



Meander Valley Council  
Working Together

# **ORDINARY AGENDA**

**COUNCIL MEETING**

**Tuesday 13 August 2019**

# COUNCIL MEETING VISITORS

Visitors are most welcome to attend Council meetings.

Visitors attending a Council Meeting agree to abide by the following rules:-

- Visitors are required to sign the Visitor Book and provide their name and full residential address before entering the meeting room.
- Visitors are only allowed to address Council with the permission of the Chairperson.
- When addressing Council the speaker is asked not to swear or use threatening language.
- Visitors who refuse to abide by these rules will be asked to leave the meeting by the Chairperson.

## SECURITY PROCEDURES

- Council staff will ensure that all visitors have signed the Visitor Book.
- A visitor who continually interjects during the meeting or uses threatening language to Councillors or staff, will be asked by the Chairperson to cease immediately.
- If the visitor fails to abide by the request of the Chairperson, the Chairperson shall suspend the meeting and ask the visitor to leave the meeting immediately.
- If the visitor fails to leave the meeting immediately, the General Manager is to contact Tasmania Police to come and remove the visitor from the building.
- Once the visitor has left the building the Chairperson may resume the meeting.
- In the case of extreme emergency caused by a visitor, the Chairperson is to activate the Distress Button immediately and Tasmania Police will be called.



Meander Valley Council  
Working Together

PO Box 102, Westbury  
Tasmania 7303

Dear Councillors

I wish to advise that an Ordinary Meeting of the Meander Valley Council will be held at the Westbury Council Chambers, 26 Lyall Street, Westbury, on **Tuesday 13 August 2019 at 4.00pm.**

Martin Gill  
**GENERAL MANAGER**

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**Evacuation and Safety:**

At the commencement of the meeting the Mayor will advise that,

- Evacuation details and information are located on the wall to his right;
- In the unlikelyhood of an emergency evacuation an alarm will sound and evacuation wardens will assist with the evacuation. When directed, everyone will be required to exit in an orderly fashion through the front doors and go directly to the evacuation point which is in the car-park at the side of the Town Hall.

Agenda for an Ordinary Meeting of the Meander Valley Council to be held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 13 August 2019 at 4.00pm.

**PRESENT:****APOLOGIES:****IN ATTENDANCE:****CONFIRMATION OF MINUTES:**

Councillor xx moved and Councillor xx seconded, ***“that the minutes of the Ordinary Meeting of Council held on Tuesday 9 July 2019, be received and confirmed.”***

**COUNCIL WORKSHOPS HELD SINCE THE LAST MEETING:**

Date	Items discussed:
23 July 2019	<ul style="list-style-type: none"> <li>• Meeting with Hon Rebecca White MP and Hon David O’Byrne MP</li> <li>• Games Services Tasmania presentation</li> <li>• Deloraine &amp; Districts Recreation Feasibility Study</li> <li>• Building Surveying Services</li> <li>• Policy No. 74 - Conservation Covenant Incentive Scheme</li> <li>• Sale and purchase of Council property</li> <li>• Proposal to install road humps on Bradford Avenue, Prospect Vale</li> <li>• Sealed Rural Road Speed Limits</li> </ul>

## **ANNOUNCEMENTS BY THE MAYOR:**

24 July

- Opening of Ridley's at Westbury
- NTDC Lamb Forum at Launceston

## **ANNOUNCEMENTS BY COUNCILLORS:**

Nil

## **DECLARATIONS OF INTEREST:**

## **TABLING AND ACTION ON PETITIONS:**

Nil

## **PUBLIC QUESTION TIME**

### **General Rules for Question Time:**

Public question time will continue for no more than thirty minutes for 'questions on notice' and 'questions without notice'.

At the beginning of public question time, the Chairperson will firstly refer to the questions on notice. The Chairperson will ask each person who has a question on notice to come forward and state their name and where they are from (suburb or town) before asking their question(s).

The Chairperson will then ask anyone else with a question without notice to come forward and give their name and where they are from (suburb or town) before asking their question.

If called upon by the Chairperson, a person asking a question without notice may need to submit a written copy of their question to the Chairperson in order to clarify the content of the question.

A member of the public may ask a Council officer to read their question for them.

If accepted by the Chairperson, the question will be responded to, or, it may be taken on notice as a 'question on notice' for the next Council meeting. Questions will usually be taken on notice in cases where the questions raised at the meeting require further research or clarification. These questions will need to be submitted as a written copy to the Chairperson prior to the end of public question time.

The Chairperson may direct a Councillor or Council officer to provide a response.

All questions and answers must be kept as brief as possible.

There will be no debate on any questions or answers.

In the event that the same or similar question is raised by more than one person, an answer may be given as a combined response.

Questions on notice and their responses will be minuted.

Questions without notice raised during public question time and the responses to them will be minuted with exception to those questions taken on notice for the next Council meeting.

Once the allocated time period of thirty minutes has ended, the Chairperson will declare public question time ended. At this time, any person who has not had the opportunity to put forward a question will be invited to submit their question in writing for the next meeting.

### **Notes**

- Council officers may be called upon to provide assistance to those wishing to register a question, particularly those with a disability or from non-English speaking cultures, by typing their questions.
- The Chairperson may allocate a maximum time for each question, depending on the complexity of the issue, and on how many questions are asked at the meeting. The Chairperson may also indicate when sufficient response to a question has been provided.



- Limited Privilege: Members of the public should be reminded that the protection of parliamentary privilege does not apply to local government, and any statements or discussion in the Council Chamber or any document, produced are subject to the laws of defamation.

For further information please telephone 6393 5300 or visit [www.meander.tas.gov.au](http://www.meander.tas.gov.au)

## **PUBLIC QUESTION TIME**

### **1. PUBLIC QUESTIONS TAKEN ON NOTICE – JULY 2019**

Nil

### **2. PUBLIC QUESTIONS WITH NOTICE – AUGUST 2019**

#### **2.1 Bill Bartlett, Bracknell**

I write with regards at item I have just noticed from the minutes of the Council meeting of Tuesday 9 July 2019, specifically a question and answer performance staged between Councillor Tanya King and the General Manager Jonathan Harmey. This performance entailed a series of questions and answers which are extremely misleading, downright false and seem purposely designed to incite hatred of people living in charitable housing. I was quite shocked at this disgraceful and offensive public performance and must insist on the right to set the record straight. I believe ratepayers are also entitled to an apology at the very least, if not the resignations of both Councillor King and the General Manager.

The first of these questions immediately betrays the fact that Councillor King does not really grasp the issues dealt with in the recent Supreme Court decision on charitable rates exemption. But the General Manager fails to take the opportunity to clarify the matter and proceeds as if the premise of the question, that the Supreme Court case had found that all independent living units owned by charities are exempt from rates, was correct. In answer the GM merely sets out the total revenue loss to the Council arising from this decision, about \$40,000 PA

Councillor King's next question is even more tendentious:

"Does the decision to deem the independent living units exempt from general rates mean the rest of the community will now pay more to cover the amount of rates that have been lost?"

But the misleading premise of the question, that independent living units are now exempt from rates is not corrected by the GM, instead he goes on a rant about the decision meaning that some private homes are now exempt from rates and to

whine that the council had long believed that, because a lower court had swallowed the preposterous self-serving interpretation of the law adopted by Council. It was somehow unfair that a higher court should over-rule it.

The GM went on to muddy the water with total falsehoods, saying:

"The Supreme Court's decision has raised some questions around consistency and equity amongst the sector. A resident renting an independent living unit as their family home may now pay no general rates or fire levies, where a resident renting a similar unit as their family home that is not an 'independent living' property may pay full rates and fire levies. Independent living units are, by their very definition, accommodation units designed for independent, active retirees who do not require special assistance with day-to-day living.

What distinguishes them from aged-care facilities is that independent living units are used as normal and private residences, just like anyone else's home. Like all residents, owners of independent living units benefit from council roads, footpaths, walking and cycling trails, parks and reserves, but they will now not have to contribute."

Just to be clear, the Supreme Court does not make all independent living units exempt from rates. It simply clarifies that if a property is otherwise exempt from rates, because it is owned and occupied for charitable purposes, Council cannot refuse to apply the exemption simply because the charitable purpose relates to the direct provision of charitable housing to people.

This does not of course mean that all independent living units have suddenly become exempt from rates, as the GM implies.

As for the offensive whine about some people not having to contribute, those pensioners who own their own homes are also entitled to a concession on rates, while poorer pensioners who rent get no concession. Because private landlords pay the rates and are not entitled to a concession. They will remain, I should point out (to correct the false information given by the GM) ineligible for a rate exemption. Simply because they are not engaged in a charitable endeavour. Private owners do not own properties for charitable purposes and they do not let them out for charitable purposes. So no exemption, despite what Councillor King and the GM claim.

In any case, it seems extraordinary that Councillor King and the GM have launched such a bitter tirade over the loss of less than a half of 1% of the Council's reported \$20 million revenue. They really need to get a grip. Its less than the grants Council is reported in the same Minutes to have handed out to sporting and community

groups. The main difference is that exemptions for charitable groups is a long established responsibility mandated by state law. Just because Council have had the self-serving loophole they concocted laughed out of Court, doesn't mean that the exemption wasn't a long-standing responsibility that the Council had to its community.

To its shame the Council has tried to duck and weave and evade its lawful responsibility, but the Supreme Court has finally put a stop to this anti-social farce.

Tanya King then urges the GM on to make further misleading and tendentious comments about how it might be necessary for the state government to "clarify" the exemption. But again, the GM is talking nonsense. There is no lack of clarity. The Supreme Court's decision was crystal clear. What this performance by Councillor King and the GM is about is getting support as part of lobbying the state government to bring in a new tax on charities. Specifically, to impose a new tax on charities providing charitable housing. In the middle of the biggest affordable housing crisis in a generation.

What the state government will make of that kind of politically tone-deaf lobbying I can't imagine. But I guess the fact that the lobbying is based on such outrageous falsehoods suggests that even Councillor King and the GM, as proponents, must believe that calm reasoned truth is unlikely to get them anywhere, they will need to spread lies and misinformation to achieve their ends.

I demand that, to correct the official record, this letter should be incorporated into the official minutes of the next Council meeting.

***Response by Jonathan Harmey, Director Corporate Services:  
Mr Martin Gill is the General Manager at the Meander Valley Council.***

***The questions asked by Councillor King at the July 2019 Council Meeting were appropriate and responses were provided at the July meeting. No amendment is considered necessary.***

***Mr Bartlett has had a number of dealings with council in relation to charitable rates exemptions. In 2002 Mr Bartlett applied for a rates exemption for two properties he is associated with on the basis of the tenants having a charitable purpose; the request was denied by Council. Mr Bartlett subsequently appealed this decision to the Magistrates Court where the appeal was rejected by the court in January 2003. Following this Mr Bartlett subsequently lodged a further appeal of that decision to the Supreme Court. The appeal to the Supreme Court was dismissed by the court in March 2003. Mr Bartlett has applied for a rates exemption for the same two properties in 2019. We have sought legal advice to***

***assist in identifying whether the Supreme Court decision from 2018 Mr Bartlett has referred to, has changed the eligibility of these properties where a rates exemption has been requested. Mr Bartlett has been advised that following the receipt of the legal advice he will receive an overview of the relevant issues.***

**3. PUBLIC QUESTIONS WITHOUT NOTICE – AUGUST 2019**

**COUNCILLOR QUESTION TIME**

**1. COUNCILLOR QUESTIONS TAKEN ON NOTICE – JULY 2019**

Nil

**2. COUNCILLOR QUESTIONS WITH NOTICE – AUGUST 2019**

Nil

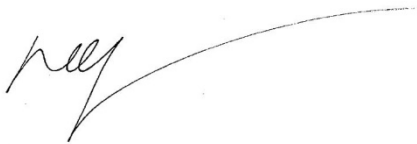
**3. COUNCILLOR QUESTIONS WITHOUT NOTICE – AUGUST 2019**

**DEPUTATIONS BY MEMBERS OF THE PUBLIC**

## CERTIFICATION

"I certify that with respect to all advice, information or recommendation provided to Council with this agenda:

1. the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and
2. where any advice is given directly to Council by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person."



**Martin Gill**  
**GENERAL MANAGER**

"Notes: S65(1) of the Local Government Act requires the General Manager to ensure that any advice, information or recommendation given to the Council (or a Council committee) is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation. S65(2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice."

## **PLANNING AUTHORITY ITEMS**

For the purposes of considering the following Planning Authority items, Council is acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993.

The following are applicable to all Planning Authority reports:

### **Strategic/Annual Plan Conformance**

Council has a target under the Annual Plan to assess applications within statutory timeframes.

### **Policy Implications**

Not applicable.

### **Legislation**

Council must process and determine the application in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA) and its Planning Scheme. The application is made in accordance with Section 57 of LUPAA.

### **Risk Management**

Risk is managed by the inclusion of appropriate conditions on the planning permit.

### **Financial Impact**

If the application is subject to an appeal to the Resource Management Planning and Appeal Tribunal, Council may be subject to the cost associated with defending its decision.

### **Alternative Options**

Council can either approve the application with amended conditions or refuse the application.

### **Voting Requirements**

Simple Majority

# PLANNING AUTHORITY 1

Reference No. 131/2019

1 FARRELLS ROAD, REEDY MARSH

**Planning Application:** PA\19\0198

**Proposal:** Subdivision (2 lots) & Residential outbuildings

**Author:** Leanne Rabjohns  
Town Planner

## 1) Introduction

Applicant	PDA Surveyors
Owner	R Young
Property	1 Farrells Road, Reedy Marsh (CT 11940/2)
Zoning	Rural Living Zone
Discretions	13.4.1 Building Design and Siting 13.4.2.1 General Suitability 13.4.2.2 Lot Area, Building Envelope and Frontage E4.6.1 Use and Road or Rail Infrastructure E4.7.2 Management of Road and Accesses and Junctions E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings E8.6.1 Habitat and Vegetation Management
Existing Land Use	Residential
Number of Representations	Two (2)
Decision Due	13 August 2019
Planning Scheme:	Meander Valley Interim Planning Scheme 2013 (the Planning Scheme)

## 2) Recommendation

***It is recommended that the application for Use and Development for Subdivision (2 lots) & Residential outbuildings on land located at 1 Farrells Road, Reedy Marsh (CT 11940/2) by PDA Surveyors, be APPROVED, generally in accordance with the endorsed plans:***

- a) **PDA Surveyors – Plan of Subdivision – dated 26 June 2019;**
- b) **Livingston Natural Resource Services – letter dated 26 June 2019;**
- c) **Livingston Natural Resource Services – Bushfire Hazard Management Report: Subdivision – dated 15 March 2019;**
- d) **Details of buildings on site (10 pages);**

***and subject to the following conditions:***

- 1. Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision, permitted by this permit unless:
  - a) **Such covenants or controls are expressly authorised by the terms of this permit; or**
  - b) **Such covenants or similar controls are expressly authorised by the consent in writing of Council.**
  - c) **Such covenants or similar controls are submitted for and receive written approval by Council prior to submission of a Plan of Survey and associated title documentation is submitted to Council for sealing.****
- 2. The use of outbuildings is not permitted for human habitation and is limited to residential storage and related residential activities only.**
- 3. Prior to the sealing of the final plan of survey, vegetation is to be removed to the north side of the access to Lot 1 to provide adequate sight distances to the satisfaction of Council's Director Infrastructure Services.**

Note:

1. Prior to the removal of road side vegetation, separate consent is required by the Road Authority. All enquiries should be directed to Council's Infrastructure Department on 6393 5312.
2. A Planning Approval will be required for any future vegetation removal.
3. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320



or via email: [mail@mvc.tas.gov.au](mailto:mail@mvc.tas.gov.au).

