



# Brighton Council

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## ATTACHMENTS

ORDINARY COUNCIL MEETING

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, 20 MAY 2025**

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

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

**1. Acknowledgement of Country**

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

*Cr Owen moved, Cr Murtagh seconded that Cr Irons be granted leave of absence.*

**CARRIED**

**VOTING RECORD**

| <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Curran        |                |
| Cr De La Torre   |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr McMaster      |                |
| Cr Murtagh       |                |
| Cr Owen          |                |
| Cr Whelan        |                |

**3. Confirmation of Minutes**

**3.1 Ordinary Council Meeting**

The Minutes of the previous Ordinary Council Meeting held on the 15<sup>th</sup> April 2025 are submitted for confirmation.

**RECOMMENDATION:**

That the Minutes of the previous Ordinary Council Meeting held on 15<sup>th</sup> April 2025, be confirmed.

**DECISION:**

*Cr Geard moved, Cr De La Torre seconded that the Minutes of the previous Ordinary Council Meeting held on 15<sup>th</sup> April 2025, be confirmed.*

**CARRIED**

**VOTING RECORD**

| <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Curran        |                |
| Cr De La Torre   |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr McMaster      |                |
| Cr Murtagh       |                |
| Cr Owen          |                |
| Cr Whelan        |                |

**3.2 Planning Authority Meeting**

The Minutes of the Planning Authority Meeting held on the 6<sup>th</sup> May 2025 are submitted for confirmation.

**RECOMMENDATION:**

That the Minutes of the Planning Authority Meeting held on the 6<sup>th</sup> May 2025, be confirmed.

**DECISION:**

*Cr Curran moved, Cr Owen seconded that the Minutes of the Planning Authority Meeting held on 6<sup>th</sup> May 2025, be confirmed.*

**CARRIED**

**VOTING RECORD**

| <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Curran        |                |
| Cr De La Torre   |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr McMaster      |                |
| Cr Murtagh       |                |
| Cr Owen          |                |
| Cr Whelan        |                |

**3.3 Community Development Committee Meeting**

The Minutes of the Community Development Committee Meeting held on the 6<sup>th</sup> May 2025 are submitted for confirmation.

**RECOMMENDATION:**

That the Minutes of the Community Development Committee Meeting held on the 6<sup>th</sup> May 2025, be confirmed.

**DECISION:**

*Cr De La Torre moved, Cr Curran seconded that the Minutes of the Community Development Committee Meeting held on 6<sup>th</sup> May 2025, be confirmed.*

**CARRIED**

**VOTING RECORD**

| <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Curran        |                |
| Cr De La Torre   |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr McMaster      |                |
| Cr Murtagh       |                |
| 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 Whelan declared an interest in Item 14.4.*

**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.*

**6. Reports from Council****6.1 Mayor's Communications**

The Mayor's communications are as follows:

- 21/4 Media event re Seymour Street with Rebecca White
- 25/4 Anzac Day Service
- 29/4 STRLUS Meeting
- 1/5 Keynote Speaker event by New Bridgewater Bridge Project Director
- 2/5 Official Launch of Incat Hull 096
- 5/5 Briefing on the new Youth Justice Facility
- 6/5 Council Workshop



- 6/5 Community Development Committee Meeting
- 6/5 Planning Authority Meeting
- 9/5 TasWaste South Board Strategic Alignment Workshop
- 9/5 Conference call with Department of Infrastructure
- 12/5 Official Opening of Brighton Town Square
- 15/5 LGAT GMC Meeting
- 20/5 Council Meeting

### **RECOMMENDATION:**

That the Mayor's communications be received.

### **DECISION:**

*Cr McMaster moved, Cr Geard seconded that the Mayor's communications be received.*

**CARRIED**

#### **VOTING RECORD**

| <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Curran        |                |
| Cr De La Torre   |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr McMaster      |                |
| Cr Murtagh       |                |
| Cr Owen          |                |
| Cr Whelan        |                |

## **6.2 Reports from Council Representatives**

- Cr Geard gave a verbal report on the Southern Municipal Emergency Liaison Group meeting that he recently attended.

### **RECOMMENDATION:**

That the verbal reports from Council representatives be received.

### **DECISION:**

*Cr De La Torre moved, Cr McMaster seconded that the verbal reports from Council representatives be received.*

**CARRIED**

#### **VOTING RECORD**

| <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Curran        |                |
| Cr De La Torre   |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr McMaster      |                |
| Cr Murtagh       |                |
| Cr Owen          |                |
| Cr Whelan        |                |

## 7. Miscellaneous Correspondence

- Letter from the Treasurer dated 7<sup>th</sup> May 2025 regarding privatisation of public transport.

## 8. Notification of Council Workshops

*In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015.*

One (1) Council workshop has been held since the previous Ordinary Council meeting.

- A workshop was held on the 6th May 2025 at 4.30pm in relation to the new Youth Justice Facility at Pontville.

Attendance: Cr Gray; Cr Curran; Cr De La Torre, Cr Geard; Cr Irons; Cr McMaster, Cr Murtagh; Cr Owen & Cr Whelan

Apologies: Nil.

## 9. Notices of Motion

*There were no Notices of Motion.*

## 10. Consideration of Supplementary Items to the Agenda

In accordance with the requirements of Part 2 Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council, by absolute majority may approve the consideration of a matter not appearing on the agenda, where the Chief Executive Officer has reported:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

*The Acting Chief Executive Officer reported that there were no supplementary agenda items.*

## 11. Reports from Committees

### 11.1 Community Development Committee - 6 May 2025

The recommendations of the Community Development Committee held on 6<sup>th</sup> May 2025 are submitted to Council for adoption.

#### **RECOMMENDATION:**

That the recommendations of the Community Development Committee meeting held on 6<sup>th</sup> May 2025 be adopted.

#### **DECISION:**

*Cr De La Torre moved, Cr Geard seconded that the recommendations of the Community Development Committee meeting held on 6<sup>th</sup> May 2025 be adopted.*

**CARRIED**

**VOTING RECORD**

| <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Curran        |                |
| Cr De La Torre   |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr McMaster      |                |
| Cr Murtagh       |                |
| Cr Owen          |                |
| Cr Whelan        |                |

## 12. Council Acting as a Planning Authority

Under the provisions of the *Land Use Planning and Approvals Act 1993* and in accordance with Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the Council will act as a planning authority in respect to those matters appearing under Item 12 on this agenda, inclusive of any supplementary items.

### 12.1 Draft Amendment to the Brighton Local Provisions Schedule to amend BRI-S11.0 South Brighton Specific Area Plan - RZ 2025/2 - Section 40K Report

Author: Planning Officer (D Van)  
 Authorised: Manager Planning (J Blackwell)

|                       |   |
|-----------------------|---|
| File Reference:       | RZ 2025/02  |
| Type of Application:  | Section 40K of the <i>Land Use Planning and Approvals Act 1993</i>  |
| Address/Subject Site: | Various   |
| Owner/s:              | Various   |
| Requested by:         | Brighton Council  |
| Planning Instrument:  | Tasmanian Planning Scheme - Brighton  |
| Proposal:             | <p>To amend Brighton Local Provisions Schedule ordinance in the BRI-S11.0 South Brighton Specific Area Plan, as follows:</p> <ul style="list-style-type: none"> <li>Amend Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework; and</li> <li>Amend the wording of BRI-S11.8.2 P1.2 by removing '<i>Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.</i>' and replacing with '<i>Council's adopted Infrastructure Contributions Policy that is relevant to the land.</i>'</li> </ul> |
| Date advertised:      | 9 <sup>th</sup> April 2025 to 13 <sup>th</sup> May 2025   |
| Representations:      | Four (4) received during and after the advertising period.  |
| Attachments:          | <p>Attachment A – Representation – TasWater</p> <p>Attachment B – Representation - Aboriginal Heritage Tasmania</p> <p>Attachment C – Representation – Even Boardman</p> <p>Attachment D – Representation - TasNetworks</p>   |

## 1. EXECUTIVE SUMMARY

Council's Planning Authority, at its meeting on 1<sup>st</sup> April 2025, agreed to initiate the proposed draft planning scheme amendment (draft amendment) made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act'), to amend the Brighton Local Provision

Schedule (LPS) by revising the BRI-S11.0 South Brighton Specific Area Plan (South Brighton SAP) as follows:

- Amend Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework; and
- Amend the wording of BRI-S11.8.2 P1.2 by removing '*Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.*' and replacing with '*Council's adopted Infrastructure Contributions Policy that is relevant to the land.*'

The amendment application was then exhibited for a period of twenty-eight (28) days, in requirements of s.40H of the Act.

This is a report required to be submitted to the Commission after the end of the exhibition period in relation to the draft amendment under the requirement of s.40K of the Act.

## 2. LEGISLATIVE REQUIREMENTS

In accordance with s.40H of the Act, the planning authority must exhibit the draft amendment RZ 2025-02 for twenty-eight (28) days.

*Comment: The draft amendment was on public exhibition from 9th April 2025 until 13th May 2025.*

Following exhibition, the planning authority must consider any representations and provide a report to the Commission within 35 days [s40K(1)].

*Comment: The s.40K report and relevant documentation will be provided to the Commission within the above timeframe.*

The report must include [s.40K(2)]:

- a copy of each representation made before the end of the exhibition period;
- a copy of each representation made after the end of the exhibition period;
- a statement of the planning authority's opinion as to the merit of each representation;
- a statement as to whether the planning authority is satisfied that the draft amendment meets the LPS criteria; and
- any other recommendations in relation to the draft amendment.

*Comment:*

- a copy of each representation received before the end of the exhibition period is attached with this report (Attachments A-C)*
- a copy of each representation received after the end of the exhibition period is attached with this report (Attachment D)*
- a planning authority's response on merit is included in this report.*
- a statement is included in this report.*
- no other recommendations.*

## 3. REPRESENTATIONS AND RESPONSE

Three (3) submissions were received during the public exhibition period, and one (1) additional submission was received after the exhibition period had concluded. Under s.40K(2), the report on representation must contain a copy of each representation made in relation to the draft amendment RZ 2025-02 before and after the end of the exhibition period.

Below is a summary of the four (4) representations received and the assessing officer's response on the merit of each representation as required by s.40K(2)(c) of the Act.

| No.  | Submission  | Response on merit   |
|--|---|---|
| <b>Representation 1 – TasWater (Attachment A)</b>  |   |   |
| 1.   | TasWater does not object to the draft amendment to the Brighton Local Provisions Schedule and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.  | Noted. No response required.  |
| <b>Representation 2 – Aboriginal Heritage Tasmania (Attachment B)</b>  |   |   |
| 1.   | <p>If there are future plans for any ground disturbance or construction on the properties (including for subdivision purposes which involves fencing, vegetation management etc.), please contact AHT in the very early planning stages.</p> <p>AHT's records indicate that this area has had a previous Aboriginal heritage assessment, with several Aboriginal heritage sites located within the project area footprint. Recommendations of the Aboriginal heritage assessments concluded that these sites be noted and avoided, one site to be conserved in situ and protected from any impacts via the recommended management strategies.</p> | It is noted that the proposal draft amendment does not involve any works or ground disturbance. No response required.   |
| <b>Representation 3 – Evan Boardman (Attachment C)</b>   |   |   |
| <p>Council officers note that Representor 3 made a similar representation to the original planning scheme amendment and his client's concerns were considered by the Commission at that time. It is considered that Representor 3's concerns do not specifically address the draft amendment (s40J(5)). Nevertheless, the Representor's submission has been addressed below:</p> |   |   |
| 1.   | <p>Fundamental Flaws in the South Brighton Specific Area Plan (SAP):</p> <ul style="list-style-type: none"> <li>The SAP is fundamentally flawed and the Proposed Amendment does not address these flaws.</li> <li>The amendment imposes a static plan of subdivision, alters an already approved plan, and introduces an</li> </ul>   | <p>The draft amendment does not fundamentally change the implications and objectives of the South Brighton SAP. Instead, it aims to correct inconsistencies in the current plan.</p> <p><b>Amendment to Figure BRI-S11.2:</b></p> <ul style="list-style-type: none"> <li>Replace the South Brighton Master</li> </ul> |

|    |  |   |
|----|--|---|
|    | unenforceable development standard around infrastructure contributions.  | <p>Plan Revision I with Revision J.</p> <ul style="list-style-type: none"> <li>Revision J has already been used for Figure BRI-S11.4 Stormwater Catchments in the SAP and was previously submitted to the Commission during the 2023 process to introduce the South Brighton SAP.</li> <li>This change addresses the inconsistency between Figure BRI-S11.2 and BRI-S11.4</li> <li>The modification is minor but considered to be critical to provide frontage so that both 10 and 10A Dylan St can be developed to their full potential.</li> </ul> <p><b>Amendment to Subclause BRI-S11.8.2 P1.2:</b></p> <ul style="list-style-type: none"> <li>Rename the policy from '<i>Key Infrastructure Investments and Defined Infrastructure Charges policy</i>' to '<i>Infrastructure Contributions Policy</i>'.</li> <li>This change was recognized as necessary by the Council at its Ordinary Meeting in October 2024 to provide clearer guidance on how the policy relates to the provision of infrastructure that is the responsibility of the Council.</li> <li>The amendment aims to prevent inconsistencies and confusion for future developments regarding infrastructure contributions.</li> </ul> <p>Once approved, the draft amendment will ensure that the planning controls are more consistent, thereby better achieving the overarching objectives of the South Brighton SAP.</p> |
| 2. | <p>Issues with Static Plan of Subdivision:</p> <ul style="list-style-type: none"> <li>Inserting a static subdivision plan into the planning scheme locks it into delivering only the exact plan, regardless of unforeseen circumstances.</li> <li>Any changes to the static plan require amendments to the planning scheme,</li> </ul> | <p>Council's officers understand the static plan of subdivision as mentioned in the representation is referred to Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework (the Development Framework).</p> <p>The Development Framework is not a</p>   |

|    |   |  |
|----|---|--|
|    | <p>leading to potential endless rounds of amendments.</p>   | <p>subdivision plan that locks development as it is. Instead, it provides a strategic framework for future subdivision in the South Brighton Area.</p> <p>The Development Framework was approved by the Commission during the previous process of introducing the South Brighton SAP in 2024. The current draft amendment seeks to address inconsistencies mentioned earlier and does not introduce any new framework.</p> <p>Any variations in implementing the frameworks in practice (e.g., a private developer proposing a different layout plan for their lot) do not necessarily require a planning scheme amendment. Instead, they must comply with the set Performance Criteria under BRI-S11.8.3.1 P1 (for Precinct A).</p> |
| 3. | <p>Altering an Approved Plan of Subdivision:</p> <ul style="list-style-type: none"> <li>• The Proposed Amendment benefits only two landowners, particularly Dourias MGH Pty Ltd, without providing strategic benefits to the municipality or region.</li> <li>• The amendment increases the length of a proposed road and adds four lots on 14 Dylan Street.</li> <li>• The Proposed Amendment lacks justification, raising concerns it may benefit a specific landowner. The representor's clients previously submitted a subdivision plan for their property at Melinda Court. If the Council can amend the SAP for others without strategic reasons, it should do the same for my clients. Without changes, the SAP would result in significant loss of my clients' land for public use without compensation.</li> </ul> | <p>The South Brighton SAP is designed to address the complexity of achieving increased housing density through infill development and providing associated infrastructure across many land parcels with different ownerships within the area.</p> <p>Implementing the South Brighton SAP through planning controls will benefit the area and region as a whole.</p> <p>Any proposed subdivision plan within the South Brighton SAP must comply with relevant standards. Since the draft amendment does not introduce new subdivision standards, this matter is considered not relevant.</p>  |
| 4. | <p>Flaws within the SAP Plans:</p> <ul style="list-style-type: none"> <li>• The geographical extent of the SAP differs between figures, leading to inconsistencies.</li> <li>• The SAP applies inconsistently across separate areas, one of which is subject to a potentially conflicting SAP/Code.</li> </ul>  | <p>Since the proposed draft amendment does not introduce a new geographical extent of the South Brighton SAP, this matter is considered not relevant.</p>  |



|    |  |  |
|----|--|--|
| 5. | <p>Development Standard for Infrastructure:</p> <ul style="list-style-type: none"> <li>• The proposed development standard for infrastructure provision is inappropriate and does not address the issue of unequal infrastructure costs and benefits among landowners.</li> <li>• The Council's Infrastructure Policy is vague and lacks implementation details</li> </ul> | <p>The Commission accepted during the earlier process of introducing the South Brighton SAP into the Brighton LPS that, without the South Brighton SAP, the cost of providing infrastructure within the subject area would likely be spread over the Council's wider ratepayer base, rather than being attributed to the developer of each site.</p> <p>The Council's Infrastructure Policy and its previous versions have been adopted and implemented since 2018. This policy sets guidelines for how the Council can make key infrastructure investments. The Council will recoup these investments by imposing a charge on the creation of new lots or the intensification of land that benefits directly from these investments. This approach has proven effective in addressing the issue of unequal infrastructure costs and benefits among landowners.</p> <p>The draft amendment does not introduce any new policy regarding infrastructure contributions. Instead, it seeks to amend the old name to the new name of "Infrastructure Contributions Policy."</p> |
| 6. | <p>Lack of Supporting Information:</p> <ul style="list-style-type: none"> <li>• No supporting information or documentation is provided to demonstrate the necessity or strategic planning benefit of the Proposed Amendment.</li> <li>• The amendment fails to satisfy mandatory provisions of the <i>Land Use Planning and Approvals Act 1993</i>.</li> </ul>             | <p>The South Brighton Master Plan and Development Framework were prepared by Brighton Council with relevant experts, considering various aspects such as infrastructure provisions, Aboriginal Heritage, land capability, natural values, and agricultural values. These plans were publicly consulted before being introduced to the planning scheme as a Specific Area Plan in 2024.</p> <p>The South Brighton Master Plan Revision I will be replaced with Revision J to correct a previous inconsistency identified during the introduction of the South Brighton SAP in 2024, following consultation with the Tasmanian Planning Commission. This update will not alter existing planning controls but ensures alignment with the South Brighton Development Framework,</p>   |

|  |   |   |
|--|---|---|
|  |   | <p>as reflected in Figure BRI-S11.4 Stormwater Catchments. Additionally, the 'Key Infrastructure Investments and Defined Infrastructure Charges Policy' will be reworded to 'Infrastructure Contributions Policy.' While minor changes have been made (see Table 1 below), the policy's core elements—including purpose, scope, objectives, and payment processes—remain unchanged, ensuring consistency in the Council's infrastructure investment approach.</p> <p>On this basis, the purpose and objective of the South Brighton Specific Area Plan remain unchanged, and it satisfies the LPS criteria under the Act.</p> |
| <b>Representation 4 – TasNetworks (Attachment D)</b> |   |   |
| 1  | TasNetworks don't have any issues with the draft amendment. | Noted. No response required.  |

#### 4. MODIFICATIONS TO THE DRAFT AMENDMENT

No modifications to the draft amendment RZ 2025-02 are required.

#### 5. CONCLUSION

A total of four (4) representations were received during and after the public exhibition period for the draft amendment RZ 2025-02. The representations have been considered, and it has been determined that there are no reasons for the Planning Authority not to proceed with the Draft Amendment RZ 2025-02.

The proposed draft amendment still meets the LPS criteria as required by s.40K(2)(d) of the Act and does not require any modification (s.40K (2)(c)).

#### 6. OPTIONS

- a) To adopt the recommendation; or
- b) To adopt an alternative recommendation satisfying the provisions of section 40K of the Act, with a full statement of reasons as determined by Council.

#### **RECOMMENDATION:**

It is recommended that Council resolves that:

- a) Pursuant to section 40K(1) of the *Land Use Planning and Approvals Act 1993*, provide the Tasmania Planning Commission with a copy of this report.
- b) Pursuant to section 40K (2)(a)(b) of the *Land Use Planning and Approvals Act 1993*, provide to the Tasmanian Planning Commission a copy of each of the representations

that were received during and after the advertising of draft amendment RZ 2025-02.

- c) Pursuant to section 40K (2)(c) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the representations received during advertising do not warrant a modification to draft amendment RZ 2025-02 as detailed in this report.

### **DECISION:**

*Cr Owen moved, Cr De La Torre seconded that the recommendation be endorsed.*

**CARRIED**

### **VOTING RECORD**

| <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Curran        |                |
| Cr De La Torre   |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr Owen          |                |
| Cr Whelan        |                |

## 12.2 Development Application DA 2024/233 - Fill & Associated Site Works at 12, 15, 16, 17 Dylan Street, Brighton

Author: Planning Officer (D Van)

Authorised: Manager Planning (J Blackwell)

|                   |   |
|-------------------|---|
| Applicant:        | Hein Poortenaar   |
| Subject Site:     | 12, 15, 16, & 17 Dylan Street, Brighton<br>Volume: 2599061 – Folio 8, 9, 10, 12   |
| Proposal:         | Fill & Associated Site Works  |
| Planning Scheme:  | Tasmanian Planning Scheme - Brighton  |
| Zoning:           | Light Industrial Zone   |
| Codes:            | Bushfire prone  |
| Local Provisions: | Brighton Highway Services Precinct Specific Area Plan   |
| Use Class:        | Not required to be categorised (Clause 6.2.6)   |
| Discretions:      | Clause 7.10.1   |
| Representations:  | 1 representation were received. The representor raised the following issues:<br><ul style="list-style-type: none"><li>Flooding concerns and lack of a flood assessment by a qualified engineer.</li></ul> |
| Attachments       | 1. Assessment documents<br>2. TasWater SPAN   |
| Recommendation:   | Approval with conditions  |

### 1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2024/233.

The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993* (LUPAA).

This report details the reasons for the officer 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*.

## 2. SITE ASSESSMENT

The application details a proposal for land filling on 12, 15, 16 and 17 Dylan Street, Brighton (the Site). The subjected lots were initially developed as a residential subdivision with Dylan Street accessed via William Street. The area fronting Hove Way was rezoned to the Light Industrial Zone to serve highway traffic.

The site has approximately 326m of frontage along Hove Way. The western part of the site is wide and flat, while the eastern part becomes progressively narrower and steeper, requiring fill to create a level platform.

The site covers approximately 4.941 hectares (see Figure 1). According to LISTMAP, the site contains a dam (water body) and a watercourse, as shown in Figure 1. Additionally, there is a Tasmanian Irrigation pipeline running at the southern end of the site.

