites, in the Rural and agricultural zones west of Tea Tree, feature extensive grasslands on gentle to steep slopes. Vegetation includes grassland, low open woodland and low-threat vegetation.

The report includes a Bushfire Hazard Management Plan (BHMP) detailing hazard management areas, building areas, the location of existing property access and specifications for the installation of firefighting water supplies. The building area for each lot is able to accommodate a hazard management area which provides the minimum setbacks required to achieve BAL-19 in accordance with table 2.6 of AS3959- 2018). Hazard Management areas and firefighting water supplies are required to be in place prior to the sealing of titles.

## 8.0 References

*Building Amendment (Bushfire-Prone Areas) Regulations 2014 Building Regulations 2016.*

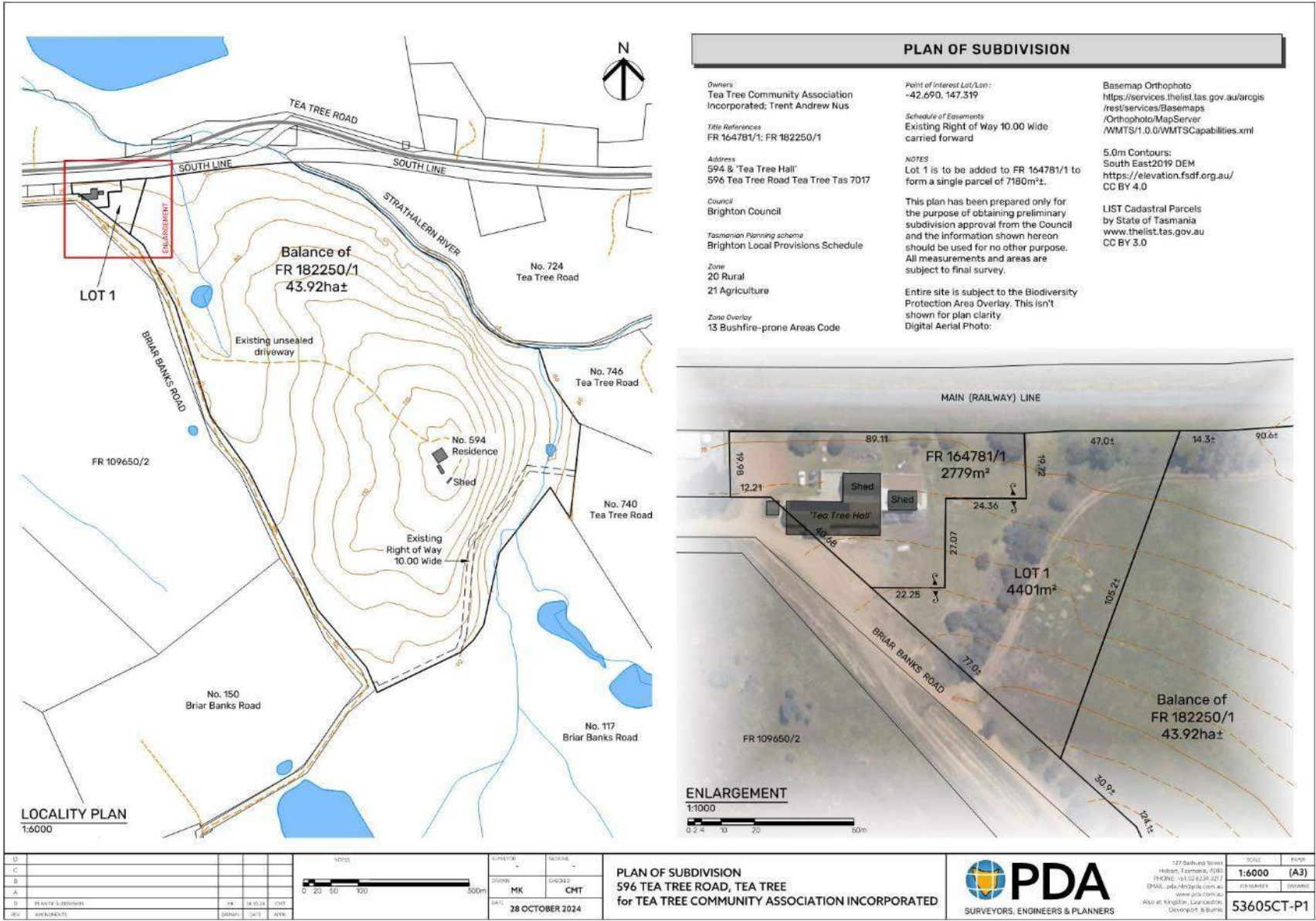
*Directors Determination – Bushfire Hazard Areas, version 1.2, 16th July 2024.*

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

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

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

Tasmanian Planning Scheme - Brighton.



## Appendix B – BAL assessment

Table 1. Bushfire Attack Level Assessment FR: 164781/1

Azimuth	Vegetation Classification	Effective Slope	Distance to Bushfire-prone vegetation	Hazard management area width	Bushfire Attack Level
<b>North</b>	Exclusion 2.2.3.2 (e, f)^	>0 to 5° downslope	0 to 45 metres	Lot boundary	BAL-12.5
	Grassland^	flat 0°	45 to 100 metres		
	--	--	--		
	--	--	--		
<b>East</b>	Exclusion 2.2.3.2 (e, f)^	flat 0°	0 to 25 metres	14 metres	BAL-12.5
	Low Open Woodand	flat 0°	25 to 45 metres		
	Grassland^	flat 0°	45 to 100 metres		
	--	--	--		
<b>South</b>	Exclusion 2.2.3.2 (e, f)^	upslope	0 to 10 metres	Lot boundary	<b>BAL-19</b>
	Grassland^	upslope	10 to 100 metres		
	--	--	--		
	--	--	--		
<b>West</b>	Exclusion 2.2.3.2 (e, f)^	flat 0°	0 to >100 metres	Lot boundary	BAL-LOW
	--	--	--		
	--	--	--		
	--	--	--		

^ Vegetation classification as per AS3959-2018 and Figures 2.4 (A) to 2.4 (H).

\* Low threat vegetation as per Bushfire Prone Areas Advisory Note (BHAN) No.1-2014, version 3, 8/11/2017.

^^ Exclusions as per AS3959-2018, section 2.2.3.2, (a) to (f).

Table 2. Bushfire Attack Level Assessment for FR: 182250/1

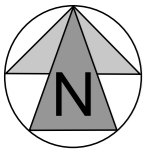
<b>Azimuth</b>	<b>Vegetation Classification</b>	<b>Effective Slope</b>	<b>Distance to Bushfire-prone vegetation</b>	<b>Hazard management area width</b>	<b>Bushfire Attack Level</b>
<b>North-east</b>	Exclusion 2.2.3.2 (e, f)^	>0 to 5° downslope	0 to 20 metres	20 metres	<b>BAL-12.5</b>
	Grassland^	>0 to 5° downslope	20 to 50 metres		
	Low Open Woodand	>5° to 10° downslope	50 to 100 metres		
	--	--	--		
<b>South-east</b>	Exclusion 2.2.3.2 (e, f)^	flat 0°	0 to 40 metres	25 metres	<b>BAL-12.5</b>
	Grassland^	>15° to 20° downslope	40 to 100 metres		
	--	--	--		
	--	--	--		
<b>South-west</b>	Exclusion 2.2.3.2 (e, f)^	>0 to 5° downslope	0 to 15 metres	16 metres	<b>BAL-12.5</b>
	Grassland^	>0 to 5° downslope	15 to 100 metres		
	--	--	--		
	--	--	--		
<b>North-west</b>	Exclusion 2.2.3.2 (e, f)^	>0 to 5° downslope	0 to 20 metres	20 metres	BAL-LOW
	Grassland^	>0 to 5° downslope	20 to 100 metres		
	--	--	--		
	--	--	--		

^ Vegetation classification as per AS3959-2018 and Figures 2.4 (A) to 2.4 (H).

\* Low threat vegetation as per Bushfire Prone Areas Advisory Note (BHAN) No.1-2014, version 3, 8/11/2017.

^^ Exclusions as per AS3959-2018, section 2.2.3.2, (a) to (f).

## Appendix C – Bushfire Hazard Management Plan



Compliance Requirements

Property Access

There is existing property access to the sites which is compliant with the property access specifications of the determination. In this circumstance there are no further design or construction requirements for property access.

Water Supplies for Firefighting

The sites are not serviced by a reticulated water supply, therefore a dedicated, static firefighting water supply will be provided in accordance with the following;

A) Distance between building area to be protected and water supply

The following requirements apply:

- (a) The building area to be protected must be located within 90 metres of the fire fighting water point of a static water supply; and
- (b) The distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.

B) Static Water Supplies

A static water supply:

- (a) May have a remotely located offtake connected to the static water supply;
- (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;
- (c) Must be a minimum of 10,000 litres 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;
- (d) Must be metal, concrete or lagged by non-combustible materials if above ground; and
- (e) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959-2009, the tank may be constructed of any material provided that the lowest 400 mm of the tank exterior is protected by:
  - (i) metal;
  - (ii) non-combustible material; or
  - (iii) fibre-cement a minimum of 6 mm thickness.

C) Fittings and pipework associated with a fire fighting water point for a static water supply must:

- (a) Have a minimum nominal internal diameter of 50mm; (2) Be fitted with a valve with a minimum nominal internal diameter of 50mm;
- (b) Be fitted with a valve with a minimum nominal internal diameter of 50mm;
- (c) Be metal or lagged by non-combustible materials if above ground;
- (d) Where buried, have a minimum depth of 300mm (compliant with AS/NZS 3500.1-2003 Clause 5.23);
- (e) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment;
- (f) Ensure the coupling is accessible and available for connection at all times;
- (g) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length);
- (h) Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a coupling compliant with this Table; and
- (i) Where a remote offtake is installed, ensure the offtake is in a position that is:
  - (i) Visible;
  - (ii) Accessible to allow connection by fire fighting equipment;
  - (iii) At a working height of 450 – 600mm above ground level; and
  - (iv) Protected from possible damage, including damage by vehicles.