4. This permit does not imply that any other approval required under any other by-law or legislation has been granted. The following additional approvals may be required before construction commences:
  - a) Building approval
  - b) Plumbing approvalAll enquiries should be directed to Council's Permit Authority on 6393 5320 or Council's Plumbing Surveyor on 0419 510 770.
5. This permit takes effect after:
  - a) The 14 day appeal period expires; or
  - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
  - c) Any other required approvals under this or any other Act are granted.
6. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au).
7. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.
8. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received.
9. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.

10. If any Aboriginal relics are uncovered during works;

- a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
- b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au)); and
- c) The relevant approval processes will apply with state and federal government agencies.

### **3) Background**

The application proposes to create an additional lot at 1 Farrells Road in Reedy Marsh (see Figure 1 below). The property is 4.884ha in size and contains a dwelling and a number of outbuildings (see Table 1 below).



Figure 1: proposed subdivision layout (PDA Surveyors, 2019)

Lot	Area (ha±)	Frontage (m±)	Features
1	2.12	195	Number of undocumented buildings and access
2	2.76	150.4 + 177.1	Dwelling, outbuildings and access
	Total area: 4.88		Title documents show the land area being 4.884ha

Table 1: features of proposed application

The application revealed a number of undocumented outbuildings and vegetation clearance within the proposed Lot 1. The access servicing Lot 1 has been installed without the approval of the Road Authority.

#### 4) Representations

The application was advertised for the statutory 14-day period.

Two (2) representations were received (attached documents). A summary of the representations is as follows:

Representation 1:

- a) Proposed lot sizes are below the standard;
- b) Surrounding small lots are legacy issue and should not be used to justify proposed subdivision;
- c) Ignoring Reedy Marsh Planning Scheme;
- d) Set a precedent for further subdivision and loss of vegetation and wildlife habitat.

Representation 2:

- a) Proposed lot sizes are below the 15ha minimum lot size Acceptable solution standard;...small atypical lots...33% below standard;
- b) Original application document showed the title area being 5.35ha;
- c) Confusion whether application is for subdivision or includes buildings;
- d) Impact on existing character, amenity and values on Reedy Marsh;
- e) Very selective if compare to small area of landscape; surrounding lots average size is 15.7ha;
- f) Draft Tasmanian Planning Scheme shows land as having priority habitat...no person with a Botanical or Ecological qualification has identified the vegetation communities present, potential species;
- g) Not in keeping with the Zone Purpose Statement, not meet clause 13.4.2.1 P1, not large lots, will impact on residential amenity;
- h) Not in keeping with the Local Area Objectives, not low impact increase in housing density, removes standing vegetation, past illegal clearance, visible from road;
- i) Not in keeping with the Desired Future Character Statement, unavoidably visible, allow higher densities, average lot size is 15.7ha;
- j) Illegal buildings on lot 1, substandard buildings, substandard site plan.

#### **Comment:**

The proposed lots are less than 15ha, and as such the assessment considered Performance Criteria 13.4.2.2 P1. The planning process does not prohibit subdivision applications that rely on the Performance Criteria and as such the application was processed.

Historically, 538 River Road may have been a school site. However, the site is currently used for residential purposes.

The application was initially advertised on 1 June 2019. During the assessment it was revealed that the applicant had made a mistake with the proposed lot areas. The applicant subsequently corrected this mistake, and the application was readvertised on 29 June 2019.

The advertising notice stated that the application was for a subdivision (2 lots) and outbuildings.

The assessment below included all relevant standards within the Rural Living Zone and applicable Codes. Where required, the Zone Purpose, Local Area Objectives and Desired Future Character Statements have been considered. The character of Reedy Marsh was considered through the specific Local Area Objectives and Desired Future Character Statements for Reedy Marsh.

The Zone Purpose, Local Area Objectives and Desired Future Character Statements do not state a specific minimum lot size for Reedy Marsh.

The Tasmanian Planning Scheme has not been declared, and as such cannot be considered as part of this assessment.

The previous vegetation clearance, and undocumented buildings and access have been considered as part of this assessment, retrospectively.

A native vegetation buffer along the front of Lot 1 screens the subject buildings from Farrells Road.

The land is not mapped as Priority Habitat. Scott Livingston from Livingston Natural Resource Services had inspected the site and classified the vegetation on site as *Eucalyptus amygdalina-Eucalyptus obliqua* damp sclerophyll forest, which is not a threatened vegetation community. Mr Livingston has qualifications in horticulture and environmental management, with experience in forestry and vegetation assessment.

In addition to a planning permit, the undocumented buildings will require building and plumbing approvals prior to any future use.

## **5) Consultation with State Government and other Authorities**

Not applicable

## 6) Officers Comments

**Use Class:** Residential

### Applicable Standards

A brief assessment against all applicable Acceptable Solutions of the applicable zone and codes is provided below. This is followed by a more detailed discussion of any applicable Performance Criteria and the objectives relevant to the particular discretion.

<b>Rural Living Zone</b>	
Scheme Standard	Assessment
<b>13.3.1 Amenity</b>	
Acceptable solution 1	Complies
<b>13.4.1 Building Design and Siting</b>	
Acceptable solution 1	Complies
Acceptable solution 2	Complies
Acceptable solution 3	Complies
Acceptable solution 4	Relies on Performance Criteria
Acceptable solution 5	Complies
Acceptable solution 6	Relies on Performance Criteria
<b>13.4.2.1 General Suitability</b>	
Acceptable solution 1	Relies on Performance Criteria P1
<b>13.4.2.2 Lot Area, Building Envelopes and Frontage</b>	
Acceptable solution 1	Relies on Performance Criteria P1
Acceptable solution 2	Complies

<b>E1.0 Bushfire-Prone Areas Code</b>	
Scheme Standard	Assessment
<b>E1 Bushfire-Prone Areas Code</b>	
Acceptable solution 1	Complies
<b>E1.6.1.2 Subdivision: Public and fire fighting Access</b>	
Acceptable solution 1	Complies
<b>E1.6.1.3 Subdivision: Provision of water supply for fire fighting purposes</b>	
Acceptable solution 2	Complies

<b>E4 Road and Railway Assets Code</b>	
Scheme Standard	Assessment
<b>E4.6.1 Use and road or rail infrastructure</b>	
Acceptable solution 3	Relies on Performance Criteria P3
<b>E4.7.2 Management of Road and Accesses and Junctions</b>	

Acceptable solution 3	Relies on Performance Criteria P3
<b>E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings</b>	
Acceptable solution 2	Relies on Performance Criteria P2

<b>E6 Car Parking and Sustainable Transport Code</b>	
Scheme Standard	Assessment
<b>E6.6.1 Car Parking Numbers</b>	
Acceptable solution 1	Complies
<b>E6.7.1 Construction of Car Parking Spaces and Access Strips</b>	
Acceptable solution 1	Complies
<b>E6.7.2 Design and Layout of Car Parking</b>	
Acceptable solution 1	Complies
Acceptable solution 2	Relies on Performance Criteria P2

<b>E8 Biodiversity Code</b>	
Scheme Standard	Assessment
<b>E8.6.1 Habitat and Vegetation Management</b>	
Acceptable solution 1	Relies on Performance Criteria P2

### Performance Criteria

<b>Rural Living Zone</b>
<b>13.4.1 Building Design and Siting</b>
<p><b>Objective</b></p> <p><i>To ensure that siting and design:</i></p> <p><i>a) protects the amenity of adjoining lots; and</i></p> <p><i>b) is consistent with the local area objectives and desired future character statements for the area, if any.</i></p>
<p><b>Performance Criteria</b></p> <p><i>P4</i></p> <p><i>Buildings must be sited so that side and rear setbacks:</i></p> <p><i>a) protect the amenity of adjoining dwellings by providing separation that is consistent with the character of the surrounding area having regard to the:</i></p> <p><i>i) impact on the amenity and privacy of habitable room windows and private open space; and</i></p> <p><i>ii) impact on the solar access of habitable room windows and private open space; and</i></p> <p><i>iii) locations of existing buildings and private open space areas; and</i></p> <p><i>iv) size and proportions of the lot; and</i></p> <p><i>v) extent to which the slope, retaining walls, fences or existing vegetation screening reduce or increase the impact of the proposed variation; and</i></p> <p><i>vi) local area objectives, if any; and</i></p>

*b) protect agricultural uses on adjoining lots from constraints.*

*P6*

*The removal of standing vegetation does not result in obtrusive development having regard to:*

- a) The degree of vegetation clearance;*
- b) landscaping;*
- c) building form and materials;*
- d) setbacks to roads and adjoining lots.*

***Response***

This component of the assessment considers the proposed outbuilding within Lot 1 that is located 22m from the rear boundary.

Within Lot 1, an existing undocumented 5.6m x 5.6m colourbond outbuilding is located 22m from the rear boundary. Adjacent to the rear boundary is a road reserve and a property (465 River Road) used for grazing purposes. The associated dwelling for 465 River Road is located over 700m away. The location of this outbuilding is not anticipated to impact on:

- The amenity of that dwelling and associated solar access to habitable rooms or private open space due to the separation distance.
- The adjoining agricultural use, if the use of the outbuilding is limited to residential storage and related residential activities only, and not used for human habitation.

The specific Local Area Objectives relate to the character of the area. The Local Area Objectives for Reedy Marsh are:

*Reedy Marsh*

- a) Provide for a low impact increase in housing density in support of housing choice close to Deloraine, whilst maintaining the bushland amenity and natural values of the area through careful subdivision design.*
- b) Subdivision is to be configured to provide for bushfire hazard management areas and accesses that minimize the removal of standing vegetation and provide for substantial separation distances between building areas.*
- c) The retention or planting of vegetation is the preferred means to integrate and screen development throughout the zone.*

As stated above, this assessment is restricted to the subject outbuilding only, and not the subdivision component of the application. As such, the relevant objective is (c).

In the past, undocumented vegetation clearance had occurred. It is noted that there



is some remaining native vegetation along the rear boundary; this would provide acceptable screening of the subject outbuilding from the rear boundary (see Photo 1). In addition, the cladding colour of the subject outbuilding is light green. This colour will further aid in blending the outbuilding from the rear boundary. Being an outbuilding, no further vegetation clearance for bushfire purposes is required. In this instance, no planting of vegetation is considered warranted. As the zone provides for residential use, the aim of screening vegetation is to soften the appearance of buildings and residential use, not to total obscure.



Photo 1: view towards rear boundary

**Recommended Conditions:**

- The use of the outbuildings within Lot 1 is not permitted for human habitation and is limited to residential storage and related residential activities only.

With the recommended condition, the proposed development is considered consistent with the Objective and Performance Criteria.

**Rural Living Zone**

**13.4.2.1 General Suitability**

**Objective**

*The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the Rural Living Zone.*

## **Performance Criteria**

P1

*Each new lot on a plan must be suitable for use and development in an arrangement that is consistent with the Zone Purpose, having regard to the combination of:*

- a) slope, shape, orientation and topography of land;*
- b) any established pattern of use and development;*
- c) connection to the road network;*
- d) availability of or likely requirements for utilities;*
- e) ecological, scientific, historic, cultural or aesthetic values; and*
- f) potential exposure to natural hazards.*

## **Response**

As the Zone Purpose has been directly incorporated into the Performance Criteria, the Zone Purpose becomes a standard that the proposed development must satisfy.

The Zone Purpose states:

### **13.1.1 Zone Purpose Statements**

- 13.1.1.1 *To provide for residential use or development on large lots in a rural setting where services are limited.*
- 13.1.1.2 *To provide for compatible use and development that does not adversely impact on residential amenity.*
- 13.1.1.3 *To provide for rural lifestyle opportunities in strategic locations to maximise efficiencies for services and infrastructure.*
- 13.1.1.4 *To provide for a mix of residential and low impact rural uses.*

### **13.1.2 Local Area Objectives**

*Reedy Marsh*

- a) Provide for a low impact increase in housing density in support of housing choice close to Deloraine, whilst maintaining the bushland amenity and natural values of the area through careful subdivision design.*
- b) Subdivision is to be configured to provide for bushfire hazard management areas and accesses that minimize the removal of standing vegetation and provide for substantial separation distances between building areas.*
- c) The retention or planting of vegetation is the preferred means to integrate and screen development throughout the zone.*

*a) Future subdivision will be determined on the basis of capacity for servicing, access, any potential for natural hazards, natural*

*values and potential for conflict with adjoining land uses.*

### **13.1.3 Desired Future Character Statements**

#### *General*

- a) *To maintain the existing character described for each locality through careful design and location of development.*

#### *Reedy Marsh*

a) *Reedy Marsh is characterized by predominantly forested hills with some cleared areas of pasture and a dispersed pattern of residential development with low levels of development visibility.*

b) *The character of the locality is to be maintained through retention of vegetation and lower densities to integrate and screen development and to reduce the visibility of buildings and access driveways from roads and neighbouring properties.*

c) *Where located on slopes or at higher elevations, the configuration of subdivision and the location of buildings and accesses are to minimize the impacts of vegetation clearance on the landscape. The retention or planting of vegetation is the preferred means to integrate and screen development throughout the zone.*

d) *Where located in a more open landscape, subdivision is to be configured with dimensions to reflect requirements for a low density and provide for development areas that accommodate appropriate separation between buildings, separation between buildings and adjoining access ways or roads and to accommodate bushfire hazard management areas within each lot.*

e) *Where development is unavoidably visible, ensure that materials are non-reflective and the design integrates with the landscape.*

The Zone Purpose statement includes *To provide for residential use or development on large lots in a rural setting where services are limited.* To determine compliance with this statement, it must be demonstrated that the lots are large enough to accommodate a residential use and development. In this instance, the purpose of the application is for residential use.

The application includes a Bushfire Hazard Management Plan that shows an indicative dwelling (10m x 15m) and a hazard management area for BAL 19. This dwelling meets all the Acceptable Solutions for setback distance. The hazard management area is contained wholly within Lot 1 while providing a 35m wide vegetation buffer with Farrells Road.



Photo 2: view from Farrells Road into Lot 1

Though undocumented vegetation clearance has occurred in the past, the remaining standing vegetation provides a visual buffer from Farrells Road (see Photo 2 above). The screening provides continuity with surrounding bushland and will aid in screening future development from Farrells Road. Additional planting for screening purposes is not considered warranted in this instance.

The majority of dwellings on Farrells Road are screened by native vegetation, while a number are clearly visible. Figure 2 shows the amount of vegetation clearance required for a potential dwelling at BAL 19. Based on Figure 2, a 35m wide vegetation screening buffer can be maintained along the front boundary, which is considered in keeping with the character of the general area.



Figure 2: aerial view showing extent of clearing for BAL 19 on Lot 1 (Livingston Natural Resource Services – extract from correspondence dated 26 June 2019)

Lot 2 contains a dwelling and outbuildings, which are screened from River Road and Farrells Road by existing vegetation. This lot is exempt from the Bushfire-Prone Area Code, and as such no additional vegetation clearance is required for Lot 2.

