



# Application for Planning Approval

## *Land Use Planning and Approvals Act 1993*

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APPLICATION NO.

**SA2025/030**

LOCATION OF AFFECTED AREA

**1 MARLBOROUGH STREET & 3 MARLBOROUGH STREET, PONTVILLE**

DESCRIPTION OF DEVELOPMENT PROPOSAL

**BOUNDARY ADJUSTMENT (2 LOTS)**

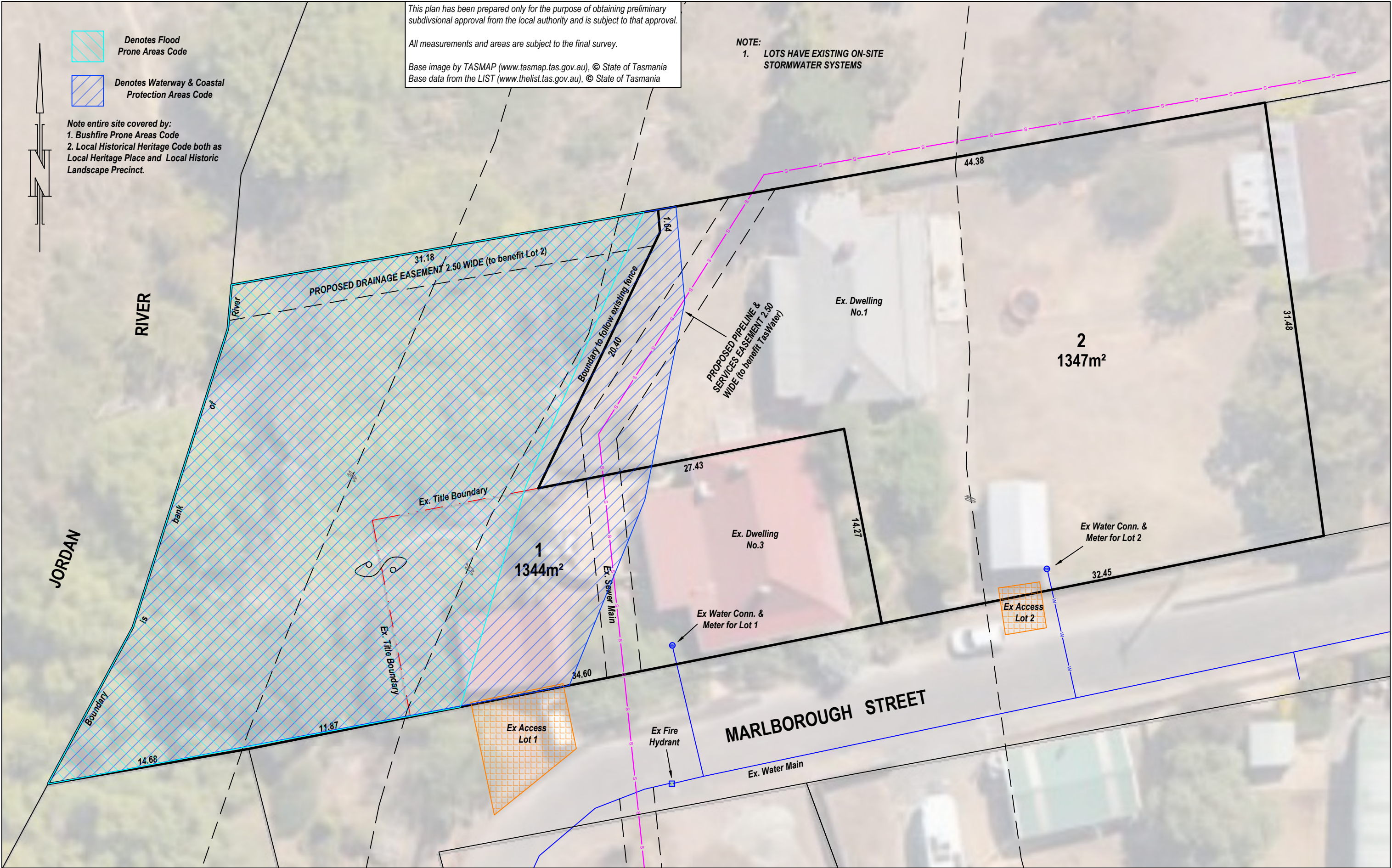
A COPY OF THE DEVELOPMENT APPLICATION MAY BE VIEWED AT [www.brighton.tas.gov.au](http://www.brighton.tas.gov.au) AND AT THE COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH, BETWEEN 8:15 A.M. AND 4:45 P.M, MONDAY TO FRIDAY OR VIA THE QR CODE BELOW. ANY PERSON MAY MAKE WRITTEN REPRESENTATIONS IN ACCORDANCE WITH S.57(5) OF THE LAND USE PLANNING AND APPROVALS ACT 1993 CONCERNING THIS APPLICATION UNTIL 4:45 P.M. ON **17/09/2025**. ADDRESSED TO THE CHIEF EXECUTIVE OFFICER AT 1 TIVOLI ROAD, OLD BEACH, 7017 OR BY EMAIL AT [development@brighton.tas.gov.au](mailto:development@brighton.tas.gov.au). REPRESENTATIONS SHOULD INCLUDE A DAYTIME TELEPHONE NUMBER TO ALLOW COUNCIL OFFICERS TO DISCUSS, IF NECESSARY, ANY MATTERS RAISED.

**JAMES DRYBURGH**  
**Chief Executive Officer**



**Brighton**  
going places





E				
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REV	AMENDMENTS	DRAWN	DATE	APPR.

**Brooks, Lark  
and Carrick  
SURVEYORS**

UNIT 1, 2 KENNEDY DRIVE  
CAMBRIDGE 7170  
PHONE: (03)6248 5898  
EMAIL: admin@blcsurveyors.com.au  
WEB: www.rbsurveyors.com

OWNER:

TITLE REFERENCE:

LOCATION:

GRANT DOUGLAS DANIELS,  
RICHARD GORDON KNIGHT  
C.T. 33449/1 & C.T.106569/1  
1 & 3 MARLBOROUGH STREET,  
PONTVILLE

**Proposed Subdivision**

Date:  
20/06/2025

Scale:  
1:250 (A3)

Reference:  
DANIG01 16167-01

Municipality:  
BRIGHTON





**RED SEAL**  
Urban & Regional Planning

8268

# PLANNING REPORT

Development Application to Brighton Council pursuant to  
Section 57 *Land Use Planning and Approvals Act 1993* for

Boundary Realignment (Subdivision)

at:

1 & 3 Marlborough Street, Pontville

(PID: 5020211 & 5020203,

CT: 33449/1 & CT: 106569/1)