D) Signage for static water connections

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 the Tasmania Fire Service Water Supply Signage Guideline published by the Tasmania Fire Service

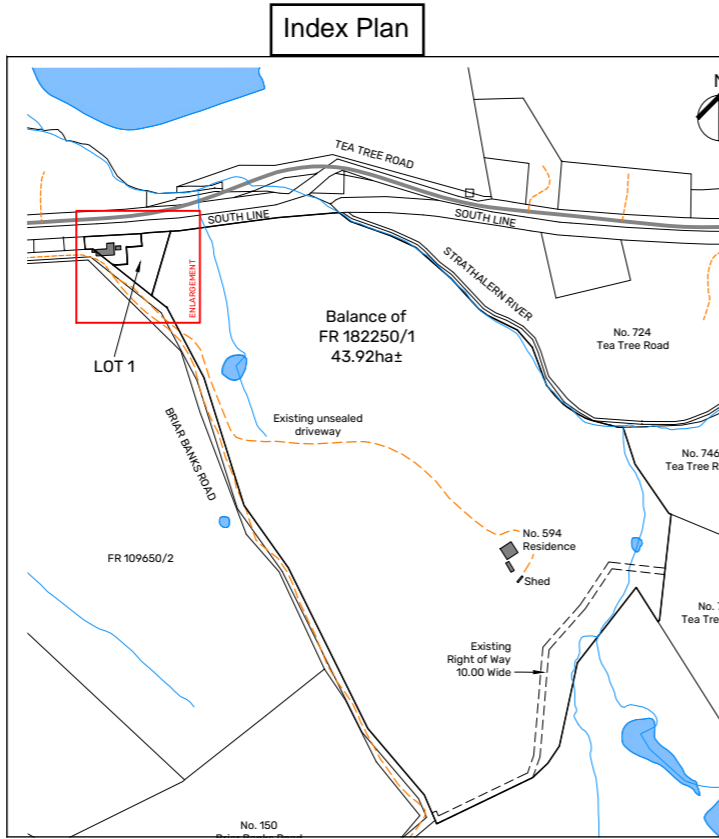
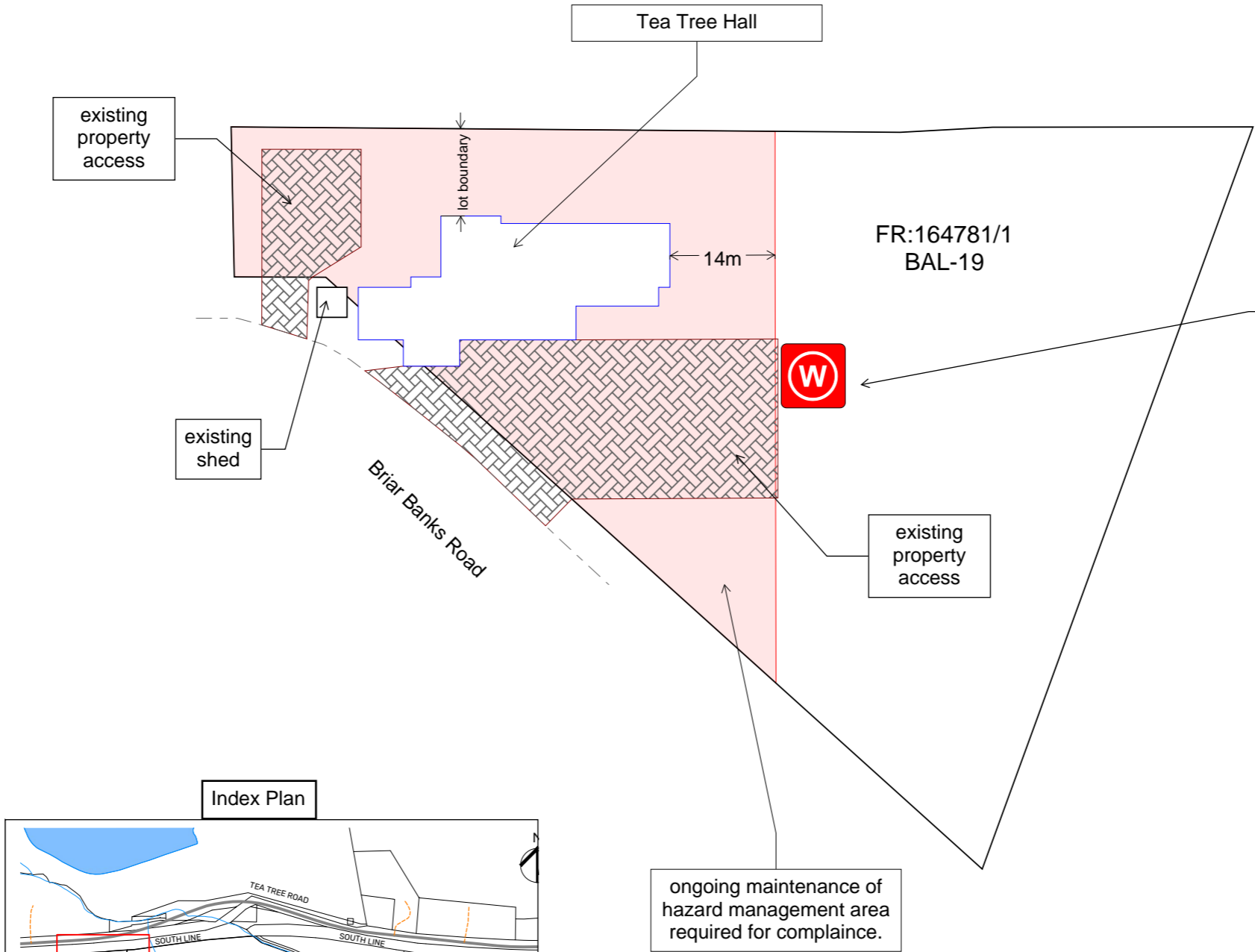
E) Hardstand

A hardstand area for fire appliances must be provided:

- (a) No more than three metres from the fire fighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like); (b) No closer than six metres from the building area to be protected;
- (c) With a minimum width of three metres constructed to the same standard as the carriageway; and
- (d) Connected to the property access by a carriageway equivalent to the standard of the property access.

Hazard Management Areas

A hazard management area is required to be established and maintained for the life of the building and is shown on this BHMP. Guidance for the establishment and maintenance of the hazard management area is also provided.



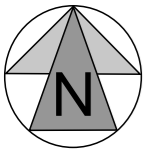
indicative static water supply connection point, hardstand and turning area to be installed prior to the sealing of titles.



**Hazard Management Area**  
A hazard management area is the area, between a habitable building or building area and the bushfire prone vegetation, which provides access to a fire front for firefighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire. This can be achieved through, but is not limited to the following actions;

- Remove fallen limbs, sticks, leaf and bark litter;
- Maintain grass at less than a 100mm height;
- Remove pine bark and other flammable mulch (especially from against buildings);
- Thin out under-story vegetation to provide horizontal separation between fuels;
- Prune low-hanging tree branches (<2m from the ground) to provide (vertical separation between fuel layers;
- Prune larger trees to maintain horizontal separation between canopies;
- Minimise the storage of flammable materials such as firewood;
- Maintain vegetation clearance around vehicular access and water supply points;
- Use low-flammability species for landscaping purposes where appropriate;
- Clear out any accumulated leaf and other debris from roof gutters and other accumulation points.

It is not necessary to remove all vegetation from the hazard management area, trees may provide protection from wind borne embers and radiant heat under some circumstances.



Compliance Requirements

Property Access

There is existing property access to the sites which is compliant with the property access specifications of the determination. In this circumstance there are no further design or construction requirements for property access.

Water Supplies for Firefighting

The sites are not serviced by a reticulated water supply, therefore a dedicated, static firefighting water supply will be provided in accordance with the following;

A) Distance between building area to be protected and water supply

The following requirements apply:

- (a) The building area to be protected must be located within 90 metres of the fire fighting water point of a static water supply; and
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A static water supply:

- (a) May have a remotely located offtake connected to the static water supply;
- (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;
- (c) Must be a minimum of 10,000 litres 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;
- (d) Must be metal, concrete or lagged by non-combustible materials if above ground; and
- (e) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959-2009, the tank may be constructed of any material provided that the lowest 400 mm of the tank exterior is protected by:
  - (i) metal;
  - (ii) non-combustible material; or
  - (iii) fibre-cement a minimum of 6 mm thickness.

C) Fittings and pipework associated with a fire fighting water point for a static water supply must:

- (a) Have a minimum nominal internal diameter of 50mm; (2) Be fitted with a valve with a minimum nominal internal diameter of 50mm;
- (b) Be fitted with a valve with a minimum nominal internal diameter of 50mm;
- (c) Be metal or lagged by non-combustible materials if above ground;
- (d) Where buried, have a minimum depth of 300mm (compliant with AS/NZS 3500.1-2003 Clause 5.23);
- (e) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment;
- (f) Ensure the coupling is accessible and available for connection at all times;
- (g) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length);
- (h) Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a coupling compliant with this Table; and
- (i) Where a remote offtake is installed, ensure the offtake is in a position that is:
  - (i) Visible;
  - (ii) Accessible to allow connection by fire fighting equipment;
  - (iii) At a working height of 450 – 600mm above ground level; and
  - (iv) Protected from possible damage, including damage by vehicles.

D) Signage for static water connections

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 the Tasmania Fire Service Water Supply Signage Guideline published by the Tasmania Fire Service

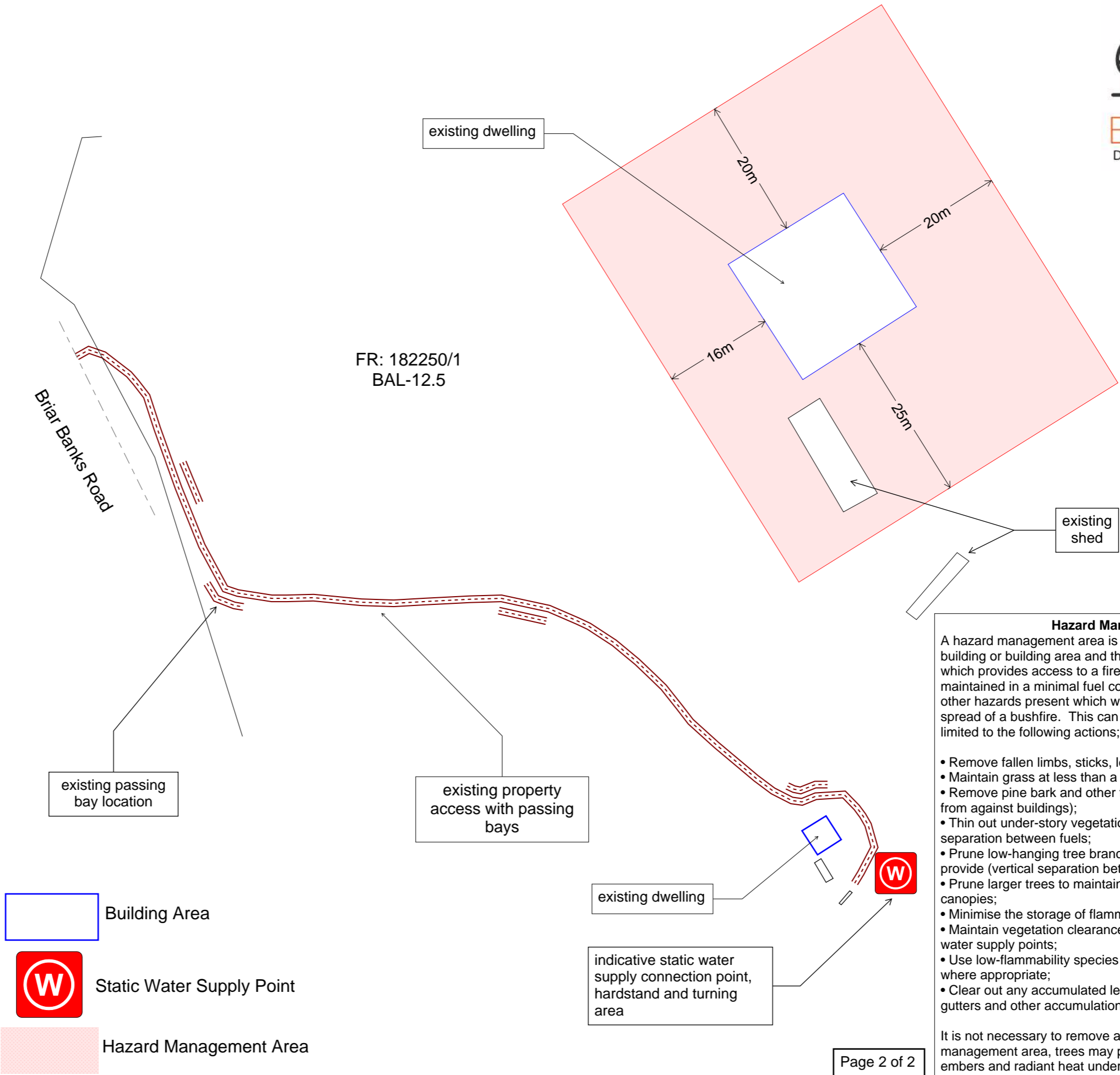
E) Hardstand

A hardstand area for fire appliances must be provided:

- (a) No more than three metres from the fire fighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like); (b) No closer than six metres from the building area to be protected;
- (c) With a minimum width of three metres constructed to the same standard as the carriageway; and
- (d) Connected to the property access by a carriageway equivalent to the standard of the property access.