Based on the above, the proposed lot layout is suitable for residential use, provides space for bushfire protection measures, whilst maintaining screening vegetation along Farrells Road. As such, the lots are considered in keeping with the Zone Purpose, by providing lots large enough for residential use and development.

Within the Reedy Marsh area, there is a mixture of title shapes/sizes and landuse. Excluding Crown Land, the titles within Reedy Marsh range from 0.79ha (used for residential) to 1645.17ha (used for forestry). Focusing on the junction of Farrells Road and River Road, the surrounding title sizes range from 0.8ha (used for residential) to 74.86ha (used for grazing). The subject lots are rectangular in shape, which is consistent to the surrounding titles (see Figure 3 below). The properties in close proximity (of similar size) have been developed for residential use. As such,

the proposed subdivision is considered in keeping with the established pattern of use and development.

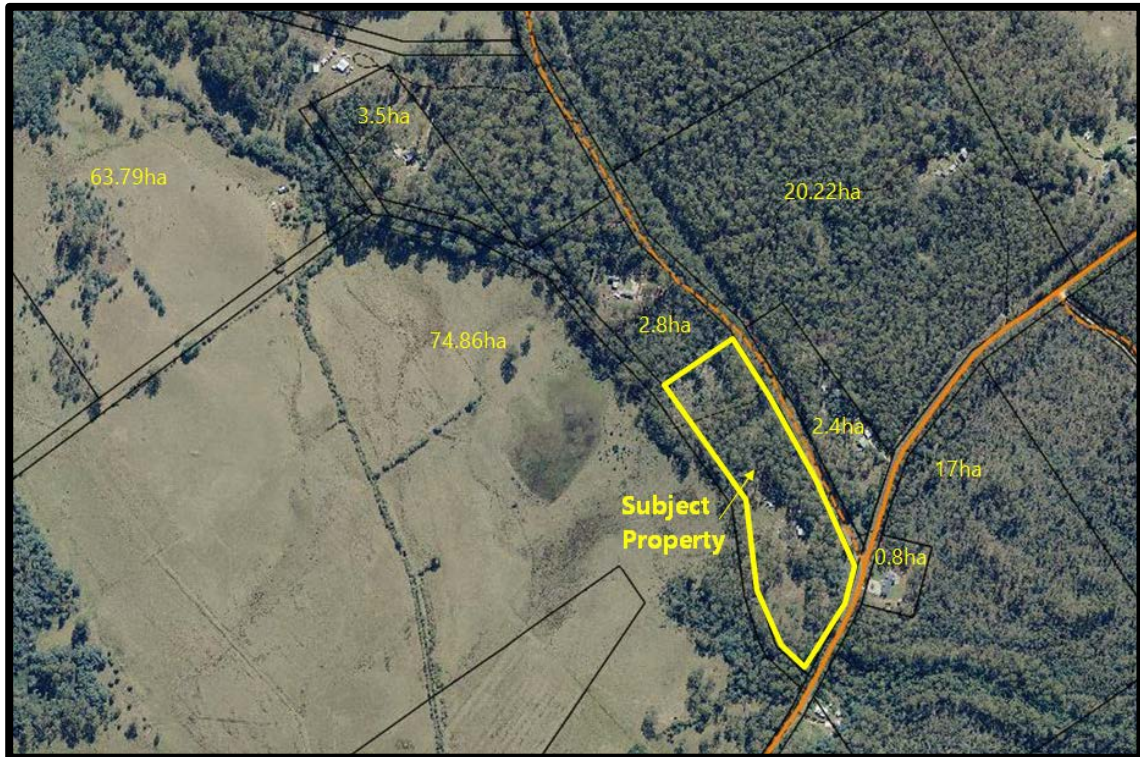


Figure 3: surrounding lot sizes

The building site identified in the Bushfire Hazard Management Plan is located approximately 150m from the dwelling at 49 Farrells Road and approximately 160m from the dwelling on Lot 2. These separation distances are considered sufficient to provide amenity between dwellings.

The lots are considered sufficiently large enough to accommodate an on-site wastewater management system. Water will be provided by rainwater tanks. Both lots have vehicular access from Farrells Road. The land is not mapped as flood prone, landslip or karst. The existing vegetation is not mapped as priority habitat. The surrounding land use is residential, and as such conflict with adjoining land use is not expected.

Any future removal of vegetation and/or a dwelling will require an additional planning application. The assessment of any future application will consider setbacks and unobtrusive development.

The subject land is not located on elevated land or land that slopes towards the road. The land is not considered an open landscape.

As such, the proposed lots are considered in keeping with the Objective and

Performance Criteria; and Local Area Objectives and Desired Future Character Statements for Reedy Marsh.

## Rural Living Zone

### 13.4.2.2 Lot Area, Building Envelopes and Frontage

#### **Objective**

*To ensure that subdivision:*

- a) Provides for appropriate wastewater disposal, and stormwater management in consideration of the characteristics or constraints of the land; and*
- b) Provides area and dimensions of lots that are appropriate for the zone; and*
- c) Provides frontage to a road at a standard appropriate for the use; and*
- d) Furthers the local area objectives and desired future character statements for the area, if any.*

#### **Performance Criteria**

*P1*

*Each lot must:*

- a) be to facilitate protection of a place of Aboriginal, natural or cultural heritage; or*
- b) provide for each lot, sufficient useable area and dimensions to allow for:
  - i) a dwelling to be erected in a convenient, appropriate and hazard free location; and*
  - ii) appropriate disposal of wastewater and stormwater; and*
  - iii) on-site parking and manoeuvrability; and*
  - iv) adequate private open space; and*
  - v) vehicular access from the carriageway of the road to a building area on the lot, if any; and**
- c) be consistent with the Local Area Objectives and Desired Future Character Statements having regard to:
  - i) the topographical or natural features of the site within the context of the area; and*
  - ii) the ability of vegetation to provide buffering; and*
  - iii) any features of natural or cultural significance; and*
  - iv) the presence of any natural hazards; and*
  - d) not create additional lots at Kimberley, Red Hills, Ugbrook, Upper Golden Valley, Weegen and Western Creek; and*
  - e) not be located on land with frontage to Parkham Road.**

#### **Response**

The property is not heritage listed, and is not mapped as subject to landslip, karst or flooding. The vegetation on the property is not Priority Habitat.

As stated above, each lot has sufficient space for a dwelling with usable private open space and on-site wastewater management, while providing access to Farrells Road.

The Bushfire Hazard Management Plan shows a potential management area for a dwelling within the boundaries of Lot 1. Lot 2 contains an existing dwelling and outbuilding. Lot 2 is exempt from bushfire protection measures.

The relationship with the Local Area Objective and Desired Future Character Statements for Reedy Marsh has been discussed above. No further comment is provided.

The land slopes gently downwards from Farrells Road. Coupled with the existing vegetation, the buildings on site are considered adequately screened.

The property is located in Reedy Marsh (not Kimberley, Red Hills, Ugbrook, Upper Golden Valley, Weegen and Western Creek – which prohibits further subdivision in these areas).

The property fronts onto River Road and Farrells Road (not Parkham Road).

The proposed development is considered consistent with the Objective and Performance Criteria.

## **E4 Road and Railway Assets Code**

### **E4.6.1 Use and road or rail infrastructure**

#### **Objective**

*To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.*

#### **Performance Criteria**

*P3*

*For limited access roads and roads with a speed limit of more than 60km/h:*

*a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and*

*b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and*

*c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.*



**Response**

The proposal includes a new access for Lot 1. Farrells Road is not a Class 1, 2 or 3 road. Council's Road Authority has inspected Lot 1's access and determined that there is limited sight distance to the north of the access. The crossover is considered acceptable. It is recommended that some light vegetation is removed within the road reserve to the north of the access to improve sight distance.

**Recommended condition:**

Prior to the sealing of the final plan of survey, vegetation is to be removed to the north side of the access to Lot 1 to provide adequate sight distances to the satisfaction of Council's Director Infrastructure Services.

With the recommended condition, the proposed development is considered consistent with the Objective and Performance Criteria.

**E4.7.2 Management of Road and Accesses and Junctions**

**Objective**

*To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.*

**Performance Criteria**

*P2*

*For limited access roads and roads with a speed limit of more than 60km/h:*

- a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and*
- b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and*
- c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.*

**Response**

As stated above the proposal includes a new access for Lot 1. Council's Road Authority has determined that there is limited sight distance to the north of the access and made recommendations. The crossover to Lot 1 is considered acceptable.

The proposed development is considered consistent with the Objective and Performance Criteria.

#### **E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings**

##### **Objective**

*To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.*

##### **Performance Criteria**

*P1*

*The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.*

##### **Response**

Council's Road Authority provided the additional comments on the access for Lot 1:

*... and since the development only represents a minor increase in daily traffic movement, it is considered that traffic to and from the property would not adversely impact on the safety or efficiency of the road network.*

The proposed development is considered consistent with the Objective and Performance Criteria.

#### **E6 Car Parking and Sustainable Transport Code**

##### **E6.7.2 Design and Layout of Car Parking**

##### **Objective**

*To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.*

##### **Performance Criteria**

*P2*

*Car parking and manoeuvring space must:*

- a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and*
- b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.*

##### **Response**

The access width is approximately 4m wide. There is ample space on Lot 1 for car

parking and vehicular manoeuvring on-site.

The proposed development is considered consistent with the Objective and Performance Criteria.

**E8 Biodiversity Code**

**E8.6.1 Habitat and Vegetation Management**

**Objective**

To ensure that:

- a) vegetation identified as having conservation value as habitat has priority for protection and is appropriately managed to protect those values; and
- b) the representation and connectivity of vegetation communities is given appropriate protection when considering the impacts of use and development.

**Performance Criteria**

P2.1

Clearance or disturbance of native vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the:

- a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and
- b) means of removal; and
- c) value of riparian vegetation in protecting habitat values; and
- d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, in proximity to habitat or vegetation; and
- e) need for and adequacy of proposed vegetation or habitat management; and
- f) conservation outcomes and long-term security of any offset in accordance with the General Offset Principles for the RMPS, Department of Primary Industries, Parks, Water and Environment.

**Response**

This component of the assessment considers the previous un-documented vegetation clearance and potential impact of vegetation clearance and maintenance as required by the Bushfire Hazard Management Plan. The application does not include any additional vegetation removal. Any future vegetation clearance will require a planning application and associated assessment.

As stated above, the application revealed un-documented vegetation clearance within the proposed Lot 1. The type of vegetation that was removed is unknown. However, correspondence from Livingston Natural Resource Services dated 26 June 2019 states that the remaining vegetation on site is *Eucalyptus amygdalina-Eucalyptus obliqua* damp sclerophyll forest which is not a threatened vegetation

community and is not uncommon in the region. It is assumed that the vegetation previously removed was similar.

The shape and dimensions of Lot 1 allow for a bushfire hazard management area for BAL 19 while maintaining a vegetation buffer along the boundaries. Based on the Hazard Management Area for BAL 19 on page 8, the required clearance is mostly within the disturbed area and a large portion of the lot could remain covered by bushland.

The proposed development is considered consistent with the Objective and Performance Criteria.

### **Conclusion**

It is considered that the application for Use and Development for a Subdivision (2 lots) and Residential Outbuildings is acceptable in the Rural Living Zone and is recommended for approval.

### **DECISION:**

# PLAN OF SUBDIVISION



**PDA Surveyors**  
Incorporating WALTER SURVEYS

Surveying, Engineering & Planning  
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 EMAIL: pda.ltn@pda.com.au

<b>Owners</b>	Ralph Young	<b>Address</b>	Farrell's Road, Reedy Marsh TAS 7304	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.
		<b>Council</b>	Meander Valley Council	
<b>Title References</b>	F.R. 11940/2	<b>Planning Scheme</b>	Meander Valley Interim Planning Scheme 2013	
		<b>Zone &amp; Overlay</b>	13.0 Rural Living	
<b>Schedule Of Easements</b>	As shown.			

<b>Scale</b>	1:2000	<b>Date</b>	26 June 2019	<b>PDA Reference</b>	43520-P01A
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**Livingston Natural Resource Services**

ABN 36 435 836 438

12 Powers Road

Underwood, TAS, 7268

Mob 0438 951 021

Email: [scottlivingston.lnrs@gmail.com](mailto:scottlivingston.lnrs@gmail.com)



26<sup>th</sup> June 2019

John Dent

PDA Surveyors

Via email: [John.Dent@pda.com.au](mailto:John.Dent@pda.com.au)

**Re: 11940/2 Farrells Road, Reedy Marsh**

The vegetation on CT 11940/2 Farrells Road is mapped by TasVeg as DSC- *Eucalyptus amygdalina* – *Eucalyptus obliqua* damp sclerophyll forest, which is not listed as a threatened vegetation community and it is not mapped as being within the Biodiversity Overlay. I can confirm the vegetation community is as mapped from my site visit, while dominated by *Eucalyptus viminalis* rather than *Eucalyptus amygdalina* or *Eucalyptus obliqua* that is not uncommon in the region. The understorey is composed of both wet and dry forest species and it is that which determines the vegetation community rather than dominant tree species for DSC.

The hazard management area show in my Bushfire report uses an indicative 10m x 15m dwelling, At BAL 19 that will require the removal of a few trees which are within the previously disturbed area, that is the understorey is substantially modified already, a larger dwelling may require clearing within the less disturbed patches. The Google Earth image below shows there is some scope for altering the position of the dwelling to fit within previously disturbed areas.