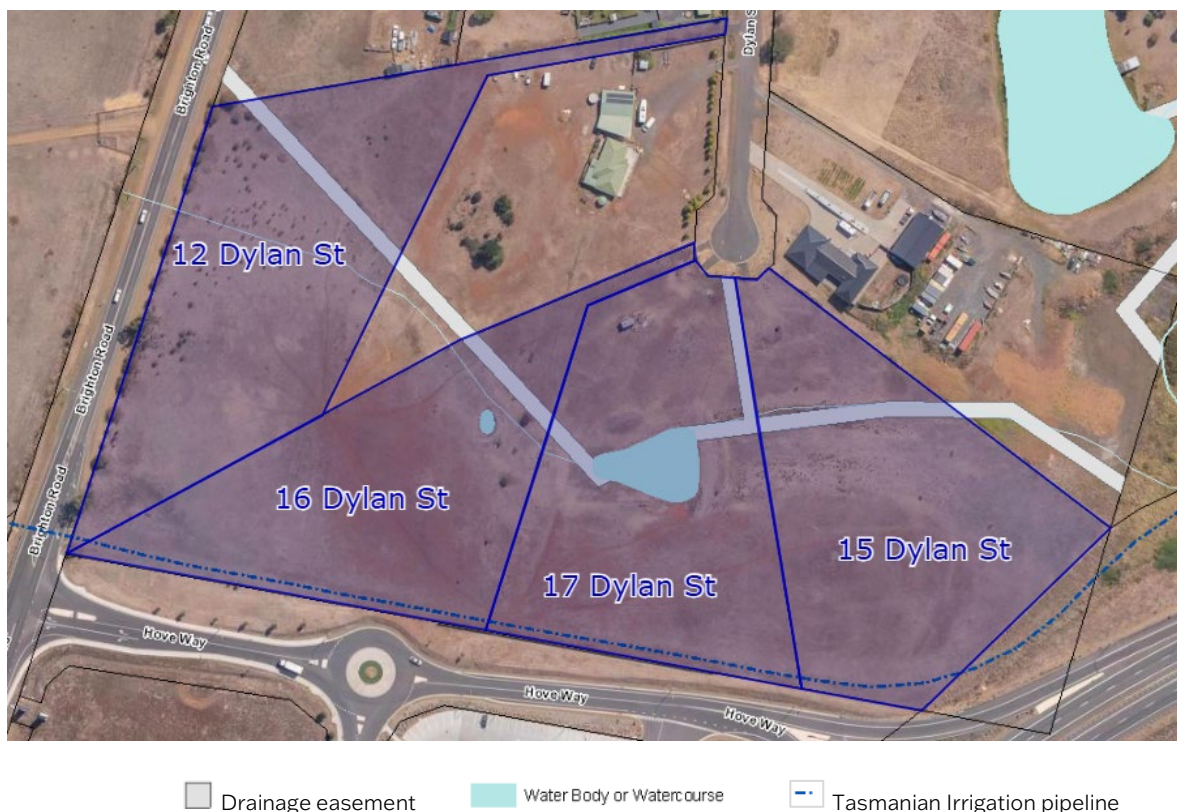


Figure 1. Site Map (source: LISTMAP)



The site has two zoning areas (Figure 2): the Light Industrial Zone to the south and the General Residential Zone to the north. It is overlaid by the South Brighton Specific Area Plan (for the General Residential Zone) and the Brighton Highway Services Precinct Specific Area Plan (for the Light Industrial Zone). The entire site falls within the Bushfire-Prone Areas Code overlay (Figure 3), and part of 15 Dylan Street is within the Priority Vegetation Overlay to the east. The proposal is confined to the Light Industrial Zone and does not extend into the Priority Vegetation Overlay.

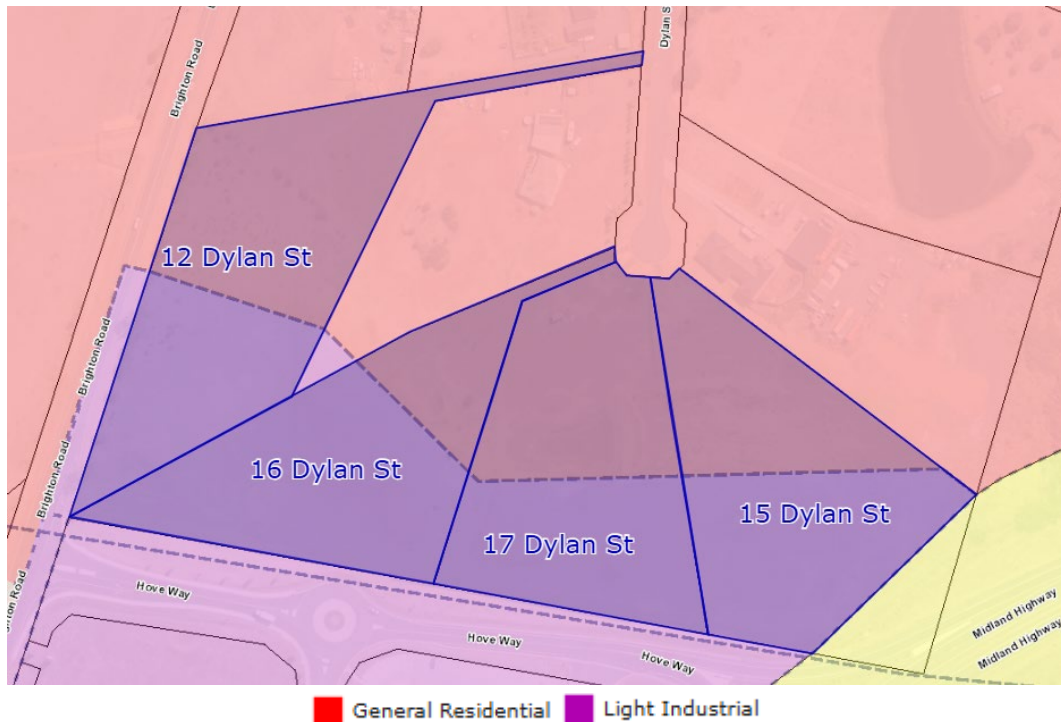


Figure 2. Zoning applied to the subject site (Source: the LISTMAP)

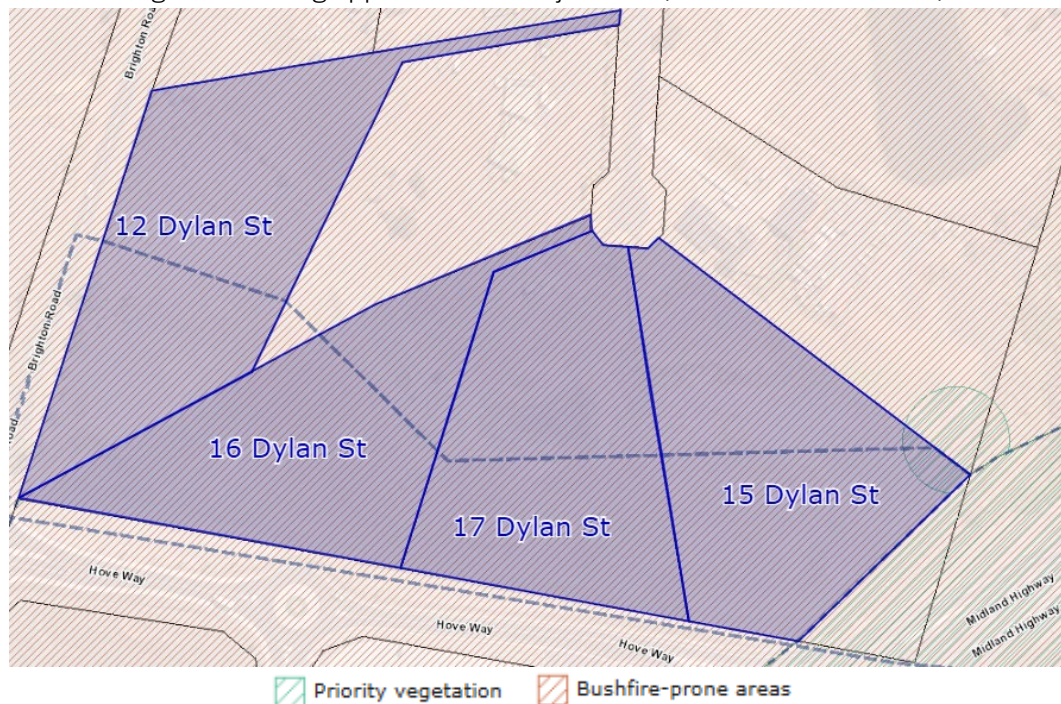


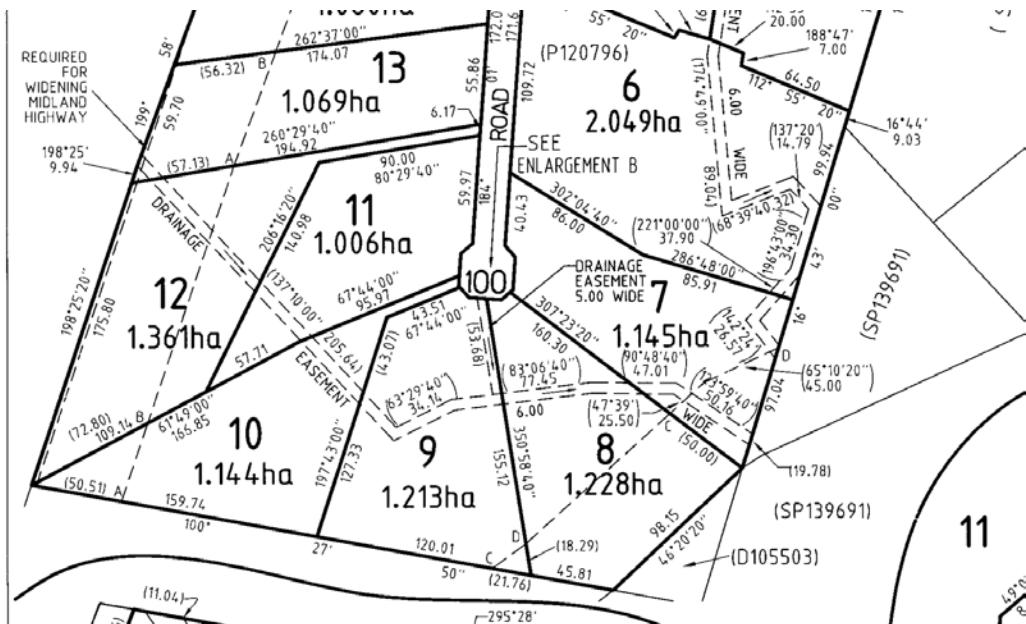
Figure 3. Planning overlay applied to the subject site (Source: the LISTMAP)





The site is subject to multiple easements (Figure 5):

- All lots: Drainage easement 6m wide
- Lot 9: Drainage easement 5m wide
- Lots 10 & 12: Covenant for not to erect building or structure between the line marked 'A B' and the midland highway
- Lots 8 & 9: Covenant for not to erect any building or structure south of the line marked 'C D'



### 3. PROPOSAL

The proposal details a total landfill of 45,000m<sup>3</sup> in four stages, with the deepest fill reaching up to 5.5m. The first stage involves 10,000m<sup>3</sup> of fill sourced from TasWater pump station works adjacent to 17 Dylan Street. The landfill will occur only within the Light Industrial Zone and will maintain a 5m setback from the Tasmanian Irrigation pipeline, ensuring no cut, fill, or traffic movements over the pipeline.

The filling is designed to create four platforms, stepping down towards the east.

- 12 Dylan Street: 4700 sqm
- 16 Dylan Street: 7700 sqm
- 17 Dylan Street: 4600 sqm
- 15 Dylan Street: 1900 sqm

Associated works include:

- Temporary works to access site
- Soil and water management
- Supply and stockpile suitable fill.
- Prepare surface by stripping topsoil and benching
- Mix fill and grade in layers and compact.
- Test each layer fill compaction
- Finish to design level, trim batters,
- Install surface drainage
- Remove temporary works
- Lightly grass or hydro mulch



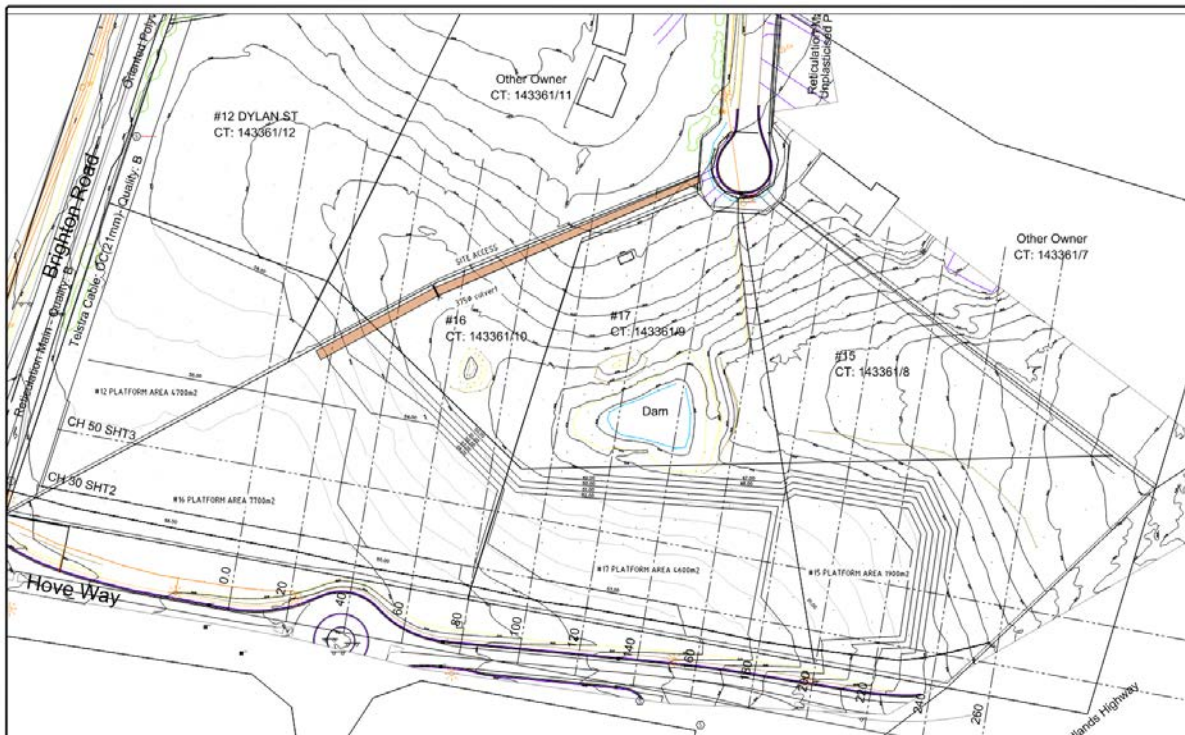


Figure 6. Proposed fill area (Source: the application)

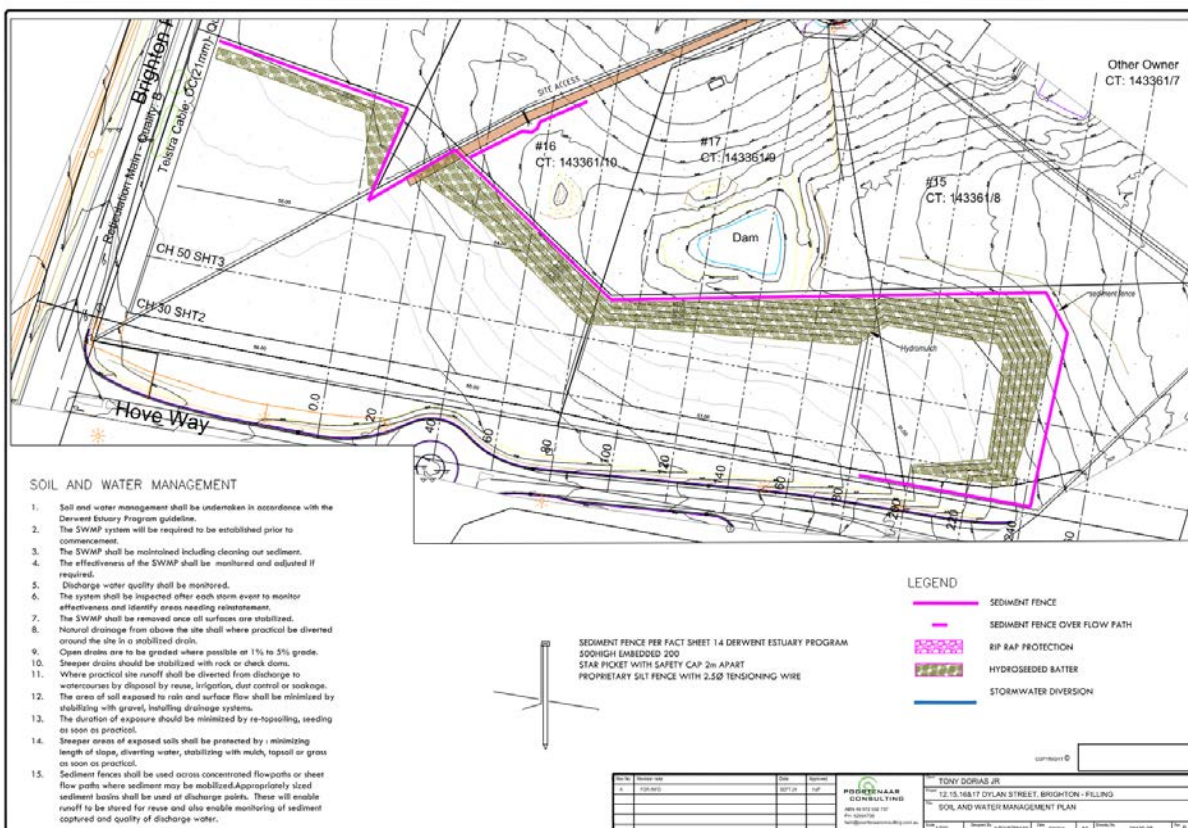


Figure 7. Proposed soil and water management plan (Source: the application)

#### 4. PLANNING SCHEME ASSESSMENT

##### 4.1. Applicable provisions under the planning scheme

###### Compliance with Applicable Standards:

*5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.*

*5.6.2 A standard is an applicable standard if:*

- (a) the proposed use or development will be on a site within:
 
  - (i) a zone;*
  - (ii) an area to which a specific area plan relates; or*
  - (iii) an area to which a site-specific qualification applies; or**
- (b) the proposed use or development is a use or development to which a relevant applies; and*
- (c) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.*

*5.6.3 Compliance for the purposes of subclause 5.6.1 of this planning scheme consists of complying with the Acceptable Solution or satisfying the Performance Criterion for that standard.*

*5.6.4 The planning authority may consider the relevant objective in an applicable standard to determine whether a use or development satisfies the Performance Criterion for that standard.*

###### Determining applications (clause 6.10.1):

*6.10.1 In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:*

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with section 57(5) of the Act,*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.*

###### Use Class

The proposed development is for land filling, which, pursuant to clause 6.2.6 of the Scheme, is not required to be categorised into a use class:

*6.2.6 Notwithstanding sub-clause 6.2.1 of this planning scheme, development which is for subdivision, a sign, **land filling**, retaining walls or coastal protection works does not need to be categorised into one of the Use Classes.*

*6.8.2 The planning authority has a discretion under clause 7.10 to refuse or permit a development that is not required to be categorised under sub-clause 6.2.6 of this planning scheme if:*

- (a) there are no applicable standards that apply to the development, or the development relies on any Performance Criteria to demonstrate compliance with an applicable standard; and*
- (b) the development is not Prohibited under any other provision of this planning scheme.*

#### **Determining applications (clause 7.10.3)**

*7.10.1 An application for development that is not required to be categorised into one of the Use Classes under sub-clause 6.2.6 of this planning scheme and to which 6.8.2 applies, excluding adjustment of a boundary under sub-clause 7.3.1, may be approved at the discretion of the planning authority.*

*7.10.2 An application must only be approved under sub-clause 7.10.1 if there is no unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area.*

*7.10.3 In exercising its discretion under sub-clauses 7.10.1 and 7.10.2 of this planning scheme, the planning authority must have regard to:*

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

#### **4.2. PLANNING ASSESSMENT**

There are no applicable standards under the planning scheme to assess the proposal. Under Clauses 7.10 and 6.8.2 of the planning scheme, the land fill must only be approved if there is no unreasonable detriment impact on adjoining uses or the amenity of the surrounding area.

Pursuant to Clause 7.10.3 of the planning scheme, in determining of the proposal can maintain no unreasonable detriment impact on adjoining uses or the amenity of the surrounding area, the planning authority must have regard to:

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

Assessment of those standards are provided below.

| Assessment criteria of Clause 7.10.3   | Comments  |
|--|---|
| <p>(a) the purpose of the applicable zone;</p> <p>The purpose of the Light Industrial Zone is:</p> <p>18.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off site impacts are minimal or can be managed to minimise conflict with, or unreasonable loss of amenity to, any other uses.</p> <p>18.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.</p> | <p>The proposed landfill is to provide the supports of future industrial and commercial activities on the site by providing level ground ready. The fill can be done without adversely impact on adjoining land and any public infrastructure. It satisfies 18.1.2.</p> |
| <p>(b) the purpose of any applicable code;</p> <p>Applicable code is Bushfire-prone areas.</p> <p>The purpose of the Bushfire-Prone Areas Code is:</p> <p>C13.1.1 To ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.</p>   | <p>The proposal can be considered to enhance bushfire hazard reduction/mitigation outcomes by filling and leveling the area, thereby creating a more suitable site for future development with improved access and defensible space.</p>                                |
| <p>(c) any relevant local area objectives;</p>   | <p>no relevant local area objectives</p>  |
| <p>(d) the purpose of any applicable specific area plan.</p> <p>The purpose of the Brighton Highway Services Precinct SAP is:</p> <p>BRI-S3.1.1 To provide for fuel and food services for motorists traveling the Midland Highway.</p> <p>BRI-S3.1.2 To provide a location in Brighton for showrooms that primarily sell bulky goods and require large display areas.</p>  | <p>The proposed landfill will provide more opportunity for future activities that are encouraged by the Brighton Highway Services Precinct Specific Area Plan.</p>  |

|   |  |
|---|--|
| <p>BRI-S3.1.3 To provide for use and development that is appropriate for, or requires, a location adjacent the Midland Highway.</p> <p>BRI-S3.1.4 To manage potential off-site amenity impacts on surrounding residential zones.</p> <p>BRI-S3.1.5 To encourage building design that positively contributes to public places.</p> |  |
|---|--|

The proposed landfill can comply with all the requirements of 7.10.3, having regard to the above table.