*For: Dr. G.D. Daniels*

**TRENT J. HENDERSON** RPIA MICOMOS  
BA(Hons), GCertUrbDes, MEnvPlg, MCulHerMus,  
**Principal Planner**  
**RED SEAL Urban & Regional PLANNING**

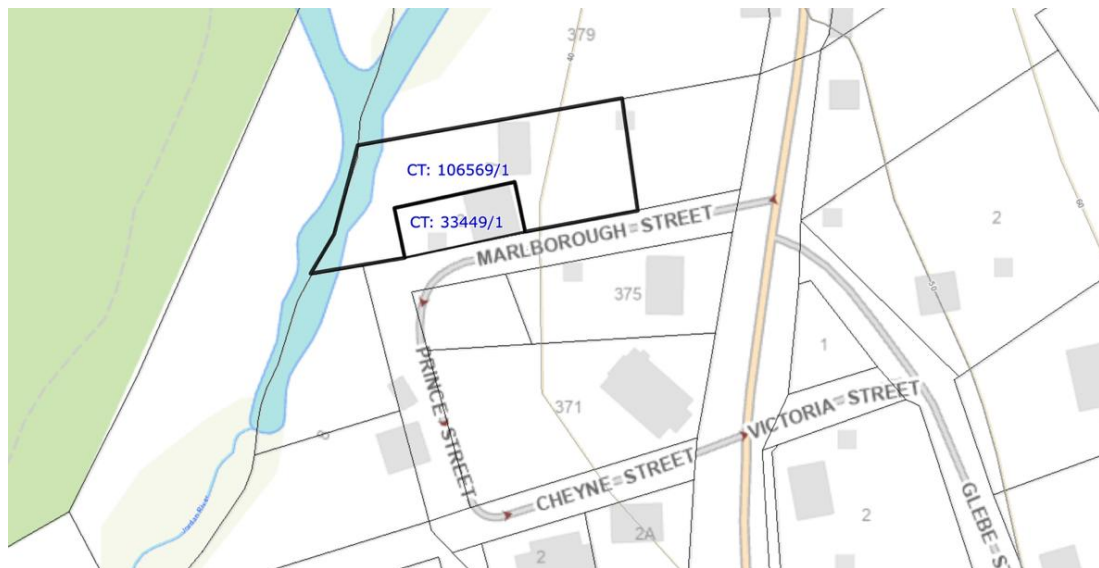
**PIA** Planning  
Institute  
Australia  
Registered  
Planner

## PLANNING REPORT

<b>Client:</b>	Grant D. Daniels
<b>Project:</b>	Boundary Realignment - Subdivision
<b>Location:</b>	1 & 3 Marlborough Street, Pontville
<b>Property ID:</b>	5020211 & 5020203
<b>Certificate of Title:</b>	Volume. 33449 Folio. 1 & Volume. 106569 Folio. 1
<b>THR ID No.</b>	648 (Turnkey's Cottage – Tas Heritage Register), 8076 (1 Marlborough Street, Pontville)
<b>Planning Authority:</b>	Brighton Council
<b>Planning Scheme:</b>	Tasman Planning Scheme - Brighton
<b>Zone:</b>	Village
<b>Overlay Code:</b>	Natural Assets Code: Waterway & Coastal Protection Area, Local Heritage Place: Turnkeys Cottage BRI-C6.1.47, Local Historic Landscape Precinct: Pontville BRI-C6.3.1, Bushfire-Prone Areas Code 13, Flood-Prone Areas Code
<b>Development Code:</b>	Parking & Sustainable Transport Code C2
<b>Local Provisions:</b>	Not Applicable
<b>Specific Area Plan:</b>	Not Applicable
<b>Use Class:</b>	Residential, both lots
<b>Development:</b>	Boundary reorganisation / minor subdivision
<b>Lot Size:</b>	CT: 33449/1 current 494.088m <sup>2</sup> CT: 106569/1 current 2195m <sup>2</sup>
<b>Documents:</b>	Appendix A – Brighton Council Development Application Form Appendix B – CT: Volume. 33449 Folio. 1 & Volume. 106569 Folio. 1 Appendix C – Subdivision Plan: <i>Brooks, Lark &amp; Carrick Surveyors</i> Appendix D – Flood Desktop Assessment: <i>Flussig Engineers</i> Appendix E – Bushfire Report Exemption, <i>NorthBarker</i> Appendix F – Sec.52(1) LUPAA Owners Notification
<b>Current Use/Development:</b>	Each lot has a single dwelling
<b>Current Layout:</b>	The current layout of the two lots has Lot CT: 106569/1 engulfing Lot CT: 33449/1 (Figure 1).
<b>Proposal:</b>	To alter the western rear boundary between the two properties to provide Lot CT: 33449/1 access to the embankment for the purpose of bushfire management.

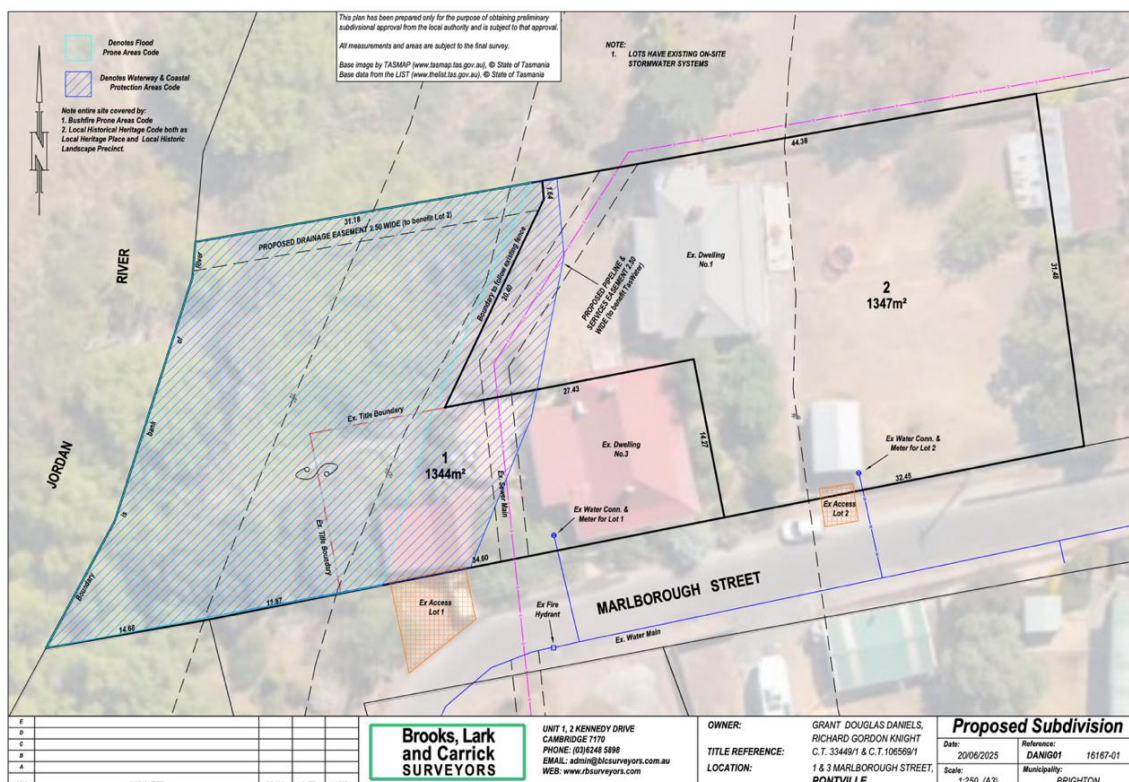
The current layout means that the dwelling on Lot CT: 33449/1, which is the closest to the embankment, does not have access to maintain the vegetation in this area. As such, the owners of Lot CT: 33449/1 are inhibited in maintaining the required bushfire management for the historic dwelling on the site.