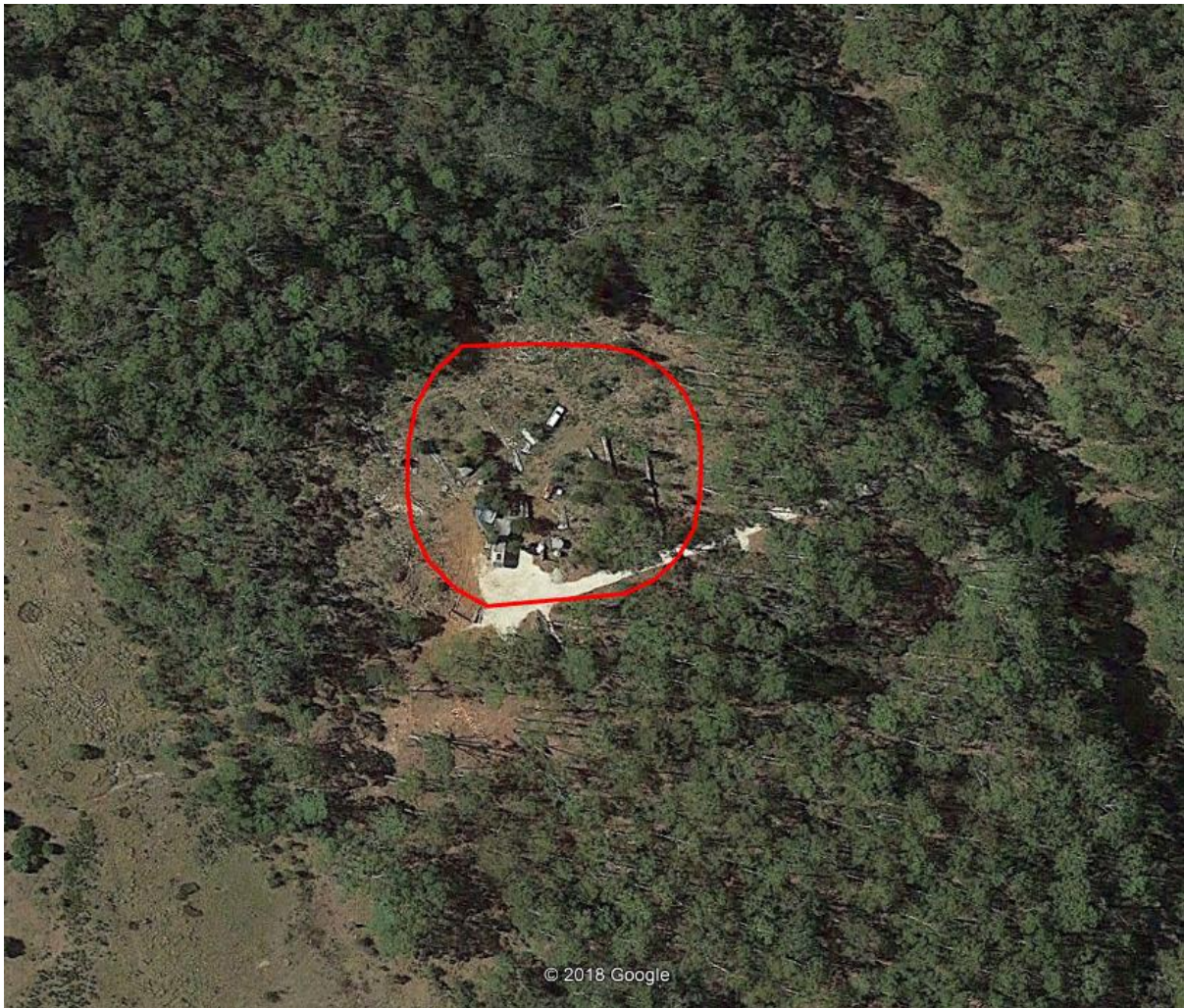


Figure 1: Google Earth image with extents of clearing for a 10mx 15m dwelling constructed to BAL 19.

Yours sincerely

Scott Livingston

Master Environmental Management,  
Forest Practices Officer, Planning  
Bushfire Practitioner, Accreditation # 105

LAUNCESTON

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M.B. Reid, B. GEOM.(HONS) (Tas.), M.SSSI M.AIPM (Associate)

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M.S.G. Denholm, B. GEOM. (Tas.), M.SSSI (Director)  
T.W. Walter, Dip. Surv & Map; (Director)  
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KINGSTON

A.P. (Lex) McIndoe, B. SURV. (Tas.), M.SSSI. (Director)

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A.W. Eberhardt, B. GEOM. (Tas.), M.SSSI (Director)



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Our Ref: 43520

19<sup>th</sup> March, 2019.

Meander Valley Council  
PO Box 102  
WESTBURY TAS 7303

Attention: Ms L. Rabjohns

Dear Leanne,

**RE: SUBDIVISION – MR R. YOUNG – FARRELLS ROAD, REEDY MARSH.**

We submit herewith on behalf of Mr Ralph Young an application to subdivide his block into two separate titles.

The land is in the Rural Living Zone and we will now address the provisions of the Planning Scheme as it relates to this subdivision.

**13.4.2.1 General Suitability.**

Performance Criteria are met in that there is nothing on this land that prevents the subdivision we are proposing from being undertaken. Lot size fits in with the established pattern of use and development in the immediate area with the lot over River Road being under a hectare and the lot over Farrell's Road being 2.4ha and the lot immediately to the north west being 3ha. These lot sizes are all consistent with the lot sizes we are proposing in this subdivision. The lot can be connected to the road network, power and phone services.

**13.4.2.2 Lot Area, Building Envelopes and Frontage.**

The lot area is under the minimum size for lots in the Reedy Marsh area so we will address the Performance Criteria. P1(b) is satisfied in that there is already an existing house on Lot 2 and Lot 1 has sufficient area to be able to have a house erected on it and to have enough area for appropriate disposal of waste water and stormwater. There is adequate area for onsite parking and manoeuvrability and private open space and vehicular access is obtained by two existing accesses. P1(c) is satisfied as there are no issues in the list that prevent this subdivision from occurring. There is sufficient vegetation on the block to provide adequate buffering and there are no features of natural or cultural significance or any natural hazards. The Reedy Marsh local area objectives are met in that this subdivision will have no visible impact when viewed from the roads due to existing vegetation and existing accesses already being in place.

.../2...

	EO		
	OD		
	Action Officer	Dept.	
	Rcvd	22 MAR 2019	MVC
	Doc No.		
	Index No.		

OFFICES ALSO AT:

- 16 Emu Bay Road, Deloraine, 7304 (03) 6362 2993
- 6 Queen Street, Burnie, 7320 (03) 6431 4400
- 63 Don Road, Devonport, 7310 (03) 6423 6875

- 127 Bathurst Street, Hobart, 7000 (03) 6234 3217
- 6 Freeman Street, Kingston, 7050 (03) 6229 2131
- 8/16 Main Road, Huonville, 7109 (03) 6264 1277

PA 1



The Bushfire Hazard Management report ensures that these lots can be adequately subdivided and there is sufficient vegetation on site to be able to provide development screening around the boundaries of the block.

This subdivision also meets the desired future character statements for Reedy Marsh in that the existing vegetation will ensure that there is adequate separation between buildings and the visibility of the resulting houses will be minimal. The extent of the vegetation on the lot means that there would be very little visible impact as a result of this subdivision due to the fact that there is already a cleared area near the house and the likely future house site on Lot 1 and that both accesses are already in place.

Acceptable Solution A1.2 is met in that the existing buildings are more than 25.0 metres from the new side boundary.

Acceptable solution A2 is met in that each lot has a frontage of at least 15.0 metres to a road.

We enclose a Bush Fire Hazard Management plan that addresses the Bushfire Code.

As the existing accesses are not new accesses we do not believe that the Road and Asset Code applies for this subdivision.

We enclose the following to assess the application.

- 3 copies of the Proposal Plan.
- Copy of the Title.
- Completed Development Application Form.
- Bushfire Hazard Management Plan.

Please advise if you require anything further in relation to this application. Can you please invoice Mr. R. Young c/o [john.dent@pda.com.au](mailto:john.dent@pda.com.au) for any fees relating to this application.

Yours faithfully  
PDA Surveyors

Per:



JOHN DENT

# Bushfire Hazard Management Report: Subdivision

**Report for:** PDA Surveyors

**Property Location:** 11940/2 Farrells Road, Reedy Marsh

**Prepared by:** Scott Livingston

Livingston Natural Resource Services  
12 Powers Road  
Underwood, 7268

**Date:** 15<sup>th</sup> March 2019



**Client:** PDA Surveyors obo R Young

Farrells Road, Reedy Marsh, CT 11940/2 PID7634444.

**Property identification:** Current zoning: Rural Living, Meander Valley Interim Planning Scheme 2013.

**Proposal:** 2 Lot subdivision from 1 existing title.

**Assessment** A field inspection of the site was conducted to determine the Bushfire Risk and Bushfire Attack Level.

A 2 lot subdivision is proposed from existing title CT 11940/2 at Farrells Road, Reedy Marsh, The area is bushfire prone, being less than 100m from vegetation greater than 1ha in size, (forest, grassland).

**Conclusion**

Proposed Lot 2 contains an existing dwelling and is considered exempt from Bushfire Provisions for the purposes of subdivision. There is sufficient area on lot 1 to provide for BAL 12.5 habitable dwellings and will require a hazard management area – low threat vegetation on land adjacent to habitable buildings. Additional building areas are available for BAL 19 construction with reduced Hazard Management requirements.

No additional roads are required, access to habitable buildings and water supply on lot 1 must comply with the relevant elements of Table E2 Access of *Planning Directive No. 5.1 Bushfire-Prone Areas Code*.

New habitable buildings must have a static water supply installed to the standards listed in Table 4 of *Planning Directive No. 5.1 Bushfire-Prone Areas Code* prior to construction of habitable buildings.

Assessment by: Scott Livingston



Master Environmental Management, Natural Resource Management Consultant.

Accredited Person under part 4A of the Fire Service Act 1979: Accreditation # BFP-105.

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### LIMITATIONS

This report only deals with potential bushfire risk and does not consider any other potential statutory or planning requirements. This report classifies type of vegetation at time of inspection and cannot be relied upon for future development or changes in vegetation of assessed area.

## DESCRIPTION

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A 2 lot subdivision is proposed from existing title CT 11940/2 at Farrells Road, Reedy Marsh. The property is zoned Rural Living, *Meander Valley Planning Scheme, 2013*. Proposed Lot 2 contains an existing dwelling and is considered exempt from Bushfire Provisions for the purposes of subdivision. Surrounding land to the west is pasture (grassland) and a narrow (20m wide), strip of forest on the property boundary (road reserve). In other directions the land is predominately forest with occasional managed land around dwellings. The property has frontage to River Road and Farrells Road. The property is not serviced by a reticulated water supply.

See Appendix 1 for maps and site plan. Appendix 2 for photos.

## BAL AND RISK ASSESSMENT

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The land is considered to be within a Bushfire Prone Area due to proximity of bushfire prone vegetation, greater than 1 ha in area (forest).

### VEGETATION AND SLOPE

Lot 1	North West	North East	South East	South West
Vegetation within 100m Subdivision boundaries	0-100m forest	0-100m forest	0-100m forest	0-20m forest, 20-100m grassland
Slope (degrees, over 100m)	Flat/ Upslope	Flat/ Upslope	Flat/ Upslope	Downslope 0-5°

### BUILDING AREA BAL RATING

Setback distances for BAL Ratings have been calculated based on the vegetation that will exist after development external to the subdivision and have also considered slope gradients. During development it is assumed undeveloped lots may be managed as grassland. Setback requirements may be able to be reduced following development and management of fuel loads on adjacent lots.

Where no setback is required for fire protection other Planning Scheme setbacks may need to be applied, other constraints to building such as topography have not been considered.

The BAL ratings applied are in accordance with the Australian Standard AS3959-2009, *Construction of Buildings in Bushfire Prone Areas*, and it is a requirement that any habitable building, or building within 6m of a habitable building be constructed to the BAL ratings specified in this document as a minimum.

Bushfire Attack Level (BAL)	Predicted Bushfire Attack & Exposure Level
BAL-Low	Insufficient risk to warrant specific construction requirements
BAL-12.5	Ember attack, radiant heat below 12.5kW/m <sup>2</sup>
BAL-19	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 12.5-19kW/m <sup>2</sup>
BAL-29	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 19-29kW/m <sup>2</sup>
BAL-40	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 29-40kW/m <sup>2</sup>
BAL-FZ	Direct exposure to flames radiant heat and embers from the fire front

### Setbacks

	Grassland	Forest
<b>BAL 12.5</b>		
Upslope and flat	14m	32m
Downslope 0- 5°	16m	38m
<b>BAL 19</b>		
Upslope and flat	10m	26m
Downslope 0- 5°	11m	27m

### PROPOSED LOT BAL RATING

The balance lot has a potential building area at BAL19, with a smaller building area available at BAL 12.5.

Lot	Setbacks for habitable buildings	
	BAL 12.5	BAL 19
Lot 1	32 m from north western, north eastern and south eastern boundaries	23 m from north western, north eastern and south eastern boundaries
	38m from south western boundary	27m from south western boundary

Client	Ralph Young	Address	Fairroll's Road, Reedy Marsh TAS 7304	This plan has been prepared only for purpose of obtaining preliminary sub approval from the Council and the information shown herein should be for no other purpose. All measurement areas are subject to final survey.	
Reference	F.R.11940/2	Council	Meander Valley Council		
Site of work	As shown	Planning Scheme	Meander Valley Interim Planning Scheme 2013		
		Zone & Overlay	13.0 Rural Living		
Scale	1:2000	Date	31 January 2019	Project Reference	43520-P01

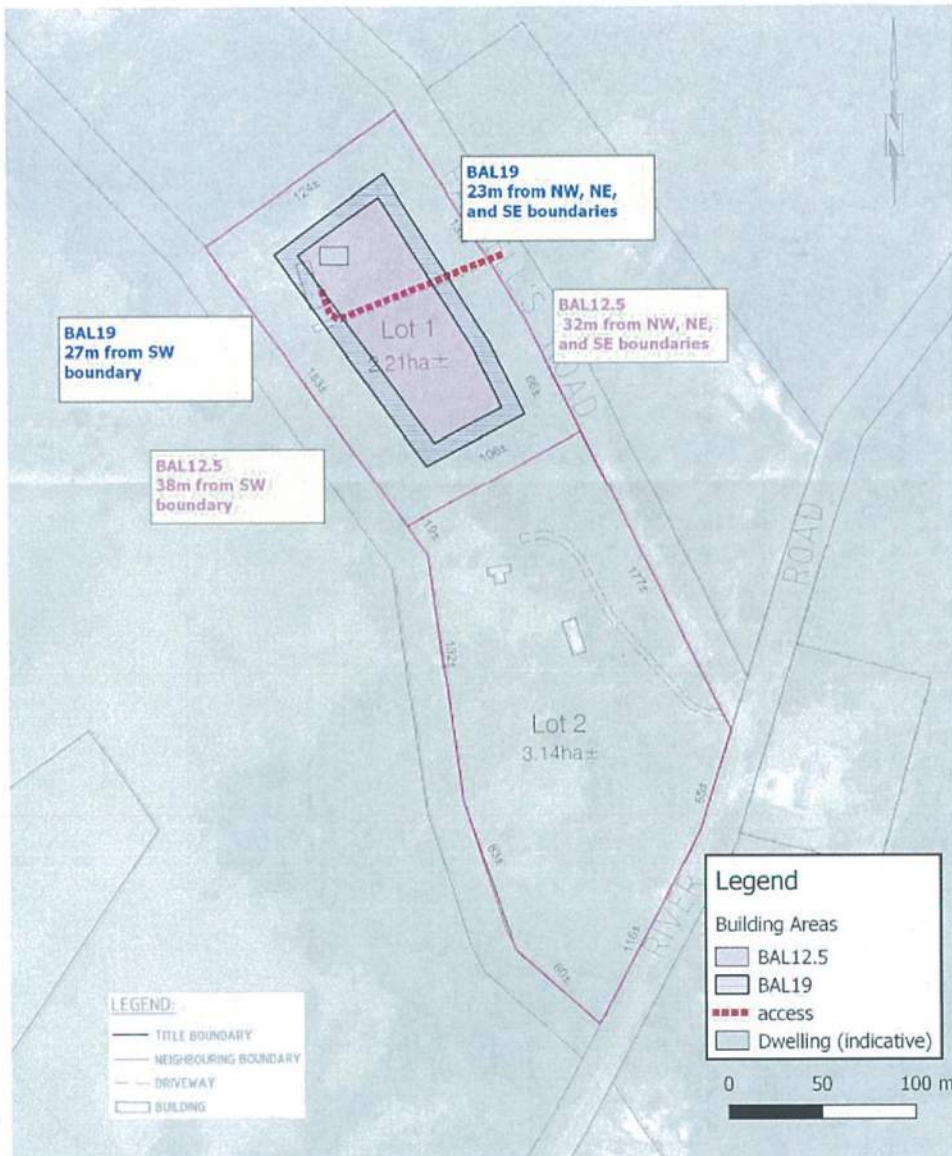


Figure 1: Building Area BAL19

### **HAZARD MANAGEMENT AREAS**

All land within the distances shown below must be managed as no higher fuel load than the following:

- Low threat vegetation includes maintained lawns (mown to < 100mm), gardens and orchards.
- Grassland: may be unmown grass, tree canopy cover must be < 5%
- Forest- no fuel management required.