## 5. REFERRALS

### *Development Engineer*

The proposal was referred to Council's Development Engineer for assessment. The officers' comments are included in this report where applicable

### *TasWater*

TasWater have reviewed the proposal and have issued advice only through a Submission to Planning Authority Notice reference number TWDA 2025/00146-BTN dated 4<sup>th</sup> March 2025.

### *Tasmanian Irrigation*

The application was referred to Tasmanian Irrigation for comments. They have provided the following advice:

- Prohibition of Permanent Structures: No permanent structures are to be constructed over the TI pipeline.
- Pipeline Cover and Vehicle Loading: The TI pipeline must maintain a minimum cover of 700 mm. Any additional vehicle loading designed to traverse the pipeline must be reviewed and approved by TI. Road crossings will need to be re-engineered, if necessary, to ensure the pipeline can safely bear the proposed vehicle loads.
- No additional excess fill to be placed over the TI pipeline without direct approvals from TI.
- Pipeline Exposure: Any exposure of the TI pipeline must be conducted under the supervision of a TI representative.
- Relocation or Redesign: Above-ground air valves associated with the TI pipeline must be confirmed onsite as part of the final design. Any relocation or redesign of these valves will be at the developer's expense.
- Easement and Legislative Protection: TI assets are installed under the provisions of the Irrigation Clauses Act and may not always be covered by a registered easement.

The above advice from Tasmanian Irrigation was forwarded to the applicant and the proposal was amended to have 5m setback from the Irrigation pipeline. The amended proposal was referred back to Tasmanian Irrigation when the application was advertised and no further comments were received.

***NRE***

NRE (Water Licences and Dam Permits) has reviewed the proposal and have no objection to it.

***Environmental Protection Authority***

No referral required

**6. REPRESENTATIONS**

One (1) representation was received during the statutory public exhibition period between 12<sup>th</sup> April 2025 and 5<sup>th</sup> May 2025. The representation items are summarised in Table 1.

| <b><i>Representor's concerns</i></b>  | <b><i>Planning Response</i></b>  |
|---|--|
| <ul style="list-style-type: none"> <li>Concerns about flooding and significant overland flow during rainfall events.</li> <li>No flood assessment or report submitted by a qualified engineer.</li> <li>Development involves filling within an active overland flow path, potentially increasing flood risk to neighbouring properties.</li> <li>No geotechnical or civil engineer engaged for earthworks or drainage plans.</li> <li>Requesting Council to: <ul style="list-style-type: none"> <li>Require a flood impact assessment by a qualified engineer.</li> <li>Ensure earthworks are designed, supervised, and certified by qualified engineers.</li> <li>Withhold approval until it is proven that the development will not increase flood risk.</li> </ul> </li> </ul> | <p>The application was assessed under the Tasmanian Planning Scheme – Brighton. Each relevant development standard in the planning scheme was considered, including flood risks.</p> <p>Under Clause C12.2.4 of the C12.0 Flood-prone Areas Hazard Code of the planning scheme, the planning authority may only request a flood hazard report prepared by a suitably qualified person if there is information in its possession indicating that the land is subject to flood risk or has the potential to cause increased flood risk.</p> <p>Council's officers have assessed the proposed land fill and believe that the flood risk is unlikely to increase due to the proposal. Therefore, the Flood-prone Areas Hazard Code is not triggered, and a flood hazard report is not necessary in this case.</p> <p>The proposed works are clear of the overland flow mapping for a 1% AEP storm in the Brighton urban area, as shown in Figure 4 of Brighton Council's flood mapping. Due to the nature of the site, a minor incursion of fill into the modelled flow path will have no material impact on the flood extents. The current proposal will not increase flow from the site.</p> |

|  |   |
|--|---|
|  | <p>The construction environment management plan, included in the proposal, details the proposed fill procedure. Generally, the proposal aligns with <i>DIER Roadworks Specification R22 Earthworks</i>. The proposal pertains to filling the land for the purpose of filling only. Should the land be used for future development, additional requirements regarding the placement and compaction of fill may be necessary.</p> |
|--|---|

## 7. CONCLUSION

The proposal for **Fill & Associated Site Works** at **12, 15, 16, 17 Dylan Street, Brighton** in Tasmania, satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

### **RECOMMENDATION:**

That pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approve application DA 2024/233 for Fill & Associated Site Works at 12, 15, 16 and 17 Dylan Street, Brighton, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

#### *General*

- (1) The use 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.
- (3) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.
- (4) Stockpiling of material must only occur within the area defined for fill on the plan attached to this permit.
- (5) The development is not to cause an unreasonable nuisance to the owners or occupiers of land in the surrounding area by reason of noise, smell, fumes, dust, or other pollutants emanating from the site.
- (6) The material used for the filling of site shall meet the requirements of *Clean Fill (Type 1 and 2)* as defined by the *Environmental Management and Pollution Control Act 1994*. No disposal of putrescible waste, controlled waste and inert waste is permissible.

- (7) As so far as reasonably practicable, the developer shall make enquiries about the source of the fill and keep a record of the clean fill deposited on the land. These records shall be presented to Council for review and approval at the completion of works. Record must include:
- (a) The type of clean fill (clean fill type 1 or clean fill type 2);
  - (b) The quantity of clean fill;
  - (c) The address of the source location of the clean fill;
  - (d) The identity of the person delivering the clean fill; and
  - (e) The location where the clean fill has been received, stored, reused or disposed of on the land.
- (8) Following the completion of works the developer shall engage a registered surveyor to prepare a plan of the completed works. As a minimum the plan must:
- Record all fill levels.
  - Record the location of the top and bottom of all slopes.
  - Record batter slopes.
  - Confirm that no point on the completed batters vary from the design by more than 100mm measured normal to the batter.
  - Confirm that no point on the fill platforms vary from the design by more than 50mm.

***Advice:*** This permit only relates to the filling of the land for the purpose of filling. It does not imply, nor grant, any other approval nor consent that may be required by the Building Act, the EPA or other Authority.

#### *Erosion and Sediment Control*

- (9) A copy of the approved Erosion and Sediment Control Plan (here referred to as a 'ESCP'), attached as part of this permit, is to be kept on site for the duration of the works. The ESCP shall be enacted prior to the commencement of any construction works occurring on site.
- (10) Temporary run-off, erosion and sediment controls must be installed in accordance with the approved ESCP and must be maintained at full operational capacity to the satisfaction of Council's Director Development Services until the land is effectively rehabilitated and stabilised after completion of the development.
- (11) The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed ESCP for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's Municipal Engineer.
- (12) All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with topsoil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.



*Construction Amenity*

- (13) The developer must make good any damage to the road frontage of the development site including road, kerb and channel, footpath, and nature strip to the satisfaction of Council's Municipal Engineer.
- (14) The road frontage of the development site and Dylan Street shall be:
- (a) Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
  - (b) Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.
- In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion, existing or otherwise, may be deemed a result of construction activity and require replacement or repair to the satisfaction of Council's Municipal Engineer.
- (15) The depositing of material on the site must not occur outside the following hours:
- 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
- (16) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or 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:
- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - (b) The transportation of materials, goods and commodities to and from the land.
  - (c) Obstruction of any public footway or highway.
  - (d) Appearance of any building, works or materials.
- (17) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's General Manager.
- (18) 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 project during the construction period

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

- A. If any condition in this permit requires that further documents are to be submitted and approved, you will need to submit the relevant documentation to [development@brighton.tas.gov.au](mailto:development@brighton.tas.gov.au) for assessment pursuant to s60 of *the Land Use Planning and Approvals Act 1993*.
- B. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- C. Aboriginal Heritage Tasmania records indicate that this area may contain several Aboriginal heritage sites within the project footprint. A permit under the Aboriginal Heritage Act 1975 must be sought and obtained prior to proceeding with any works. To assist in making the application for a permit under the Act, please visit [www.aboriginalheritage.tas.gov.au](http://www.aboriginalheritage.tas.gov.au) where you can find important information and a permit application form.
- D. While the subject land does not currently contain TasWater assets or infrastructure, the proposed fill should be engineered and placed to allow for the future installation of water and/or sewer infrastructure to service future development.
- E. Any works in proximity to the Irrigation Pipeline must obtain the relevant permits from Tasmanian Irrigation.
- F. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.

**DECISION:**

*Cr Geard moved, Cr Owen seconded that the recommendation be endorsed.*

**CARRIED**

**VOTING RECORD**

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

### **13. Petitions**

Nil.

## 14. Officers Reports

### 14.1 Donation Request - Butterflies & Boots Gala Ball for Women

|                    |  |
|--------------------|--|
| <b>Attachment:</b> | Email from Butterflies & Boots Volunteer dated 13 May 2025 |
| <b>Author:</b>     | Manager Community Development (A Turvey)                   |
| <b>Authorised:</b> | Chief Executive Officer (J Dryburgh)                       |

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#### Background

Community members and volunteers Nicki Kastner and Kira Robertson, who both have lived experience of domestic violence, are planning a Gala Ball for women who have experienced domestic and family abuse and violence (DFA). This event is being held in honour of all the women and children who have experienced domestic and family abuse. It is to be an uplifting celebration of the resilience and tenacity of women and children. The aim is to nurture women who have experienced abuse and provide a safe, enjoyable space and event for them to feel wonderful, acknowledged and respected. The Gala Ball also aims to banish the shame associated with DFA and raise awareness of the impacts of DFA not just on individuals but on communities as a whole.

The volunteer organisers aim for this to become an annual event with support from not for profits and corporate sponsorship.

To make the event accessible, tickets are only \$20 each or free depending on an individual's circumstances.

Nicki and Kira have written to Council and requested a fee waiver for hire of the Brighton Civic Centre for Saturday 31 May from 9am until 11pm and this is provided as a separate report for Council's consideration.

This report relates to a request from Butterflies and Boots volunteer Ondine Adey, for a donation of \$500 to assist with catering for the event.

#### Consultation

Facilities Management Officer, Community Development Officer.

#### Risk Implications

Any donations towards catering must be stipulated as for food purchase/catering only and not for the purchase of alcoholic beverages.

#### Financial Implications

Funds of \$500 or less could be disbursed from the grants and donations budget.

#### Strategic Plan

The recommendations further the following strategies from Council's strategic plan:

1.1: Engage with and enable our community.

1.2: Build resilience and opportunity.

4.2: Be well-governed.

4.4: Ensure strong engagements and relationships to shape the agenda and advocate for our community.

### **Social Implications**

The event aims to raise awareness of domestic violence and family abuse (DFA) in our community, whilst assisting with banishing the shame associated with DFA. It is positioned as an uplifting and affirming event that provides women the opportunity to enjoy themselves in a safe place.

### **Environmental or Climate Change Implications**

Nil.

### **Economic Implications**

Nil.

### **Other Issues**

Nil

### **Assessment**

This is an inaugural event initiated by two women with lived experience of DFA. There are clear objectives of what the volunteers want to achieve for this year and into the future. The volunteers have plans to become a registered not for profit and apply for grants and sponsorship in 2026, making them less reliant on small donations and in-kind support.

### **Options**

1. As per recommendation.
  2. Other.
- 

### **RECOMMENDATION:**

That Council approves a donation of \$500 to the Butterflies and Boots volunteers for the purchase of food or catering services for the Butterflies and Boots Ball to be held on Saturday 31 May 2025. Funds to be paid from Council's grants and donations budget and payment to be made upon provision of receipts or invoices from food/catering suppliers.

This is to be recorded as a donation in Council's Annual Report in accordance with Section 77 of the *Local Government Act 1993*.

### **DECISION:**

*Cr Murtagh moved, Cr De La Torre seconded that Council approves a donation of \$500 to the Butterflies and Boots volunteers for the purchase of food or catering services for the Butterflies and Boots Ball to be held on Saturday 31 May 2025. Funds to be paid from Council's grants and donations budget and payment to be made upon provision of receipts or invoices from food/catering suppliers.*

*This is to be recorded as a donation in Council's Annual Report in accordance with Section 77 of the Local Government Act 1993.*

**CARRIED**

**VOTING RECORD****In favour****Against**

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Cr Curran

Cr De La Torre

Cr Geard

Cr Gray

Cr McMaster

Cr Murtagh

Cr Owen

Cr Whelan

## 14.2 Request for Fee Waiver for Civic Centre - Butterflies & Boots Gala Ball for Women

|                    |   |
|--------------------|---|
| <b>Attachment:</b> | Request for waiver of hire fees                 |
| <b>Author:</b>     | Admin & Facilities Management Officer (I Singh) |
| <b>Authorised:</b> | Director Corporate Services (G Browne)          |

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### Background

Nicki Kastner and Kira Robertson are organising a Gala Ball at the Civic Centre on the 31<sup>st</sup> May 2025 for women that have experienced domestic violence. Both women have been personally affected by domestic violence and would like to make a difference in this sector.

The event will be targeted at those who have experienced domestic violence and give them a place to be uplifted and nurtured in an environment surrounded by those who have also lived the experience.

As part of this event twenty ladies will be nominated to receive an afternoon of pampering which will include hair, makeup and nails professionally done also a gown, child care and transport if required.

As this is the inaugural event corporate sponsorship has not been obtained, and the event organisers are relying on donations and offers of volunteer support to make this happen.

Ticket prices are a nominal twenty dollars and will provide the funding for refreshments, transport and childcare on the night.

### Consultation

Director Corporate Services

### Risk Implications

The hire of the whole Civic Centre reduce availability for other paid bookings. Waiving fees could set a precedent for other community-based groups to request similar concessions.

### Financial Implications

The organisers for Butterflies and Boots are requesting the Council to waive the \$481 hire fee for the day.

### Strategic Plan

This request aligns with Councils Strategic Goals:

Goal 1.1 – Engage with and enable our community

Goal 1.2 – Build resilience and opportunity.

Goal 1.3 – Ensure attractive local areas that provide social, recreational, and economic opportunity.

Goal 1.4 – Encourage a sense of pride, local identity, and engaging activities.

### Social Implications

By providing the venue for an event such as this, it will give women a safe, enjoyable space for them to enjoy themselves for the night after experiencing the trauma of domestic violence. It will also give them a chance to interact with other women that have gone through the same experiences as them and gives women a voice to raise awareness to help someone else.

### Environmental or Climate Change Implications

N/A

### Economic Implications

N/A

### Other Issues

NIL

### Assessment

Granting a fee waiver for the Civic Centre for this event would enable the organisers to allocate the revenue generated from ticket sales towards providing an enjoyable evening for women who have experienced trauma.

### Options

1. As per recommendation.
2. Refuse to waive hire fees and apply only a 50% discount as typically granted to similar groups.
3. Not waive the fees.

---

### **RECOMMENDATION:**

That Council approves a hire fee waiver of \$421 for the Butterflies and Boots Gala Ball for the 31<sup>st</sup> May 2025 at the Civic Centre.

This waiver of fees is to be recorded as a donation in Council's Annual Report in accordance with Section 77 of the *Local Government Act 1993*.

### **DECISION:**

*Cr Curran moved, Cr Geard seconded that Council approves a hire fee waiver of \$421 for the Butterflies and Boots Gala Ball for the 31<sup>st</sup> May 2025 at the Civic Centre.*

*This waiver of fees is to be recorded as a donation in Council's Annual Report in accordance with Section 77 of the Local Government Act 1993.*

**CARRIED**

### VOTING RECORD

| In favour      | Against |
|----------------|---------|
| Cr Curran      |         |
| Cr De La Torre |         |
| Cr Geard       |         |



Cr Gray  
Cr McMaster  
Cr Murtagh  
Cr Owen  
Cr Whelan

### 14.3 Risk Appetite Statements - Strategic Risks

|                    |   |
|--------------------|---|
| <b>Attachment:</b> | Marsh Risk Appetite Report                    |
| <b>Author:</b>     | Executive Officer Risk & Property (M Braslin) |
| <b>Authorised:</b> | Director Corporate Services (G Browne)        |

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#### Background

The purpose of this report is to review the Risk Appetite Statements of the 10 Strategic Risks which were adopted at the Ordinary Council Meeting held in April 2024.

The Risk Appetite Statements for Brighton Council are based on the amount of risk that the Council is willing to take, retain or accept in pursuit of its objectives over the life of the current Strategic Plan period. Appetites for risk can vary across the different operations in pursuit of Strategic Objectives. Therefore, Council's Risk Appetite Statements have been developed by senior staff and Councillors against each of Council's Strategic Risk Categories with the assistance of Marsh Consulting.

#### Consultation

Senior Management Team

#### Risk Implications

Inadequate risk management can result in non-compliance with legal and regulatory requirements. Appropriately considered and determined risk appetite is another important high-level tool to assist council in its decision making.

#### Financial Implications

Uncertain risk appetite can impact financial planning and budgeting.

#### Strategic Plan

Goal 1 Inspire a proud community that enjoys a comfortable life at any age.

1.2 Build resilience and opportunity

Goal 4 Ensure a progressive, efficient, and caring Council.

4.1 Be big picture, long-term and evidence-based in our thinking

4.2 Be well-governed, providing quality service and account

4.4 Ensure financial and risk sustainability

#### Social Implications

The consequences of risk mismanagement can extend to the community. For example, failure to adequately assess and mitigate risks related to public safety or environmental concerns can lead to harm to individuals or communities, damaging social cohesion and trust in the council's ability to protect and serve the public interest.

## Environmental or Climate Change Implications

Having a Risk Appetite Statement for the strategic risk category 'Environment, Heritage and Sustainability' will help to guide decisions made relating to this risk category.

## Economic Implications

Reviewing Councils risk appetite statements is essential for council to enhance economic resilience, promote sustainable growth, and safeguard their financial interests.

## Other Issues

Nil.

## Assessment

Developing and implementing a robust risk appetite statement is essential for councils to enhance resilience, clearly guide decision-making, and achieve their strategic objectives effectively.

Council's goals or operations evolve, its willingness and capacity to take risks may shift. The risk appetite must stay aligned with strategic objectives there for the need for regular review.

Risk appetite statements can assist councils to make decisions around innovation, growth, as well as assist in the council's ability to adapt to changing circumstances or seize strategic opportunities.

## Summary of Councils Risk Appetite Position on 10 Strategic Risk Categories:

| Risk Category                          | Avoid     | Resistant | Accept    | Receptive |
|--|-----------|-----------|-----------|-----------|
| Financial Management                   |           | Primary   | Secondary |           |
| People & Culture                       |           | Primary   | Secondary |           |
| Health & Safety                        | Primary   |           |           |           |
| Reputational                           |           | Primary   | Secondary |           |
| Environment, Heritage & Sustainability |           |           | Primary   |           |
| Governance, Legal & Compliance         | Primary   |           |           |           |
| IT & Cybersecurity                     | Secondary | Primary   |           |           |
| Infrastructure & Asset Management      |           | Primary   | Secondary |           |
| Business & Service Delivery            |           | Primary   | Secondary |           |
| Strategic Projects                     |           |           | Primary   | Secondary |

## Risk Appetite Levels and Definitions:

| AVOID  | RESISTANT  | ACCEPT  | RECEPTIVE  |
|--|--|---|--|
| (little-to-no appetite)  | (small appetite)   | (medium appetite)   | (larger appetite)  |
| Avoidance of adverse exposure to risks even when outcome benefits are higher | A general preference for safer options with only small amounts of adverse exposure | Options selected based on outcome delivery with a reasonable degree of protection | Engagement with risks based more on outcome benefits than potential exposure |

Best practice is to review the Risk Appetite Statements thoroughly at least on an annual basis and also every time there is a substantial shift in Brighton Council's operating environment.

Reviewing Risk Appetite Statements will help Council to continue an upward trajectory towards risk management maturity, and ultimately facilitate a capability for robust, repeatable, and consistent quality decision-making.

### Options

1. As per the recommendation.
2. Do not adopt the recommendation.
3. Other

### **RECOMMENDATION:**

That Council maintains the existing Risk Appetite Statements for Councils 10 Strategic Risk categories for the upcoming year without any modifications.

### **DECISION:**

*Cr Whelan moved, Cr De La Torre seconded that Council maintains the existing Risk Appetite Statements for Councils 10 Strategic Risk categories for the upcoming year without any modifications.*

**CARRIED**

### VOTING RECORD

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

*Cr Whelan declared an interest in Item 14.4 and left the meeting at 5.56 pm.*

## **14.4 Hobart Gymnastics Academy, Hurst Street, Bridgewater - Rent Reduction Extension**

**Author:** Executive Officer Risk & Property (M Braslin)

**Authorised:** Chief Executive Officer (J Dryburgh)

---

### **Background**

A decision was made at the February 2024 Ordinary Council Meeting to reduce the rent to 50% payable by the Hobart Gymnasium Academy (HGA) for a 12-month period. During this time Council was to explore opportunities with HGA with the goal to develop a new purpose-built gym facility in the Brighton municipality.

To date Council has received funding for the Gymnasium Facility Feasibility Study.

Council have identified a preferred site location on the existing Jordan River Learning Federation land (between the school and TAFE).

Due diligence investigations have been completed, including planning assessments, geotechnical studies, high-level traffic assessments, and contaminated land investigations. These have confirmed the site is suitable for the proposed facility.

The project is now with Active Tasmania, who are engaging with Ministers to initiate the formal process of transferring the land for the new Gymnastics facility.

A business case for the Gymnastics Centre has also been completed. Based on this, the estimated construction cost is approximately \$8 million. The State Government has committed \$2.5 million towards the project.

Although progress has been made regarding the opportunities, we still have more to explore. Some further work will be required utilising government funds to get the project to grant ready status. It is reasonable to continue the reduced rent as we continue collaboration on a longer-term solution.

### **Consultation**

CEO, Senior Project Engineer

### **Risk Implications**

Low risk of a possible business failure. Risk of not receiving enough funding to complete the project.

### **Financial Implications**

50% rent reduction of the current rent amount of \$65,857 (exclusive of GST).

### **Strategic Plan**

Goal 1 Inspire a proud community that enjoys a comfortable life at any age (1.3)

Goal 2 Ensure a sustainable environment (2.4)

### Goal 3 Manage infrastructure and growth effectively (3.3)

#### Social Implications

The Gymnasium serves as a hub for social interaction and community engagement in our community, it being one of the biggest sporting clubs in the municipality.

Communities that participate in sport and recreation develop strong social bonds, are safer places and the people who live in them are generally healthier and happier than places where physical activity isn't a priority.

#### Environmental or Climate Change Implications

No significant climate or environmental-related issues. Any tenant will be required to engage in activities to promote sustainable living behaviours.

#### Economic Implications

Not applicable

#### Other Issues

Nil.

#### Assessment

Given the ongoing discussion for future plans for the Gymnasium it is reasonable to extend the discounted rent period again.