**Figure 1 – The current lot layout**

The proposed new layout has the boundary diverted north to follow the western edge of the managed garden area for 1 Marlborough Street, where the top of the riverbank falls away. As a result, 3 Marlborough Street will include all the embankment and have frontage to Jordan River. Both lots will maintain the same service and vehicle connections. The proposed layout facilitates ongoing management of vegetation on the site (Figure 2). Other options such as a Section 71 Agreement under the *Land Use Planning & Approvals Act 1993* have been explored; however, whilst such an agreement may be amicable between current parties it has the potential of being a complication for future landowners. The proposed reorganisation of the lot provides a greater degree of ongoing clarity and ability to maintain the land for both properties.



**Figure 2 – The proposed layout has the boundary follow the western edge of the managed lawn. (**

Both properties are listed under the *Historic Cultural Heritage Act 1995*.

The *Statement of Significance* for 1 Marlborough Street, Pontville (CT: 106569/1) cites that the building:

*(d) ...is of historical heritage significance because it demonstrates the principal characteristics of a single storey, Victorian Georgian weatherboard house. These characteristics are found in the external form, construction methods and the detailing, both externally and internally.*

And,

*(f) ...has strong meaning for the community because it demonstrates aspects of Victorian society and in a semi-rural location it contributes a sense of history and built character to the landscape.*

This is also consistent with the *Statement of Significance* for 3 Marlborough Street, Pontville (CT: 33449/1), which cites:

*(d) Turnkey's Cottage is of historic heritage significance because of its ability to demonstrate the principal characteristics of a single storey sandstone Old Colonial cottage.*

And,

*(f) This site is of historic heritage significance because its streetscape associations are regarded as important to the community's sense of place.*

The proposed new boundary layout has no impact on the established relationship the two buildings have with the streetscape or the sense of place associated with Marlborough Street and Pontville.

As seen within the image below (Figure 3), the Turnkey's Cottage has historically had access to the Jordan River.



**Figure 3 – The building is reputed to be the Turnkey's Cottage (red circle) with the building at 1 Marlborough Street, Pontville behind, with the Jordan River in the lower left of the image. (Source: Peter MacFie's Collection)**



**Adjustment of a Boundary:** Pursuant to Clause 7.3:

The current layout of the two lots has 1 Marlborough Street (CT: 106569/1) with a site area of 2195m<sup>2</sup> and Lot CT: 33449/1 with a site of 494m<sup>2</sup> in total. The proposal will result in 1 Marlborough Street having an area of 1347m<sup>2</sup>, whilst 3 Marlborough Street (CT: 33449/1) having 1344m<sup>2</sup> in total area.

Pursuant to cl. 7.3.1 of the Scheme:

*cl. 7.1.3 - An application for a boundary adjustment is Permitted and a permit must be granted if:*

- (a) no additional lots are created;*
- (b) there is only a minor change to the relative size, shape and orientation of the existing lots*
- (c) no setback from an existing building will be reduced below the relevant Acceptable Solution setback requirement;*
- (d) no frontage is reduced below the relevant Acceptable Solution minimum frontage requirement;*
- (e) no lot is reduced below the relevant Acceptable Solution minimum lot size unless already below the minimum lot size; and*
- (f) no lot boundary that aligns with a zone boundary will be changed.*

Sub-clause (a) complies as no additional lots are to be created as part of this proposal, and there is no change to the current development rights of the site from the proposed layout generated by this proposal.

The relevant acceptable solution requirements for setbacks and frontage in the Village zone are not applicable as frontage is not reduced to the zone's minimum and setbacks from buildings are not changed. The boundary of the combined lots is to stay consistent; therefore, sub-clauses (c) and (d) are met.

No minimum lot sizes are established for the Village Zone under the Scheme; therefore, sub-clause (e) does not apply.

The lot boundary for the changed lots do not align with a zone boundary with the area being Village Zone each side of the Boundary that is being altered, therefore complying with sub-clause (f).

Sub-clause (b) is more complex as there are subjective considerations to whether the proposed change can be a minor change, regarding size and shape of the existing lots.

The orientation of the lots is to stay the same, but the size and shape changes for each lot.

In reviewing the layout in the context of other larger lots in the area, we are of the opinion the proposed layout is likely greater than that considered to be a minor change to the relative size, shape and orientation of the existing lots. Ultimately the decision and discretion of whether this change is considered minor is up to the planning authority; therefore, a conservative assessment of the matter considers the subdivision to not be in accordance with cl. 7.3.1(b) of the General Provisions of the Scheme.

As a result, the proposal does not seek approval under cl. 7.3.1 of the Scheme and is reliant on the Lot Design provisions (cl. 12.5) listed under the Village Zone (Part 12.0).

## **VILLAGE ZONE PART 12**

The purpose of the Village Zone is:

- 12.1.1 - To provide for small rural centres with a mix of residential, community services and commercial activities.*
- 12.1.2 - To provide amenity for residents appropriate to the mixed use characteristics of the zone.*

The scope of this project is to alter the common boundary between two lots that have existing residential dwellings established. There is no change to the lots that impact on the purpose statements of the Village Zone.

### **Lot Design**

As it has been considered that the realignment of the boundary does not meet the requirements of cl. 7.1.3 of the Scheme, the proposed reorganisation of boundary between 1 and 3 Marlborough Street relies on the assessment of cl. 12.5 Development Standards for Subdivision of the Scheme.

The objective of cl. 12.5.1 Lot design is that each lot:

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

It is reiterated that the boundary adjustment does not seek to change the current development situation on the site with two dwellings currently on each lot both with established accesses to the road.