Hazard Management Areas

A hazard management area is required to be established and maintained for the life of the building and is shown on this BHMP. Guidance for the establishment and maintenance of the hazard management area is also provided.



**Hazard Management Area**

A hazard management area is the area, between a habitable building or building area and the bushfire prone vegetation, which provides access to a fire front for firefighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire. This can be achieved through, but is not limited to the following actions;

- Remove fallen limbs, sticks, leaf and bark litter;
- Maintain grass at less than a 100mm height;
- Remove pine bark and other flammable mulch (especially from against buildings);
- Thin out under-story vegetation to provide horizontal separation between fuels;
- Prune low-hanging tree branches (<2m from the ground) to provide (vertical separation between fuel layers;
- Prune larger trees to maintain horizontal separation between canopies;
- Minimise the storage of flammable materials such as firewood;
- Maintain vegetation clearance around vehicular access and water supply points;
- Use low-flammability species for landscaping purposes where appropriate;
- Clear out any accumulated leaf and other debris from roof gutters and other accumulation points.

It is not necessary to remove all vegetation from the hazard management area, trees may provide protection from wind borne embers and radiant heat under some circumstances.

## Appendix D – Planning Certificate

---

## BUSHFIRE-PRONE AREAS CODE

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

---

#### 1. Land to which certificate applies

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

**Street address:**

596 & 594 Tea Tree Road, Tea Tree, Tas. 7017

**Certificate of Title / PID:**

164781/1 and 182250/1

#### 2. Proposed Use or Development

**Description of proposed Use and Development:**

Subdivision of Land, no new lots created

**Applicable Planning Scheme:**

Tasmanian Planning Scheme - Brighton

#### 3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Hazard Report 596 Tea Tree Road, Tea Tree. December 2024. BW004.v1.	Mark Van den Berg	17/12/2024	1
Bushfire Hazard Management Plan 596 Tea Tree Road, Tea Tree. December 2024. BW004.v1.	Mark Van den Berg	17/12/2024	1
Plan of Subdivision	PDA Surveyors, Engineers & Planners	28/10/2024	53605CT-P1

---

<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) / C13.6.1 A1(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>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input checked="" type="checkbox"/>	E1.6.2 A1 (a) / C13.6.2 A1 (a)	Insufficient increase in risk - 182250/1
<input checked="" type="checkbox"/>	E1.6.2 A1 (b) / C13.6.2 A1 (b)	Access complies with relevant Tables - FR 164781/1

<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) / C13.6.3 A2 (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:

Mark Van den Berg

Phone No:

0407 294 240

Postal  
Address:

18 Marlborough Street, Sandy Bay. Tas. 7005

Email  
Address:

mark@bushfirewise.com.au

Accreditation No:

BFP – 108

Scope:

1, 2, 3A, 3B & 3C

## 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:

Mark Van den Berg

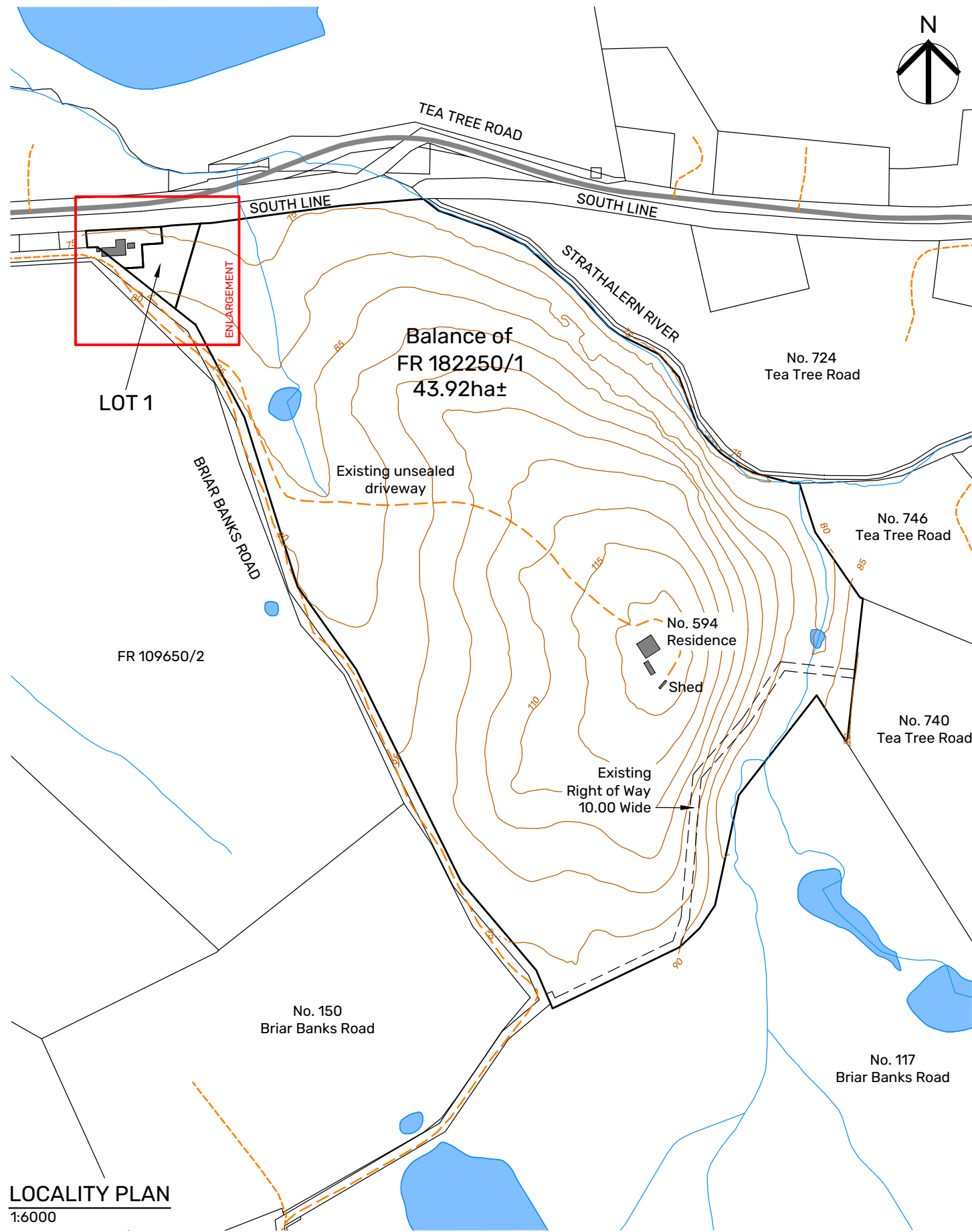
Date:

17/12/2024

Certificate  
Number:

BW004

(for Practitioner Use only)



LOCALITY PLAN  
1:6000

## PLAN OF SUBDIVISION

**Owners**  
Tea Tree Community Association  
Incorporated; Trent Andrew Nus

**Title References**  
FR 164781/1; FR 182250/1

**Address**  
594 & 'Tea Tree Hall'  
596 Tea Tree Road Tea Tree Tas 7017

**Council**  
Brighton Council

**Tasmanian Planning scheme**  
Brighton Local Provisions Schedule

**Zone**  
20 Rural  
21 Agriculture

**Zone Overlay**  
13 Bushfire-prone Areas Code

**Point of interest Lat/Lon :**  
-42.690, 147.319

**Schedule of Easements**  
Existing Right of Way 10.00 Wide  
carried forward

**NOTES**  
Lot 1 is to be added to FR 164781/1 to  
form a single parcel of 7180m<sup>2</sup>±.

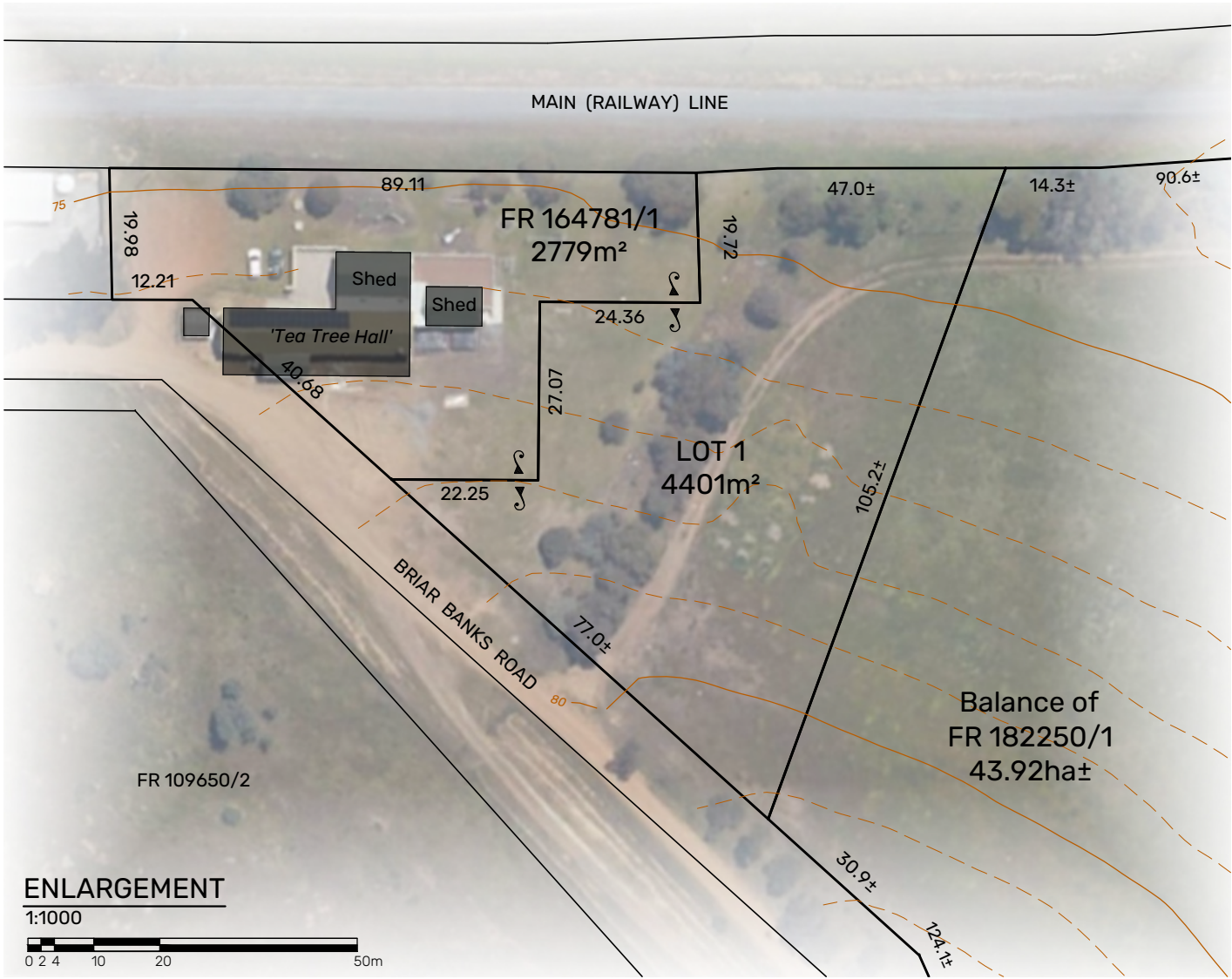
This plan has been prepared only for  
the purpose of obtaining preliminary  
subdivision approval from the Council  
and the information shown hereon  
should be used for no other purpose.  
All measurements and areas are  
subject to final survey.