#### Options

1. As per the recommendation.
2. Do not adopt the recommendation.
3. Other

---

### **RECOMMENDATION:**

That Council approves a further 12 month extension of the 50% rent discount for Hobart Gymnastics Academy (backdated to March 2025), while continuing to explore options for a new facility.

### **DECISION:**

*Cr De La Torre moved, Cr Owen seconded that Council approves a further 12 month extension of the 50% rent discount for Hobart Gymnastics Academy (backdated to March 2025), while continuing to explore options for a new facility.*

**CARRIED**

#### VOTING RECORD

| In favour | Against |
|-----------|---------|
|-----------|---------|

|                |  |
|----------------|--|
| Cr Curran      |  |
| Cr De La Torre |  |
| Cr Geard       |  |
| Cr Gray        |  |

Cr McMaster  
Cr Murtagh  
Cr Owen

*Cr Whelan returned to the meeting at 6.00 pm.*

## 14.5 Dog Registration & Kennel Licence Fees 2025/2026

**Author:** Director Corporate Services (G Browne)

---

### Background

Under Brighton's Dog Management Policy, Council is required to adopt dog registration and kennel licence fees annually.

Currently the fee structure is set so that dogs registered after the due date of 31<sup>st</sup> July attracts an additional \$15.00 to those that are registered prior to this date. This fee structure has led to confusion and disputes with dog owners, particularly when payments are made during the early days of August. It also means that there is a great deal of administration time and resources spent chasing up the extra \$15.00 that the dog owner owes, if they pay by alternate means.

It is proposed that for the 2025/2026 financial year, Council adopts a "one fee" payment. This aims to eliminate confusion for dog owners and allows administrative efforts to be redirected towards other essential tasks.

Based on the current fee structure and payment estimates for the 2025/2026 year, the revenue is expected to align with that of previous years. There will be a requirement for a minor change to the Dog Management Policy (Policy 4.8) to reflect these changes.

### Consultation

Director Governance & Regulatory Services

### Risk Implications

Nil.

### Financial Implications

Not Applicable.

### Strategic Plan

Goal 4: Ensure a progressive efficient and caring Council.

4.4 Ensure Financial & Risk Sustainability

4.2 Be well-governed, providing quality service and accountability to our community.

### Social Implications

Not Applicable.

### Environmental or Climate Change Implications

Not Applicable.

### Economic Implications

Not Applicable.



## Other Issues

Nil.

## Assessment

As briefed at the workshop held on the 6<sup>th</sup> May 2025, a minor amendment to Council's Dog Management Policy (Policy 4.8) will need to be endorsed. Removal of wording from Section 6.3 in the policy is required - *"During this time discounts apply to the fees for each relevant registration category. Full fees apply following 31<sup>st</sup> July each year"*. The Dog Management Policy is due for review in January 2026.

A comparison between the current (2024-2025) and proposed dog registration and kennel licence fees for the 2025-2026 financial year are as follows:

| DOG REGISTRATIONS                                | CURRENT<br>2024-25     | FULL RATE<br>2024-25      | PROPOSED RATE<br>2025-2026 |
|--|------------------------|---------------------------|----------------------------|
|  | <i>Paid by July 31</i> | <i>Paid after July 31</i> |                            |
| Domestic Dog (desexed)                           | \$41.00                | \$56.00                   | \$45.00                    |
| Domestic Dog (not desexed)                       | \$99.00                | \$114.00                  | \$105.00                   |
| Working Dog                                      | \$59.00                | \$74.00                   | \$60.00                    |
| TGRB registered Greyhound                        | \$59.00                | \$74.00                   | \$60.00                    |
| Pure Bred Dog kept for breeding                  | \$59.00                | \$74.00                   | \$60.00                    |
| Dangerous Dog<br><i>(declared under the Act)</i> | \$570.00               | \$570.00                  | \$600.00                   |
| Assist Dog                                       | \$0.00                 | \$0.00                    | \$0.00                     |

The following concession rates can apply to **ONE** dog only per owner and a Pensioner Concession Card or Health Care Card must be sighted at the time of payment.

| CONCESSION RATES           | CURRENT<br>2024-2025   | FULL RATE<br>2024-2025    | PROPOSED RATE<br>2025-2026 |
|----------------------------|------------------------|---------------------------|----------------------------|
|                            | <i>Paid by July 31</i> | <i>Paid after July 31</i> |                            |
| Domestic Dog (desexed)     | \$35.00                | \$50.00                   | \$40.00                    |
| Domestic Dog (not desexed) | \$64.00                | \$79.00                   | \$65.00                    |

Renewal of kennel licences and other related dog/animal fees are as follows:-

| KENNEL<br>LICENCES &<br>FEES       | CURRENT<br>2024-2025   | FULL RATE<br>2024-2025    | PROPOSED RATE<br>2025-2026 |
|------------------------------------|------------------------|---------------------------|----------------------------|
|                                    | <i>Paid by July 31</i> | <i>Paid after July 31</i> |                            |
| New & Renewal                      | \$150.00               | \$160.00                  | \$190.00                   |
| Dog Complaint<br>Fee – Reimbursed  | \$100.00               | \$100.00                  | \$100.00                   |
| Replacement Tags                   | \$5.00 each            | \$5.00 each               | \$5.00 each                |
| Animal Agistment<br>Fee            | \$50.00 per day        | \$50.00 per day           | \$50.00 per day            |
| Reclaim Fees from<br>the Dogs Home | \$80.00 per dog        | \$80.00 per dog           | \$80.00 per dog            |

### Options

1. As per the recommendation.
2. That Council does not adopt the Animal Control Fees for the 2025-2026 financial year.

### **RECOMMENDATION:**

That Council

- A. adopts the proposed Animal Control Fees for the 2025-2026 financial year, as listed in the report; and
- B. endorses a minor amendment to Section 6.3 of the Dog Management Policy (Policy 4.8) i.e. removing the words *“During this time discounts apply to the fees for each relevant registration category. Full fees apply following 31<sup>st</sup> July each year.”*

### **DECISION:**

*Cr De La Torre moved, Cr Owen seconded that Council*

- A. *adopts the proposed Animal Control Fees for the 2025-2026 financial year, as listed in the report; and*
- B. *endorses a minor amendment to Section 6.3 of the Dog Management Policy (Policy 4.8) i.e. removing the words “During this time discounts apply to the fees for each relevant registration category. Full fees apply following 31<sup>st</sup> July each year”.*

**CARRIED**

### VOTING RECORD

| In favour | Against |
|-----------|---------|
|-----------|---------|

|                |  |
|----------------|--|
| Cr Curran      |  |
| Cr De La Torre |  |
| Cr Geard       |  |
| Cr Gray        |  |
| Cr McMaster    |  |

Cr Murtagh  
Cr Owen  
Cr Whelan

## 14.6 Budget 2025-2026

**Attachment:** Draft Budget 2025-2026  
**Author:** Director Corporate Services (G Browne)

---

### Background

The draft 2025-2026 Budget and Fees & Charges Register has been provided to all Councillors. The budget workshop has been undertaken and the draft budget has been completed in accordance with the Councillors' demands and it is now ready to be adopted in principle.

### Consultation

Councillors & Senior Management

### Risk Implications

Nil.

### Financial Implications

As per the budget.

### Strategic Plan

Goal 3 : Manage Infrastructure and growth effectively

Goal 4.4: Ensure Financial & Risk Sustainability

### Social Implications

Considered within the budget.

### Environmental or Climate Change Implications

Considered within the budget.

### Economic Implications

Considered within the budget.

### Other Issues

Nil.

### Assessment

In accordance with the *Local Government Act 1993*, the budget may not be adopted more than one month before the start of that financial year. It is intended that the budget be adopted in principle only.

### Options

1. As per the recommendation.
  2. Review the budget and make further changes prior to adoption in principle.
-

## **RECOMMENDATION:**

That Council adopts the 2025-2026 budget in-principle.

## **DECISION:**

*Cr Owen moved, Cr Whelan seconded that Council adopts the 2025-2026 budget in-principle.*

**CARRIED**

### **VOTING RECORD**

| <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Curran        |                |
| Cr De La Torre   |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr McMaster      |                |
| Cr Murtagh       |                |
| Cr Owen          |                |
| Cr Whelan        |                |

## 14.7 Submission on the New Youth Justice Facility Masterplan and Youth Justice Facility Development Bill 2025

**Attachment:** Attachment 1 – New Youth Justice Facility Masterplan  
Attachment 2 – Youth Justice Facility Development Bill 2025  
Attachment 3 – Draft Response to Masterplan  
Attachment 4 – Draft Response to Bill

**Author:** Director Development Services (A Woodward)

---

### Background

In September 2021, the State Government announced the closure of Ashley Youth Detention Centre, to be replaced with a new facility. In 2023, feedback on two shortlisted sites (Pontville and Risdon) was sought from stakeholders and the community. Based on this feedback and the Commission of Inquiry's final report, 466 Brighton Road, Pontville, was selected as the preferred site. It is noted that this site is located within the Southern Midlands Council's municipal boundary.

On the 6<sup>th</sup> April 2025, the State released a copy of the masterplan for the site for feedback. In addition to this an announcement was made that a *Youth Justice Facility Development Bill 2025* (the Bill) had been developed to fast track the approval process. The consultation for both items will close on the 25<sup>th</sup> May 2025. The Bill will then be debated in parliament on the 27<sup>th</sup> May 2025.

### The Masterplan

The State has outlined that:

*The purpose of the Facility is to provide:*

- *A safe, secure and rehabilitative facility for children and young people.*
- *A facility where healing and wellbeing is the primary focus.*
- *An environment where children and young people are supported to address their offending behaviour and successfully return to the community as positive, contributing members of society.*
- *An environment where children, young people, staff and visitors feel safe and supported.*
- *The community with confidence that children and young people in detention are in a safe, purpose-built facility that provides a high standard of care and rehabilitation support.*

*The Facility will be built at 466 Brighton Road, Pontville, with access off Rifle Range Road. Rifle Range Road will be upgraded to support this use.*

*The Facility will provide an environment where children and young people experience the highest standards of child centred, rights-based and therapeutic care. It will also provide them with education, services and opportunities that support them to enhance connections and return successfully to the community.*

*The Facility will have a non-institutional feel and be low-lying in the landscape. A 'Building as Perimeter' model has been adopted. This means views from within the buildings and houses in the Facility will have clear sight lines to the surrounding rural land and the hills forming the valley in which it sits.*

*The large site (~32ha) allows the Facility to sit approximately 150m away from surrounding uses. It is expected that the open space around the Facility will continue to be used as horse grazing land. This provides further opportunity for windows from the facility to look directly out to the landscape.*

*The design of the Facility is being guided by a Model of Care which adopts evidence-based trauma-informed principles to provide a therapeutic environment that acknowledges the trauma histories that exist for many of the children and young people in the youth justice system.*

*The safety, both physical and psychological, of children and young people, staff and neighbours will be at the forefront as the design for the Facility progresses.*

*The masterplan delivers:*

- *Sixteen residential beds, plus two treatment beds in the health centre and two orientation beds in the admissions area (20 in total). The sixteen residential beds will be delivered in two four-bed houses, two three-bed houses and two single bed studios (for transition of care or individual specialised care).*
- *A health centre providing health and mental health support.*
- *Education and outdoor recreation facilities.*
- *A cultural centre and garden. This will provide greater opportunity for connection to family, community and country.*

*The site will be protected by both physical and electronic security systems."*

## **The Bill**

The Bill essentially provides for the accelerated delivery of the facility. A copy of the Bill can be found in [Attachment 2](#). The key components of the Bill are as follows:

- A section that covers the declaration of the project such that the Act will only apply to development:
  - for the purpose of constructing a youth justice facility for, or on behalf of, the State
  - up to a certain size (both floor area and height)
  - where appropriate setbacks are provided
  - where on-site waste water treatment is below a certain threshold
- A section emphasising that the *Aboriginal Heritage Act 1975* applies to the project and that all works performed on the relevant site, or adjacent land, in relation to the declared project are to be performed in a manner that minimises, as far as is practicable, the impact on Aboriginal heritage.

- A section allowing for the Minister to direct the Recorder of Titles to create, amend, re-arrange or extinguish a folio of the Register in relation to land that is affected, directly or indirectly, by the declared project to facilitate adhesion of the 466 Brighton Road title (the site) and the 36 Rifle Range Road title (for the access road).
- A section providing for assessment to be undertaken under the Land Use and Planning Approvals Act 1993 but providing for certainty of the outcome of such an assessment by not allowing the Planning Authority to refuse the development, nor for there to be third party appeals.
- A section providing certainty to the construction commencement date by removing the need for notifications prior to protection work being undertaken under the Building Act 2016 as well as removing the ability for disagreements on protection works to delay construction.
- A section providing for a resolution of both Houses of Parliament such that the project would be exempt from the Public Works Committee Act 1914.

### **Consultation**

A workshop was held with Council on the 6<sup>th</sup> May 2025 and the Masterplan was presented by members of the project team.

### **Risk Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Plan**

- 4.1 Be big picture, long-term and evidence based in our thinking.
- 4.2 Be well-governed, providing quality service and accountability
- 4.3 Ensure strong engagements and relationships to shape the agenda and advocate for our community

### **Social Implications**

Nil

### **Environmental or Climate Change Implications**

Nil

### **Economic Implications**

Nil

### **Other Issues**

Nil



## Assessment

Officers have reviewed both documentation and have formed a position which is outlined below.

### *The Masterplan*

The Masterplan appears to be well designed and goes towards achieving the purpose statements. Regarding impacts on Brighton Council area, the key issues that arise are access via Rifle Range Road (council owned), stormwater management and the potential impact on neighbouring uses.

Rifle Range Road has low traffic volumes as it services only a handful of properties, with the main traffic generator currently being Tasmanian Botanics. The proposed Youth Justice Facility will likely generate a significant portion of total traffic movements to and from Rifle Range Road during construction and once operational. It is expected that some upgrades to Rifle Range Road including widening, intersection upgrades, extending the seal, roadside drainage and pedestrian path will be required. The application will likely require Council CEO consent as it will involve works on Council's land (road reservation). Council will be able to use this process to ensure best outcomes for Council and its residents.

It has been raised with the project team that there is potential to be land use conflict with the existing Tasmanian Botanics, a medicinal cannabis farm. Council has been made increasingly aware of localised odour in the area from the production of crops, particularly as they mature in the warmer months. As this facility will be considerably closer than other sensitive uses, it is believed that this is an issue that will need consideration. It is understood that an odour assessment will be undertaken, however it is not yet fully understood what the potential impact would be and if it would have the potential to impact on the current operations at Tasmanian Botanics.

It is recommended that Council submit feedback to the Tasmanian Government in the form of [Attachment 3](#).

### *The Bill*

The Bill has been drafted to expediate the assessment and make the approval of the facility mandatory. Officers are not supportive of this approach as it undermines confidence in the Tasmanian Planning system and ignores natural justice principals. The rationale for the decision is due to timeframes, however the initial announcement of the closure was in 2021 and then the site was selected in 2023. It is not considered appropriate that good planning practices be removed for reasons of time delays.

As mentioned previously, the potential odour from the nearby Tasmanian Botanics is a cause for concern. If an odour report comes back identifying this as a significant issue, this will mean that the application will need to be approved knowing that there is an issue.

Further to this, removing appeal rights is contrary to the objectives of the Resource Management and Planning System of Tasmania, which encourages public involvement in resource management and planning.

Given the above issues, it is recommended that Council submit a feedback on the Bill (in the form of [Attachment 4](#)) to the government and members of Parliament outlining these issues.

## Options

1. As per the recommendation.
  2. As per the recommendation with amendments.
  3. Other.
-

**RECOMMENDATION:**

That Council

1. Make a submission on the new Youth Justice Facility Masterplan as per Attachment 3.
2. Make a submission to the Minister and all members of Parliament on the Youth Justice Facility Development Bill 2025 as per Attachment 4.

**DECISION:**

*Cr Whelan moved, Cr De La Torre seconded that Council*

1. *Make a submission on the new Youth Justice Facility Masterplan as per Attachment 3.*
2. *Make a submission to the Minister and all members of Parliament on the Youth Justice Facility Development Bill 2025 as per Attachment 4.*

**CARRIED**

**VOTING RECORD**

| <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Curran        |                |
| Cr De La Torre   |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr McMaster      |                |
| Cr Murtagh       |                |
| Cr Owen          |                |
| Cr Whelan        |                |

## 15. Questions on Notice

*There were no Questions on Notice for the May meeting.*

Meeting closed: 6.16pm

Confirmed: \_\_\_\_\_  
(Mayor)

Date: 17 June 2025  
\_\_\_\_\_



Tasmanian  
Government

Minister for Infrastructure  
Minister for Local Government

Level 1, 7 Franklin Wharf, HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Email: Minister.Vincent@dpac.tas.gov.au

06 JUN 2025

Mayor Leigh Gray  
Brighton Council

cr.gray@brighton.tas.gov.au

Dear Mayor *LEIGH*

I am writing to you in relation to the Government's Priority Reform Program and future direction.

As Minister for Local Government, I am committed to undertaking the biggest reforms the sector has seen in 30 years.

My goal has always been to lift integrity, professionalism, performance and leave local councils in the best position possible to support Tasmanians.

The Premier, the Hon Jeremy Rockliff MP, gave me clear direction to deliver a strong plan to do this work, and the entire sector has played a significant role in developing a pathway forward broader than the recommendations contained in the Future of Local Government Review.

I acknowledge the actions which have taken place in Parliament have been unsettling for all Tasmanians and leave us in uncertain times. The State Budget, which has yet passed, was set to allocate additional funding for the Office of Local Government to continue to progress our important reforms.

After 12 years as a Mayor, I accepted the opportunity to run for State politics thinking I could make a positive difference to the local government sector. Regrettably, the situation we find ourselves in mean these long-awaited reforms could be lost. But rest assured, I will continue fighting to improve our sector and deliver lasting changes which place local government in a stronger position.

My commitment to the sector and to working with the Local Government Association of Tasmania is undying and driven to ensure our local councils can serve their communities well now, and into the future.

Thank you for your support and I look forward to continuing to work together to deliver our bold reform program.

Yours sincerely

Hon Kerry Vincent MLC  
Minister for Local Government

## BRIGHTON COUNCIL AUDIT PANEL MEETING

### MINUTES - FINAL

Date: 14<sup>th</sup> March 2025  
Venue: 1 Tivoli Road Old Beach  
Time: 10.09am

#### 1. ATTENDANCE

Ric De Santi (Chair) (Arrived at 10.34am), David Strong (Acted Chair from 10.09am to 10.34am), Councillor Phil Owen, James Dryburgh, Gillian Browne, Derek Burns TAO & Harry Batt TAO (Teams attendance 10.44am to 10.56am)

#### APOLOGIES

Councillor Peter Geard

#### 2. ACKNOWLEDGEMENT OF COUNTRY:

#### 3. DECLARATION OF INTEREST:

##### 3.1 Declaration of Interest

| Person and/or Organisation with Interest                           | Nature of Conflict of Interest | Perceived/Potential/Actual | Date of Declaration |
|--|--------------------------------|----------------------------|---------------------|
| Ric De Santi   |                                |                            |                     |
| Audit Panels - Glenorchy, GSB, Sorell & Launceston                 | Chair & Panel Member           | Perceived                  | 25/5/23             |
| Catholic Education Commission of Tasmania                          | Deputy Chair                   | Potential                  | 25/5/23             |
| Tas Community Fund   | Board Member                   | Potential                  | 25/5/23             |
| Department of Treasury & Finance - Audit Risk Management Committee | Chairperson                    | Potential                  | 1/7/24              |
| Valuer General Tender Evaluation Committee                         | Chairperson                    | Potential                  | 14/3/25             |

|   |                  |           |         |  |
|---|------------------|-----------|---------|--|
| <b>Councillor Peter Geard</b>                               |                  |           |         |  |
| Local Government Association                                | State Fire Rep   | Perceived | 25/5/23 |  |
| Brighton SES  | Unit Manager     | Potential | 25/5/23 |  |
| Southern Poultry Association                                | Patron           | Potential | 25/5/23 |  |
| Tea Tree Hall   | Wife is a Member | Potential | 18/8/23 |  |
| <b>Councillor Phil Owen</b>                                 |                  |           |         |  |
| Old Beach Neighbourhood Watch                               | Member           | Potential | 25/5/23 |  |
| Old Beach Foreshore Group                                   | Member           | Potential | 25/5/23 |  |
| Voluntary Roles in other Community Groups                   |                  | Potential | 25/5/23 |  |
| Jordan River Learning Federation School, School Association | Chair            | Potential | 14/3/25 |  |
| <b>David Strong</b>   |                  |           |         |  |
| Audit Panel Tasman Council                                  | Chair            | Perceived | 18/8/23 |  |
| Tassie Flying Paws Dog Club                                 | President        | Potential | 18/8/23 |  |
| Tasmanian Canine Association (Tas Dogs)                     | Member           | Potential | 18/8/23 |  |
| Audit Panel Member Sorell Council                           | Member           | Potential | 15/3/24 |  |
| Workplace Standards Tasmania                                | Contractor       | Potential | 14/3/25 |  |
| Audit Panel Derwent Valley Council                          | Member           | Perceived | 14/3/25 |  |

### **General Manager's Declaration**

The General Manager declared no knowledge of any impending legal actions, legislation breaches or any actual or suspected fraud occurrences within the organisation since last reported to the panel.

#### **4. CONFIRMATION OF MINUTES FOR MEETING HELD ON 8<sup>th</sup> November 2024.**

Minutes confirmed as correct.

#### **5. ACTIONS ARISING FROM PREVIOUS MEETING**

- See Listing

#### **6. GENERAL MANAGERS – EMERGING RISKS**

- Currently working through Budget, Rates Revenue & 10 year plan
- Councilwise sale to Readytech
- Success in grant applications
- Increasing involvement with Greater Hobart Council
- Currently challenging to deal with State Government on issues
- Global Environment and waiting for the effects to trickle down to local level.