The standard cl. 12.5.1 sets out the following Acceptable Solution:

**A1 - Each lot, or a 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 of not more than 1 in 5, clear of:*
    - a. all setbacks required by cl. 12.4.3 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 cl. 12.4.3 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.*

The standards listed under sub-clause (b), (c), & (d) are not applicable to this proposal as the lots do not involve the Crown, a council or a state authority, nor does the proposal involve a lot for the provisions of utilities, or the consolidation of a lot.

Matters listed under sub-clause (a) presume that the lot created is for new development, intended to ensure that the dimensions are sufficient for a dwelling to meet the acceptable solution for cl. 12.4.3 A1 & A2 of the Scheme. To reiterate, the scope of the project is to realign the rear boundary of the two lots: there is no change to the boundary surrounding the two dwellings. Therefore, the matters listed under cl. 12.5.1 A1(a)(i) are not applicable to the determination of this project as there is no change to the current situation.



In regard to cl. 12.5.1 A1(a)(ii) the new alignment of the boundary is over 8m at the closet point to the corner of the dwelling (up to 15m at the furthest point); therefore, the existing building is consistent with the setback under cl. 12.4.3 A1 & A2 being 3m for a side boundary setback.

As a result, the lot area and proposed layout is consistent with the area and dimensions appropriate for the existing development and use of the lots, particularly factoring that the buildings are recognised for their cultural heritage values.

Regardless that the proposed layout is consistent with the applicable standards, each lot has sufficient useable area and dimensions suitable for its intended use associated with the existing dwellings consistent with the Performance Criteria cl. 12.5.1 P1 of the Scheme.

The realignment is to facilitate relevant requirements for the existing buildings on the lots, in accordance with sub-clause (a). There is no variation to the intended location of buildings on the lots, consistent with sub-clause (b).

The new boundary considers the topography of the site, with the steeper area to be associated with 3 Marlborough Street, Pontville (CT: 33449/1). This will facilitate the owners of that lot the ability to manage vegetation for the purpose of minimising risk of bushfire, consistent with sub-clause (c) & (d).

Having regard to sub-clause (e) it is reiterated that the scope of the project is simply a realignment of the title boundary between Lot CT: 106569/1 and Lot CT: 33449/1, both lots still have sufficient area for private open space.

There is no change to the pattern of development currently existing on the two established properties proposed by this project; therefore, the matter is consistent with cl. 12.5.1 (f) of the Scheme.

Both lots maintain current vehicle access on lot frontages that exceed 10m in length, consistent with cl. 12.5.1 A2 & A3 of the Scheme. It is observed that the current accesses reflect the historic streetscape and sense of place identified as significant for this space within Pontville, there is no proposal as part of the scope of this project to alter the streetscape or undertake works that would impact on these values.

## **New Roads**

No new roads are proposed as part of this project; therefore, the matters listed under cl. 12.5.2 are not applicable to the scope of this project.

## **Services**

To reiterate, the scope of the proposal is to alter the internal boundary between two lots, the connections to services are not altered by this project. Therefore, the matters listed under cl. 12.5.3 regarding services are not applicable to the determination of this project.

## **CODE PROVISIONS**

### **Signs Code C.1**

Pursuant to Clause C1.2 this Code is not applicable to this proposal.

### **Parking & Sustainable Transport Code C.2**

Pursuant to Clause C2.2 this Code is not applicable to this proposal as there is no change of use or intensity of the site.

### **Road & Railway Assets Code C.3**

Pursuant to Clause C3.2 this Code is not applicable to this proposal.

### **Electricity Transmission Infrastructure Code C.4**

Pursuant to Clause C4.2 this Code is not applicable to this proposal.

### **Telecommunications Code C.5**

Pursuant to Clause C5.2 this Code is not applicable to this proposal.

### **Local Historic Heritage Code C.6**

Pursuant to Clause C6.2.3 this Code does not apply to a registered place entered on the Tasmanian Heritage Register.

### **Natural Assets Code C.7**

The site is mapped Waterway & Coastal Protection Area; however, new boundary line is approximately 10m above the waterline of Jordan River. There is no change to the development capability of the new layout.

Pursuant to cl. C7.2.1 (a) the Natural Assets Code applies as the site is within a mapped Waterway & Coastal Protection Area.

Only cl. C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area, is applicable within the Natural Assets Code. However, this standard is for the creation of a new lot with the wording focused on the impact of new lots and the associated actions on native vegetation from the new development. It is reiterated that the scope of this project is for a realignment of the boundary between to properties that both have a single dwelling located on site. The boundary is associated with land that is part of a private garden; therefore, pursuant to cl. C7.4.1 (c)(ii) of the Scheme.



**Scenic Protection Code C.8**

Pursuant to Clause C8.2, this Code is not considered to be applicable to this proposal.

**Attenuation Code C.9**

Pursuant to Clause C9.2, this Code is not considered to be applicable to this proposal.

**Coastal Inundation Hazard Code C.10**

Pursuant to Clause C10.2, this Code is not considered to be applicable to this proposal.

**Coastal Inundation Hazard Code C.11**

Pursuant to Clause C11.2, this Code is not considered to be applicable to this proposal.

**Flood-Prone Areas Hazard Code C.12**

The land to be transferred to 3 Marlborough St is within flood-prone hazard area. Pursuant to Clause C12.2, this Code is applicable to this proposal. It is reiterated that the no new development rights or potential is to occur. The lots have established dwellings, and the area is to be retained as garden space to a dwelling.

Both lots have existing dwellings; therefore, consistent with the intent of the acceptable solution of cl. C12.7.1 A1 (a) of the Scheme, in that there are building areas outside of the flood-prone hazard area.

To address all the requirements of standard cl. C12.7.1 an assessment has been provided by *Flussig Engineers* (Appendix D), which clarifies that there is no change or intensity to the level of risk derived from the flood-prone hazard area due to the alteration in boundary.

**Bushfire-Prone Areas Code C.13**

Pursuant to Clause C13.2. 1(a), this Code is applicable to this proposal.

An accredited person, Cameron Geeves (BFP – 178), has certified that there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures (Appendix E).

**Potentially Contaminated Land Code C.14**

Pursuant to Clause C14.2, this Code is not considered to be applicable to this proposal.

**Landslip Hazard Code C.15**

Pursuant to Clause C15.2, this Code is not considered to be applicable to this proposal.

## **Safeguarding Airports Code C.16**

Pursuant to Clause C16.2, this Code is not considered to be applicable to this proposal.