If construction is to BAL 12.5:

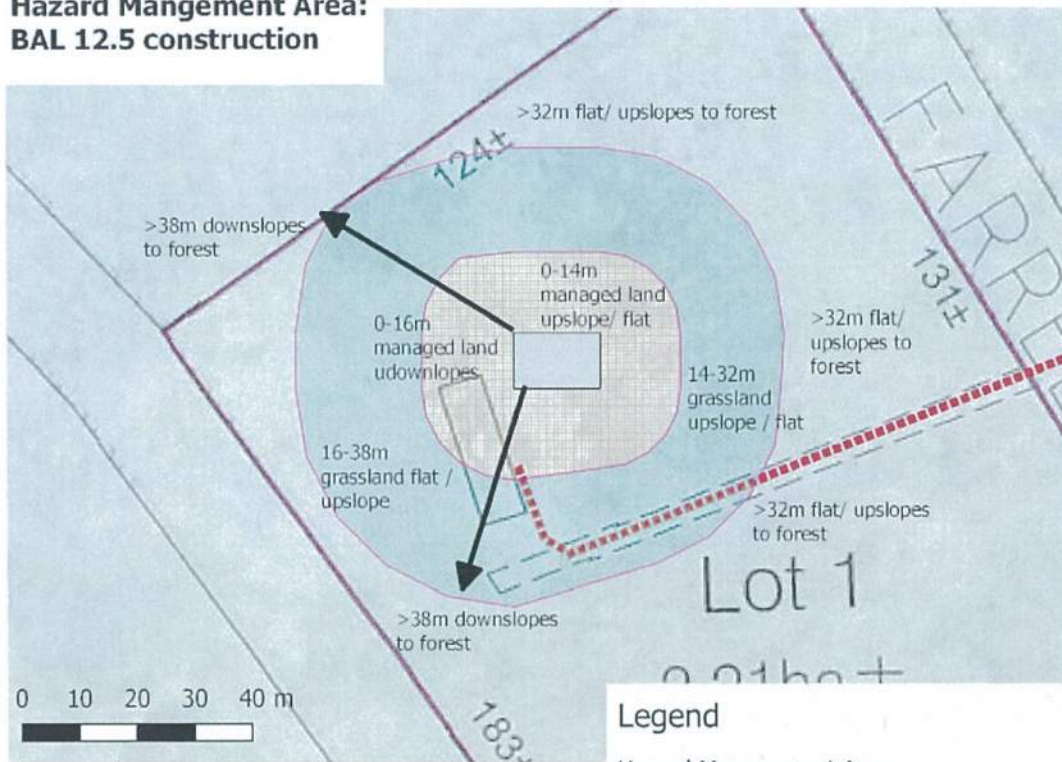
Slope	Managed Land - Low Threat Vegetation	Grassland	Forest
Upslope and flat	0-14m	14-32m	>32m
Downslope 0- 5°	0-16m	16-38m	>38m

If construction is to BAL 19:

Slope	Managed Land - Low Threat Vegetation	Grassland	Forest
Upslope and flat	0-10m	10-26m	>26m
Downslope 0- 5°	0-11m	11-27m	>27m



**Hazard Mangement Area:  
BAL 12.5 construction**

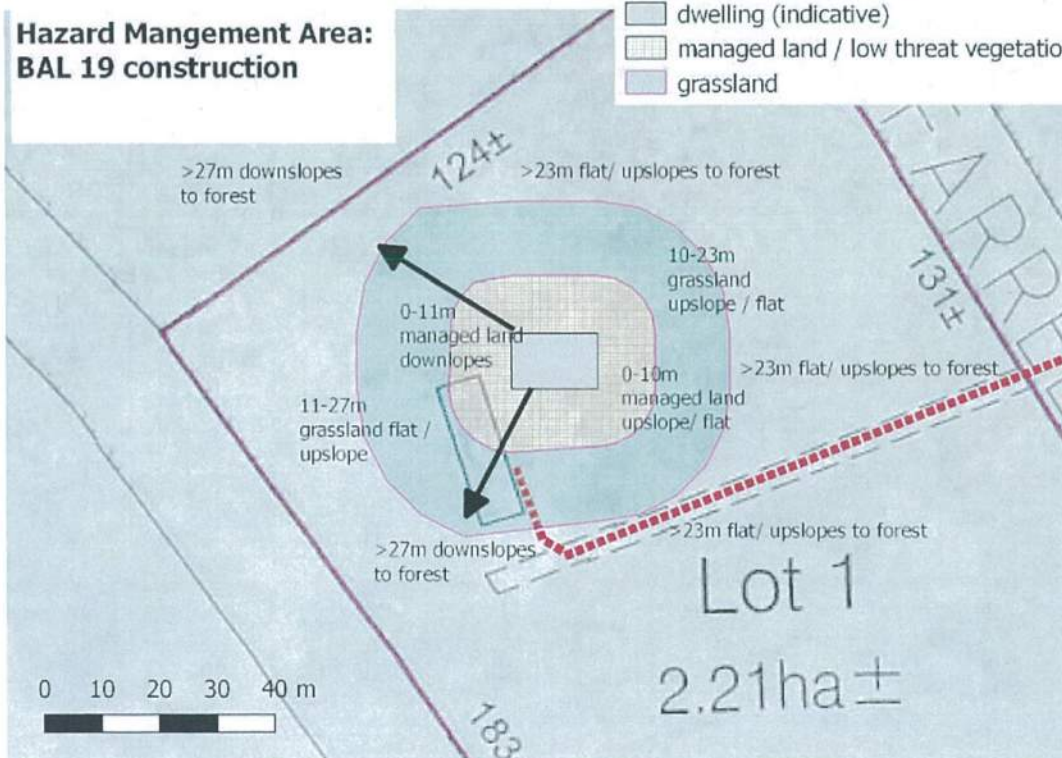


**Legend**

Hazard Management Areas

- dwelling (indicative)
- managed land / low threat vegetation
- grassland

**Hazard Mangement Area:  
BAL 19 construction**



**ROADS**

Lot 1 has access from Farrells Road. No additional roads required for the subdivision.

**PROPERTY ACCESS**

Access to lot 1 must comply with the relevant elements of Table E2 Access from the Planning Directive No. 5.1 Bushfire-Prone Areas Code.

**Table E2: Standards for Property Access**

Column 1 Element	Column 2 Requirement
<p><b>A.</b> Property access length is less than 30 metres; or access is not required for a fire appliance to access a water</p>	<p>There are no specified design and construction requirements.</p>
<p><b>B.</b> Property access length is 30 metres or greater; or access for a fire appliance to a water connection point.</p>	<p>The following design and construction requirements apply to property access:</p> <ol style="list-style-type: none"> <li>(1) All-weather construction;</li> <li>(2) Load capacity of at least 20 tonnes, including for bridges and culverts;</li> <li>(3) Minimum carriageway width of 4 metres;</li> <li>(4) Minimum vertical clearance of 4 metres;</li> <li>(5) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;</li> <li>(6) Cross falls of less than 3 degrees (1:20 or 5%);</li> <li>(7) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;</li> <li>(8) Curves with a minimum inner radius of 10 metres;</li> <li>(9) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and</li> <li>(10) Terminate with a turning area for fire appliances provided by one of the following:               <ol style="list-style-type: none"> <li>(a) A turning circle with a minimum inner radius of 10 metres; or</li> <li>(b) A property access encircling the building; or</li> <li>(c) A hammerhead "T" or "Y" turning head 4 metres wide and 8 metres long.</li> </ol> </li> </ol>

<b>C.</b>	Property access length is 200 metres or greater.	<p>The following design and construction requirements apply to property access:</p> <p>(1) The Requirements for B above; and  (2) Passing bays of 2 metres additional carriageway width and 20 metres length provided every 200 metres.</p>
<b>D.</b>	Property access length is greater than 30 metres, and access is provided to 3 or	<p>The following design and construction requirements apply to property access:</p> <p>(1) Complies with Requirements for B above; and  (2) Passing bays of 2 metres additional carriageway width and 20 metres length must be provided every 100 metres.</p>

**FIRE FIGHTING WATER SUPPLY**

The subdivision is not serviced by a reticulated supply. New habitable buildings must have a static water installed to the standards listed in Table 4 of the *Planning Directive No. 5.1 Bushfire-Prone Areas Code*.

<b>Column Element</b>	<b>Column 2 Requirement</b>
<b>A.</b> 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 water connection point of a static water supply; and  b) The distance must be measured as a hose lay, between the water point and the furthest part of the building area.</p>

Column Element	Column 2 Requirement
<p><b>B.</b></p> <p>Static Water Supplies</p>	<p>A static water supply:</p> <ul style="list-style-type: none"> <li>a) May have a remotely located offtake connected to the static water supply;</li> <li>b) May be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times;</li> <li>c) Must be a minimum of 10,000 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;</li> <li>d) Must be metal, concrete or lagged by non-combustible materials if above ground; and</li> <li>e) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959-2009, the tank may be constructed of any material provided that the lowest 400 mm of the tank exterior is protected by: <ul style="list-style-type: none"> <li>(i) metal;</li> <li>(ii) non-combustible material; or</li> <li>(iii) fibre-cement a minimum of 6 mm thickness.</li> </ul> </li> </ul>

Column 2	
Column Element	Requirement
<p><b>C.</b></p> <p>Fittings, pipework and accessories (including stands and tank supports)</p>	<p>Fittings and pipework associated with a water connection point for a static water supply must:</p> <ul style="list-style-type: none"> <li>(a) Have a minimum nominal internal diameter of 50mm;</li> <li>(b) Be fitted with a valve with a minimum nominal internal diameter of 50mm;</li> <li>(c) Be metal or lagged by non-combustible materials if above ground;</li> <li>(d) Where buried, have a minimum depth of 300mm (compliant with AS/NZS 3500.1-2003 Clause 5.23);</li> <li>(e) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment;</li> <li>(f) Ensure the coupling is accessible and available for connection at all times;</li> <li>(g) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length);</li> <li>(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</li> <li>(i) Where a remote offtake is installed, ensure the offtake is in a position that is: <ul style="list-style-type: none"> <li>(i) Visible;</li> <li>(ii) Accessible to allow connection by fire fighting equipment;</li> <li>(iii) At a working height of 450 – 600mm above ground level; and</li> <li>(iv) Protected from possible damage, including damage by vehicles</li> </ul> </li> </ul>
<p><b>D.</b></p> <p>Signage for static water connections</p>	<p>The water connection 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> <ul style="list-style-type: none"> <li>(a) comply with: Water tank signage requirements within AS 2304-2011 Water storage tanks for fire protection systems; or</li> <li>(b) comply with water tank signage requirements within Australian Standard AS 2304-2011 Water storage tanks for fire protection systems; or</li> <li>(c) comply with the Tasmania Fire Service Water Supply Signage Guideline published by the Tasmania Fire Service.</li> </ul>

Column Element	Column 2 Requirement
E.	<p>A hardstand area for fire appliances must be provided:</p> <ul style="list-style-type: none"> <li>(a) No more than three metres from the water connection point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like);</li> <li>(b) No closer than six metres from the building area to be protected;</li> <li>(c) With a minimum width of three metres constructed to the same standard as the carriageway; and</li> <li>(d) Connected to the property access by a carriageway equivalent to the standard of the property access.</li> </ul>

## CONCLUSIONS

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A 2 lot subdivision is proposed from existing title CT 11940/2 at Farrells Road, Reedy Marsh, The area is bushfire prone, being less than 100m from vegetation greater than 1ha in size, (forest, grassland).

Proposed Lot 2 contains an existing dwelling and is considered exempt from Bushfire Provisions for the purposes of subdivision. There is sufficient area on lot 1 to provide for BAL 12.5 habitable dwellings and will require a hazard management area – low threat vegetation on land adjacent to habitable buildings. Additional building areas are available for BAL 19 construction with reduced Hazard Management requirements.

No additional roads are required, access to habitable buildings and water supply on lot 1 must comply with the relevant elements of Table E2 Access of *Planning Directive No. 5.1 Bushfire-Prone Areas Code*.

New habitable buildings must have a static water supply installed to the standards listed in Table 4 of *Planning Directive No. 5.1 Bushfire-Prone Areas Code* prior to construction of habitable buildings.

## REFERENCES

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Meander Valley (2013) Meander Valley *Interim Planning Scheme*.

Standards Australia. (2009). *AS 3959-2009 Construction of Buildings in Bushfire Prone Areas*.

Planning Commission (2017), *Planning Directive No. 5.1 Bushfire-Prone Areas Code*



Figure 2: Location, property in red





Figure 3: Aerial Image



Figure 4: Indicative dwelling, Extent HMA inner ring BAL 19. outer ring BAL 12.5

# PLAN OF SUBDIVISION


**PDA Surveyors**  
 Surveying, Engineering & Planning  
ABN 71 217 806 205

3/23 Brisbane Street,  
 Launceston, Tasmania, 7250  
 www.pda.com.au  
Also at: Hobart, Kingston,  
 Devonport & Burnie  
PHONE: +61 03 6331 4099  
 FAX: +61 03 6334 3098  
 EMAIL: pda.lvs@pda.com.au

Owners	Ralph Young
Address	Farrell's Road, Reedy Marsh TAS 7304
Council	Meander Valley Council
Planning Scheme	Meander Valley Interim Planning Scheme 2013
Zone & Overlay	13.0 Rural Living
Title References	F.R.11940/2
Schedule Of Easements	As shown.