Entire site is subject to the Biodiversity  
Protection Area Overlay. This isn't  
shown for plan clarity  
Digital Aerial Photo:

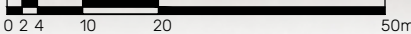
Basemap Orthophoto  
<https://services.thelist.tas.gov.au/arcgis/rest/services/Basemaps/Orthophoto/MapServer/WMTS/1.0.0/WMTSCapabilities.xml>

5.0m Contours:  
South East2019 DEM  
<https://elevation.fsdf.org.au/>  
CC BY 4.0

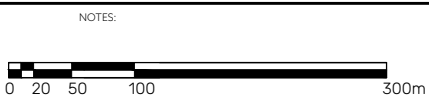
LIST Cadastral Parcels  
by State of Tasmania  
[www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)  
CC BY 3.0



ENLARGEMENT  
1:1000



D				
C				
B				
A				
0	PLAN OF SUBDIVISION	MK	28.10.24	CMT
REV	AMENDMENTS	DRAWN	DATE	APPR.



SURVEYOR	GEOCIVIL
DRAWN	CHECKED
MK	CMT
DATE	28 OCTOBER 2024

PLAN OF SUBDIVISION  
596 TEA TREE ROAD, TEA TREE  
for TEA TREE COMMUNITY ASSOCIATION INCORPORATED



127 Bathurst Street  
Hobart, Tasmania, 7000  
PHONE: +61 03 6234 3217  
EMAIL: [pda.hbt@pda.com.au](mailto:pda.hbt@pda.com.au)  
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Also at: Kingston, Launceston,  
Devonport & Burnie

SCALE	PAPER
1:6000	(A3)
JOB NUMBER	DRAWING
53605CT-P1	



# AGRICULTURAL ASSESSMENT AND COMPLIANCE REPORT

TEA TREE COMMUNITY ASSOCIATION INC.

596 & 594 Tea Tree Road, Tea Tree

May 2025





ABN 87 648 234 975

1300 746 466  
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#### Office locations

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Hobart  
Launceston

##### VIC

Mildura

##### QLD

Beenleigh  
Wondai

##### NSW

Sydney

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BAppSc (hort.)

#### Document status

Version 1

Date	Status/issue	Reason for revision	Reviewed by	Authorised by
7 May 2025	Draft	Technical review	JL	GM
19 May 2025	Draft	Finalise report	GM	GM
19 May 2025	Final report	QA review	GM	GM

#### DISCLAIMER

This report has been prepared in accordance with the scope of services described in the contract or agreement between Pinion Advisory and the Client. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client and Pinion Advisory accepts no responsibility for its use by other parties.

## Executive Summary

This agricultural assessment and compliance report has been prepared on behalf of the proponents, The Tea Tree Community Association Incorporated and covers various aspects of the proposed development at 594 and 596 Tea Tree Road, Tea Tree (title references 16478/1 and 182250/1).

The properties in question are zoned as Agriculture and Rural under the Tasmanian Planning Scheme, with 594 Tea Tree Road currently transitioning from Rural zone to Community Purpose zone. 594 Tea Tree Road consists of 0.27 hectares of Class 4 land which is currently used by the proponents for community purposes. The Tea Tree Community Hall is located on this title. 596 Tea Tree Road covers approximately 43.8 hectares of Class 4, 5 and 6 land. A low intensity, small scale beef finishing enterprise is currently operating on the subject property.

The proposed development is to undertake a subdivision of the subject property at 594 Tea Tree Road (TR: 182250/1) to produce two lots. Lot 1 would be approximately 0.44 hectares of Class 4 land. Lot 2 would be made up of the balance of the property and incorporate approximately 43.4 hectares of Class 4, 5 and 6 land.

Proposed Lot 1 would be absorbed into the existing title at 596 Tea Tree Road (TR: 16478/1) via a boundary reorganisation. Proposed Lot 2 would subsequently return to a single title (TR: 182250/1).

This report supports the proposed development of a subdivision and boundary reorganisation of 594 Tea Tree Road, which could be undertaken with negligible impact on the current or future agricultural and residential use on the adjacent and nearby land.

The proposed development is considered compliant with Clauses 21.1, 21.4.2 and 21.5 of the Tasmanian Planning Scheme – Brighton Provisions.

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## Purpose

This report has been undertaken on behalf of The Tea Tree Community Association Incorporated (the proponent) to support an application for a subdivision and boundary reorganisation of the properties at 594 and 596 Tea Tree Road, Tasmania, 7017 and a rezoning application for 596 Tea Tree Road (to be rezoned from Rural to Community Purpose under the Tasmanian Planning Scheme).

The document provides an agricultural assessment of the properties in question and reports on how the proposal complies with provisions of the Tasmanian Planning Scheme. This report reviews the current agricultural usage of both properties and the surrounding area in relation to the land capability and land classification. This includes soils, aspect, topography, water resource, economic feasibility, and impact of the development in relation to agricultural activities.

The currently recognised reference for identifying land capability is based on the class definitions and methodology described in the Land Classification Handbook, Second Edition, C.J Grose, 1999, Department of Primary Industries, Water and Environment, Tasmania.

Most agricultural land in Tasmania has been classified by the Department of Primary Industries and Water at a scale of 1:100,000, according to its ability to withstand degradation. A scale of 1 to 7 has been developed with class 1 being the most productive for agriculture and resilient to degradation and class 7 the least suitable to agriculture. Class 1, 2 and 3 are collectively termed "prime agricultural land". For planning purposes, a scale of 1:100,000 is often unsuitable and a re-assessment is required at a scale of 1:25,000 or 1:10,000. Factors influencing capability include elevation, slope, climate, soil type, rooting depth, salinity, rockiness and susceptibility to wind, water erosion and flooding.

## 1 General overview

### 1.1 LAND CAPABILITY

The currently recognised reference for identifying land capability is based on the class definitions and methodology described in the Land Classification Handbook, Second Edition, C.J Grose, 1999, Department of Primary Industries, Water and Environment, Tasmania.

Most agricultural land in Tasmania has been classified by the Department of Primary Industries and Water at a scale of 1:100,000, according to its ability to withstand degradation. A scale of 1 to 7 has been developed with class 1 being the most productive for agriculture and resilient to degradation and class 7 the least suitable to agriculture. Class 1, 2 and 3 are collectively termed "prime agricultural land". For planning purposes, a scale of 1:100,000 is often unsuitable and a re-assessment is required at a scale of 1:25,000 or 1:10,000. Factors influencing capability include elevation, slope, climate, soil

type, rooting depth, salinity, rockiness and susceptibility to wind, water erosion and flooding.

## 1.2 REPORT AUTHORS

Georgia McCarthy holds a Bachelor of Agriculture degree and a Post Graduate Certificate in Agricultural Consulting. She has eight years' experience in agribusiness and agricultural consulting in Tasmania. Georgia is qualified and skilled to undertake agricultural and development assessments as well as land capability studies.

This report has been co-authored and reviewed by Senior Consultant, Jason Lynch. Jason Lynch possesses a Bachelor of Applied Science (horticulture) and is a certified practising agriculturalist (CPAg) with over 25 years' experience in the agricultural industry in Tasmania. He has previously been engaged by property owners, independent planners, and surveyors to undertake evaluations and studies across various council based interim planning schemes. This work involves the assessment of land for development purposes and potential conflict.

## 1.3 TASMANIAN PLANNING SCHEME – BRIGHTON

The Tasmanian Planning Scheme establishes the requirements for use and development of land in the Brighton municipality in accordance with the *Land Use Planning and Approvals Act 1993*.

# 2 Property details

## 2.1 LOCATION

The subject properties are owned by the proponents and are located at 594 and 596 Tea Tree Road, Tea Tree (Figure 1).

**Table 1 Property identification details**

Address	Property ID	Title reference	Hectares (approx.)
594 Tea Tree Road, Tea Tree	3205343	164781/1	43.8
596 Tea Tree Road, Tea Tree	9604056	182250/1	0.27

The property at 596 Tea Tree Road is predominantly flat to gently sloping open ground. A non-residential dwelling exists on the centre of the title (the Tea Tree Community Hall). Situated on the northern side of the community hall is a fenced children's play area. The remaining open ground on the title is utilised for car parking.

The eastern adjacent title at 594 Tea Tree Road, is predominantly open ground with a proportion of *Eucalyptus viminalis* grassy forest and woodland vegetation (Source: The LISTMap) retained around the property boundaries and on steeper aspects of the land parcel. The property consists of gently sloping giving way to steeply inclining land. Gently sloping open ground on the title consists of unimproved pastures and is utilised for low intensity and low input dryland pastoral activity (beef cattle grazing). A small proportion

of the land beside the north western boundary (0.2 hectares) is separated from the rest of the property by a fence and is currently used and maintained by the Tea Tree Community Hall as car parking area. A residential dwelling and several associated outbuildings are located on the southern end of the property, at the highest elevation. A setback of approximately 690m from the residential dwelling to the proposed readjusted boundary of the subject property applies.

Both properties in question and all adjacent land to the titles is held as private freehold and two small neighbouring titles (title references 82682/1; 82682/2) are held by the Commonwealth. (Figure 4).

Under the Tasmanian Planning Scheme, the subject properties are zoned as Rural (TR: 164781/1) and Agriculture (TR: 182250/1). Adjacent land titles are zoned as Rural and Agriculture (Figure 5).

Neither property is located within a declared irrigation district.

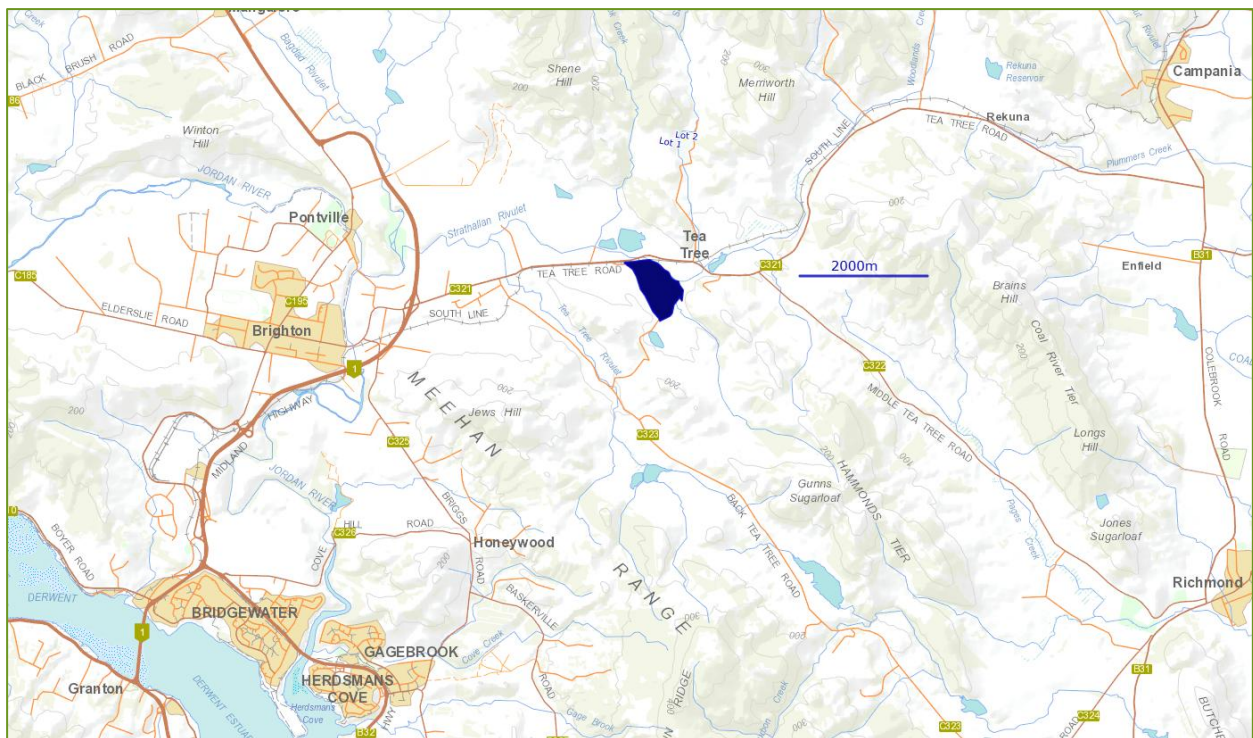


Figure 1 Location of 594 and 596 Tea Tree Road properties (blue) (Source: The LISTMap).