## **LOCAL PROVISIONS SCHEDULE REQUIREMENTS**

**Due to Clause C6.23 the following Local Provisions are not applicable to this application:**

- Local Heritage Place: Turnkeys Cottage BRI-C6.1.47,
- Local Historic Landscape Precinct: Pontville BRI-C6.3.1,

## **PUBLIC OPEN SPACE**

The scope of the project is simply a realignment of the title boundary between Lot CT: 106569/1 and Lot CT: 33449/1, with no new lots created. Whilst the mechanism within the Scheme is to assess the proposal within the Subdivision Lot Design Standards of the Village Zone, the proposal is not actually subdividing or creating a new lot. No additional impact on public open space is generated from this project; therefore, whilst this application is a subdivision by allocation, there is no necessity for a contribution pursuant to Section 116 or 117 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* and consistent with Brighton Council's *Public Open Space Policy No. 6.6*.

## **CONCLUSION**

The proposed boundary adjustment between 1 and 3 Marlborough Street, Pontville, is consistent with Clause 7.3 of the Planning Scheme. However, the variation in shape means it is more appropriate that the project is considered an assessment of cl. 12.5 Development Standards for Subdivision of the Scheme Tasmanian Planning Scheme – Brighton. Sufficient documentation has been presented for the project to be approved by the Planning Authority.

The boundary adjustment results in a practical outcome that facilitates greater capacity for ongoing management for both heritage properties.



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*"The Old Parsonage", 160 New Town Road, New Town, Tasmania*

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This Planning Report has been prepared by:

Trent Henderson, a Registered Planner of the Planning Institute of Australia (RPIA) and a Member of Australian ICOMOS. Mr Henderson holds a Bachelor of Arts (Honours) (University of Tasmania), Graduate Certificate of Urban Design (Deakin University), Master of Environmental Planning (University of Tasmania), and Master of Cultural Heritage & Museum Studies (Deakin University) and has nearly twenty years' experience working within the Tasmanian Planning System in community, local government, and private sector roles particularly within rural communities. Mr Henderson also holds qualification and experience in Business Sustainability Management (Institute for Sustainable Leadership, University of Cambridge), On-site implementation of conservation earthworks (Cert L2 QLD TAFE), Risk-based Land Use Planning (Emergency Management Australia), & Rural Operations.

Paul Verne has a Diploma in Civil Engineering & Advanced Diploma in Project Management, plus over 25 years' experience in the construction industry, which includes 20 years assessing the traffic implications of developments, including residential dwellings, multiple units & lot subdivisions, and commercial projects. As Development Engineer, or Roads & Transport Officer, Paul's roles within local government were to assess engineering plans; provide technical advice; inspect and conduct safety audits on all new and existing council assets and proposed developments

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# RED SEAL

## Urban & Regional Planning

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### Limitations

Red Seal Urban & Regional Planning provides town planning advice based on the information provided by the Client, which is assumed correct in relation to the provisions of the Tasmanian Resource Management Planning System.

### Red Seal Urban & Regional Planning

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Planning  
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### **3 Marlborough Street Pontville – Letter of Assessment**

Rev No.	Description	Prepared by	Date
00	3 Marlborough St, Pontville, Flood Desktop Assessment.	MM	18.07.2025

#### **Introduction**

This report presents the findings of a desktop flood risk assessment for the property located at 3 Marlborough Street, Pontville, prepared in response to a proposed two-lot subdivision. The assessment was conducted to address the site's classification as flood-prone in both LISTmap Tasmania and Brighton Council flood mapping systems.

This review is based solely on publicly available flood mapping and aerial/topographic data. No site-specific hydraulic or hydrologic modelling has been undertaken. This report does not constitute a formal flood hazard or inundation report, and it is not intended for use in detailed building design or certification.

#### **Purpose of Assessment**

The purpose of this desktop review is to:

- Evaluate publicly available flood data affecting the subject site;
- Assess flood risk implications for the proposed subdivision layout;
- Provide a response to Clause C12.7.1 P1 of the Tasmanian Planning Scheme – Flood-Prone Areas Hazard Code;
- Offer planning guidance regarding subdivision design in flood-affected areas.

#### **Existing Flood Mapping and Site Characteristics**

The property is located on the northern side of Marlborough Street and slopes westward toward the Jordan River, with an approximate gradient of 12%. The site contains:

- Two residential dwellings.
- Two garages/ sheds.
- Grass cover and some scattered vegetation near the river.

This assessment relied on the following:



- LISTmap Tasmania – flood-prone land overlay and 1% AEP mapping;
- Brighton Council and SES flood hazard data – hazard overlays (H2 to H6);
- Client-provided subdivision layout;
- Topographic and aerial imagery (via LISTmap);
- Informal consultation by the client with Brighton Council Planning Officer Dang Van regarding assessment requirements.

No site visits, surveys, or hydraulic modelling were undertaken and according to SES and Brighton Council mapping, the site is located within a riverine flood-prone area with hazard categories ranging from H2 to H6 during a 1% AEP flood event.

The flood overlay encroaches on the southwest portion of the site, primarily impacting the garage/shed structure and driveway of proposed Lot 1.



**Figure 1. Brighton Council / SES Flood Map and Hazard Overlay**

### **Flood Prone Area Hazard Code C12.7.1 P1 Compliance**

Clause C12.7.1 of the Tasmanian Planning Scheme relates to Subdivision within a Flood-Prone Hazard Area, with the objective:

*“That subdivision within a flood-prone hazard area does not create an opportunity for use or development that cannot achieve a tolerable risk from flood.”*

While the Performance Criteria P1 states that: *“Each lot, or a lot proposed in a plan of subdivision, within a flood-prone hazard area, must not create an opportunity for use or development that cannot achieve a tolerable risk from flood, having regard to:*

- a) any increase in risk from flood for adjacent land;
- b) the level of risk to use or development arising from an increased reliance on public infrastructure;
- c) the need to minimise future remediation works;
- d) any loss or substantial compromise by flood of access to the lot, on or off site;
- e) the need to locate building areas outside the flood-prone hazard area;
- f) any advice from a State authority, regulated entity or a council; and
- g) the advice contained in a flood hazard report.

### **Response to the Flood Prone Area Hazard Code C12.7.1 P1**

- a) Observing the existing flood-prone layout, the proposed subdivision layout shown in Figure 2 does not increase the risk to adjacent land.
- b) While the existing level of risk is high, the proposed new lot boundaries appear not to increase reliance on public infrastructure.
- c) Observing the existing flood layout, it is recommended to avoid any future remediation works inside the mapped riverine flood extent.
- d) The existing flood mapping indicates that access to the garage/shed in Lot 1 is compromised. However, the main entry door to the dwelling on Lot 1 appears to be flood-free and should be used as the evacuation route. Access to Lot 2 appears flood-free and is recommended for safe entry and exit during flooding.
- e) Based on the mapped flood-prone areas and considering future climate change rainfall increases, it is strongly recommended that the garage/shed on Lot 1 remain non-habitable and that no new buildings or infrastructure be constructed within 2 meters of the 1% AEP flood extent.
- f) Brighton Council Planning Officer Dang Van has confirmed that this desktop assessment letter, based on existing flood mapping from LISTmap Tasmania, is sufficient to address Clause C12.7.1 P1.
- g) As stated above, while this document does not constitute a formal flood hazard report, Brighton Council has advised that this desktop assessment is acceptable for planning assessment.