#### **7. GENERAL BUSINESS**

##### **Financial**

- Tasmanian Audit Office – Auditors addressed the panel on the MOAF
- Review Asset Management Plan & Policies – Director Asset Services to present - Deferred
- Quarterly December Financial Report – Overview given by Director Corporate Services. No issues of significance to note.
- Report of Auditor General Volume 3 Local Government – For information

##### **Risk Management**

- Council decisions made against recommendation - Nil
- Legal Claims – Trip claim that has been referred to the supreme court still ongoing
- Update on Risk management – report given to members & update provided by Jack Jankus
- Suspected cases of Fraud or illegal & unethical behaviour - Nil

##### **Legislative Compliance**

- Regulatory Update – Various changes implemented by Ministers that Council is trying to keep up with.
- Any identified breaches of legislative requirements - Nil

##### **Other business**

Nil

Action Item Review – Internal & Audit Finding

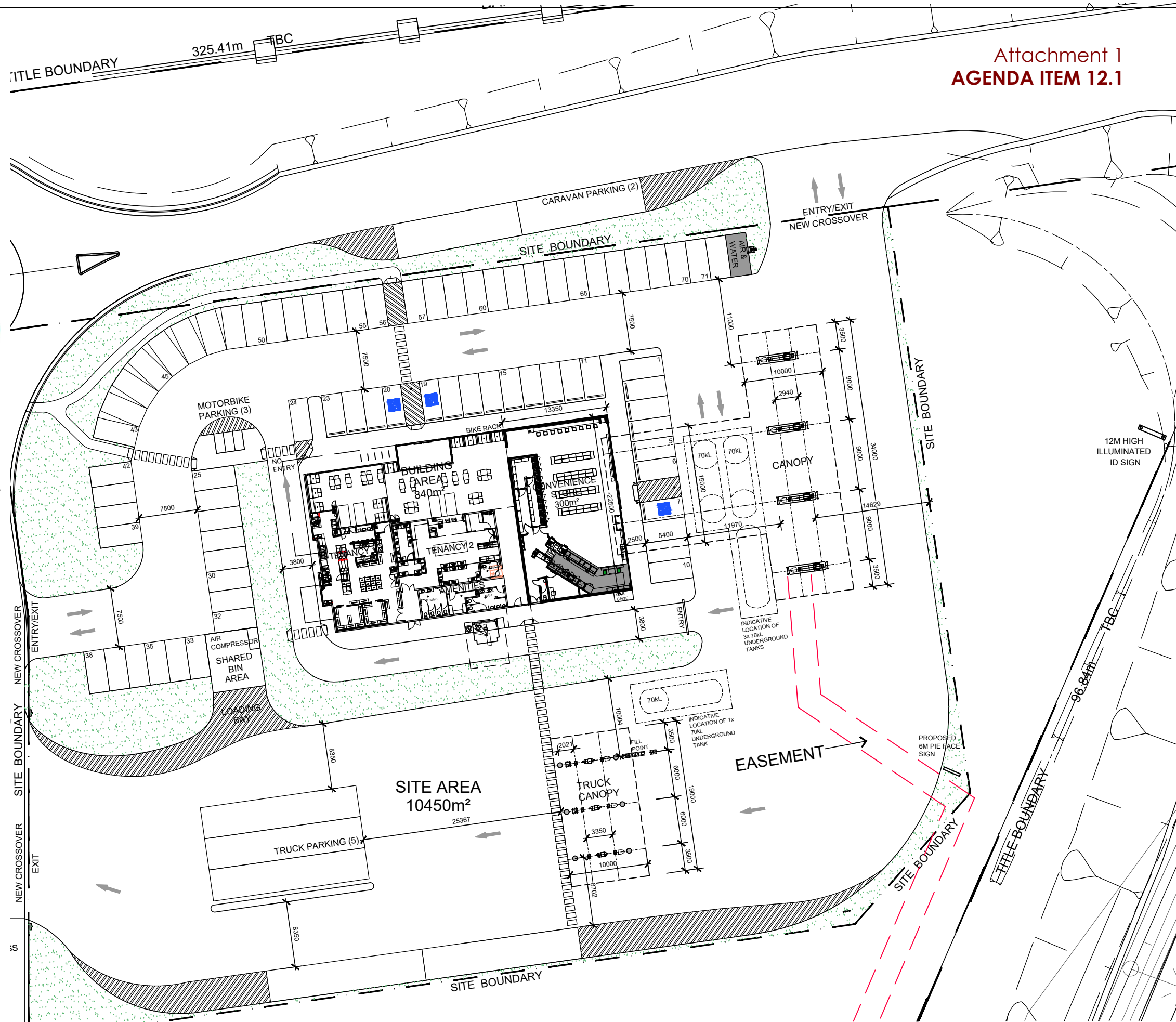
- See Listing

#### **8. NEXT MEETING – 16<sup>th</sup> May 2025**

Meeting Closed at 11.30am



| DEVELOPMENT SCHEDULE |                |
|----------------------|----------------|
| DESCRIPTION          | M <sup>2</sup> |
| CANOPY               | 615            |
| TRUCK CANOPY         | 190            |
| CONVENIENCE STORE    | 300            |
| TENANCY 1            | 200            |
| TENANCY 2            | 340            |
| CARPARKS             | 71             |
| <b>SITE AREA</b>     | <b>10,450</b>  |



| REV. | BY | AMENDMENT          | DATE       |
|------|----|--------------------|------------|
| A    | AA | FIRST ISSUE        | 12/04/2018 |
| B    | AA | SITING AMENDMENTS  | 15/05/2018 |
| C    | AA | SITING AMENDMENTS  | 22/05/2018 |
| D    | AA | SITING AMENDMENTS  | 24/10/2018 |
| E    | AA | SITING AMENDMENTS  | 30/10/2018 |
| F    | HQ | STORE AMENDMENTS   | 19/02/2020 |
| G    | SB | COUNCIL AMENDMENTS | 14/04/2025 |
| H    | SB | COUNCIL AMENDMENTS | 15/05/2025 |

DRAWING PRODUCED ON CAD SYSTEM.  
NOTED DIMENSIONS SHALL BE TAKEN IN PREFERENCE TO SCALING.  
DO NOT SCALE OR AMEND BY HAND.  
VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION OR QUOTE.  
UPON RECEIPT OF UPDATED PLANS DISCARD PREVIOUS VERSIONS.

THIS DRAWING IS CONFIDENTIAL AND IS NOT TO BE REPRODUCED IN ANY FORM, IN WHOLE OR IN PART, WITHOUT EXPRESS WRITTEN AUTHORITY OF THE ABOVE COMPANY, AND IS NOT TO BE USED IN ANY MANNER PREJUDICIAL TO THE INTERESTS OF THAT COMPANY. COPYRIGHT ALL RIGHTS RESERVED.

|  |                  |
|--|------------------|
| NAME: HQ                                     | DATE: April 2018 |
| SCALE @A3: 1:500                             | SHEET: 1 OF 6    |
| ADDRESS:<br>MIDLAND HIGHWAY<br>BRIGHTON, TAS |                  |

|                            |   |
|----------------------------|---|
| DWG No:<br><b>DG01a</b>    | DRAWING NAME:<br>BRIGHTON SITE PLAN(26.02.20).dwg |
| TITLE:<br><b>SITE PLAN</b> |   |

UNITED PETROLEUM PTY.LTD  
600 GLENFERRIE ROAD HAWTHORN, VICTORIA 3122  
TELEPHONE 03 9413 1400 FACSIMILE 03 9413 1401

DRAWING PATH:  
s:\constructioncad\04\_tasmania\brighton\brighton site plan(26.02.20).dwg

|      |          |
|------|----------|
| REV: | <b>H</b> |
|------|----------|

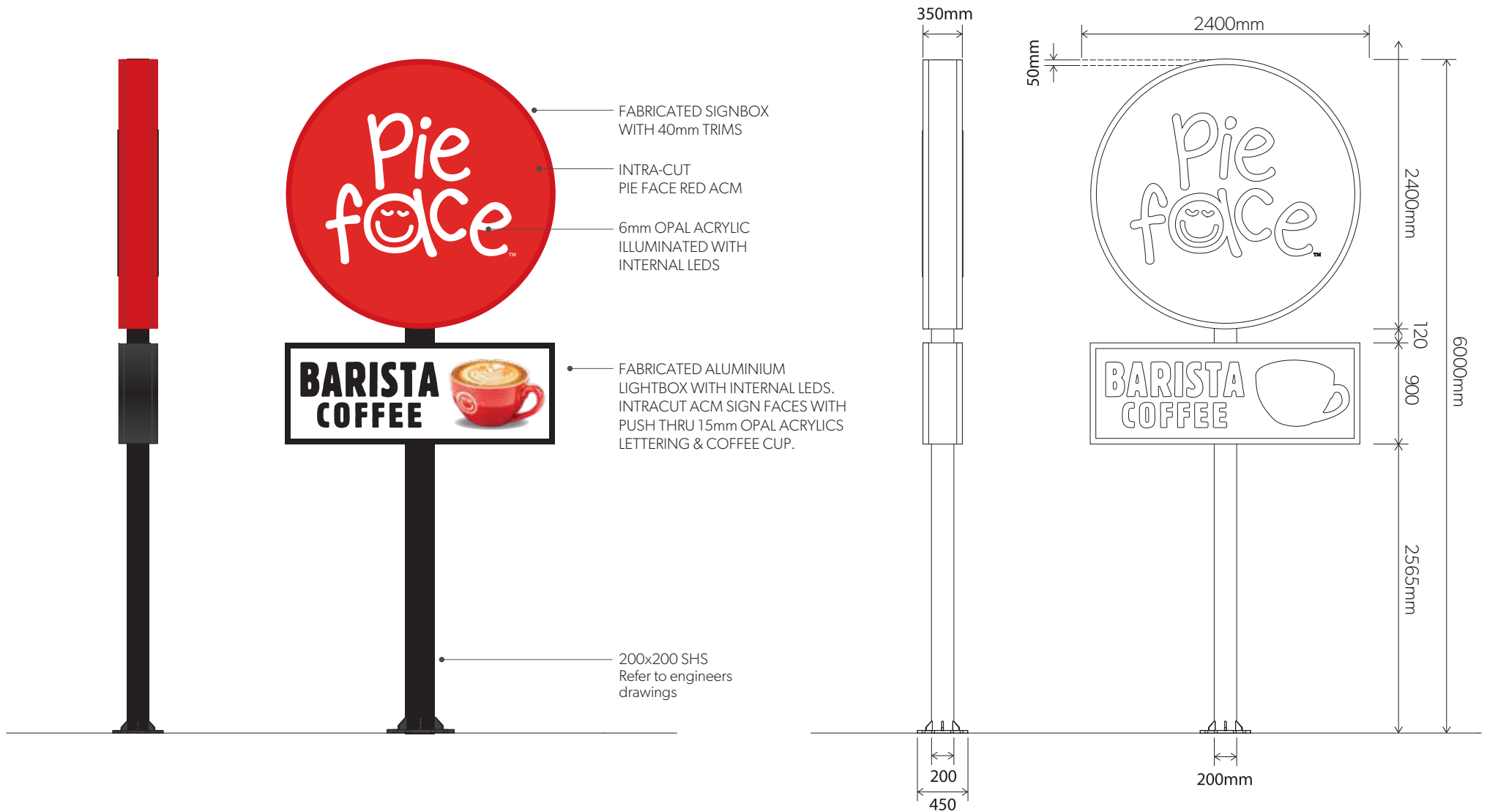


## - DRIVE THRU OPTION



# Pie Face Single Pole Pylon (6m)

- NON DRIVE THRU OPTION





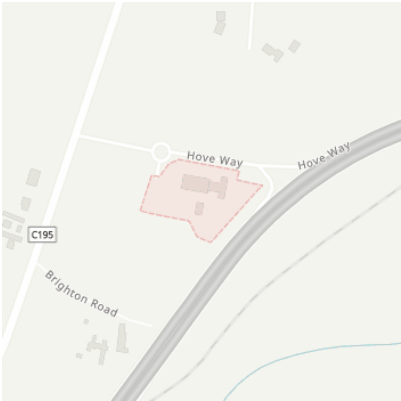
Contact Details

|                                  |                |   |             |
|----------------------------------|----------------|---|-------------|
| Contact                          | Contact number | Company   | Enquirer ID |
| Ben Baker                        | 0472 878 807   | United Petroleum                                | 3706867     |
| Email                            |                | Address   |             |
| ben.baker@unitedpetroleum.com.au |                | 9 McKechnie Drive<br>Eight Mile Plains QLD 4113 |             |

Job Site and Enquiry Details

**WARNING:** The map below only displays the location of the proposed job site and does not display any asset owners' pipe or cables. The area highlighted has been used only to identify the participating asset owners, who will send information to you directly.

|              |            |            |   |             |                                      |   |
|--------------|------------|------------|---|-------------|--------------------------------------|---|
| Enquiry date | Start date | End date   | On behalf of                            | Job purpose | Locations                            | Onsite activities                           |
| 13/05/2025   | 27/05/2025 | 01/10/2025 | Utility<br>Brighton<br>Council<br>(TAS) | Excavation  | Both Road, Nature Strip,<br>Footpath | Manual Excavation, Mechanical<br>Excavation |



Check that the location of the job site is correct. If not, you must submit a new enquiry.

If the scope of works change or plan validity dates expire, you must submit a new enquiry.

Do NOT dig without plans. Safe excavation is your responsibility. If you don't understand the plans or how to proceed safely, please contact the relevant asset owners.

|                |                                     |                   |
|----------------|-------------------------------------|-------------------|
| User Reference | Address                             | Notes/description |
| Lollipop Sign  | 40 Brighton Rd<br>Brighton TAS 7030 | New Lollipop Sign |

Your Responsibility and Duty of Care

- Lodging an enquiry does not authorise project commencement.** Before starting work, you must obtain all necessary information from all affected asset owners.
- If you don't receive plans within 2 business days, contact the asset owner & quote their sequence number.
- Always follow the 5Ps of Safe Excavation (page 2), and locate assets before commencing work.
- Ensure you comply with State legislative requirements for Duty of Care and safe digging.
- If you damage an underground asset, you MUST advise the asset owner immediately.
- By using the BYDA service, you agree to the [Privacy Policy](#) and [Term of Use](#).
- For more information on safe digging practices, visit [www.byda.com.au](http://www.byda.com.au)

Asset Owner Details

Below is a list of asset owners with underground infrastructure in and around your job site. It is your responsibility to identify the presence of these assets. Plans issued by Members are indicative only unless specified otherwise. Note: not all asset owners are registered with BYDA. You must contact asset owners not listed here directly.

| Referral ID (Seq. no) | Authority Name  | Phone          | Status   |
|-----------------------|---|----------------|----------|
| 254910323             | Brighton Council (TAS)                                      | (03) 6268 7039 | NOTIFIED |
| 254910319             | Department of Natural Resources and Environment<br>Tasmania | 1300 487 045   | NOTIFIED |
| 254910321             | NBN Co VicTas   | 1800 687 626   | NOTIFIED |
| 254910317             | Tasmanian Irrigation Pty Ltd                                | (03) 6398 8433 | NOTIFIED |
| 254910318             | TasNetworks Pty Ltd (Distribution and Transmission)         | 1300 137 008   | NOTIFIED |
| 254910320             | TasWater  | 13 69 92       | NOTIFIED |
| 254910322             | Telstra VICTAS  | 1800 653 935   | NOTIFIED |

END OF UTILITIES LIST



### Plan

Plan your job. Use the BYDA service at least one day before your job is due to begin, and ensure you have the correct plans and information required to carry out a safe project.



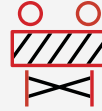
### Prepare

Prepare by communicating with asset owners if you need assistance. Look for clues onsite. Engage a skilled Locator.



### Pothole

Potholing is physically sighting the asset by hand digging or hydro vacuum extraction.



### Protect

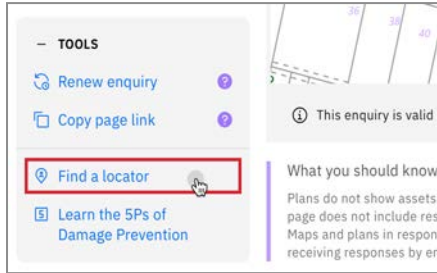
Protecting and supporting the exposed infrastructure is the responsibility of the excavator. Always erect safety barriers in areas of risk and enforce exclusion zones.



### Proceed

Only proceed with your excavation work after planning, preparing, potholing (unless prohibited), and having protective measures in place.

## Engage a skilled Locator



When you lodge an enquiry you will see skilled Locators to contact

Visit the Certified Locator website directly and search for a locator near you

[certloc.com.au/locators](http://certloc.com.au/locators)

## Get FREE Quotes for Contractors & Equipment Fast



GET QUOTE

Use isseekplant's FREE marketplace to get quotes for the equipment or services you need on your project. Compare quotes from trusted local contractors and get your project done on time and in budget.

1. Fill out your job details in our FREE quick quote form.
2. We send the request to trusted local contractors.
3. The local contractors will contact you directly with quotes

Use isseekplant to find trusted contractors near you today, visit:  
[blog.isseekplant.com.au/byda-isp-get-quotes](http://blog.isseekplant.com.au/byda-isp-get-quotes)

## Book a FREE BYDA Session



BOOK NOW

BYDA offers free training sessions to suit you and your organisation's needs covering safe work practices when working near essential infrastructure assets. The free sessions are offered in two different formats - online and face-to-face.

To book a session, visit:  
[byda.com.au/contact/education-awareness-enquiry-form](http://byda.com.au/contact/education-awareness-enquiry-form)



# 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;<br>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;<br>Resource Development | Please use definitions in planning<br>scheme |
| Describe<br>Development: | Boundary Reorganisation                                    |  |

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

|             |                     |  |           |  |
|-------------|---------------------|--|-----------|--|
| Materials:  | External walls:     |  | Colour:   |  |
|             | Roof cladding:      |  | Colour:   |  |
| Car parking | Number<br>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:

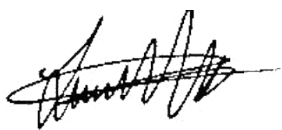
I/we hereby apply for planning approval to carry out the use or development described in this application and the accompanying documents and declare that: -

- 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

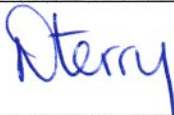
Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

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<br>164781 | FOLIO<br>1                   |
| EDITION<br>1     | DATE OF ISSUE<br>10-Oct-2012 |

SEARCH DATE : 28-Oct-2024

SEARCH TIME : 10.33 AM

**Attachment C**  
**AGENDA ITEM 12.2**DESCRIPTION OF LAND

Parish of DRUMMOND Land District of MONMOUTH

Lot 1 on Plan 164781

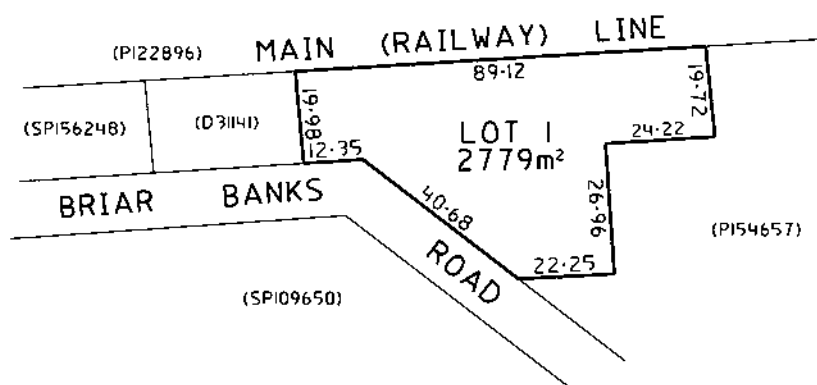
Derivation : Whole of Lot 2 (1770m2) vested in the Australian  
National Railways Commission and Part of 700 acres Gtd to J  
Glover

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



NC

## SEARCH OF TORRENS TITLE

|                  |                              |
|------------------|------------------------------|
| VOLUME<br>182250 | FOLIO<br>1                   |
| EDITION<br>2     | DATE OF ISSUE<br>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

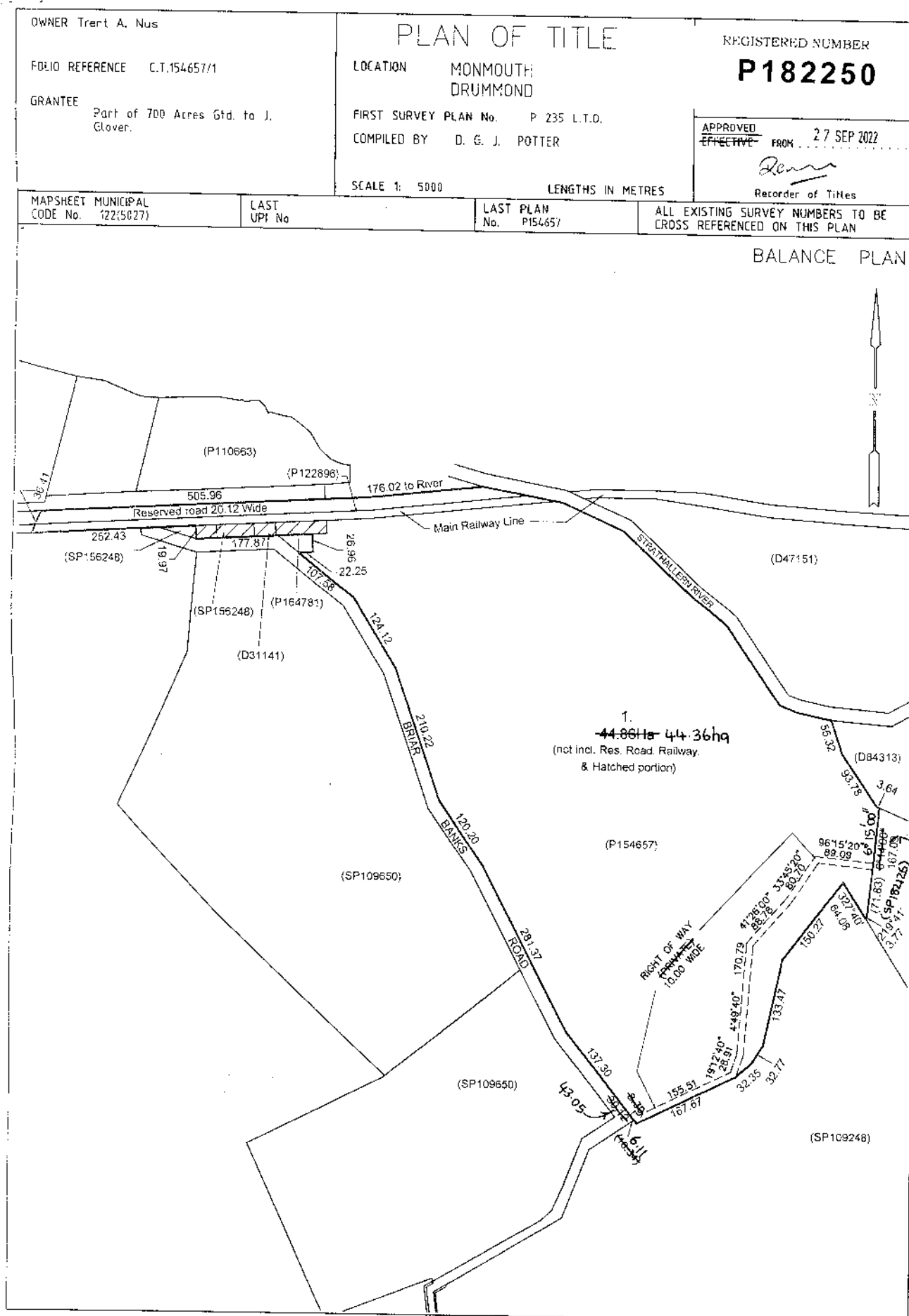
SCHEDULE 2

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

**Attachment D**  
**AGENDA ITEM 12.2**

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:

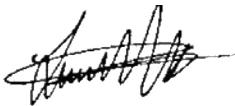
- Title Plan and Folio – CT 164781/1 & CT 182250/1
- Plan of Subdivision
- A copy of the Brighton application form – completed and signed
- TPC Land owner consent Form No.1 – completed and signed
- Planning Scheme Amendment letter of request
- Planning assessment overview of the *Tasmanian Planning Scheme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

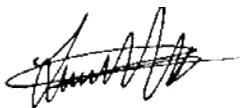
Given the direct relationship between the proposed amendment and the subdivision application, we kindly request that the Council consider both matters concurrently. This approach would allow for a more efficient assessment process and ensure that planning outcomes align with the strategic objectives 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

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**LAUNCESTON:**

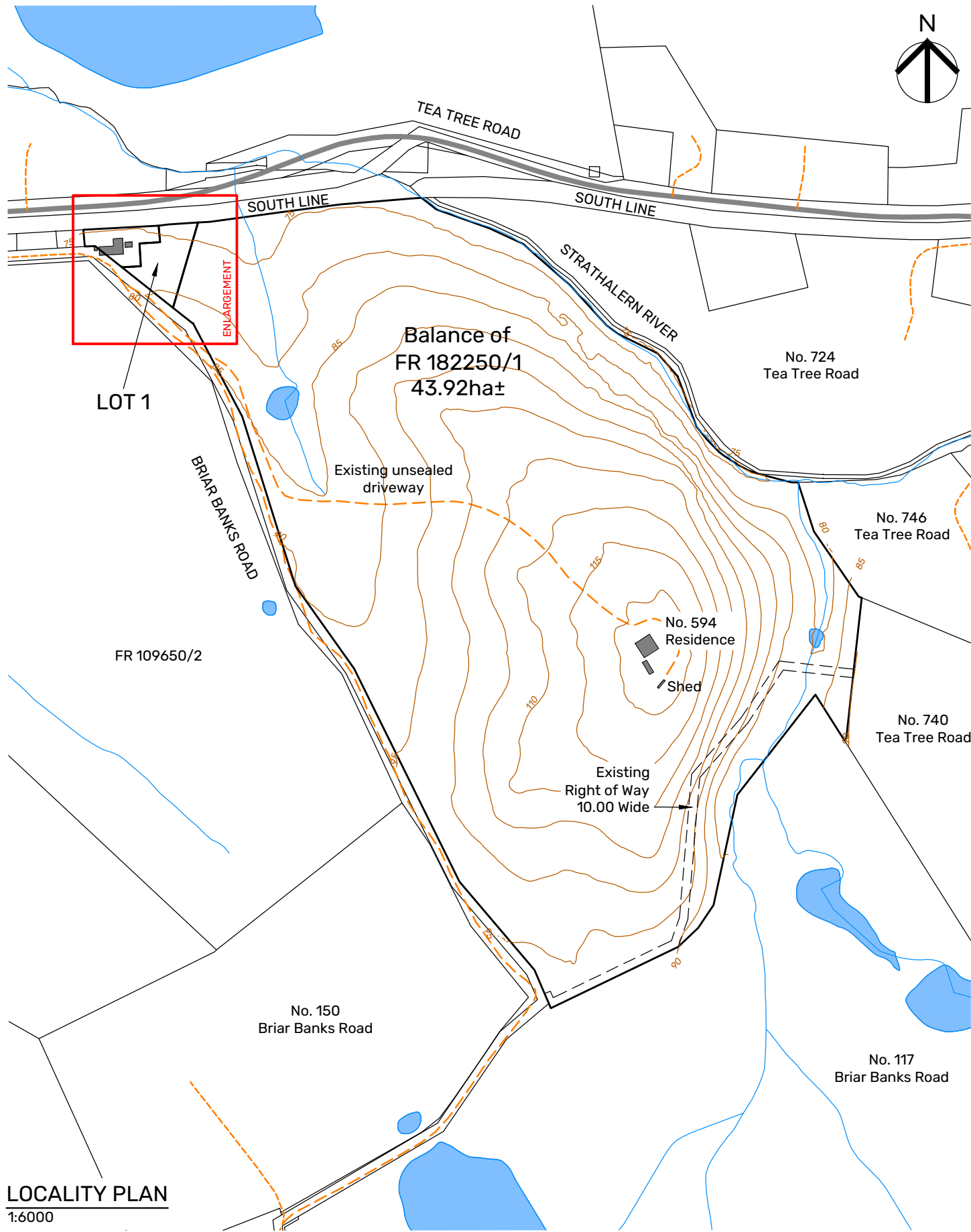
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- 3/23 Brisbane St, Launceston, TAS 7250 (03) 6331 4099
- 6 Queen Street, Burnie, TAS 7320 (03) 6431 4400
- 77 Gunn St, Devonport, TAS 7310 (03) 6423 6875



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 7180m²±.

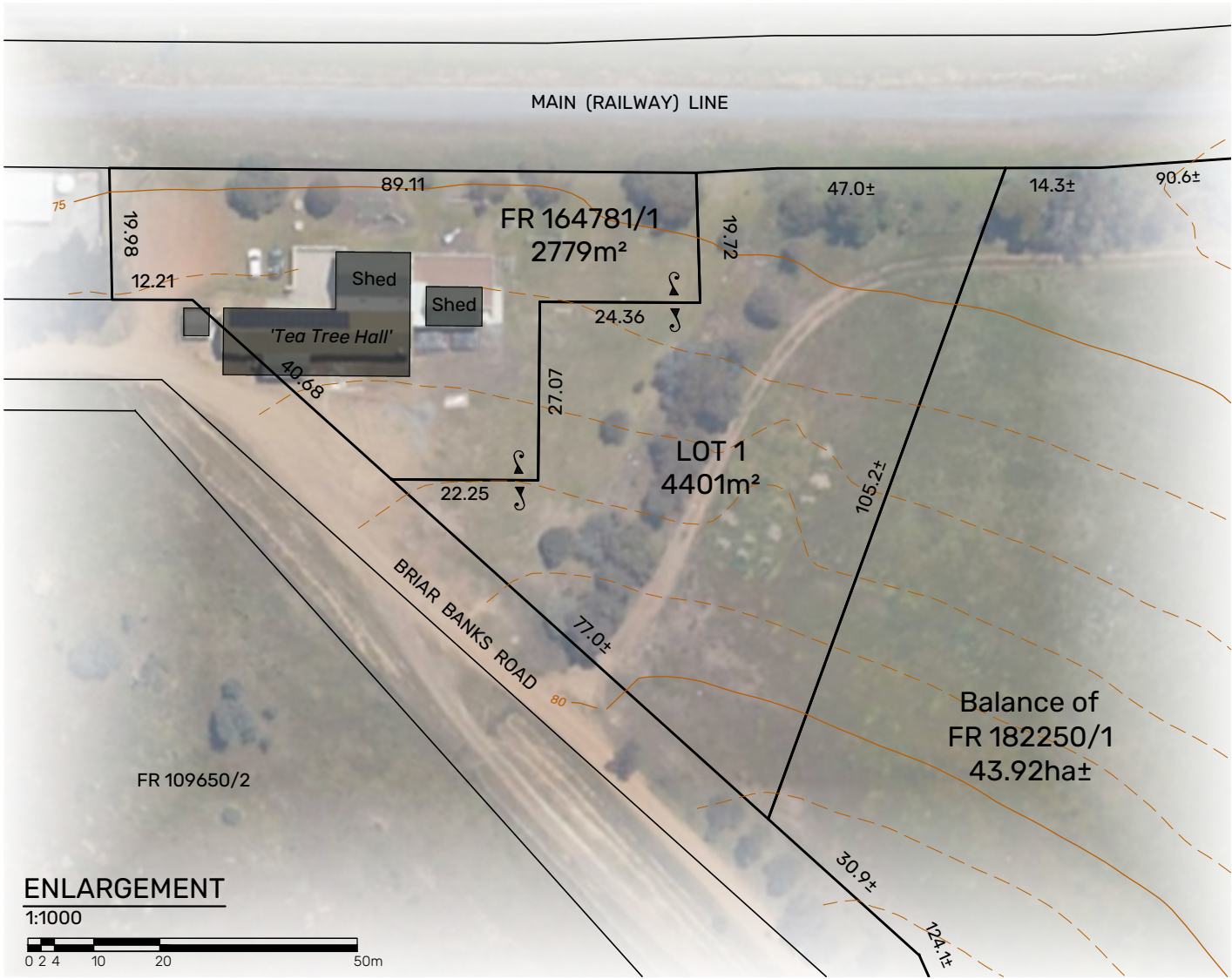
This plan has been prepared only for  
the purpose of obtaining preliminary  
subdivision approval from the Council  
and the information shown hereon  
should be used for no other purpose.  
All measurements and areas are  
subject to final survey.

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>

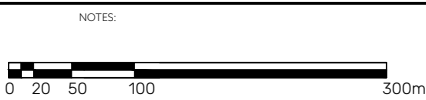
5.0m Contours:  
South East2019 DEM  
<https://elevation.fsdf.org.au/>  
CC BY 4.0

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  
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Also at: Kingston, Launceston,  
Devonport & Burnie

|            |         |
|------------|---------|
| 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;<br>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;<br>Waterway and Coastal Protection Area;<br>Bushfire-prone Area;<br>Landslip Hazard Band (Low) (Medium) |                    |

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

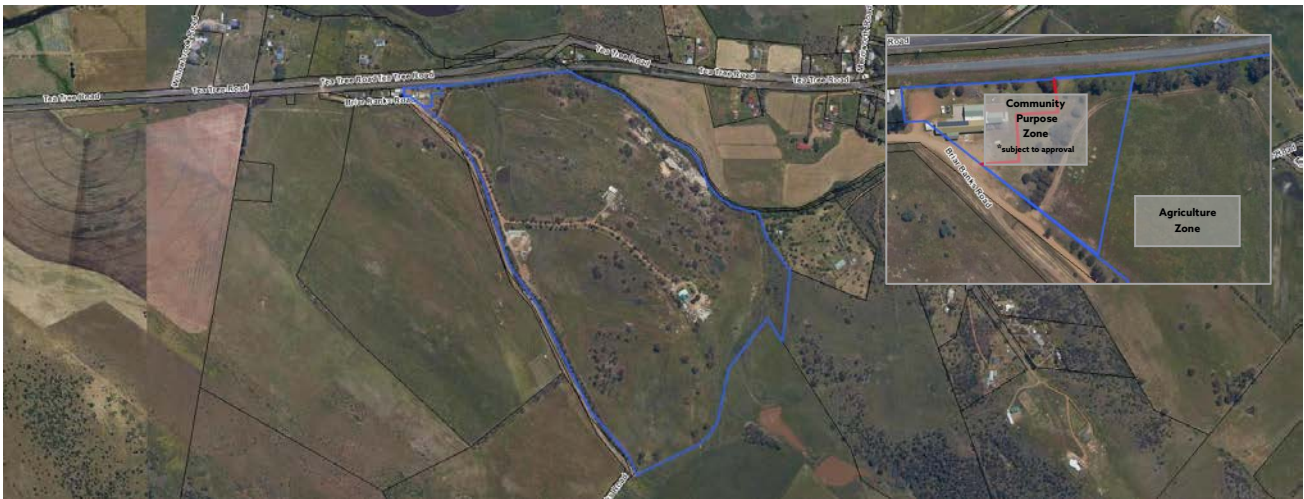


# 1. Introduction/Context

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)

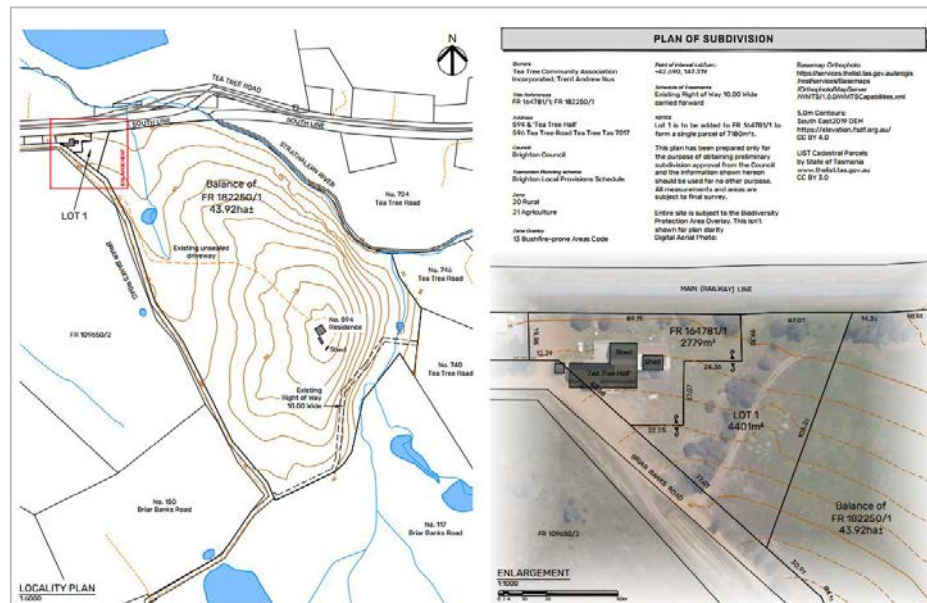
The subject land is located at 594 & 596 Tea Tree Road, Tea Tree, comprising two titles with a combined total area of 44.63ha, as shown in Figure 1. The larger title, CT 182250/1, is zoned Agriculture and features a residential development situated on the crest of a hill, surrounded by grassland currently 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:<br>(a) relates to public use, irrigation infrastructure or Utilities; and<br>(b) protects the long term productive capacity of agricultural land.   |   |
| Acceptable Solutions   | Performance Criteria  |
| <b>A1</b><br>Each lot, or a lot proposed in a plan of subdivision, must:<br>(a) be required for public use by the Crown, a council or a State authority;<br>(b) be required for the provision of Utilities or irrigation infrastructure; or<br>(c) be for the consolidation of a lot with another lot provided both lots are within the same zone. | <b>P1</b><br>Each lot, or a lot proposed in a plan of subdivision, must:<br>(a) provide for the operation of an agricultural use, having regard to:<br>(i) not materially diminishing the agricultural productivity of the land;<br>(ii) the capacity of the new lots for productive agricultural use;<br>(iii) any topographical constraints to agricultural use; and<br>(iv) current irrigation practices and the potential for irrigation;<br>(b) be for the reorganisation of lot boundaries that satisfies all of the following:<br>(i) provides for the operation of an agricultural use, having regard to:<br>a. not materially diminishing the agricultural productivity of the land;<br>b. the capacity of the new lots for productive agricultural use;<br>c. any topographical constraints to agricultural use; and<br>d. current irrigation practices and the potential for irrigation;<br>(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;<br>(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and<br>(c) the number of accesses minimise impacts on the streetscape. |  |
| <b>Acceptable Solutions</b>  |  |
| <b>A1</b><br>The number of accesses provided for each frontage must:<br>(a) be no more than 1; or<br>(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><br>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>  |
| <p>That:</p> <p>(a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and</p> <p>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.</p>  |
| <b>Acceptable Solutions</b>  |
| <p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:</p> <p>(a) be for the creation of separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p> <p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.</p> |
| <b>Response:</b>   |
| <p><b>A1 is met:</b> The proposal meets acceptable solution (e), as no works are proposed within the waterway and coastal protection area.</p>   |

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

|  |
|--|
| <b>Objective:</b>  |
| <p>That:</p> <p>(a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and</p> <p>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.</p>   |
| <b>Acceptable Solutions</b>  |
| <p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <p>(a) be for the purposes of creating separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p> <p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</p> |
| <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.<br>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.<br>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).<br>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.<br>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><br>Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area, must:<br>(a) be able to contain a building area, vehicle access, and services, that are wholly located outside a landslip hazard area;<br>(b) be for the creation of separate lots for existing buildings;<br>(c) be required for public use by the Crown, a council or a State authority;<br>or<br>(d) be required for the provision of Utilities. | <b>P1</b><br>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:<br>(a) any increase in risk from a landslip for adjacent land;<br>(b) the level of risk to use or development arising from an increased reliance on public infrastructure;<br>(c) the need to minimise future remediation works;<br>(d) any loss or substantial compromise, by a landslip, of access to the lot on or off site;<br>(e) the need to locate building areas outside the landslip hazard area;<br>(f) any advice from a State authority, regulated entity or a council; and<br>(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.   |   |

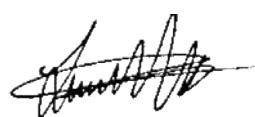
## Conclusion

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<br>(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:<br>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.*

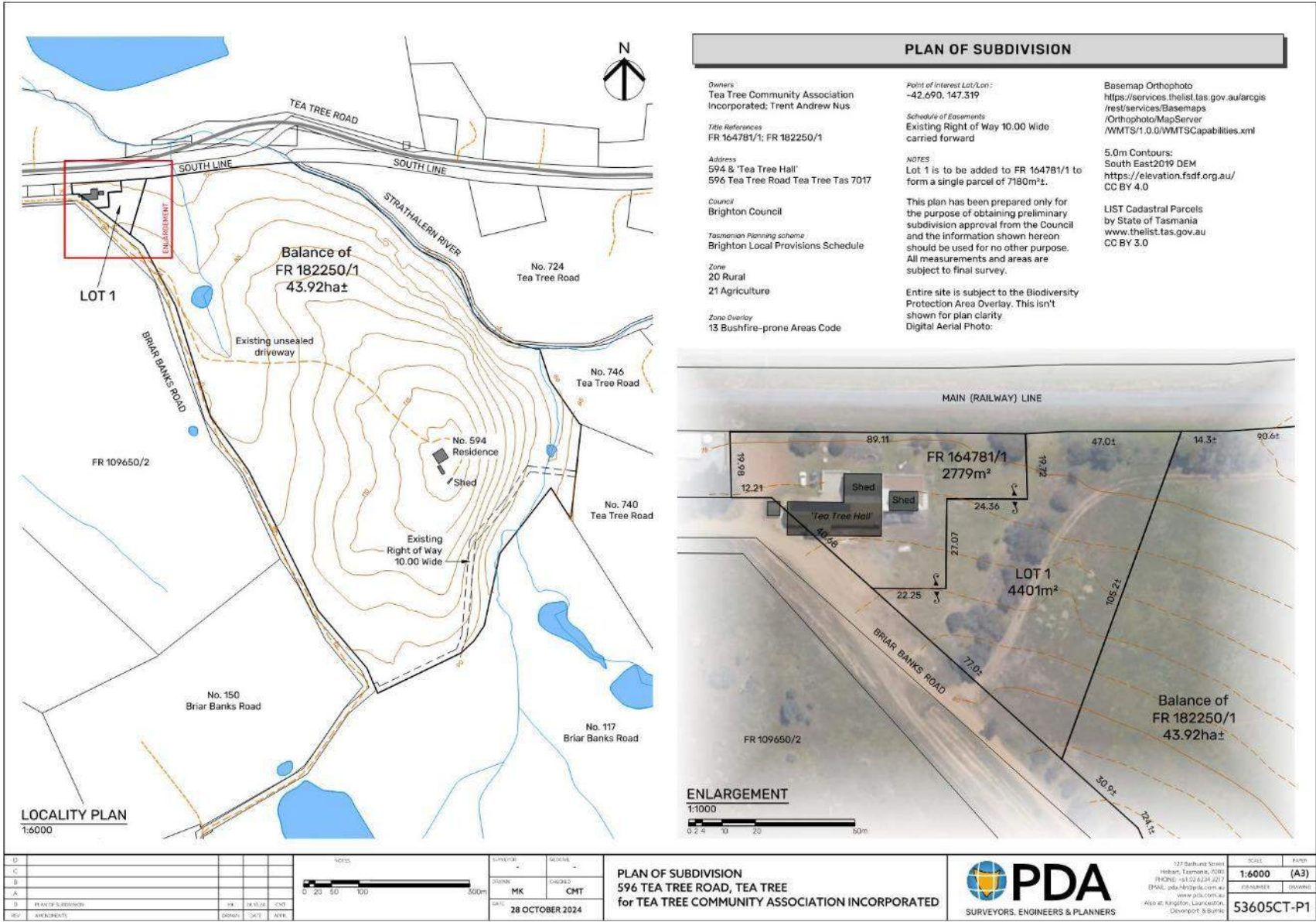
*Directors Determination – Bushfire Hazard Areas, version 1.2, 16th July 2024.*

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 |
|---------|----------------------------|--------------------|---------------------------------------|------------------------------|-----------------------|
| North   | 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                      |                              |                       |
|         | --                         | --                 | --                                    |                              |                       |
|         | --                         | --                 | --                                    |                              |                       |
| East    | 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                      |                              |                       |
|         | --                         | --                 | --                                    |                              |                       |
| South   | Exclusion 2.2.3.2 (e, f) ^ | upslope            | 0 to 10 metres                        | Lot boundary                 | BAL-19                |
|         | Grassland ^                | upslope            | 10 to 100 metres                      |                              |                       |
|         | --                         | --                 | --                                    |                              |                       |
|         | --                         | --                 | --                                    |                              |                       |
| West    | 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

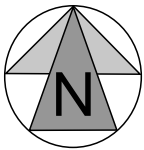
| Azimuth    | Vegetation Classification  | Effective Slope       | Distance to Bushfire-prone vegetation | Hazard management area width | Bushfire Attack Level |
|------------|----------------------------|-----------------------|---------------------------------------|------------------------------|-----------------------|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