Figure 2 Topographic map of the subject properties (blue outline) (Source: The LISTMap).



Figure 3 Aerial imagery of the subject properties (blue outline) (Source: The LISTMap).

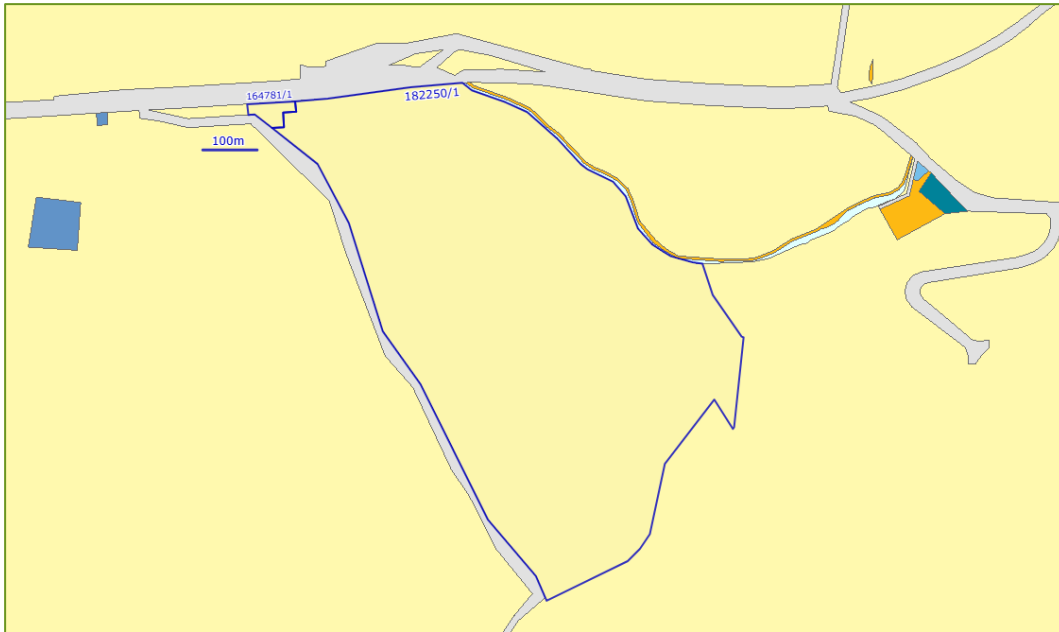


Figure 4 Land tenure of the subject properties (blue outline) and surrounding land is held as private freehold (shaded yellow) and two neighbouring land titles to the west are held by the 'Commonwealth' (shaded blue) (Source: The LISTMap).



Figure 5 Under the Tasmanian Planning Scheme, the subject properties (blue outline) and adjacent titles are zoned as Agriculture (brown) and Rural (beige). (Source: The LISTMap).

### 3 Land capability

Land capability of the properties was assessed according to the Tasmanian land capability classification system (Grose, 1999). Land is graded according to its ability to sustain a range of agricultural activities considering the chances of degradation of the land resource. Class 1 land is prime agricultural and Class 7 land is unsuitable for agriculture due to severe limitations. A wide range of limitations are considered, and the most significant limitation determines the final classification. For example, limitations can be in relation to soils and

could include stoniness, topsoil depth, drainage and erosion hazard. Limitations to topography could include slope angle and associated erosion hazard.

### 3.1 SITE VISIT

Desktop research was conducted to review available data associated with geology, topography, presence of threatened native vegetation, land capability, soil information and climatic data of the properties at 594 and 596 Tea Tree Road and the surrounding area. Pinion Advisory consultant, Georgia McCarthy conducted a site visit on 20 March 2025 to ground-truth the information. The site assessment included inspection of the soil profile (to spade depth), an evaluation of the topography and vegetation as well as examination of land use on both subject properties and adjacent land. These assessments consider the planned setbacks and potential impacts of the proposed development on agricultural activities.

#### 3.1.1 Land capability assessment

Land class definitions can be found in Table 2. Land capability assessment details for 594 and 596 Tea Tree Road can be found in Tables 3 and 4. Supporting images are listed in the report Appendix.

- **Title reference 164781/1:** The land capability assessment found the property consistent with land Class 4. Land capability assessment details can be found in Table 3. The key land capability limitations associated with this property are:
  - Soils (s): due to challenging growing conditions for pasture and/or crops associated with limitations such as topsoil depth and texture contrast frequency.
  - Erosion (e): due to soil structure and type. These qualities will increase the risk of wind erosion if soils are exposed or left bare.



Figure 6 Land capability of the subject property at 596 Tea Tree Road (TR: 164781/1) is consistent with Class 4 land (Source: The LISTMap).

- **Title reference 182250/1:** The land capability assessment found the property consistent with land Classes 4, 5 and 6. Land capability assessment details can be found in Table 4. The key land capability limitations associated with this property are:
  - Soils (s): due to challenging growing conditions for pasture and/or crops associated with limitations such as topsoil depth and texture contrast frequency.
  - Erosion (e): Due to soil structure and type and topography. These qualities will increase the risk of wind erosion and/or mass movement if soils are exposed or left bare.
  - Complex topography (x): due to the irregular and uneven nature of the topography, impacting the workability and trafficability of the area.



Figure 7 Land capability of subject property at 594 Tea Tree Road (TR: 1822501/1) (light blue lines) is consistent with Classes 4, 5 and 6 (Source: The LISTMap).

**Table 2 Land capability class definitions for the property according to Grose, 1999**

<b>Class</b>	<b>Definition</b>
4	Land well-suited to grazing, but which is limited to occasional cropping or to a very restricted range of crops. The length of cropping phase and/or range of crops are constrained by severe limitations of erosion, wetness, soils or climate. Major conservation treatments and/or careful management are required to minimise degradation. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited.
5	This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be grown. The land may have slight-to-moderate limitations for pastoral use. The effects of limitations on grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.
6	Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under it's natural vegetation cover.

**Table 3 Land capability assessment for 596 Tea Tree Road (TR: 164781/1)**

Land capability class	Land characteristics							
	Geology & soils	Slope (%)	Topography & elevation	Erosion type & severity	Soil qualities	Agricultural versatility	Main land management requirements	Climatic limitations
4se (0.27ha)	Brown sandy loam soil. Loosely structured, uniform colour and texture across the soil profile at spade depth.	0-9	Flat to gently sloping, 70m ASL	Moderate risk of wind erosion on bare and exposed soils. Low to moderate risk of rill and sheet erosion due to surface water movement.	Moderately well drained, slowly permeable soils with a high risk of waterlogging. Moderate nutrient and water holding capacity.	Suitable for occasional cropping (2-in-10-year rotation) and a severely restricted range of suitable crops.  Land suitable for grazing, with moderate limitations, which includes reduced grazing pressure when soils are waterlogged and/or when soil moisture is limiting and when pasture covers are reduced. In reality, this land is unable to support agricultural activity given the small area available and the existing Tea Tree Community Hall building located in the centre of the title.	Avoid situations that lead to exposure of bare soil, therefore maintain sufficient ground cover. The risk of compaction in winter from soil cultivation, machinery and stock movement increases significantly during periods of soil waterlogging.	Moderate climatic limitations. This region experiences cold winter and warm summer conditions. The area receives an average of 600mm annual rainfall, can experience up to 28 frost days annually, 1068 growing degree days (October to April) and 1025 chill hours (May-August)

**Table 4 Land capability assessment for 594 Tea Tree Road (TR: 182250/1)**

Land capability class	Land characteristics							
	Geology & soils	Slope (%)	Topography & elevation	Erosion type & severity	Soil qualities	Agricultural versatility	Main land management requirements	Climatic limitations
4se (8ha)	<p>Brown sandy loam soil on flat ground at lowest elevation. Loosely structured, uniform colour and texture across the soil profile at spade depth.</p> <p>Grey-brown loamy sand soil on gently to steeply sloping land, consistent with podzolic soils on sandstone commonly observed in the area. Loosely structured soil, uniform colour and texture across the soil profile at spade depth. Sandstone rock fragments observed at soil surface.</p>	3-12	Nearly level to gently sloping, 70m-90m ASL	Moderate risk of wind erosion on bare and exposed soils. Low to moderate risk of rill and sheet erosion due to surface water movement.	Moderately well drained, slowly permeable soils with a high risk of waterlogging. Moderate nutrient and water holding capacity.	<p>Suitable for occasional cropping (2-in-10-year rotation) and a severely restricted range of suitable crops.</p> <p>Land suitable for grazing, with moderate limitations, which includes reduced grazing pressure when soils are waterlogged and/or when soil moisture is limiting and when pasture covers are reduced.</p>	Avoid situations that lead to exposure of bare soil, therefore maintain sufficient ground cover. The risk of compaction in winter from soil cultivation, machinery and stock movement increases significantly during periods of soil waterlogging.	Moderate climatic limitations. This region experiences cold winter and warm summer conditions. The area receives an average of 600mm annual rainfall, can experience up to 31 frost days annually, 1145 growing degree days (October to April) and 1045 chill hours (May-August)
5se (24ha)	<p>brown loamy sand soil on gently to steeply sloping land, consistent with podzolic soils on sandstone commonly observed in the area. Loosely structured soil, uniform colour and texture across the soil profile at spade depth. Sandstone rock fragments observed at soil surface.</p>	7-16	Gently to strongly sloping, 90-120m ASL.	Moderate risk of wind erosion on bare and exposed soils. Moderate risk of rill and sheet erosion due to surface water movement.	Moderately well drained soils with moderate to slow permeability. A moderate to high risk of waterlogging. Moderate nutrient and water holding capacity	<p>Unsuitable for cropping. Some areas (slope permitting) suitable for grazing with moderate limitations which includes reduced grazing pressure when soils are waterlogged, and/or when soil moisture is limiting, and pasture covers are reduced.</p>	Avoid situations that lead to the exposure of bare soil, therefore maintain sufficient ground cover. The risk of compaction and pugging in winter from soil cultivation, machinery and stock movement increases significantly	

Land capability class	Land characteristics							
	Geology & soils	Slope (%)	Topography & elevation	Erosion type & severity	Soil qualities	Agricultural versatility	Main land management requirements	Climatic limitations
							during periods of soil waterlogging.  Avoid clearing and cultivating steep slopes to minimise risk of rill or sheet erosion due to surface water movement.	
6x (11ha)	brown loamy sand soil on gently to steeply sloping land, consistent with podzolic soils on sandstone commonly observed in the area. Loosely structured soil, uniform colour and texture.	7-55	Undulating topography at lower elevation, increasing to steep slopes, 90m-120m ASL.	Moderate to high risk of wind erosion on bare and exposed soils. Moderate to high risk of rill and sheet erosion due to surface water movement.	Moderately well drained soils with moderate to slow permeability. A moderate to high risk of waterlogging. Moderate nutrient and water holding capacity	Unsuitable for cropping. Some land is marginally suitable for grazing with severe limitations including reduced grazing pressure when soils are waterlogged and or pasture covers are reduced. In reality, this land consists of complex topography and steep slopes which present a high risk of erosion and have been identified as being susceptible landslides activity (The LISTMap). This area is dissected by an existing watercourse, listed under the Waterway and Coastal Protection Area Guidance Map (The LISTMap) and as such a buffer zone of	Avoid situations that lead to the exposure of bare soil, therefore maintain sufficient ground cover. This land class is best maintained under natural vegetation.	