Scale	1:2000	Date	31 January 2019	PDA Reference	43520-P01
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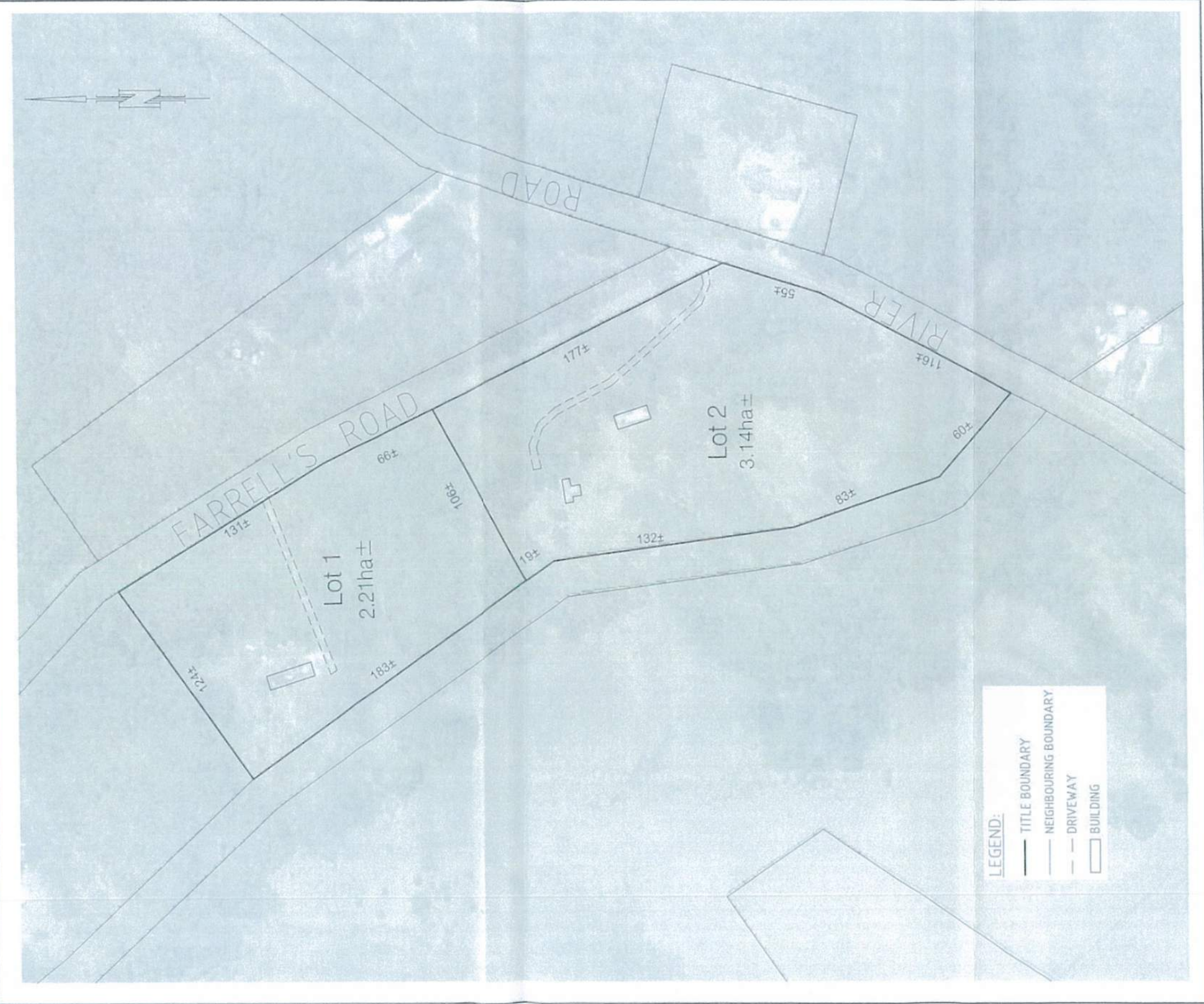


Figure 5: Proposed Subdivision Plan



Figure 6: north across grassland to the west from River Road



Figure 7: west along access across lots from Farrells Road



**Figure 8: forest on eastern portion of property**

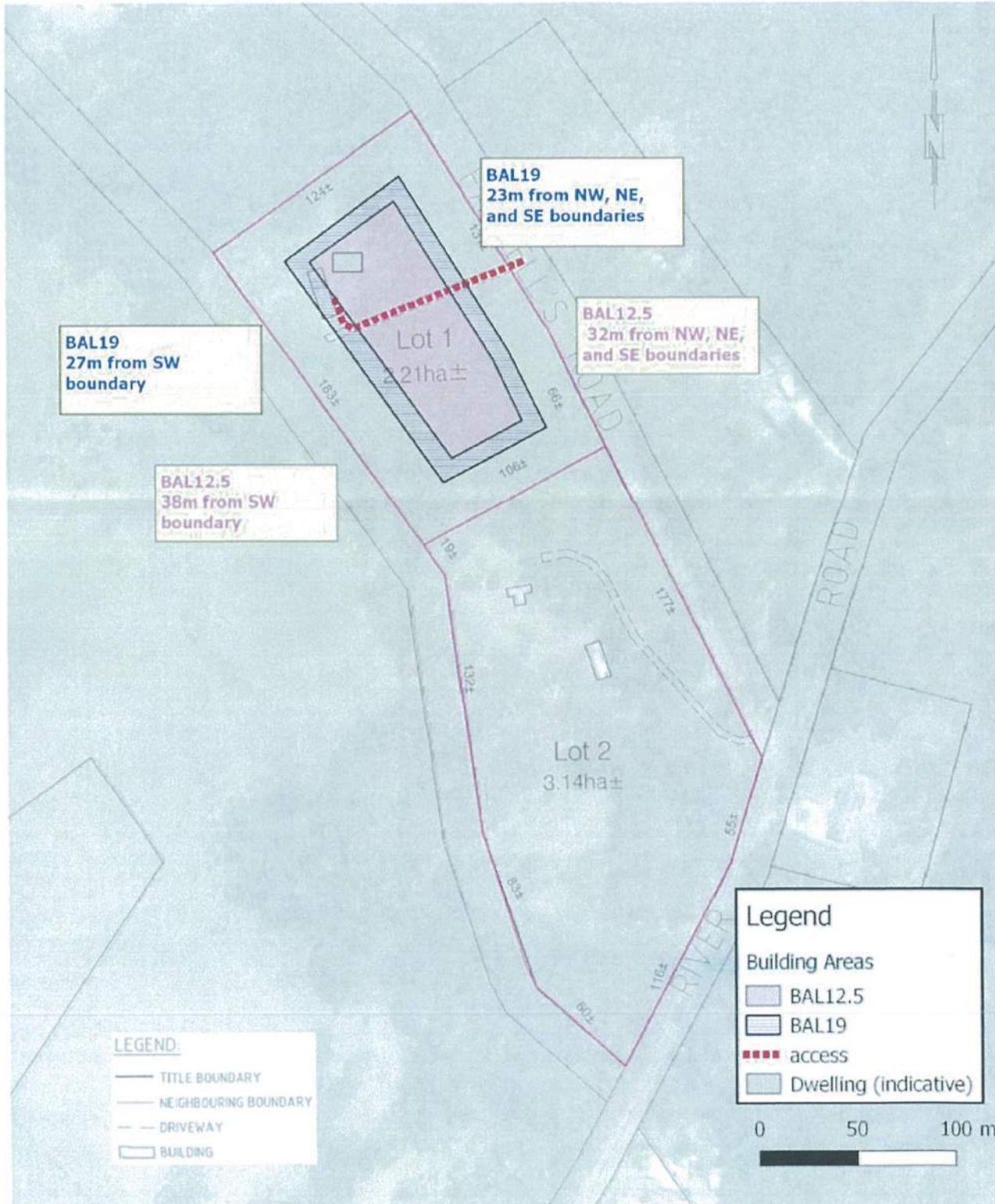
# Bushfire Hazard Management Plan: Lot1, Subdivision of 11940/2 , Farrells Road, Reedy Marsh.

Prepared by Ralph Young	Address Farrell's Road, Reedy Marsh TAS 7304	This plan has been prepared only for purpose of obtaining preliminary sub approval from the Council and the information shown hereon should be for no other purpose. All measurements are subject to final survey.
References F.R.11940/2	Council Meander Valley Council Planning Scheme Meander Valley Interim Planning Scheme 2013 Zone & Overlay 13.0 Rural Living	
Scale of sheets As shown.	Date 31 January 2019	PDA Reference 43520-P01

## Construction: BAL 12.5, BAL 19

Buildings in Bushfire Prone Area to be built in accordance with the Building Code of Australia and Australian Standard AS3959

It is important to prepare your Bushfire Survival Plan, read your Community Protection Plan and know your Nearby Safer Place. These can be obtained from your Council or the Tasmanian Fire Service. For more information, visit [www.fire.tas.gov.au](http://www.fire.tas.gov.au)



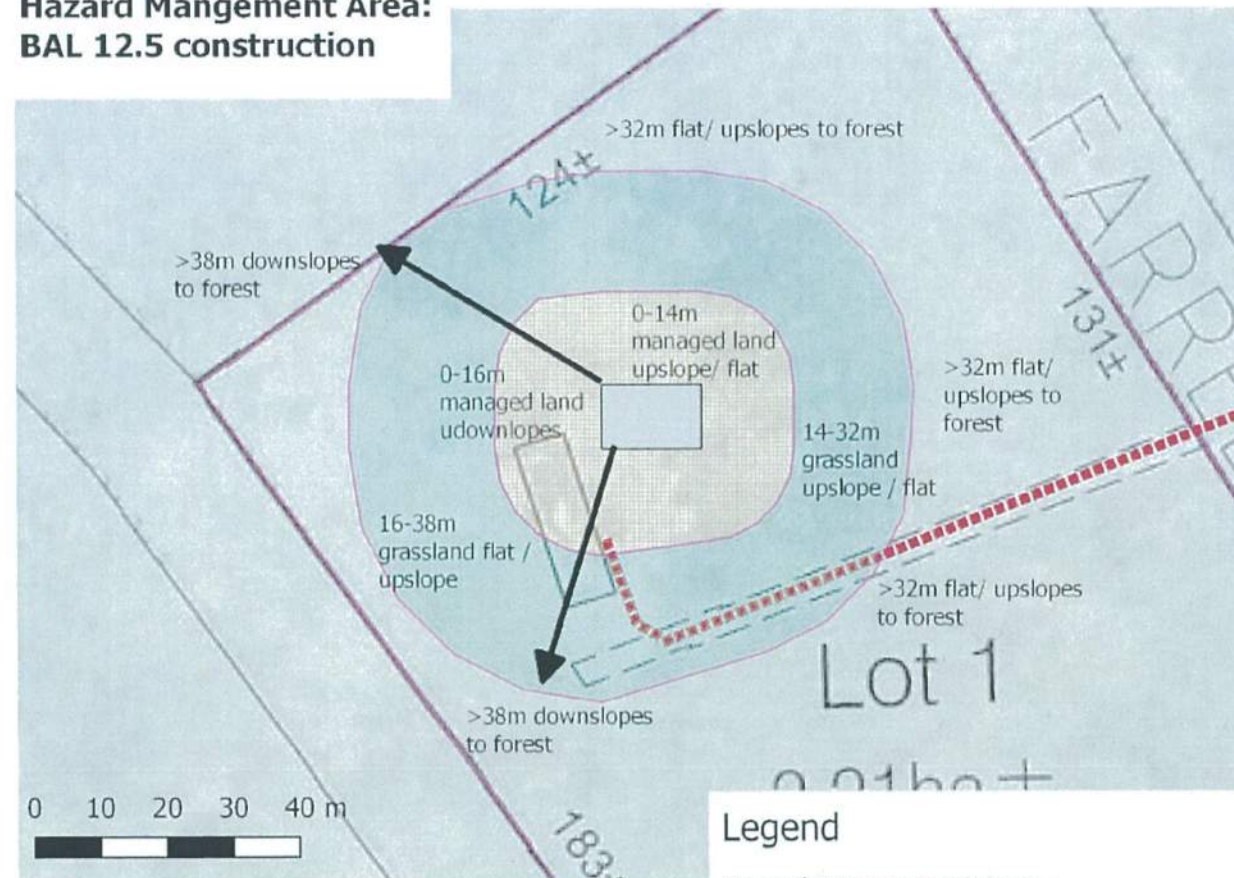
Note:  
It should be borne in mind that the measures contained in this Bushfire Management Plan cannot guarantee that a building will survive a bushfire event on every occasion. This is substantially due to the degree of vegetation management, the unpredictable nature and behaviour of fire and extreme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

Scott Livingston  
Accreditation: BFP – 105: 1, 2, 3A, 3B, 3C  
Date 15/3/18  
SRL19/135



# Bushfire Hazard Management Plan: Lot1, Subdivision of 11940/2 , Farrells Road, Reedy Marsh.

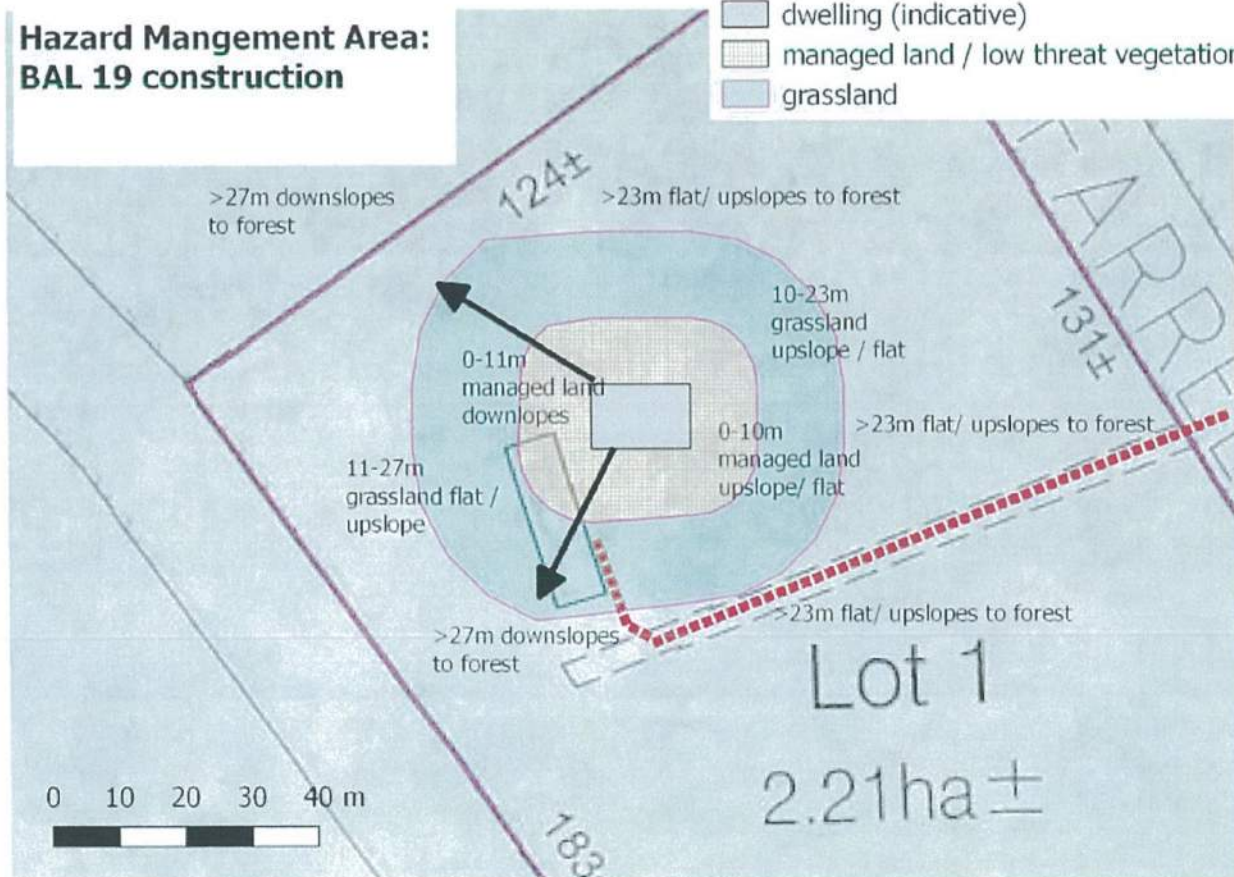
**Hazard Mangement Area:  
BAL 12.5 construction**



**Legend**

- Hazard Management Areas**
- dwelling (indicative)
  - managed land / low threat vegetation
  - grassland

**Hazard Mangement Area:  
BAL 19 construction**



## Hazard Management Areas (HMA)

Hazard management areas include the area to protect the buildings as well as the access and water supplies. All land within the area shown below as managed land is to be managed and maintained in a minimum fuel condi-

### Construction: BAL 12.5

Slope	Managed Land - Low Threat Vegetation	Grassland	Forest
Upslope and flat	0-14m	14-32m	>32m
Downslope 0- 5°	0-16m	16-38m	>38m

### Construction: BAL 19

Slope	Managed Land - Low Threat Vegetation	Grassland	Forest
Upslope and flat	0-10m	10-26m	>26m
Downslope 0- 5°	0-11m	11-27m	>27m

Low Threat/ Managed Land: managed gardens orchards or lawns maintained to < 100mm in height.