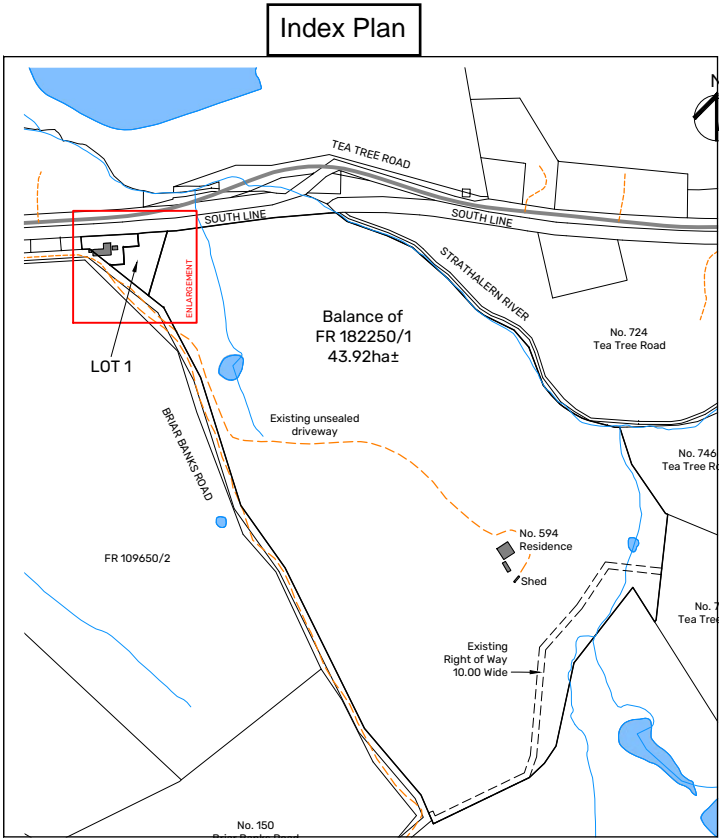
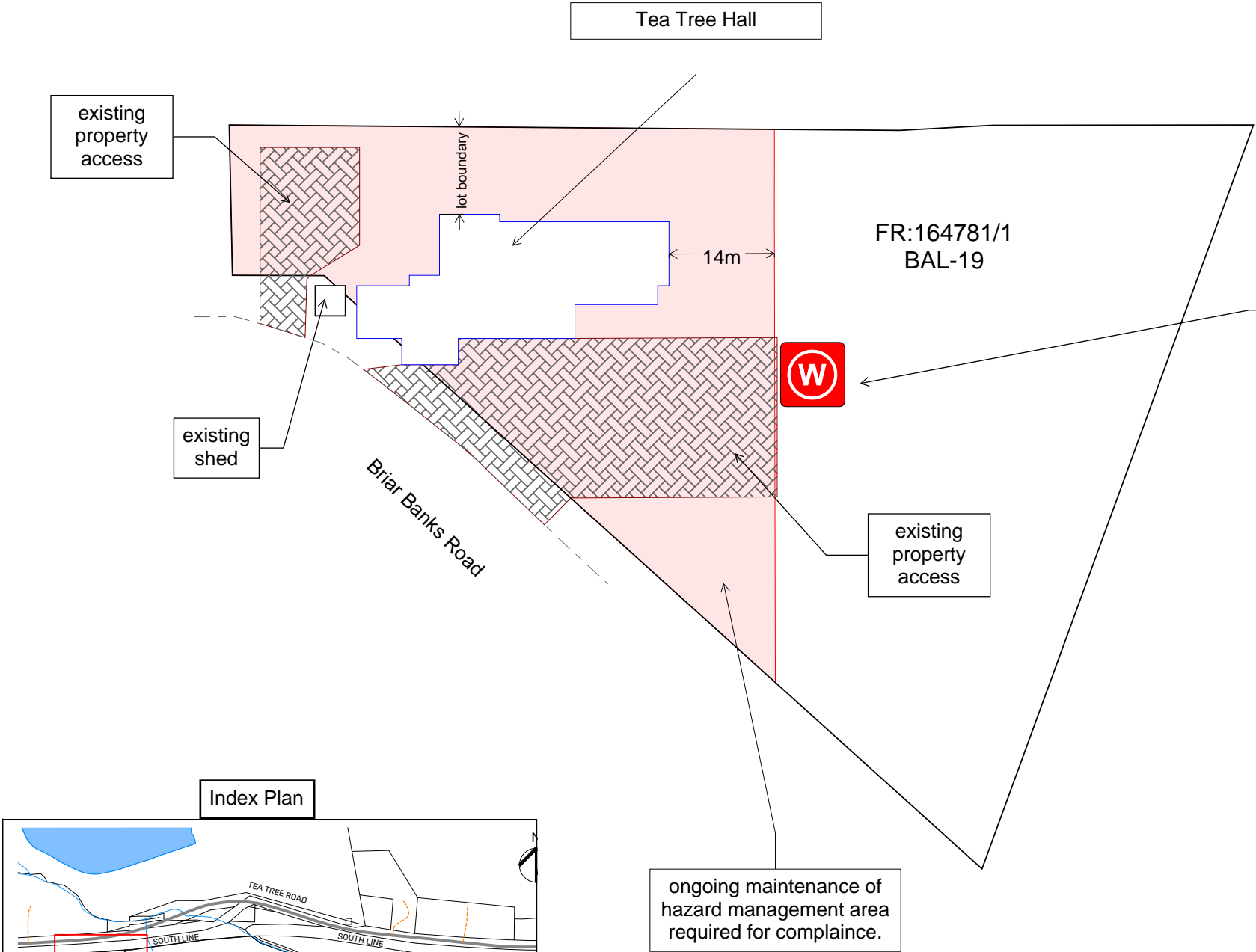
E) Hardstand

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.



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.



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- (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
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  - (iv) Protected from possible damage, including damage by vehicles.

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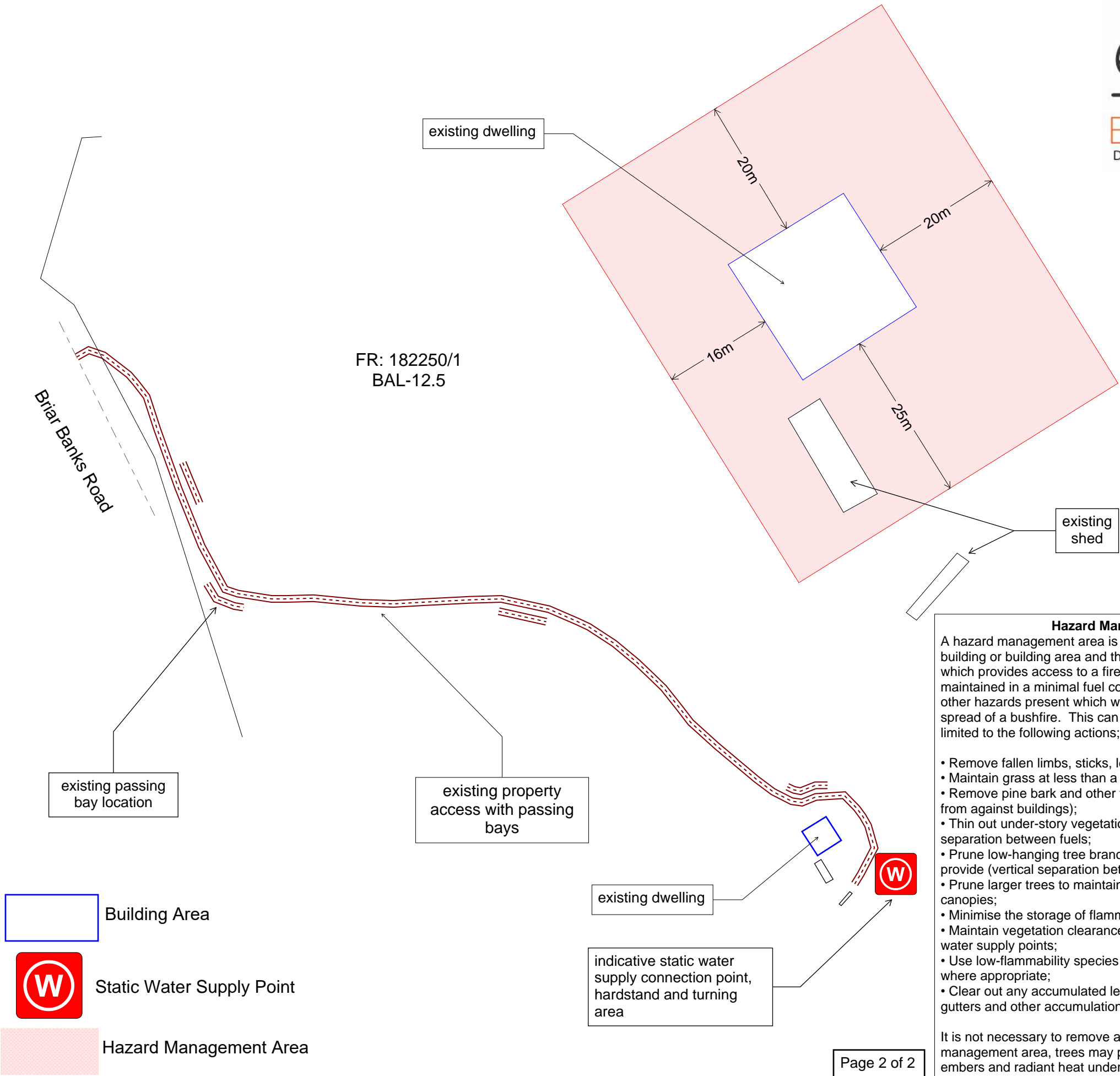
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- Remove pine bark and other flammable mulch (especially from against buildings);
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- Prune larger trees to maintain horizontal separation between canopies;
- Minimise the storage of flammable materials 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

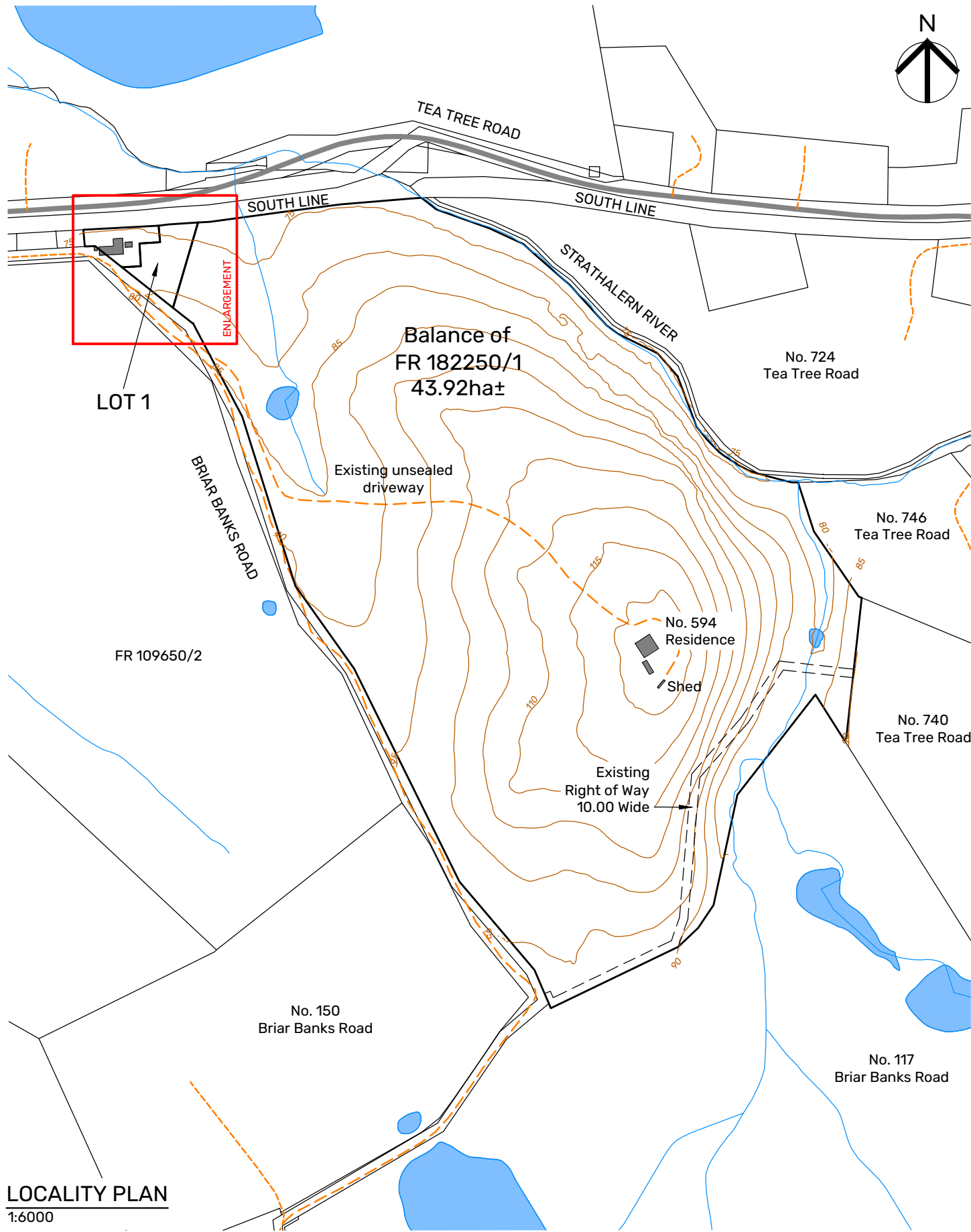
Date:

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 7180m²±.

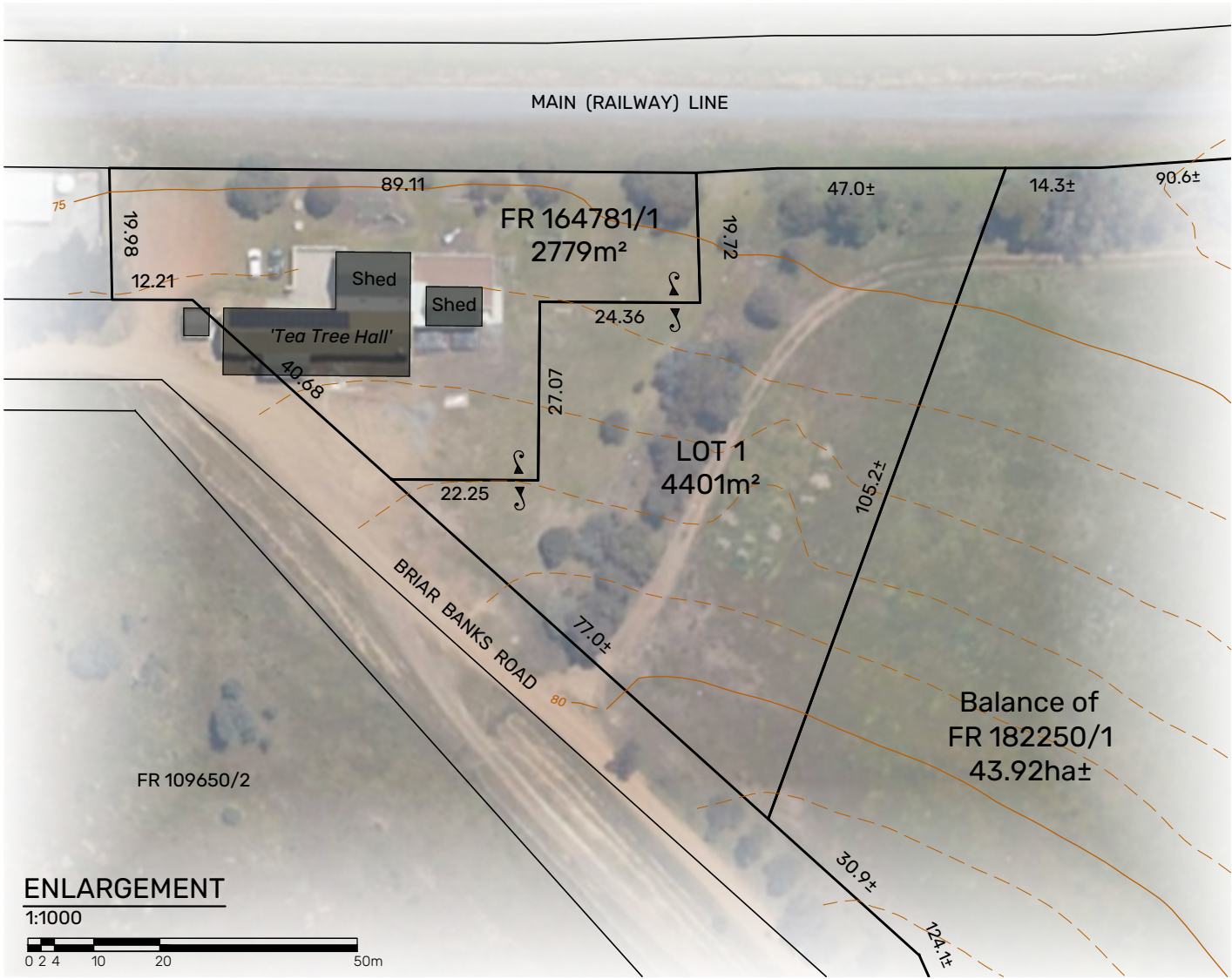
This plan has been prepared only for  
the purpose of obtaining preliminary  
subdivision approval from the Council  
and the information shown hereon  
should be used for no other purpose.  
All measurements and areas are  
subject to final survey.

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>

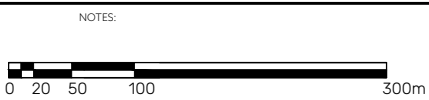
5.0m Contours:  
South East2019 DEM  
<https://elevation.fsdf.org.au/>  
CC BY 4.0

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)  
[www.pda.com.au](http://www.pda.com.au)  
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  
hello@pinionadvisory.com  
pinionadvisory.com

#### Office locations

##### SA

Adelaide  
Clare  
Freeling  
Naracoorte

##### TAS

Devonport  
Hobart  
Launceston

##### VIC

Mildura

##### QLD

Beenleigh  
Wondai

##### NSW

Sydney

#### Author

Georgia McCarthy, Agricultural Consultant  
BAg & GradCert AgCons

Jason Lynch, Senior Agricultural Consultant  
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.

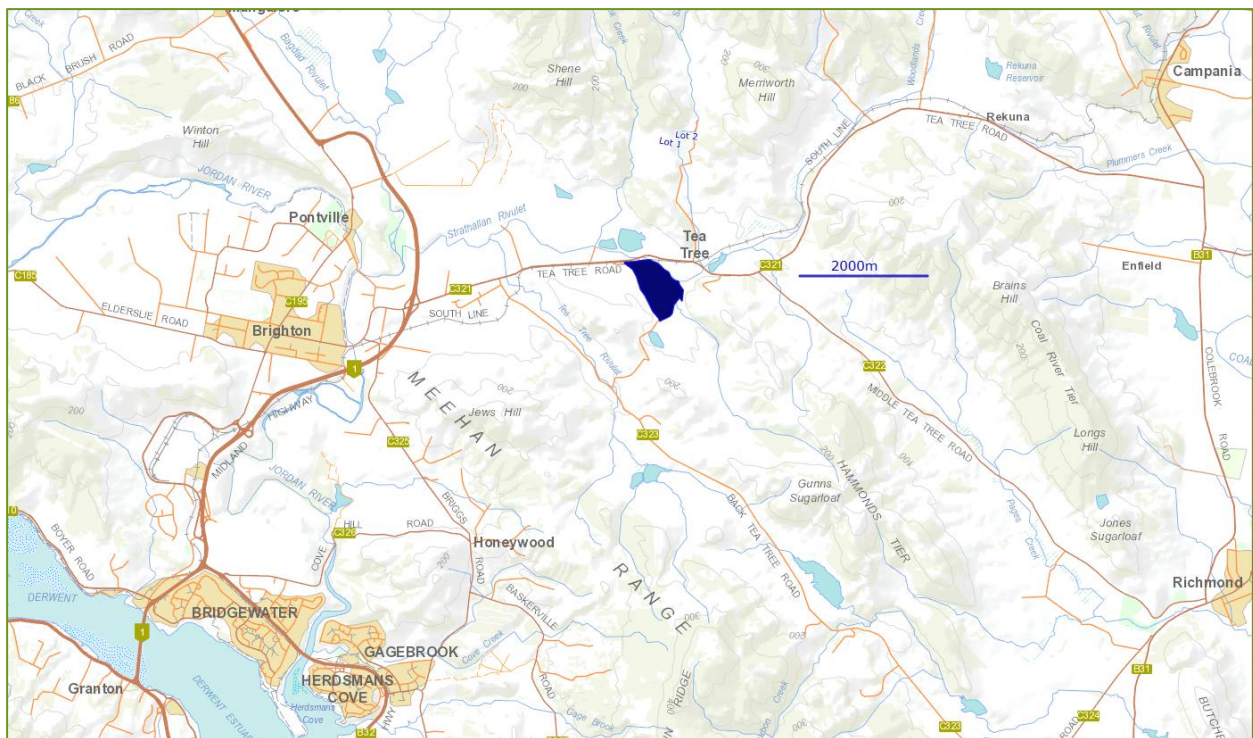


Figure 1 Location of 594 and 596 Tea Tree Road properties (blue) (Source: The LISTMap).





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).

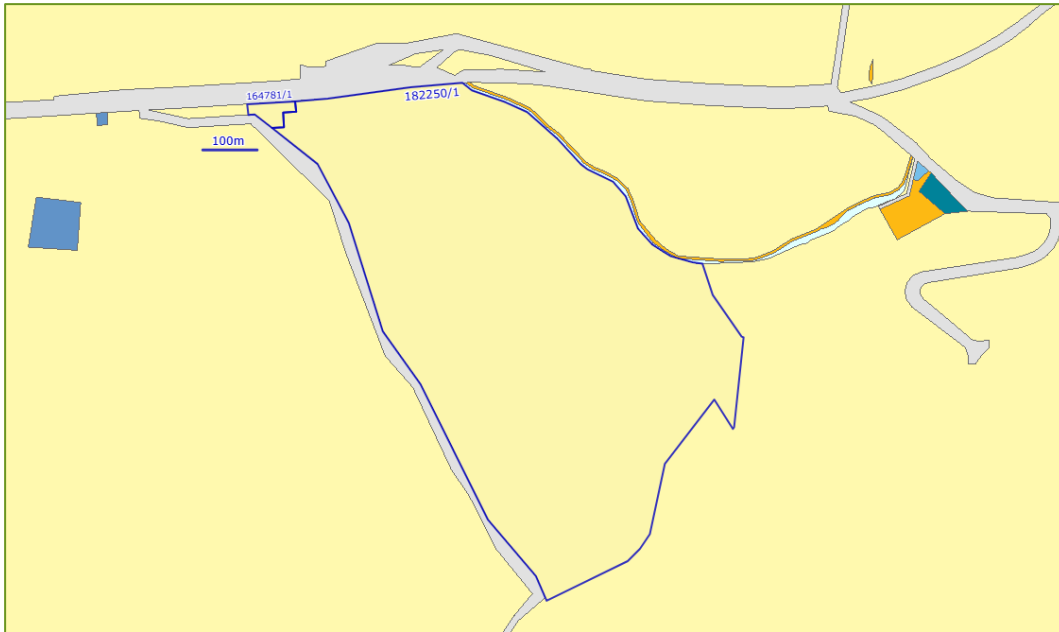


Figure 4 Land tenure of the subject properties (blue outline) and surrounding land is held as private freehold (shaded yellow) and two neighbouring land titles to the west are held by the 'Commonwealth' (shaded blue) (Source: The LISTMap).