Land capability class	Land characteristics							
	Geology & soils	Slope (%)	Topography & elevation	Erosion type & severity	Soil qualities	Agricultural versatility	Main land management requirements	Climatic limitations
						60m applies to the watercourse. The area is further constrained by an existing easement (Right of Carriageway #1545984) (The LISTMap).		

## 4 Proposed development

### 4.1 SUBDIVISION AND BOUNDARY REORGANISATION

The proponents wish to undertake a subdivision of 594 Tea Tree Road (TR: 182250/1) to produce two lots as outlined in Table 5 and Figure 8.

Proposed Lot 1 would be absorbed into the existing land parcel at 596 Tea Tree Road (TR: 16478/1) by the proposed boundary reorganisation (Figure 9). Proposed Lot 2 would subsequently return to a single title (TR: 182250/1).

**Table 5 Proposed subdivision of lots**

Lot no.	Hectares (approx.)	Details
1	0.44	Proposed Lot 1 is to be added the existing adjacent title (TR: 16478/1) to create a total land parcel of approximately 0.7 hectares.
2	43.4	Proposed Lot 2 is made up of the balance of the subject property (TR: 182250/1) and consists of a total land parcel of approximately 43.4 hectares.

The proposed subdivision and boundary reorganisation is anticipated to have a negligible impact on the productivity and capacity of the proposed Lot 2, as effectively the majority of potentially suitable land would be located on this parcel of land.

The proposed Lot 1 would have no impact on the agricultural productivity of the adjacent and nearby properties due to its relatively small land size and the constrained nature/zoning of adjacent land use for agricultural activity.

No additional dwellings are proposed for either lots as part of the development.



Figure 8 Proposed subdivision of 594 Tea Tree Road (TR: 182250/1) to produce Lot 1 (orange) and Lot 2 (pink) (Source: The LISTMap).



Figure 9 The proposed boundary reorganisation of 596 Tea Tree Road (outlined blue) and 594 Tea Tree Road (outlined pink) following subdivision and inclusion of proposed Lot 1 (Source: The LISTMap).

## 4.2 SETBACK DISTANCES

The boundary setback distances for the existing residential dwelling on the proposed Lot 2 are detailed in Table 6 and outlined in Figure 10.

**Table 6 Existing residential dwelling setback distances**

Boundary direction	Map identifier (refer to Figure 8)	Distance (m)
N	A	612
E	B	227
S	C	190
W	D	310

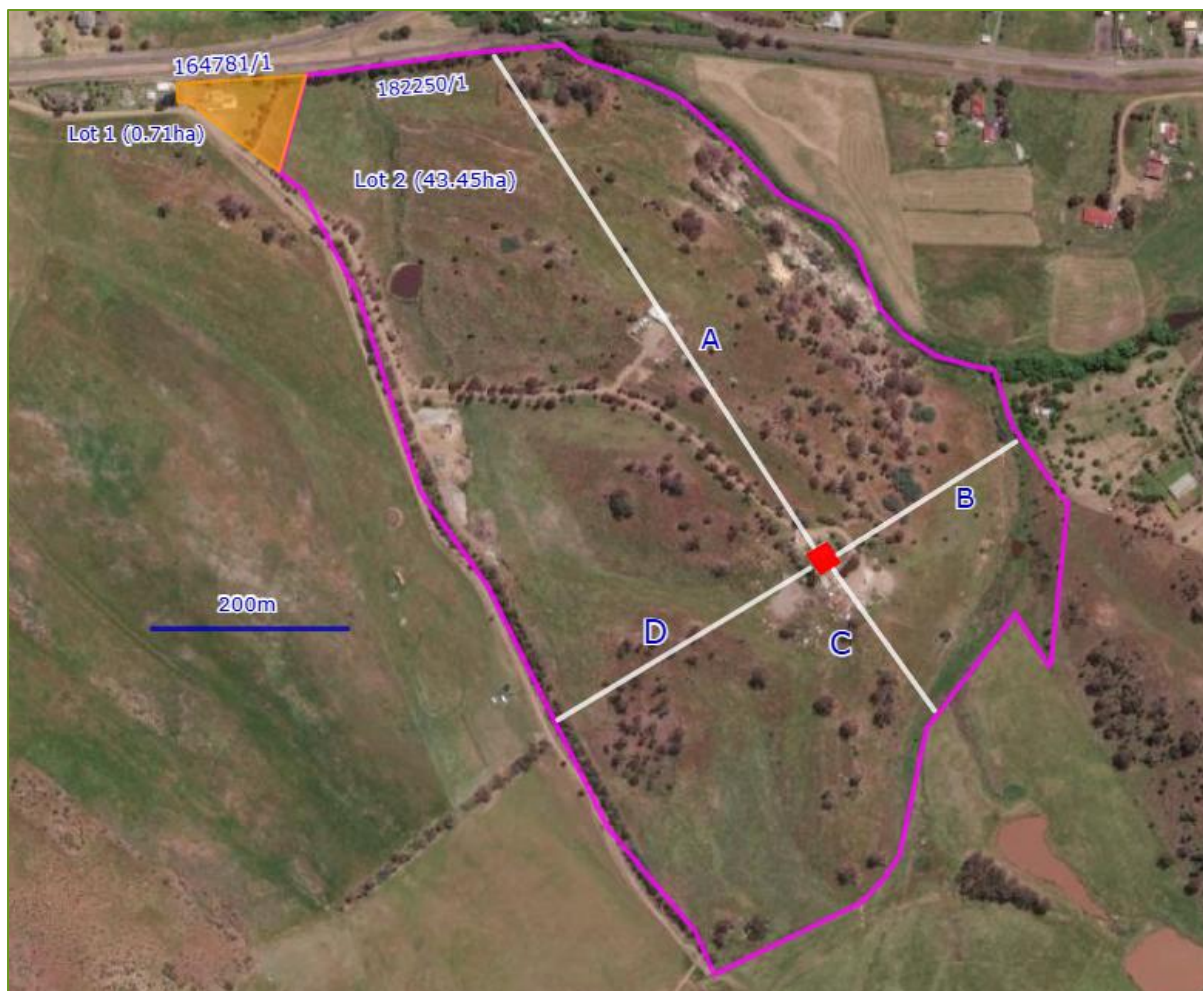


Figure 10 Boundary setbacks for the existing residential dwelling (marked red) on proposed Lot 2 of the subject property (TR: 182250/1) (Source: The LISTMap).

## 5 Land use activity

### 5.1 CURRENT AGRICULTURAL ACTIVITIES CONDUCTED

There is no agricultural activity undertaken on the subject property at 596 Tea Tree Road (TR: 164781/1). This title is best considered and assessed under the provisions of the Tasmanian Planning Scheme - Community Purpose Zone.

The 594 Tea Tree Road (TR: 182250/1) property is currently utilised for low intensity, dryland pastoral use (livestock grazing) on semi-improved and unimproved pasture. A small beef cattle finishing enterprise is currently operating on the subject property and consists of approximately 7 steers. The land owner intends to maintain the enterprise at the current level of intensity and scale. On the far north western corner, as would be covered by the proposed Lot 2 is currently utilised as car parking area for the 596 Tea Tree Road (TR: 164781/1) (as per Tea Tree Community Hall).

### 5.2 POTENTIAL AGRICULTURAL ACTIVITIES CONDUCTED

#### 5.2.1 Pastoral use

The subject property (TR: 182250/1) could support pastoral use with moderate to severe limitations. Considering the property size, land capability and topography, in conjunction with the growing season duration and rainfall, it would be reasonable to suggest a carrying capacity of approximately 7 DSE/ha (total potential carrying capacity of approximately 308 DSE/annum).

For beef cattle, a 500kg breeding cow assumes an average carrying capacity rating of 15 DSE per cow/calf unit (Meat & Livestock Australia and NSW Department of Primary Industries). Therefore, it is reasonable to consider this property has the potential to run 19 cow/calf breeding units per annum. Selling calves as 300kg weaners, the beef enterprises represent a total annual gross margin opportunity of approximately \$13,900 (assuming a gross margin of \$45/DSE) or an average of \$323/ha. The actual value of any livestock grown on the property will vary with the prevailing market conditions.

It should be noted that the livestock grazing on the property would require supplementary feeding, such as silage or hay and/or destocking, when pasture growth is limiting.

It is important to recognise that this locale is subject to extended dry periods and therefore all livestock enterprises should be carefully managed to avoid land degradation issue due to over grazing as well as ensuring all aspects of livestock animal health and welfare are appropriately managed.

Based on the current condition of the property it would be realistic to consider the carrying capacity to be closer to 150 DSE/annum (approximately 10 cow/calf breeding units/annum) due to the degraded and unimproved pastures present and significant grazing pressure.

To develop the property for grazing purposes would require significant investment including:

- Clearing of remnant vegetation
- Pasture development of cleared land
- Construction of browsing wildlife proof boundary fencing
- Construction of additional internal paddock fences
- Install a reticulated stockwater system
- Construction of stock yards
- Input of lime to lift the soil pH
- Input of fertilisers to achieve optimal soil nutrient levels for pastures.

The cost to develop the subject property for grazing purposes could reach in excess of \$100,000 and based on the potential financial returns of the enterprise it would not be a viable or sustainable business venture.

In reality, due to a combination of the land capability of the property, the limited size of suitable area, and the economics associated with the development of the property for grazing purposes, it would not be realistic nor economically sustainable to convert and establish the property further for pastoral land use activity.

### 5.2.2 Cropping use

Areas of the subject property (TR: 182250/1) classified as land class 5 and 6 are unsuitable for cropping.

There is approximately 8ha of Class 4 land on the subject property which could theoretically support cropping activity with severe limitations on crop types and cropping rotation lengths (see Section 3 Land Capability for further justification). Realistically, cropping activity on this land class would be significantly limited due to the size and shape of the suitable area, low rainfall climate and the lack of access to available irrigation water. Additionally, the area would require a high level of nutrient inputs and soil management to increase the soil quality for cropping suitability. The potential productivity of this land class is further constrained by difficulty in establishing a sustainable cropping rotation and attracting cropping contracts for such small parcels of land.

### 5.2.3 Perennial horticulture

There are no crops listed as 'well suited' for areas of the subject property (TR: 182250/1) classed as Class 4 land.