Grassland: may be unmown grass, tree canopy cover must be < 5%

#### Maintenance Schedule: Managed Land

- Removal of fallen limbs, leaf & bark litter
- Cut lawns to less than 100mm and maintained
- Remove pine bark and other flammable garden mulch
- Prune larger trees to establish and maintain horizontal and vertical canopy separation
- Minimise storage of petroleum fuels
- Maintain road access to the dwelling and water connection point.
- Remove fallen limbs, leaf & bark from roofs, gutters and around buildings.



Scott Livingston  
Accreditation: BFP – 105: 1, 2, 3A, 3B, 3C  
Date 15/3/18

SRL19/13S

# Bushfire Hazard Management Plan: Subdivision of 11940/2 , Farrells Road, Reedy Marsh

## Water Supply

a static water supply to following standards must be installed for each building area:

The following requirements apply:

- a. the building area to be protected must be located within 90m 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.

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 10,000l per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems;
- 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 *Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas*, the tank may be constructed of any material provided that the lowest 400mm of the tank exterior is protected by:
  - i. metal;
  - ii. non-combustible material; or fibre-cement a minimum of 6mm thickness.

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;
- 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. if buried, have a minimum depth of 300mm;
- e. provide a DIN or NEN standard forged Storz 65mm 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 220mm length);
- h. ensure underground tanks have either an opening at the top of not less than 250mm diameter or a coupling compliant with this Table; and
- i. if 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.

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:

- a. comply with water tank signage requirements within *Australian Standard AS 2304-2011 Water storage tanks for fire protection systems*; or
- b. Comply with the Tasmania Fire Service Water Supply Guideline published by Tasmania Fire Service

A hardstand area for fire appliances must be:

- a. no more than 3m 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 6m from the building area to be protected;
- c. a minimum width of 3m 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

## Property Access

Access to a to a habitable building and/or water supply point it must be constructed to the following standards:

The following design and construction requirements apply to property access:

- a. All-weather construction;
- b. Load capacity of at least 20 tonnes, including for bridges and culverts;
- c. Minimum carriageway width of 4 metres;
- d. Minimum vertical clearance of 4 metres;
- e. Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;
- f. Cross falls of less than 3 degrees (1:20 or 5%);
- g. Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;
- h. Curves with a minimum inner radius of 10 metres;
- i. Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and
- j. Terminate with a turning area for fire appliances provided by one of the following:
  - i) A turning circle with a minimum inner radius of 10 metres; or
  - ii) A property access encircling the building; or a hammerhead "T" or "Y" turning head 4 metres wide and 8 metres long.



Scott Livingston  
Accreditation: BFP – 105: 1, 2, 3A, 3B, 3C  
Date 15/3/18

SRL19/13S

# BUSHFIRE-PRONE AREAS CODE

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

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### 1. Land to which certificate applies<sup>2</sup>

*Land that is the Use or Development Site that is relied upon for bushfire hazard management or protection.*

Name of planning scheme or instrument:

Meander Valley Interim Planning Scheme 2013

Street address:

11940/2 Farrells Road, Reedy Marsh

Certificate of Title / PID:

CT 11940/2 PID 7634444.

*Land that is not the Use or Development Site that is relied upon for bushfire hazard management or protection.*

Street address:

Certificate of Title / PID:

### 2. Proposed Use or Development

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

<sup>2</sup> If the certificate relates to bushfire management or protection measures that rely on land that is not in the same lot as the site for the use or development described, the details of all of the applicable land must be provided.



---

**Description of Use or Development:**

2 lot subdivision from 1 existing title

**Code Clauses:**

E1.4 Exempt Development

E1.5.1 Vulnerable Use

E1.5.2 Hazardous Use

**E1.6.1 Subdivision**

**3. Documents relied upon**

**Documents, Plans and/or Specifications**

**Title:** Plan of Subdivision

**Author:** PDA Surveyors

**Date:** 11/4/2018

**Version:** 1

**Bushfire Hazard Report**

**Title:** Bushfire Hazard Management Report, 11940/2 Farrells Road, Deloraine,

**Author:** Scott Livingston

**Date:** 15/3/19

**Version:** 1

**Bushfire Hazard Management Plan**

**Title:** Bushfire Hazard Management Plan 11940/2 Farrells Road, Deloraine,

Author: Scott Livingston

Date: 15/3/19

Version: 1

Other Documents

Title:

Author:

Date:

Version:

4. Nature of Certificate

E1.4 – Use or development exempt from this code

Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
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<input type="checkbox"/> E1.4 (a)	Insufficient increase in risk	
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E1.5.1 – Vulnerable Uses

Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
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<input type="checkbox"/> E1.5.1 P1	Residual risk is tolerable	
------------------------------------	----------------------------	--

<input type="checkbox"/> E1.5.1 A2	Emergency management strategy	
------------------------------------	-------------------------------	--

<input type="checkbox"/> E1.5.1 A3	Bushfire hazard management plan	
------------------------------------	---------------------------------	--

E1.5.2 – Hazardous Uses

Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/> E1.5.2 P1	Residual risk is tolerable	
<input type="checkbox"/> E1.5.2 A2	Emergency management strategy	
<input type="checkbox"/> E1.5.2 A3	Bushfire hazard management plan	

**E1.6 – Development standards for subdivision**

**E1.6.1 Subdivision: Provision of hazard management areas**

Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/> E1.6.1 P1	Hazard Management Areas are sufficient to achieve tolerable risk	
<input type="checkbox"/> E1.6.1 A1 (a)	Insufficient increase in risk	
<input checked="" type="checkbox"/> E1.6.1 A1 (b)	Provides BAL 19 for all lots	Bushfire Hazard Management Plan 11940/2 Farrells Road, Reedy Marsh
<input type="checkbox"/> E1.6.1 A1 (c)	Consent for Part 5 Agreement	

**E1.6.2 Subdivision: Public and fire fighting access**

Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/> E1.6.2 P1	Access is sufficient to mitigate risk	
<input type="checkbox"/> E1.6.2 A1 (a)	Insufficient increase in risk	

<input checked="" type="checkbox"/>	E1.6.2 A1 (b)	Access complies with Tables E1, E2 & E3	Bushfire Hazard Management Plan Plan 11940/2 Farrells Road, Reedy Marsh
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**E1.6.3 Subdivision: Provision of water supply for fire fighting purposes**

Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/> E1.6.3 A1 (a)	Insufficient increase in risk	
<input type="checkbox"/> E1.6.3 A1 (b)	Reticulated water supply complies with Table E4	
<input type="checkbox"/> E1.6.3 A1 (c)	Water supply consistent with the objective	
<input type="checkbox"/> E1.6.3 A2 (a)	Insufficient increase in risk	
<input checked="" type="checkbox"/> E1.6.3 A2 (b)	Static water supply complies with Table E5	Bushfire Hazard Management Plan 11940/2 Farrells Road, Reedy Marsh
<input type="checkbox"/> E1.6.3 A2 (c)	Static water supply is consistent with the objective	

## 5. Bushfire Hazard Practitioner<sup>3</sup>

Name:	Scott Livingston	Phone No:	0438 951 021
Address:	12 Powers Road	Fax No:	
	Underwood	Email Address:	scottlivingston.lnra@gmail.com
	Tasmania		7250
Accreditation No:	BFP – 105	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 –

The use or development described in this certificate is exempt from application of Code E1 – Bushfire-Prone Areas in accordance with Clause E1.4 (a) because there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measure in order to be consistent with the objectives for all the applicable standards identified in Section 4 of this Certificate.

or

There is an insufficient increase in risk from bushfire to warrant the provision of specific measures for bushfire hazard management and/or bushfire protection in order for the use or development described to be consistent with the objective for each of the applicable standards identified in Section 4 of this Certificate.

and/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 can deliver an outcome for the use or development described that is consistent with the objective and the relevant compliance test for each of the applicable standards identified in Section 4 of this Certificate.

<sup>3</sup> A Bushfire Hazard Practitioner is a person accredited by the Chief Officer of the Tasmania Fire Service under Part IVA of Fire Service Act 1979. The list of practitioners and scope of work is found at [www.fire.tas.gov.au](http://www.fire.tas.gov.au).

Signed:

certifier



---

Date: 15/3/19

Certificate No: SRL19/13S

**CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE  
ITEM**

**Section 321**

Form **55**

To:  Owner /Agent

Address

Suburb/postcode

**Qualified person details:**

Qualified person:

Address:  Phone No:

Fax No:

Licence No:  Email address:

Qualifications and Insurance details:  (description from Column 3 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)

Speciality area of expertise:  (description from Column 4 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)

**Details of work:**

Address: 11940/2 Farrells Road

Lot No: 1

Reedy Marsh

7304

Certificate of title No: 11940/2

The assessable item related to this certificate:

Bushfire Attack Level (BAL)

(description of the assessable item being certified)

Assessable item includes –

- a material;
- a design
- a form of construction
- a document
- testing of a component, building system or plumbing system
- an inspection, or assessment, performed

Certificate details:

Certificate type:

Bushfire Hazard

(description from Column 1 of Schedule 1 of the Director's Determination - Certificates by Qualified Persons for Assessable Items n)

This certificate is in relation to the above assessable item, at any stage, as part of - (tick one)

building work, plumbing work or plumbing installation or demolition work:

or

a building, temporary structure or plumbing installation:

In issuing this certificate the following matters are relevant –

Documents:

Bushfire Attack Level Assessment Report and Bushfire Hazard Management Plan

Relevant

calculations:

BAL 12.5, BAL 19



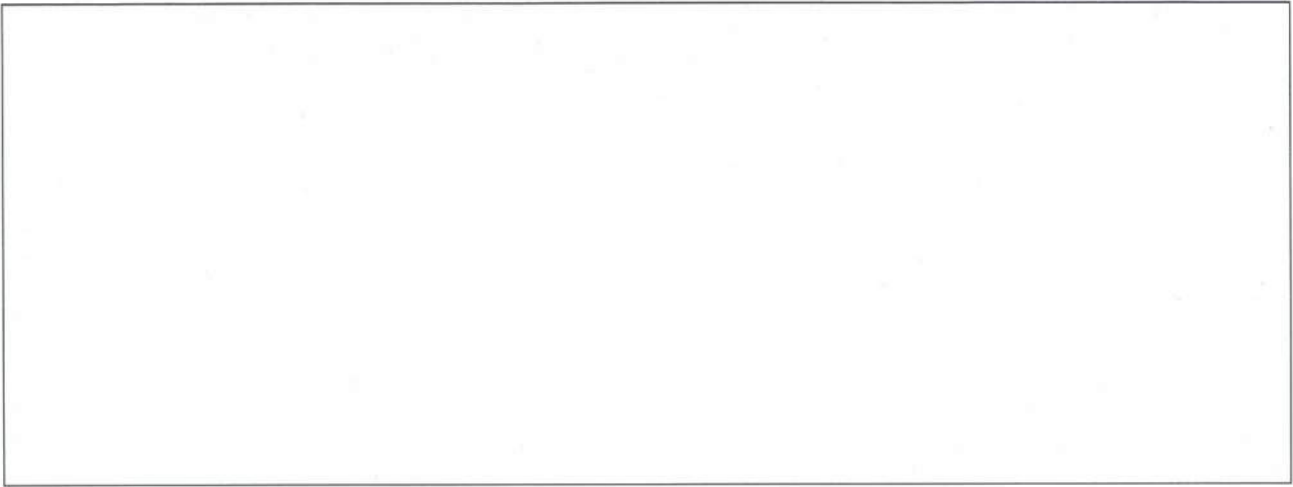
Australian Standard 3959

- Planning Directive No.5.1
- Building Amendment Regulations 2016
- Director of Building Control, Determination
  - Application of Requirements for Building in Bushfire Prone Areas. (Aug 2017)
- Guidelines for development in bushfire prone areas of Tasmania

*Substance of Certificate: (what it is that is being certified)*

1. Assessment of the site Bushfire Attack Level (BAL) to Australian Standards 3959
2. Bushfire Hazard Management Plan

*Scope and/or Limitations*



I certify the matters described in this certificate.

Signed:

Certificate No:

Date:

Qualified person:

SRL19/13S

15/3/19

A- COLOUR BOND AND STEEL FRAMED SHED - 5650 x 5600. USED AS A WORKSHOP AND OCCASIONAL WEEKENDER.

B- PORTABLE SITE OFFICE ON STEEL SKID - 5000 x 2800. HAS TWO LEAN TO'S ATTACHED - 1300 x 2800 ON NORTH SIDE AND 1900 x 2800 ON THE SOUTHERN SIDE. USED AS TOOL AND EQUIPMENT STORAGE

C- 40 FOOT SHIPPING CONTAINER - 12.2 m x 2.4 m. USED FOR SECURE STORAGE

D- SLIDE ON CAMPER FOR TRUCK E, CAMPER IS FULLY SELF CONTAINED WITH SHOWER, TOILET ETC.

E- INTERNATIONAL TRUCK

---

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E- INTERNATIONAL TRUCK

---





A -- colourbond shed



D – slide on camper



C – shipping container





B – portable site office

LAUNCESTON

J.W. Dent, OAM, B. SURV. (Tas.), M.SSSI. (Director)  
M.B. Reid, B. GEOM.(HONS) (Tas.), M.SSSI M.AIPM (Associate)

HOBART

C.M. Terry, B. SURV. (Tas.), M.SSSI. (Director)  
H. Clement, B. SURV. (Tas.), M.SSSI (Director)  
M.S.G. Denholm, B. GEOM. (Tas.), M.SSSI (Director)  
T.W. Walter, Dip. Surv & Map; (Director)  
A.M. Peacock, B. APP. SC. (SURV), M.SSSI. (Consultant)  
D. Panton, B.E. M.I.E. AUST., C.P.ENG. (Consultant)  
A. Collins, Ad. Dip. Surv & Map, (Senior Associate)  
L.H. Kiely, Ad. Dip. Civil Eng. Cert IV I.T., (Associate)

KINGSTON

A.P. (Lex) McIndoe, B. SURV. (Tas.), M.SSSI. (Director)

BURNIE/DEVONPORT

A.J. Hudson, B. SURV. (Tas.), M.SSSI. (Director)  
A.W. Eberhardt, B. GEOM. (Tas.), M.SSSI (Director)



**PDA Surveyors**

Incorporating  
**WALTER SURVEYS**

Surveying, Engineering & Planning

ABN 71 217 806 325

PO Box 284 (3/23 Brisbane Street)  
Launceston, Tasmania, 7250  
Phone (03) 6331 4099

ABN 71 217 806 325

Email: pda.ltn@pda.com.au  
www.pda.com.au

Our Ref: 43520  
Your Ref: PA/19/0198

27<sup>th</sup> May, 2019

Meander Valley Council  
PO Box 102  
WESTBURY TAS 7303

Ms L Rabjohns

Index No. 18558			
Doc No.			
RCV'D	28 MAY 2019	MVC	
Action Officer	LR	Dept.	005
EO		OD	✓

PA/19/0198

Dear Leanne


**RE: SUBDIVISION – 1 FARRELL’S ROAD, REEDY MARSH**

Further to your letter of 18<sup>th</sup> April requesting further information, we now enclose photographs, dimensions and height of each of the three buildings on the property. The hut and shed were on the property when they were purchased by the current owner, and have been there for many years before that. They are also noted on his rates notice.