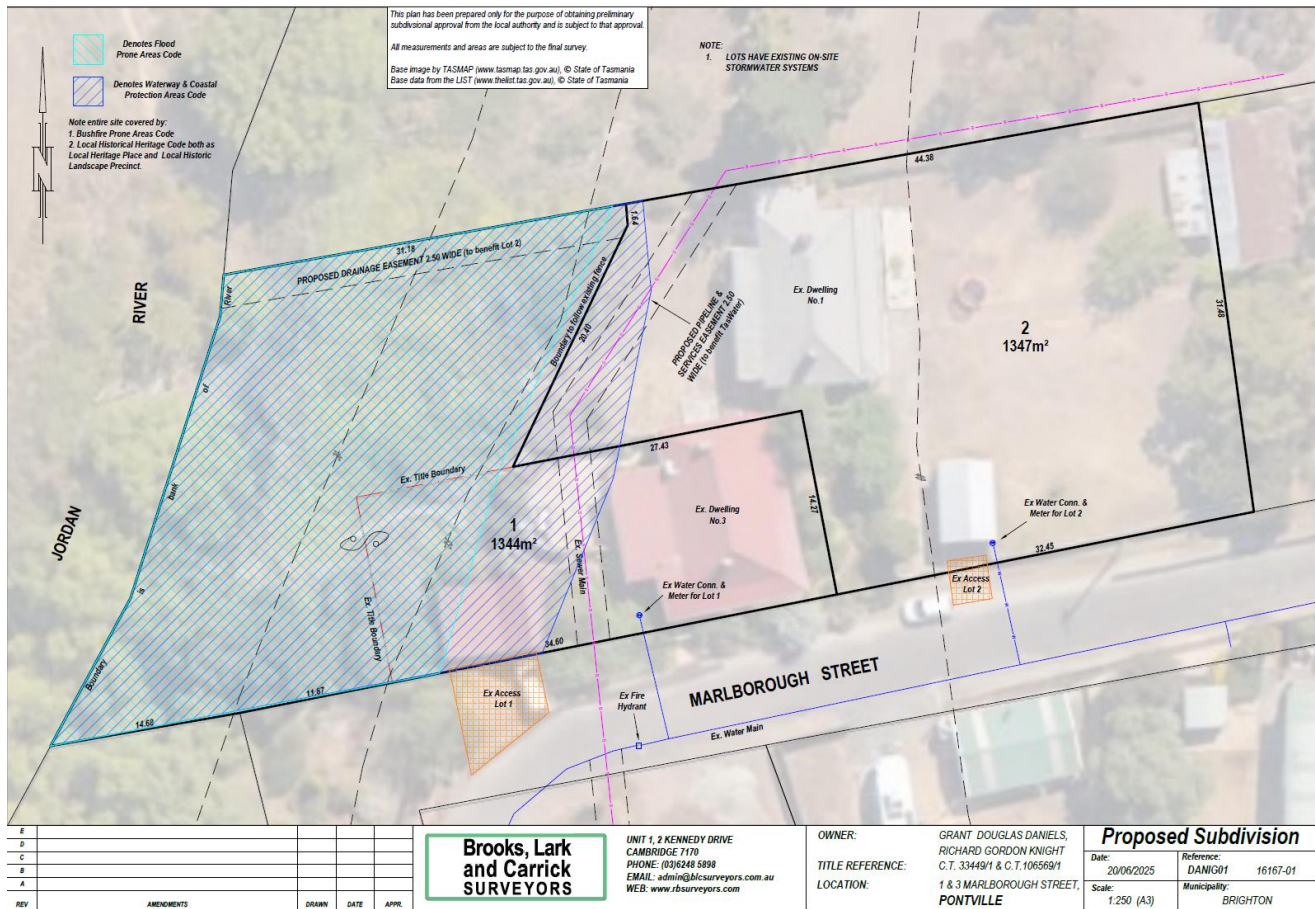


Figure 2: Proposed Subdivision Layout

## Conclusion

Based on this desktop assessment and the available public mapping:

- The proposed subdivision layout does not increase flood risk to adjacent land;
- The main dwelling on Lot 1 has flood-free access and is located outside the mapped 1% AEP flood extent;
- Lot 2 maintains flood-free access and building area;
- With development constrained outside the flood extent plus 2m, the layout is consistent with Clause C12.7.1 P1 of the Tasmanian Planning Scheme.



## Disclaimer

This letter constitutes a desktop-level flood risk assessment and is based solely on information publicly available at the time of preparation.

The data sources used include digital flood overlays from LISTmap Tasmania, hazard mapping provided by Brighton Council and the State Emergency Service (SES), publicly available topographic data, aerial imagery, and client-supplied subdivision drawings.

No field verification, survey, geotechnical investigation, or hydraulic/hydrologic modelling has been conducted as part of this assessment. Accordingly, this document does not provide site-specific flood levels, nor does it quantify flood depths, velocities, or hazard ratings beyond what is shown in the public data. It is not a substitute for a detailed flood hazard or inundation report and must not be relied upon for building design, certification, or engineering approval.

While all reasonable care has been taken to interpret the publicly available data, Flüssig Engineers does not accept any responsibility or liability for errors, omissions, or inaccuracies in the external data sources relied upon in this report. Any conclusions drawn are inherently limited by the quality, resolution, and currency of the information available.

This desktop assessment is provided for preliminary planning purposes only and is intended to assist in understanding potential flood risk for the subject site at a high level. It does not constitute professional advice for compliance, approval, or development activities subject to state or local planning regulations.

Should you require a further site-specific investigations, please feel free to get in touch.

Regards

A handwritten signature in black ink that reads "Max W. Möller".