Due to a combination of factors including the low land capability of the property, lack of access to irrigation water and significant investment required, horticultural crops are not considered as being a realistic and feasible land use activity on the subject property.

## 5.3 IMPACT ON AGRICULTURAL ACTIVITIES TO NEIGHBOURING LAND

### 5.3.1 594 Tea Tree Road (Title reference 182250/1)

The land use activity on directly adjacent land titles includes:

- North
  - Title reference 164781 (0.4ha), owned by the proponents and currently utilised for community purposes with an existing building serving as the Tea Tree Community Town Hall.
  - Title reference 133846/1 (157ha), currently utilised for dryland grazing of semi-improved pastures and irrigated cropping of unknown scale and intensity. Approximately 40% of the property is covered by native vegetation. This title is separated from the subject property by the State Rail Network railway and Tea Tree Road.
- East:
  - Title reference 47151/1 (11ha), currently listed as a rural-residential with no agricultural activity undertaken (The LISTMap). Some fodder production activity may be undertaken on this title when necessary. A residential dwelling is located on the property.
  - Title reference 84313/1 (4.1ha), best considered as a rural lifestyle block with no agricultural activity undertaken. This title is mostly covered by vegetation. A residential dwelling is located on the property.
  - Title reference 182126/1 (21.1ha), currently utilised for low scale, low intensity dryland grazing of unimproved pastures, with approximately 40% of the property is covered by native vegetation. There is a residential dwelling located on the property.
- South:
  - Title reference 109248/2 (106.6ha), currently utilised for dryland grazing and irrigated cropping, with approximately 5% of the property covered by native vegetation. There is a residential dwelling located on the property.
- West:
  - Title reference 109650/3 (16.2ha), currently utilised for low scale, low intensity dryland grazing and/or cropping, with approximately 10% of the property is covered by native vegetation.
  - Title reference 109650/2 (27.8ha), currently utilised for low scale, low intensity dryland grazing of unimproved pastures.

## 5.4 IMPACT OF AGRICULTURAL ACTIVITY ON NEIGHBOURING LAND TO THE PROPOSED DEVELOPMENT

Adjacent land use activity to the east and west of the subject property is limited to low intensity dryland pastoral and cropping activity. Adjacent land to the north and south of the subject property involves dryland and irrigated pastoral and cropping activity

Agricultural activity could be conducted on land adjacent to the subject property albeit it a different scales.

An assessment of the key risks to the proposed Lot 1 are summarised in Table 7.

**Table 7 Potential risk from agricultural land use activities on neighbouring land to the subject property (TR: 182250)**

Potential risk from neighbouring agricultural land activity	Extent of risk & possible mitigation strategy
1. Spray drift and dust	Risk = low. Ground spraying is most commonly used in agricultural production systems whilst spot spraying is a practical and mostly used alternative. Spraying could occur on the land to the north, east, west and south. A combination of the boundary setback distances, and prevailing topography would ensure that the risk of spray drift and dust would be negligible. Spraying events should be communicated in a timely manner to neighbours. The use and application of agricultural sprays must abide by the Tasmanian Code of practice for ground and aerial spraying 2014 and any applicable agricultural chemical label requirements.
2. Noise from machinery, livestock and dogs	Risk = low. Some occasional machinery traffic will occur when working and undertaking general farming duties on adjacent land. The property is located in a rural area, and it is accepted that noise emission will be created from normal primary industry, farming and land use activity. It is reasonable to suggest that noise from nearby Tea Tree Road and adjacent railway would also be a significant source of noise in this locale.
3. Irrigation water over boundary	Risk = low. Irrigation is practiced on one directly adjoining property only. Existing separation distances and prevailing topography ensure that the risk of any irrigation water drift over property boundaries is negligible.
4. Stock escaping and causing damage	Risk = low. Provided boundary fences are maintained in sound condition and livestock are checked regularly.
5. Electric fences	Risk = low. Mitigated by the proponent attaching appropriate warning signs on boundary fencing if required.

## 5.5 IMPACT OF PROPOSED DEVELOPMENT ON AGRICULTURAL ACTIVITY OF NEIGHBOURING LAND

The proposed development (subdivision and boundary reorganisation), in consideration with the buffer zones, physical barriers and agricultural land use, have all been assessed as low risk impact to agricultural activity on neighbouring land. These potential impacts are usually manifested as complaints which could be made by residents of nearby dwellings. Other risks to neighbouring agricultural activity are outlined in Table 8.

**Table 8 Potential risk from proposed development on neighbouring agricultural land use and activity**

Potential risk to neighbouring agricultural land activity	Extent of risk & possible mitigation strategy
1. Trespass	Risk = low. Mitigation measures include maintenance of sound boundary fencing, lockable gates and appropriate signage to warn inhabitants and visitors about entry onto private land, report unauthorised entry to police.
2. Theft	Risk = low. Ensure there is good quality boundary fencing on neighbouring properties and appropriate signage to deter inadvertent entry to property, limit vehicle movements, report thefts to police.
3. Damage to property	Risk = low. As for theft.
4. Weed infestation	Risk = low. The proponents are committed to the sustainable management of the property and weed control would be a key feature of the general ongoing property management program.
5. Fire outbreak	Risk = low. Fire risk can be mitigated by careful operation of outside barbeques and disposal of rubbish. A bushfire management plan may be prepared to cover the proposed development.
6. Dog menace to neighbouring livestock	Risk = low. Proposed Lot 1 is utilised for community purposes only and no dogs are kept on the title. Any dogs kept on Proposed Lot 2 will be managed as per the guidelines determined by the Brighton Council.

## 5.6 IMPACT OF PROPOSED DEVELOPMENT ON AMENITY OF DWELLINGS ON NEARBY LAND

There are seven residential dwellings on neighbouring land within a 500m radius of the centre of the 596 Tea Tree Road property under the proposed boundary reorganisation (TR: 16478/1).

The closest residential dwelling is as present on adjacent western land (TR: 223241/1), zoned Rural and is located approximately 30m from the Tea Tree Community Hall building located in the centre of the subject property (Figure 11). This property is best considered a general residential title.

Due to the nature of the proposed development (subdivision and boundary reorganisation only) and considering the zoning and activity of the neighbouring areas, in addition to separation distances, vegetation and roads acting as natural buffers between the subject property and neighbouring residential dwellings, it is anticipated that the proposed development would have negligible impact on or compromise the function of, any amenity of nearby dwellings or the surrounding settlements. The proposed subdivision will not generate a change from the current land use activities undertaken on the subject property at 594 Tea Tree Road.



Figure 11 7 residential dwellings (red markers) are located within a 500m radius (light blue circle) of the centre of the subject property (TR: 16478/1) under the proposed boundary reorganisation (shaded dark blue) (Source: The LISTMap).

## 5.7 WATER STORAGE AND RESOURCES

The subject properties are not serviced by TasWater for the provision of water and sewage services (The LISTMap).

The subject properties are not located within an irrigation district and have no access to irrigation water.

There are two definite watercourses present on title reference 182250/1 (Figure 12). A minor tributary flows in a northern direction through the property for approximately 335m and is intersected by an unlisted dam which is used for stock water purposes. A minor stream is present on the south east side of proposed Lot 2, flowing in a northern direction through the title for approximately 400m and connecting to the Strathallan Rivulet (registered no. 2014R) (The LISTMap).

The minor stream located on the south east side of the proposed Lot 2 is listed within the Waterway and Coastal Protection Area, under C7.0 Natural Assets Code of the Tasmanian Planning Scheme – State Planning Provisions and as such, a buffer distance of 60m applies to the watercourse (The LISTMap) (Figure 13).



Figure 12 Two watercourses are present on proposed Lot 2 (TR 182250/1) (The LISTMap).



Figure 13 The watercourse present on the south east side of the subject property is listed under the Waterway and Coastal Protection Area Guidance Map and as such as an associated buffer zone of 60m applies (The LISTMap).

## 6 Planning compliance report – Brighton provisions

### 6.1 CLAUSE 21.0 AGRICULTURE ZONE

#### 6.1.1 Clause 21.1 zone purpose

##### Zone purpose statements

The purpose of the Agriculture Zone is:

21.1.1 To provide for the use or development of land for agricultural use.

21.1.2 To protect land for the use or development of agricultural use by minimising:

- (a) conflict with or interference from non-agricultural use
- (b) non-agricultural use or development that precludes the return of the land to agricultural use, and
- (c) use of land for non-agricultural use in irrigation districts.

21.1.3 To provide for use or development that supports the use of the land for agricultural use.

##### Response

21.1.1 The subject property at 594 Tea Tree Road is suitable for agricultural land use activity in its current state and in the future albeit with moderate to severe limitations on the type and scale of activity due to land capability, low rainfall climate, inability to access irrigation water and the limited size of suitable area. The proposed subdivision would produce two Lots. Lot 1 (0.44 hectares) will be added to the existing adjacent title at 596 Tea Tree Road (TR: 16478/1) via a subsequent boundary reorganisation, to create a total land parcel of 0.7 hectares. Lot 2 (43.4 hectares) will be made up of the balance of the property (including the existing residential dwelling located in the centre of the property) and following the boundary reorganisation would return to a single title. The property will be managed to maintain its current agricultural activity of pastoral use for livestock grazing. Refer to Section 5 Land use activity for further details.

21.1.2

- (a) The proposed subdivision and boundary reorganisation could be undertaken with a negligible impact on the current and future agricultural land use activities undertaken on the adjacent and nearby properties. Section 5.3.1 provides further details on the potential for negatively impacting adjacent and nearby agricultural land use activities.
- (b) The proposed subdivision and boundary reorganisation will not result in any loss of prime land available and/or being used for agricultural activity. Approximately 0.44 hectares of Class 4 land, capable of supporting limited agricultural activity (equivalent to 0.05 DSE), will be lost as part of the proposed development. Within this 0.44 hectares of Class 4 land, the area currently being utilised for agricultural activity (pastoral activity) is 0.26 hectares. The remaining area is separated by a fence and is currently utilised by the adjacent title (subject property TR: 16478/1) as a car parking area. No new dwellings are planned on either subject property as a result of the proposed development. The proposed development will not preclude the return of the land to future agricultural use as it will be maintained for its current activity.
- (c) Neither subject property (TR: 16478/1 and 182250/1) is located within a declared irrigation district. Title reference 182250 is currently managed for agricultural use. Title reference 16478/1 is best considered a non-agricultural and non-residential title and is currently in the process of being rezoned from Rural to Community Purpose Zone under the Tasmanian Planning Scheme.

21.1.3 The proposed subdivision and boundary reorganisation development will result in minimal loss of agricultural land (0.44ha) and will not result in the loss of any prime agricultural land. The proposed Lot 1 will be included in the adjacent land title (TR: 164781/1) with a proposed boundary reorganisation). Following boundary reorganisation, the subject property at 596 Tea Tree Road will

## Zone purpose statements

consist of a total land size of approximately 0.7 hectares and will continue to be managed by the proponents for its current use (community purpose). The proposed Lot 2 will be made up of the balance of the subject property (TR: 182250/1) and includes an existing residential dwelling located in the centre of the title. Lot 2 consists of Class 4, 5 and 6 land and will be managed to maintain its current agricultural activity of pastoral use for low intensity, low input dryland livestock grazing. Considering the land capability of the subject property and the size of the suitable area, the current agricultural activity operating at 594 Tea Tree Road is considered the most appropriate and valuable use of the land for supporting agricultural production.

## 6.2 CLAUSE 21.4 DEVELOPMENT STANDARDS FOR BUILDINGS AND WORKS

### 6.2.1 Clause 21.4.2 setbacks

#### Objective

That the siting of buildings minimises potential conflict with use on adjoining properties.