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

| Class | Definition   |
|-------|--|
| 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 <b>restrict agricultural use. This land should be retained under it's natural vegetation cover.</b>   |

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.<br><br>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          |



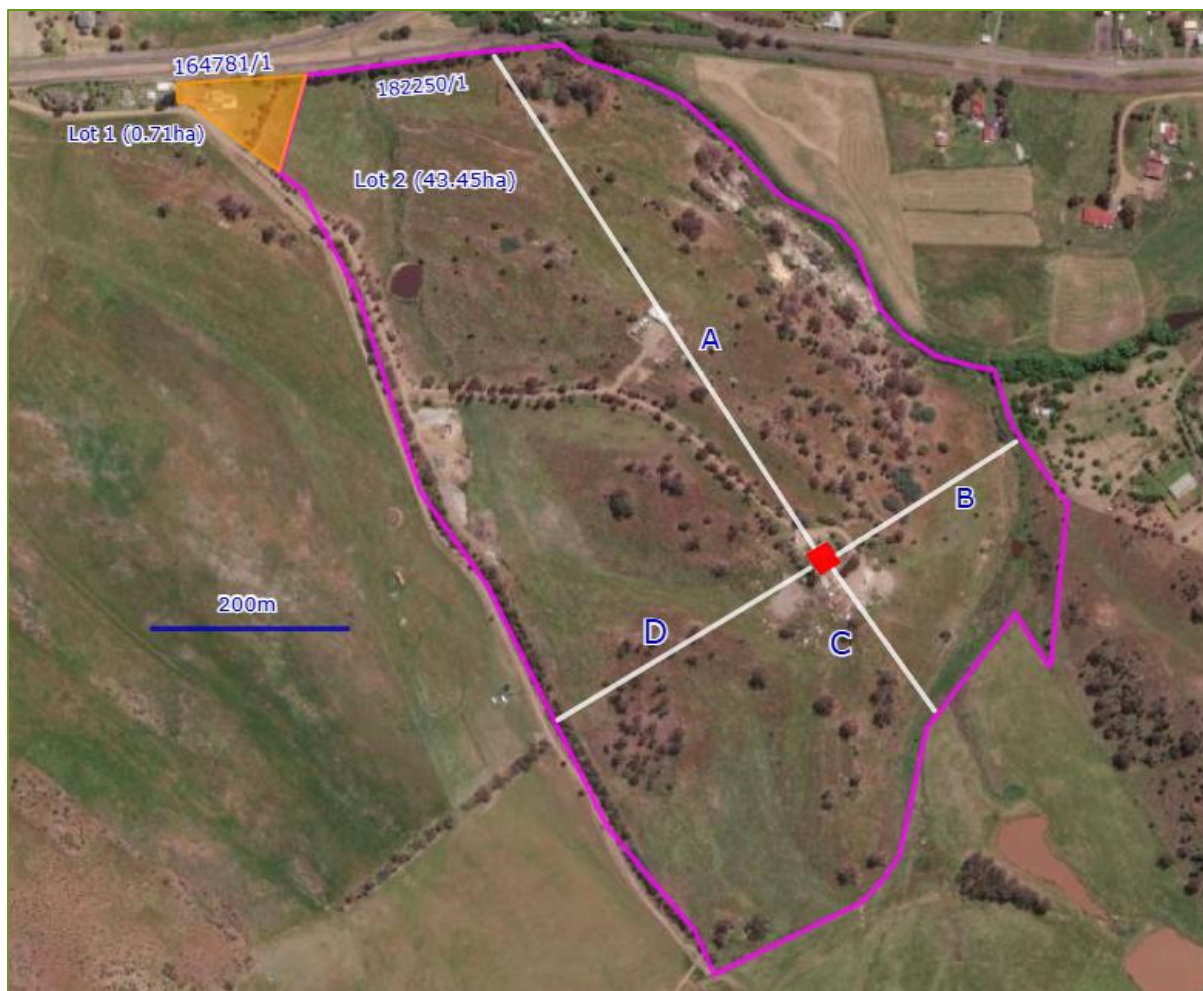


Figure 10 Boundary setbacks for the existing residential dwelling (marked red) on proposed Lot 2 of the subject property (TR: 182250/1) (Source: The LISTMap).

## 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  
Pinion Advisory  
May 2025



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.

# 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 May 2006 in the presence of:

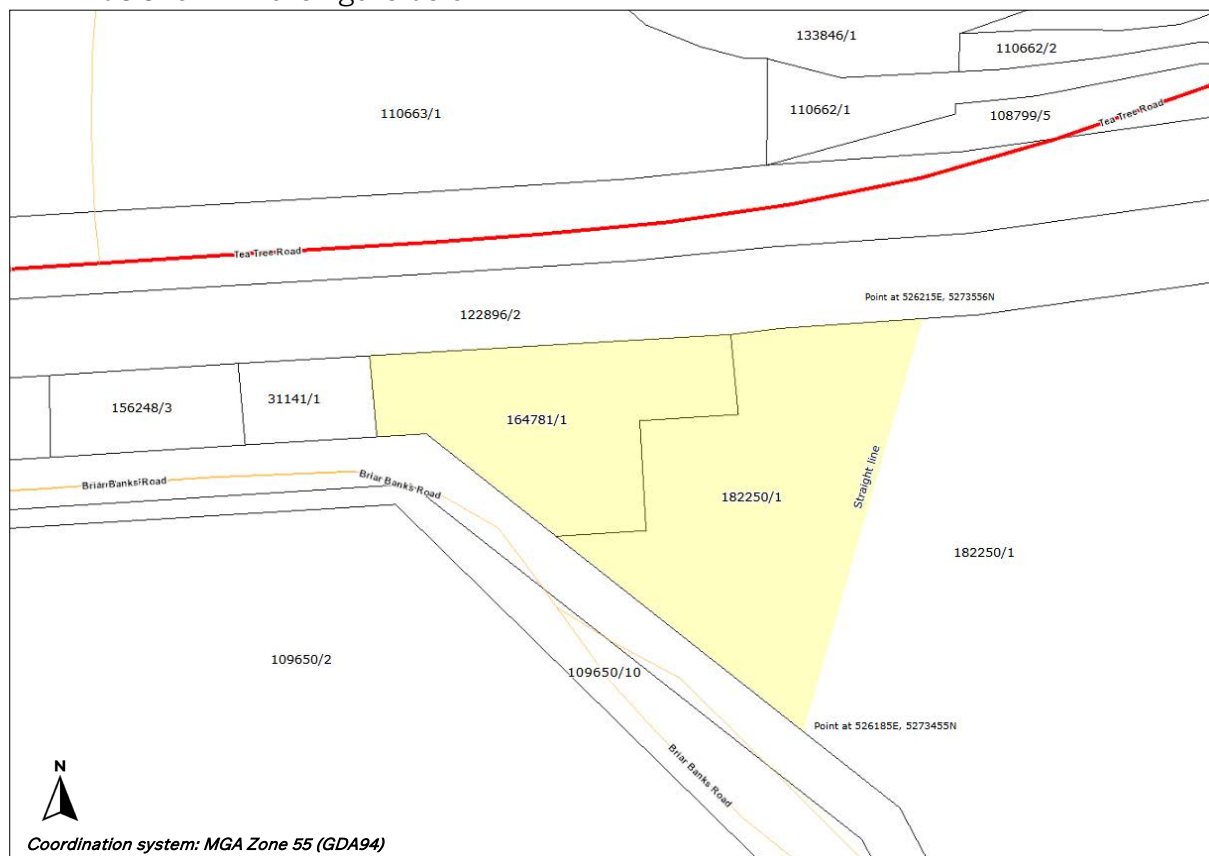
Chief Executive Officer

Date:

#### 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)

Attachment F  
**AGENDA ITEM 12.2**

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, naturestrip or road require prior approval via a works in the road reservation permit available from the Councils website.

Dated 28 May 2025



## **Attachment G: Statutory Assessment of the Subdivision Permit Application**

Objectives of the *Land Use Planning and Approvals Act 1993 (LUPAA)* and State Policies

The application is consistent with the objectives of LUPAA and the State Policies.

*Tasmanian Planning Scheme – Brighton* (the planning scheme)

### **4.0 Exemptions**

There are no exemptions relevant to this application.

### **6.0 Assessment of an Application for Use or Development**

According to clause 6.2.6 of the planning scheme, subdivision does not need to be categorised into one of the use classes listed in Table 6.2 of the planning scheme.

### **20.0 Agricultural Zone**

| Standard   | Acceptable Solution  | Proposed | Compliance  |
|--|--|----------|---|
| Clause 21.3 Use Standards and Clause 21.4 Development Standards for Buildings and Works – Not applicable to this application |  |          |   |
| Clause 21.5 Development Standards for Subdivision  |  |          |   |
| 21.5.1   | A1<br>Each lot, or a lot proposed in a plan of subdivision, must:<br><br>(a) be required for public use by the Crown, a council or a State authority;<br><br>(b) be required for the provision of Utilities or irrigation infrastructure; or<br><br>(c) be for the consolidation of a lot with another lot |          | The proposal does not meet A1. Detail of assessment against Performance Criteria is provided in Council Report. |

|        |  |   |                  |
|--------|--|---|------------------|
|        | provided both lots are within the same zone.   |   |                  |
| 21.5.1 | A2<br>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. | Existing vehicular access for each lot will be maintained | Complies with A2 |

## 27.0 Community Purpose Zone

| Standard   | Acceptable Solution  | Proposed | Compliance  |
|--|--|----------|---|
| Clause 27.3 Use Standards and Clause 27.4 Development Standards for Buildings and Works – Not applicable to this application |  |          |   |
| Clause 27.5 Development Standards for Subdivision  |  |          |   |
| 27.5.1   | A1<br>Each lot, or lot proposed in a plan of subdivision, must:<br>(a) have an area of not less than 600m <sup>2</sup> and:<br>(i) be able to contain a minimum area of 10m x 15m, with a gradient not steeper than 1 in 5, clear of:<br>a) all setbacks |          | The proposal does not meet A1. Detail of assessment against Performance Criteria is provided in Council Report. |

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|        | <p>required by clause 27.4.2 A1 and A2; and</p> <p>b) easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 27.4.2 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p> |                                  |                     |
| 27.5.1 | <p>A2</p> <p>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</p>   | No changes to the road frontage. | It complies with A2 |

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|        | less than 10m.  |   |                        |
| 27.5.1 | <p>A3</p> <p>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.</p>   | No changes to the existing vehicular access.  | It complies with A2    |
| 27.5.2 | <p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:</p> <p>(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</p> <p>(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service,</p> <p>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p> | The proposed lot will utilise the existing water connection for the Tea Tree Community Hall | It complies with A1(a) |

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| 27.5.2 | A2<br>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.      | There is no sewerage system available.          | The proposal does not meet A2. Detail of assessment against Performance Criteria is provided in Council Report. |
| 27.5.2 | A3<br>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. | There is no public stormwater system available. | The proposal does not meet A2. Detail of assessment against Performance Criteria is provided in Council Report. |

## C2.0 Parking and Sustainable Transport Code

| Standard   | Acceptable Solution  | Proposed   | Compliance |
|--|--|--|------------|
| C2.5 Use Standards – Not applicable to this application  |  |  |            |
| C2.6 Development Standards for Buildings and Works – Only those applicable to this application |  |  |            |
| C2.6.3<br>Number of accesses for vehicles  | A1<br>The number of accesses provided for each frontage must:<br><br>(a) be no more than 1; or<br><br>(b) no more than the existing number of accesses,<br><br>whichever is the greater. | Each lot has 1 existing access.<br><br>No new accesses are proposed. | Complies   |

## C3.0 Road and Railway Assets Code

| Standard   | Acceptable Solution   | Proposed   | Compliance         |
|--|---|--|--------------------|
| C3.5 Use Standards – Only those applicable to this application                         |   |  |                    |
| C3.5.1<br>Traffic generation at a vehicle crossing, level crossing or new junction     | A1.4<br>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:<br><br>(a) the amounts in Table C3.1; or<br><br>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road. | No changes are proposed to the existing uses, so no increase to the vehicular traffic generated from the site is expected. | Complies with A1.4 |
| C3.6 Development Standards for Buildings or Works – Not applicable to this application |   |  |                    |
| C3.7 Development Standards for Subdivision   |   |  |                    |
| C3.7.1<br>Subdivision for sensitive uses within a road or railway attenuation area     | A1<br>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.  | The proposed lots are not intended for sensitive use.  | N/A                |

#### **C7.0 Natural Asset Code**

| Standard  | Acceptable Solution   | Proposed              | Compliance           |
|---|---|-----------------------|----------------------|
| C7.6 Development Standards for buildings and works– Not applicable to this application          |   |                       |                      |
| C7.7 Development Standards for Subdivision  |   |                       |                      |
| C7.7.1 Subdivision within a waterway and coastal protection area or future coastal refugia area | A1<br>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area | Not include any works | Complies with A1(e). |



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|  | <p>means land:</p> <p>(a) shown on an overlay map in the relevant Local Provisions Schedule as within a waterway and coastal protection area; or</p> <p>(b) within the relevant distance from a watercourse, wetland, lake or the coast shown in the Table C7.3 below, but does not include a piped watercourse or piped drainage line.</p> <p>If an inconsistency for the width exists between Table C7.3 and the area shown on the overlay map, the greater distance prevails, excluding the width measured from the high water mark of tidal waters where the distance shown on the overlay map in the relevant Local Provisions Schedule prevails. The depiction of a watercourse, or a section of a watercourse on an overlay map in the relevant Local</p> |  |  |
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|  | <p>Provisions Schedule, is definitive regardless of the actual area of the catchment.</p> <p>or a future coastal refugia area, must:</p> <p>(a) be for the creation of separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p> <p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.</p> |                       |                      |
| C7.7.2 Subdivision within a priority vegetation area | <p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority</p>  | Not include any works | Complies with A1(e). |

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|  | <p>vegetation area must:</p> <p>(a) be for the purposes of creating separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p> <p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</p> |  |  |
|--|---|--|--|

### **C13.0 Bushfire-Prone Areas Code**

| Standard   | Acceptable Solution   | Proposed                           | Compliance  |
|--|---|------------------------------------|---|
| C13.5 Use Standards – Not applicable to this application |   |                                    |   |
| C13.6 Development Standards for Subdivision              |   |                                    |   |
| C13.6.1<br>Provision of hazard management areas          | <p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas</p> | As per the bushfire hazard report. | <p>Complies with A1(b).</p> <p>A1(c) is N/A as hazard management areas are not located on</p> |

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|  | <p>as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.6 of Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than the separation distances required for BAL 19 in Table 2.6 of Australian Standard AS3959:2018 Construction of buildings in bushfire-prone Areas; and</p> <p>(c) if hazard management areas are to be located on</p> |  | land external to the proposed subdivision |
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|  | land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.   |                                    |                     |
| C13.6.2<br>Public and fire fighting access | <p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas, is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table C13.1, proposed property accesses will comply with Table C13.2 and proposed fire trails will comply with Table C13.3 and</p> <p>(ii) is certified by the TFS or an accredited person.</p> | As per the bushfire hazard report. | Complies with A1(b) |
| C13.6.3                                    | A1   | As per the bushfire                | N/A                 |

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| Provision of water supply for fire fighting purposes | <p>In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table C13.4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p> | hazard report.                     |                             |
|  | <p>A2</p> <p>In areas that are not serviced by reticulated water by the water corporation:</p> <p>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</p>  | As per the bushfire hazard report. | Complies with A2(a)(b), (c) |



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|--|--|--|--|
|  | <p>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table C13.5; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p> |  |  |
|--|--|--|--|

#### **C15.0 Landslip Hazard Code**

The proposal meets exemption standard C15.4.1 (d)(i) and (ii) as the proposed subdivision within low and medium band of landslip hazard does not involve significant works and no additional lots are created.

#### **Conclusions**

The proposed subdivision relies on the following Performance Criteria to comply with the planning scheme

- 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

Details of assessment against the above discretionary items are provided in the Council Report.

The proposal complies with other applicable standards under the planning scheme.

AHR Instrument: AHDR9150

Applicant: Dang Van (Brighton Council)

Date: 21 FEBRUARY 2025

Attachment H  
**AGENDA ITEM 12.2**

## RECORD OF ADVICE FROM ABORIGINAL HERITAGE TASMANIA

This document provides a record of advice relating to an application submitted in accordance with the [Aboriginal Heritage Standards and Procedures](#), as adopted by the [Guidelines](#) issued under section 21A of the *Aboriginal Heritage Act 1975*.

Activity: Subdivision and rezoning - 594 and 596 Tea Tree Road, Tea Tree

Advice: Please see next page.

All Aboriginal heritage is protected under the *Aboriginal Heritage Act 1975*. It is an offence to destroy, damage, deface, conceal, or otherwise interfere with a relic (Aboriginal heritage) without a permit granted by the Minister. If at any time Aboriginal heritage is suspected, the process outlined in the [Unanticipated Discovery Plan](#) should be followed as there is an obligation to report findings of Aboriginal heritage as soon as practicable.

As explained in the Guidelines, obtaining this record of advice does not exempt a person from their obligations under the Act but is an important element of the actions summarised in the Guidelines. To be sure that you have “in so far as is practicable ... complied with the guidelines” (s.21(1) of the *Aboriginal Heritage Act 1975*), be sure to read the relevant part and take any other action that may be relevant to your situation.

This advice is valid for 12 months and only for the activity as described in the Aboriginal Heritage Desktop Review application.

Please contact Aboriginal Heritage Tasmania on 1300 487 045 or [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au) if you require further information.

**Disclaimer** *The advice contained within this document is based on information available to Aboriginal Heritage Tasmania at the time of its preparation and is provided in good faith. It does not constitute legal advice, is not intended to be a substitute for legal advice and should not be relied upon as such. Proponents should seek specialist legal advice, if required, regarding the Aboriginal Heritage Act 1975 when applying the information to their specific needs.*

Further advice or comments:

Aboriginal Heritage Tasmania (AHT) has completed a search of the Aboriginal Heritage Register (AHR) regarding the proposed Subdivision (reorganisation of boundaries) and rezoning - 594 and 596 Tea Tree Road, Tea Tree.

AHT notes that the proposed activity is to:

Amend the Brighton Local Provisions Schedule to:

- a) Rezone 596 Tea Tree Road (CT164781/1) from Rural to Community Purpose; and
- b) Rezone 4,401m<sup>2</sup> of 594 Tea Tree Road (CT182250/1) from Agriculture to Community Purpose; and

Approve a reorganisation 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 such, there is no ground works proposed for the above-mentioned activities.

Please note the advice provided is only for the proposed works outlined in your application. If there are future plans for any ground disturbance or construction on the properties (including for subdivision purposes which involves fencing, vegetation management etc.), please contact AHT in the very early planning stages as our records indicate that this area has not had an Aboriginal heritage assessment, which may be recommended.

## Submission to Planning Authority Notice

### Application details

Council Planning Permit No. SA 2025/004-RZ2025/1  
Council notice date 5/02/2025  
TasWater Reference No. TWDA 2025/00102-BTN  
Date of response 04/06/2025  
TasWater Contact AI Cole  
Phone No. 0439605108

### Response issued to

Council name BRIGHTON COUNCIL  
Contact details development@brighton.tas.gov.au  
Development details  
Address 596 TEA TREE RD, TEA TREE  
Property ID (PID) 3205343  
Description of development Combined Permit Application for Boundary Reorganisation and Planning Scheme Amendment Rezone from Rural to Community Purpose Zone

### Schedule of drawings/documents

| Prepared by | Drawing/document No. | Revision No. | Issue date |
|-------------|----------------------|--------------|------------|
| PDA         | Planning Report      | V2           | 31/01/2025 |
| PDA         | Plan of Subdivision  | 0            | 28/10/2024 |

### Conditions

Pursuant to the *Water and Sewerage Industry Act 2008* (TAS) Section 56S(2) TasWater makes the following submission(s):

1. TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.

### Advice

#### General

For information on TasWater development standards, please visit

<https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit

<https://www.taswater.com.au/building-and-development/development-application-form>

#### Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

## Dang Van

---

**From:** Property Team <PropertyTeam@tasrail.com.au>  
**Sent:** Wednesday, 5 March 2025 3:57 PM  
**To:** Dang Van  
**Subject:** RE: TasRail Referral - SA 2025/004-RZ2025/1 (596 and 594 Tea Tree Road, Tea Tree)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Caution:** This is an external email and may be **malicious**. Please take care when clicking links or opening attachments.

Hi Dang,

Sorry for our slow response.

TasRail has no objections to the boundary reorganisation at 594 & 596 Tea Tree Road.

Kind regards

Mel

**Mel Axford**



Property, Legal and Compliance Manager | Property  
| Mobile: 0419 618 515  
11 Techno Park Drive, Kings Meadows, Tasmania, 7249  
[mel.axford@tasrail.com.au](mailto:mel.axford@tasrail.com.au)

*'Tasmania's trusted provider of safe and dependable rail logistics solutions'*



---

**From:** Dang Van <dang.van@brighton.tas.gov.au>  
**Sent:** Wednesday, 5 February 2025 3:50 PM  
**To:** Property Team <PropertyTeam@tasrail.com.au>  
**Subject:** TasRail Referral - SA 2025/004-RZ2025/1 (596 and 594 Tea Tree Road, Tea Tree)

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**CAUTION:** This message originated outside of the TasRail network. Be cautious with links and attachments.

Dear Sir/Madam,

Please see the attached application for your comments. This is a combined permit application and planning scheme amendment.



Kind regards,

**DANG VAN**  
**PLANNING OFFICER – DEVELOPMENT SERVICES**



**Brighton**  
*going places*



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*We acknowledge the traditional owners who once walked this country, the Mumirimina people, the original custodians of the skies, land and water of kutalayna (Jordan River). We forward our respect to the palawa/pakana (Tasmanian Aboriginal) community as the traditional and original owners of lutruwita (Tasmania).*

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