### Max W. Möller

*BEng, FIEAust, EngExec, CPEng, NER, APEC Engineer, IntPE(Aus)*

**Managing Director / Senior Principal Civil Hydraulic Engineer**



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**Proposed two lot subdivision  
3 Marlborough Street, Pontville**

**Bushfire Report Exemption**

July 2025

For Grant Daniels

Assessment by Cameron Geeves BFP – 178



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SUMMARY

Survey and report details	
Survey by	Cameron Geeves
Survey date	07/02/2024
Photos	Cameron Geeves
Report prepared by	Cameron Geeves BFP - 178
Client	Grant Daniels
Ultimate client	Grant Daniels
Report version	v1.0 report to client 11/07/2025
Mapping	Rabin Khatri

Site details	
Address	1 & 3 Marlborough Street, Pontville
Planning scheme	Tasmanian Planning Scheme - Brighton
Planning scheme – zoning	Village
Planning scheme – code overlays	Bushfire Prone Areas Code
	Local Historic Heritage Code
PID & Title Reference	1 MARLBOROUGH ST PONTVILLE TAS 7030 (PID: 5020211, Title Ref: 106569/1)
	3 MARLBOROUGH ST PONTVILLE TAS 7030 (PID: 5020203, Title Ref: 33449/1)
BCA class of building/s	1 MARLBOROUGH ST PONTVILLE TAS 7030: Class 1A
	3 MARLBOROUGH ST PONTVILLE TAS 7030 : Class 1A

# 1 INTRODUCTION

The following proposal is for a two lot subdivision at 3 Marlborough Street, Pontville (PID: 5020203) (Figure 1).

Brighton Council requires a bush fire report demonstrating that the proposal is exempt and is in compliance with AS3959: 2018<sup>1</sup>.

This report has been prepared by Cameron Geeves BFP – 178, Scope of accreditation – 1, 2 and 3B and demonstrates compliance with the *Tasmanian Planning Scheme C13.0 Bushfire-Prone Areas Code*.

The site and surrounds were inspected on the 1<sup>st</sup> of August 2024. See Figure 1 for the context and locality of the proposal.

## 2 SITE DESCRIPTION

The site is within the municipality of Brighton. The Tasmanian Planning Scheme - Brighton (2020) identifies the land as occurring within a bushfire prone area. The parcel of land is zoned village and the combined area of both lots is 2,691 m<sup>2</sup>. More broadly all land to the north, south and east of the lot is also zoned as village as well as at a minimum 14 m of land to the west of the lot (Figure 2).

The site is subject to the following code overlays under the Tasmanian Planning Scheme 2020

- Bushfire Prone Areas Code, and
- Local Historic Heritage Code.

### 2.1 PROPOSAL

The owner of 3 Marlborough Street wishes to purchase c. 850 m<sup>2</sup> of land from 1 Marlborough Street. In order to formalise this purchase, a plan of subdivision is proposed.

No habitable buildings or building areas will be created as a result of the proposal. The two new lots are 1,344 m<sup>2</sup> and 1,347 m<sup>2</sup> respectively and will accommodate the existing dwellings and outbuildings only.

Public and private access to each lot is existing and compliant. The land is serviced by reticulated water and there is an existing TasWater hydrant on Marlborough Street which can service both lots.

Limitations: This report is based on site measurements at the time of inspection and from information provided by the proponent. The report is limited in scope to bushfire hazard assessment only. The assessment is based on this planning proposal and its findings are for this site only. Future changes to the proposal or changes in the vegetation that affect bushfire hazard have not been considered.

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<sup>1</sup> AS3959: 2018 Construction of Buildings in Bushfire-prone Areas



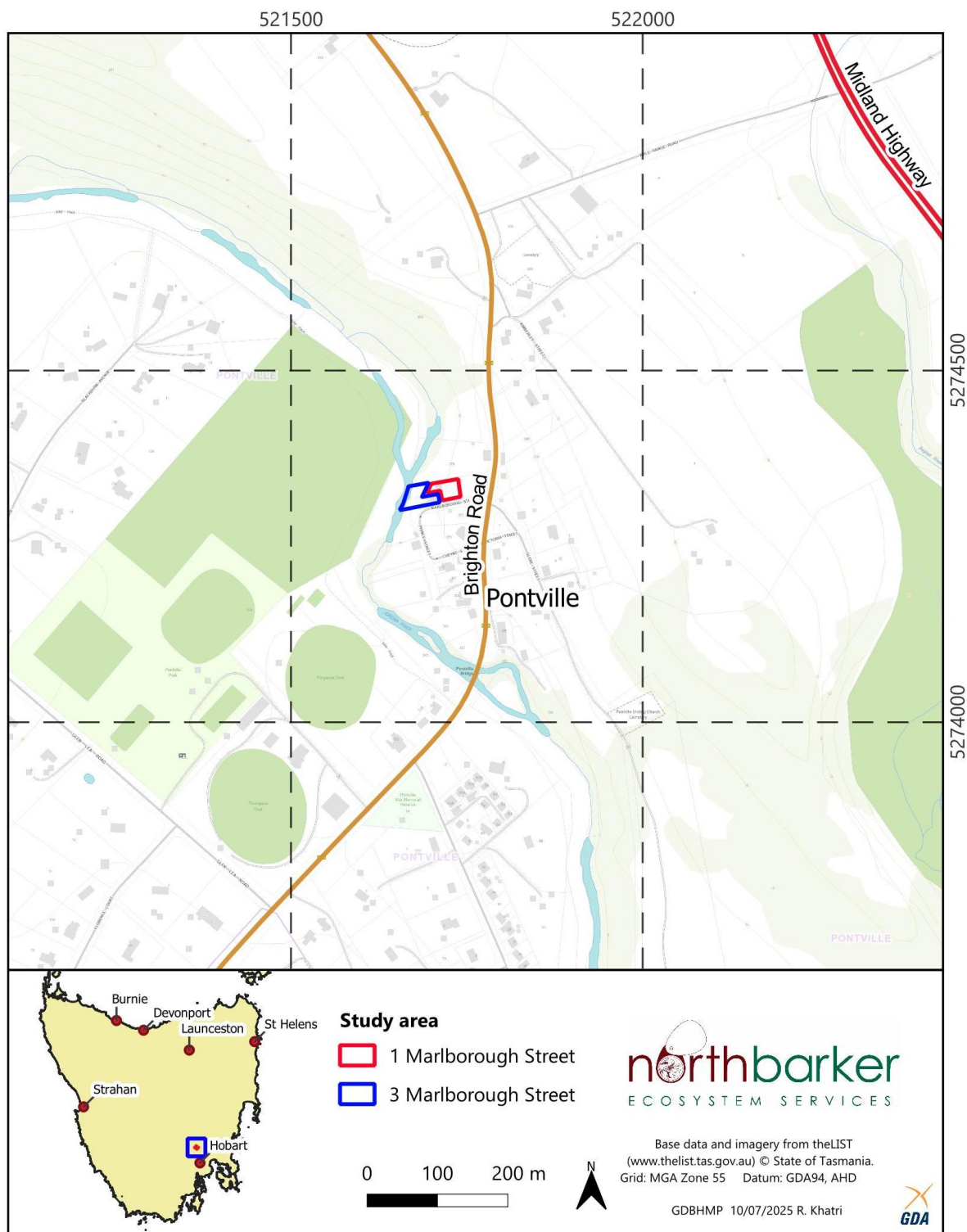


Figure 1. The location and context of the site.