#### Response

The proposal will meet Acceptable Solutions A1. There are no existing buildings located on the proposed Lot 1 prior to boundary reorganisation and no new buildings are planned as part of the proposed development. Therefore, the proposal is considered compliant with A1. Following boundary reorganisation, proposed Lot 1 will be zoned Community Purpose (as per the proponent's separate application for rezoning TR: 16478/1).

The proposal will meet Acceptable Solutions A2 for sensitive use. The location of the existing residential dwelling located on proposed Lot 2 is within 200m of agricultural land on the southern boundary only (existing setback of 190m), however no new dwelling is proposed as part of the development on either Lot, and the proposal is hence considered compliant with A2.

## 6.3 CLAUSE 21.5 DEVELOPMENT STANDARDS FOR SUBDIVISION

### 6.3.1 Clause 21.5.1 Lot design

#### Objective

To provide for subdivision that:

- (a) Related to public use, irrigation infrastructure or Utilities; and
- (b) Protects the long-term productive capacity of agricultural land

#### Response

The proposed subdivision is not compliant with Acceptable Solutions A1, therefore Performance Criteria P1 (b) will be addressed below.

The proposed development is compliant with A2. Lot 1 and Lot 2 will be provided with existing vehicular access from the boundary of the lot to Briar Banks Road, Tea Tree which is held in tenure as Casement by the Crown (The LIST Map), in accordance with the requirements of the road authority.

#### Performance Criteria

##### P1

- (b) Be for the reorganisation of lot boundaries that satisfies all of the following:
  - (i) Provides for the operation of an agricultural use, having regard to:
    - a. Not materially diminishing the agricultural productivity of the land;
    - b. The capacity of the new lots for productive agricultural use;
    - c. Any topographical constraints to agricultural use; and
    - d. Current irrigation practices and the potential for irrigation.
  - (ii) All new lots must not be less than 1ha in area;

- (iii) Existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2;
- (iv) All new lots must be provided with a frontage or legal connection to a road by right of carriageway, that is sufficient for the intended use; and
- (v) It does not create any additional lots.

## Response

### P1 (b)

- (i)
  - (a) The proposed subdivision will not diminish the agricultural productivity of the land and would allow for current agricultural land use activities to continue to be undertaken on the balance of the property (proposed Lot 2) at the current intensity and diversity of use, in addition to being used for residential purposes. The proposed subdivision and subsequent boundary reorganisation would allow proposed Lot 1 to be absorbed into the adjacent land title (TR: 16478/1) which would continue to be utilised for community purposes.
  - (b) The proposed subdivision will not reduce the capacity of the Lots to support agricultural activity. Proposed Lot 1 consists of 0.44ha of Class 4 land which is theoretically considered capable of supporting agricultural use with moderate limitations due to land capability. In reality, due to the small size of the area proposed for Lot 1, in conjunction with the land capability and current land use, it is not considered practically capable of supporting feasible agricultural activity. Development of this land to support productive agricultural activity is not considered economically justified. Approximately 50% of the proposed Lot 1 is currently not used for any agricultural activity and is separated from the balance of the Lot by boundary fencing. This area is already in active use by the proponents and landholders of the adjacent title (TR: 16478/1), for car parking purposes. Proposed Lot 2 is capable of supporting limited agricultural activity and will continue to be managed for pastoral activity at the current scale and intensity.
  - (c) The proposed subdivision will not impose any topographical constraints to agricultural use on the proposed Lots. The subject property at 594 Tea Tree Road (TR: 182250/1) is characterised by gently sloping land which gives rise to steep slopes at higher elevation. This complex topography, combined with the land capability of the title limits the agricultural activity that could be undertaken on the title.
  - (d) Neither subject property is located within a declared irrigation scheme and as such the proposed subdivision and boundary reorganisation will not result in any loss of agricultural land suitable for irrigation. No irrigation land and/or infrastructure associated for the subject property (TR: 182250) would be negatively impacted by the proposed subdivision.
- (ii) The proposed subdivision would produce Lot 1 (0.44ha) and Lot 2 (43.4ha). Although proposed Lot 1 is less than 1ha, this Lot is proposed to be absorbed by the adjacent land title (TR: 16478/1) via a boundary reorganisation, making up a total land parcel size of 0.7ha of Community Purpose zoned land (a rezoning application has been submitted to the Brighton Council).
- (iii) As outlined in Section 21.4.2 Setbacks, existing buildings are consistent with the setback required by clause 21.4.1 A1 and A2. No new dwellings or buildings are proposed as part of this development.
- (iv) All new lots will maintain existing access from Briar Banks Road, Tea Tree (via right of carriage way) which is sufficient for the intended use.
- (v) The proposed development is planned as part of a boundary reorganisation development where proposed Lot 1 will be absorbed into the adjacent land title to the subject property (TR: 16478/1), therefore no additional lots will be created.

## 7 Conclusion

1. The proposed development is a subdivision of Agriculture zoned land at 594 Tea Tree Road, Tea Tree and a subsequent boundary reorganisation of adjacent Rural zoned land (transitioning to Community Purpose zoned land) at 596 Tea Tree Road.
2. The proposed subdivision would result in the development of two Lots. Proposed Lot 1 will incorporate a total land area of 0.44 hectares. Proposed Lot 2 will be made up of the balance of the property, a total land area of 43.4 hectares.
3. Proposed Lot 1 would be subsequently absorbed into the adjacent land title at 596 Tea Tree Road (TR: 16478/1).
4. Proposed Lot 2 (594 Tea Tree Road) will continue to be managed for agricultural activity at the current scale and intensity. The proposed subdivision and boundary reorganisation is anticipated to have negligible impacts on the capability of the Lot for agricultural use.
5. A residential dwelling is located on the proposed Lot 2. No new dwellings are proposed on either Lot as part of the proposed development.
6. The proposal is considered compliant with Clauses 21.1, 21.4.2 and 21.5 of the Tasmanian Planning Scheme – Brighton Provisions.

## 8 References

Cotching B. (2009) Soil Health for Farming in Tasmania.

Grose C.J. (1999) Land Capability Handbook: Guidelines for the Classification of Agricultural Land in Tasmania. 2nd Edition, DPIWE, Tasmania.

Isbell R.F., National Committee on Soil and Terrain (2021), 'The Australian Soil Classification. 3rd edn.' CSIRO Publishing Melbourne.

Spanswick S.B, & Kidd D., (2000) Brighton Soil Report: Reconnaissance Soil Map Series of Tasmania Revised Edition, DPIPWE, Tasmania

Department of Natural Resources and Environment Tasmania (2023) 'Water Licenses', accessed online: November 2024.

Tasmanian Planning Scheme.

The LISTMap

## 9 Declaration

I declare that I have made all the enquiries which I consider desirable or appropriate, and no matters of significance which I regard as relevant have, to my knowledge, been withheld.



Miss Georgia McCarthy BAg & GradCert AgCons  
Agricultural Consultant  
Pinion Advisory  
May 2025



Mr Jason Lynch BAppSci (hort.)  
Snr Agricultural Consultant  
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May 2025

## Appendix 1 Supporting images



Figure 14 Both 594 and 596 Tea Tree Hall are provided with frontage access to Briar Banks Road, Tea Tree.



Figure 15 Brown loam sand soil of uniform texture and colour observed on Class 4 and 5 land on Proposed Lot 2. Some rock fragments observed within the soil profile at spade depth. Taken at site assessment 20/3/2025.



Figure 16 Rock fragments (2-600mm in size) observed on all land classes across the subject property at 594 Tea Tree Road (TR: 182250). Taken at site assessment 20/3/2025.



Figure 17 Brown sandy loam soil of uniform texture and colour observed on Class 4 land on proposed Lot 1 (TR: 182250). Spade depth limited by lack of soil moisture. Taken at site assessment 20/3/2025.



Figure 18 Figure 17 Brown sandy loam soil of uniform texture and colour observed on Class 4 land on proposed Lot 2 (TR: 182250). Taken at site assessment 20/3/2025.



Figure 19 The Tea Tree Community Hall is located in the centre of the subject property at 596 Tea Tree Road (TR: 16478/1). The balance of the title is utilised as car parking area with no agricultural activity undertaken. Taken at site assessment 20/3/2025.



Figure 20 The existing western boundary dissecting proposed Lot 1 and separating the subject properties (TR:16478/1 and 182250/1). Taken at site assessment 20/3/2025.



Figure 21 Proposed Lot 1 is dissected by an existing boundary fence (pictured). Approximately 50% of the proposed Lot 1 is currently already managed by the proponents (adjacent land title holders) and utilised as car parking area for the Tea Tree Community Hall. Taken at site assessment 20/3/2025.



Figure 22 The proposed subdivision and would produce Lot 1 (pictured) which would be absorbed by TR: 16478/1 in the proposed boundary reorganisation. Taken at site assessment 20/3/2025.



Figure 23 Proposed Lot 1, facing west towards adjacent title (TR: 16478/1) and the Tea Tree Community Hall. Image taken from the eastern boundary of proposed Lot 1. Taken at site assessment 20/3/2025.



Figure 24 Northern boundary of proposed Lot 1. Adjacent land titles to the north of the subject property are separated by Tea Tree Road and the State Railway Network. Taken at site assessment 20/3/2025.



Figure 25 Proposed Lot 2 would be made up of the balance of the subject property (TR: 182250/1) and continued to be managed for agricultural activity at the current intensity and scale. Image taken facing south east. Taken at site assessment 20/3/2025.



Figure 26 TR: 182250/1 is currently utilised for pastoral activity (livestock grazing) on semi-improved and unimproved pastures. An existing watercourse and dam are present on the title and flow in a northern direction through the property. Image taken facing south. Taken at site assessment 20/3/2025.



Figure 27 A dam is located on the proposed Lot 2/TR: 188250/1 and is used for stock water purposes. Taken at site assessment 20/3/2025.



Figure 28 The subject property (TR: 188250/2) supports a small beef finishing enterprise which would continue to be managed at the same intensity and scale following the proposed subdivision and boundary reorganisation. Taken at site assessment 20/3/2025.



Figure 29 Class 5 land on the subject property, consisting of semi-improved and unimproved pastures. Taken at site assessment 20/3/2025.



Figure 30 An existing watercourse flows through the subject property in a northern direction (pictured) and is dissected by a dam. Taken at site assessment 20/3/2025.



Figure 31 The subject property consists of complex topography with steep slopes best maintained under native vegetation and not grazed by livestock. Image taken from highest elevation, facing north east. Taken at site assessment 20/3/2025.



Figure 32 Eastern boundary of subject property at the highest elevation. Eastern adjacent land titles are used for dryland grazing of semi-improved pastures (TR: 182126/1) and as a rural lifestyle block with no agricultural activity undertaken (TR: 84313/1). Taken at site assessment 20/3/2025.



Figure 33 Southern boundary of subject property, taken at the highest elevation. An existing watercourse runs through the subject property, along the southern boundary. Listed under the Waterway and Coastal Protection Area Guidance Map, a 60m buffer zone applies to this watercourse (The LISTMap). Adjacent land to the south of the subject property (TR: 109248) is used for livestock grazing and irrigated cropping. Taken at site assessment 20/3/2025.



Figure 34 Western boundary of subject property. Adjacent land titles to the west are used for livestock grazing of semi-improved dryland pastures (TR: 109650/2) and dryland cropping (TR: 109650/3). Taken at site assessment 20/3/2025.



Figure 35 Facing south west at the highest elevation on the subject property. Taken at site assessment 20/3/2025.