### 3 BUSHFIRE PRONE AREAS CODE

The purpose of the Code as state in C13.1.1 is:

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.

#### 3.1 PROVISION OF HAZARD MANAGEMENT AREAS

The creation of the two new lots will not result in any newly created building areas or subsequent building.

There is insufficient increase in risk to warrant the need for bushfire hazard management areas.

- *The proposal can meet the requirements of C13.6.1 Acceptable solution A1 (a).*

#### 3.2 STANDARDS FOR PROPERTY ACCESS

Access onto either lot is not required for a fire appliance to access the firefighting water point which is located directly adjacent to the lot.

There are no specified design or construction requirements relating to access for either lot.

- *The proposal can meet the requirements of Table C13.2 element A.*

#### 3.3 PROVISION OF WATER SUPPLY FOR FIRE FIGHTING PURPOSES

The proposal is within serviced land for water and sewerage. The water supply for both lots provided from reticulated water. The dwellings on both lots are within 120 m of the nearest hydrant (found directly opposite 3 Marlborough Street) as measured by hose lay.

- *The proposal can meet the requirements of Table C13.4 elements A-C.*

### 4 COMPLIANCE

Under clause C13.4 of the *Tasmanian Planning Scheme -Bushfire-Prone Areas Code*, I certify that the proposed two lot subdivision does not require a bushfire hazard management plan.

### 5 CONCLUSION

Key findings in relation to the proposal are as follows:

A proposed two lot subdivision at 3 Marlborough Street, Pontville has been assessed in relation to the Tasmanian Planning Scheme Bushfire-Prone Areas Code.

Both of the newly created lots have existing class 1A dwellings and no new habitable buildings will be created as a result of the subdivision. Access and provision of water for firefighting purposes are existing and compliant for both lots. Therefore, the proposed subdivision poses an insufficient risk from bushfire to warrant any specific bushfire protection measures. A bushfire hazard management plan is not required.

## 6 REFERENCES

Australian Standard AS 3959 (2018) Construction of buildings in bushfire prone areas.

Department of Primary Industries and Water, The LIST, viewed 11/07/2025, ([www.thelist.tas.gov.au](http://www.thelist.tas.gov.au))

Tasmanian Planning Scheme Sorell 2020 – Bushfire-Prone Areas Code.

## APPENDIX 1. PLANNING CERTIFICATE

### BUSHFIRE-PRONE AREAS CODE

### CERTIFICATE<sup>2</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:**

1 & 3 Marlborough Street, Pontville

**Certificate of Title / PID:**

3 Marlborough Street, Pontville

PID: 5020203

Certificate of title / number: CT: 33449/1

#### 2. Proposed Use or Development

**Description of proposed Use  
and Development:**

2 lot subdivision

**Applicable Planning Scheme:**

Tasmanian Planning Scheme - Brighton 2020

#### 3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Proposed subdivision	Brooks, Lark and Carrick Surveyors	20/06/2025	Ref: 16167-01

<sup>2</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 checked="" 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 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 checked="" type="checkbox"/>	E1.6.1 A1 (a) / C13.6.1 A1(a)	Insufficient increase in risk
<input 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 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 type="checkbox"/>	E1.6.2 A1 (a) / C13.6.2 A1 (a)	Insufficient increase in risk
<input checked="" type="checkbox"/>	E1.6.2 A1 (b) / C13.6.2 A1 (b)	Access complies with relevant Tables

<input 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 checked="" 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 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:** Cameron Geeves

**Phone No:** 0424 232 983

**Postal Address:** 313 Macquarie St Hobart

**Email Address:** cgeeves@northbarker.com.au

**Accreditation No:** BFP- 178

**Scope:** 1, 2 and 3B

## 6. Certification

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

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

**Signed:**

*certifier*



**Name:**

Cameron Geeves

**Date:**

11/07/2025

**Certificate Number:**

GD BHMP

(for Practitioner Use only)

## Submission to Planning Authority Notice

### Application details

Council Planning Permit No. SA 2025 / 00030  
Council notice date 25/08/2025  
TasWater Reference No. TWDA 2025/01005-BTN  
Date of response 28/08/2025  
TasWater Contact Phil Papps  
Phone No. 0474 931 272

### Response issued to

Council name BRIGHTON COUNCIL  
Contact details development@brighton.tas.gov.au  
Development details  
Address 3 MARLBOROUGH ST, PONTVILLE  
Property ID (PID) 5020203  
Description of development Boundary adjustment

### Schedule of drawings/documents

Prepared by	Drawing/document No.	Revision No.	Issue date
Brooks Lark & Carrick	Plan of Subdivision / DANIG01 16167-01	--	20/06/2025

### Conditions

Pursuant to the *Water and Sewerage Industry Act* 2008 (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:

#### FINAL PLANS, EASEMENTS & ENDORSEMENTS

1. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.  
*Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.*
2. Pipeline easements, to TasWater's satisfaction, must be created over the existing TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions and requirements.
3. Prior to the issue of a Consent to Register a Legal Document from TasWater, the applicant must submit a copy of the completed Transfer for the provision of a Pipeline and Services Easement(s) to cover existing/proposed TasWater infrastructure as required by condition 2. All costs and expenses related to the transfer of easement(s)/lots to TasWater are to be paid by the developer.



4. Prior to the issue of a TasWater Consent to Register a Legal Document, the applicant must submit a .dwg file, prepared by a suitably qualified person to TasWater's satisfaction, showing:
  - a. the exact location of the existing sewerage infrastructure,
  - b. the easement protecting that infrastructure.

The developer must locate the existing TasWater infrastructure and clearly show it on the .dwg file. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost.

#### **DEVELOPMENT ASSESSMENT FEES**

5. The applicant or landowner as the case may be, must pay a development assessment fee of \$251.35 and a Consent to Register a Legal Document fee of \$265.98 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater. The payment is required within 30 days of the issue of an invoice by TasWater.

#### **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>

##### **Important Notice Regarding Plumbing Plans and Associated Costs**

The SPAN includes references to documents submitted as part of the application. These plans are acceptable for planning purposes only and are subject to further detailed assessment and review during the next stage of the development proposal.

TasWater's assessment staff will ensure that the design contains sufficient detail to assess compliance with relevant codes and regulations. Additionally, the plans must be clear enough for a TasWater contractor to carry out any water or sewerage-related work.

Depending on the nature of the project, your application may require Building and/or Plumbing

##### **Service Locations**

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

- a. A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.
- b. TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit <https://www.taswater.com.au/building-and-development/service-locations> for a list of companies.
- c. Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

#### **Declaration**

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