We have sought an addendum to the Bushfire Report from Scott Livingston, and he replied that there was no need for an addendum as the buildings did not change his report. A copy of his email is attached. We believe this now addresses all of the matters you have asked for in your latest request for more information.

Could you now please proceed to deal with this subdivision application, but please get in touch if you have any questions, or need anything further.

Yours faithfully  
PDA Surveyors

Per:   
JOHN DENT

OFFICES ALSO AT:

- 16 Emu Bay Road, Deloraine, 7304 (03) 6362 2993
- 6 Queen Street, Burnie, 7320 (03) 6431 4400
- 63 Don Road, Devonport, 7310 (03) 6423 6875

- 127 Bathurst Street, Hobart, 7000
- 6 Freeman Street, Kingston, 7050
- 8/16 Main Road, Huonville, 7109

- (03) 6234 3217
- (03) 6229 2131
- (03) 6264 1277

PA 1

## John Dent

---

**From:** Scott Livingston <[scottlivingston.lnrs@gmail.com](mailto:scottlivingston.lnrs@gmail.com)>  
**Sent:** Friday, 24 May 2019 8:51 AM  
**To:** John Dent  
**Subject:** Re: Report for Ralph Young, 1 Farrell's Road, Reedy Marsh

Hi John,

Im not entirely sure what council wants, the existing hut on Lot 2 is acknowledged and considered to have no increase in risk, not my placeto determine wetherthe building has approval or not. The building on Lot1, shed= Class10 building and don't need to meet bushfire provisions either at subdivision or building approval.

regards

Scott Livingston  
Livingston Natural Resource Services

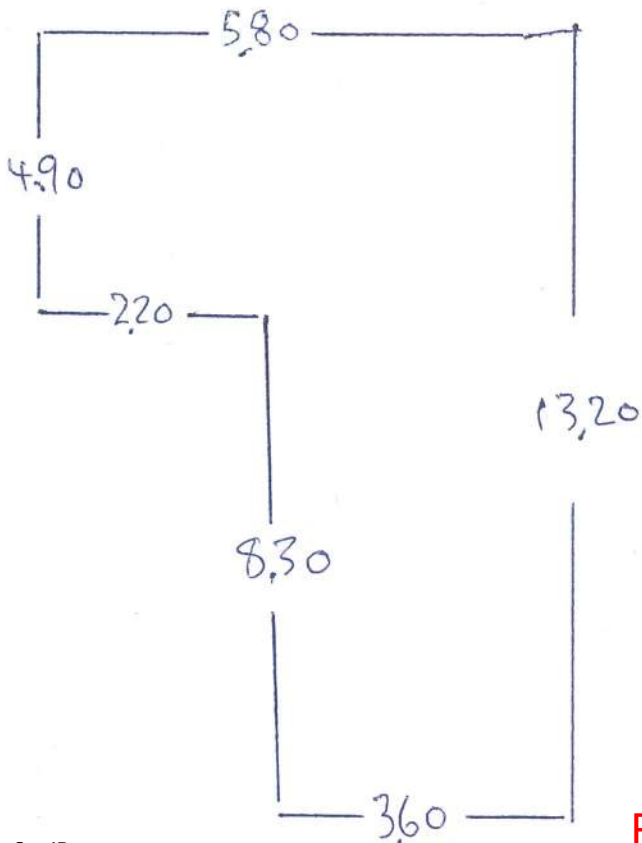
mob 0438 951 021  
[scottlivingston.lnrs@gmail.com](mailto:scottlivingston.lnrs@gmail.com)

On Tue, May 21, 2019 at 2:50 PM John Dent <[John.Dent@pda.com.au](mailto:John.Dent@pda.com.au)> wrote:

>  
> Hi Scott,  
>  
> The Council have requested an addendum to your bushfire report see request attached. We have updated the plan to show more accurately the existing buildings on site, see attached. Can you please send me the requested addendum. Please get in touch if you have any questions.  
>  
>  
> Regards,  
>  
> John Dent  
> Director and Registered Land Surveyor  
> PHONE: +61 3 6331 4099 (Launceston)  
> MOB: 0408 133 656  
> P.O. Box 284  
> 3/23 Brisbane Street, Launceston, Tasmania 7250 [www.pda.com.au](http://www.pda.com.au)  
>  
>  
>  
> The information contained in this e-mail message and any attached files may be the subject of legal professional privilege. Any form of review, copying, disclosure, modification, distribution and/or publication of the information in this e-mail, other than by the intended recipient, is prohibited. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and delete all copies of this transmission together with any attachments.  
>  
>



OLD BARN / SHED

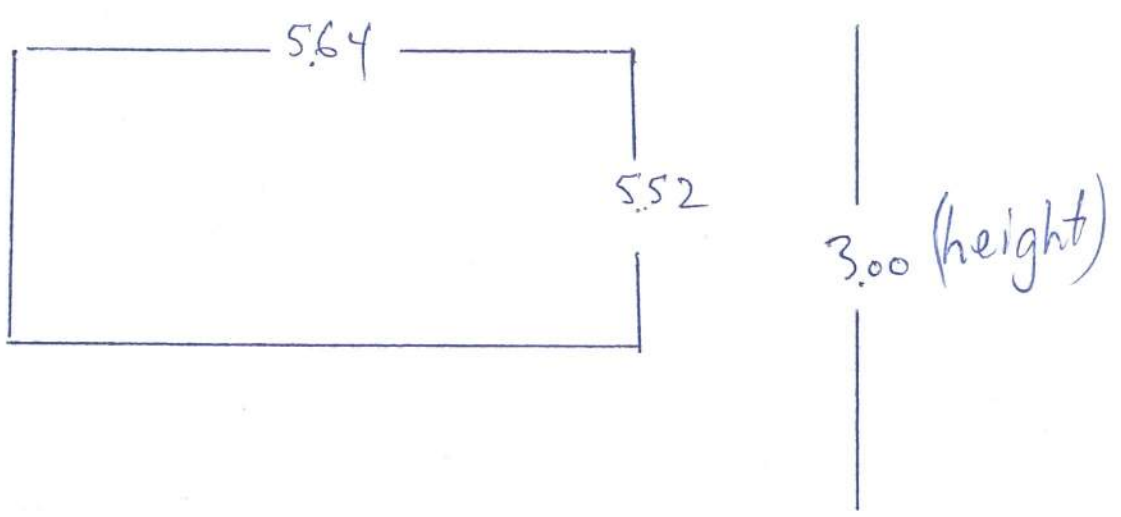


3,35 (height)

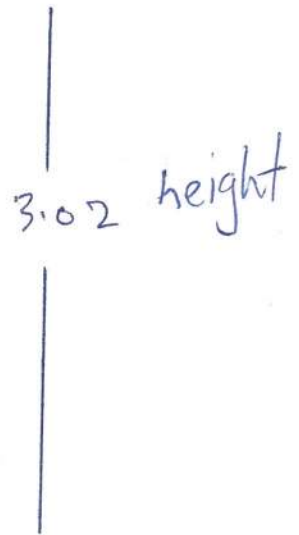
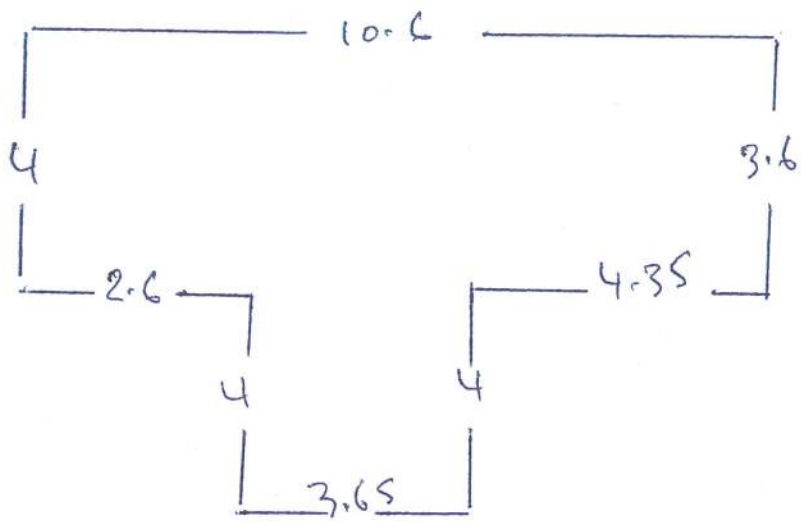
PA 1



SHED ON PROPOSED LOT



OLD HUT



# APPLICATION FORM

## PLANNING

- Application form & details **MUST** be completed **IN FULL**.
- Incomplete forms will not be accepted and may delay processing and issue of any Permits.

Index No. <b>18558</b>	
Doc No.	
RCVD	<b>27 MAR 2019</b> IMVC
Action Officer	<b>SS</b> Dept: <b>005</b>
Any Permits.	OD <input checked="" type="checkbox"/>

### OFFICE USE ONLY

Property No:	<b>18558</b>	Assessment No:	<b>90 - 5600 - 0280</b>
DA\	<b>19/0279</b>	PA\	<b>19/0198</b>

- Is your application the result of an illegal building work?  Yes  No
  - Is a new vehicle access or crossover required?  Yes  No
- Indicate by ✓ box

### PROPERTY DETAILS:

Address: **Fonrell's Road** Certificate of Title: **11940**

Suburb: **Rosdy Marsh** **7304** Lot No: **2**

Land area: **4.884** **m<sup>2</sup>** / ha

Present use of land/building: **residence** (vacant, residential, rural, industrial, commercial or forestry)

Does the application involve Crown Land or Private access via a Crown Access Licence:  Yes  No

Heritage Listed Property:  Yes  No

### DETAILS OF USE OR DEVELOPMENT:

- Indicate by ✓ box
- Building work
  - Change of use
  - Subdivision
  - Forestry
  - Demolition
  - Other

Total cost of development (inclusive of GST): \$  Includes total cost of building work, landscaping, road works and infrastructure

Description of work:

Use of building:  (main use of proposed building – dwelling, garage, farm building, factory, office, shop)

New floor area:  m<sup>2</sup> New building height:  m

Materials: External walls:  Colour:

Roof cladding:  Colour:

SEARCH OF TORRENS TITLE

VOLUME 11940	FOLIO 2
EDITION 7	DATE OF ISSUE 22-Jan-2008

SEARCH DATE : 18-Mar-2019

SEARCH TIME : 03.17 PM

DESCRIPTION OF LAND

Parish of WYCOMBE, Land District of DEVON  
 Lot 2 on Diagram 11940  
 Derivation : Part of Lot 14227 Granted to K.R. Langley  
 Prior CT 3757/60

SCHEDULE 1

C808049 TRANSFER to RALPH YOUNG Registered 22-Jan-2008 at  
 noon

SCHEDULE 2

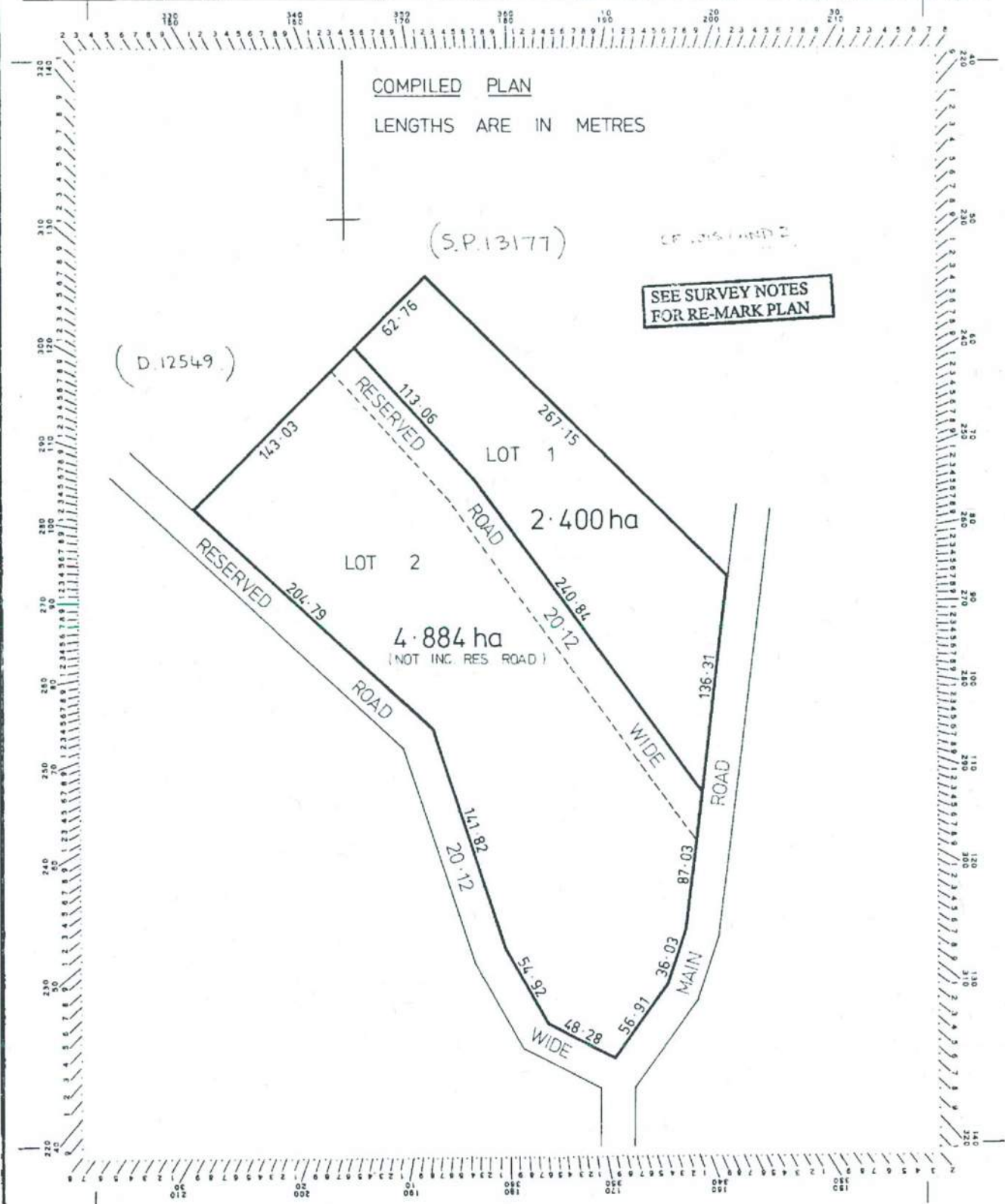
Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



Owner: Tallawalla Pty. Ltd.	PLAN OF SURVEY by Surveyor ..... of land situated in the	Registered Number: <b>D.11940</b>
Title Reference: 3165-96 C.T.		LAND DISTRICT OF DEVON
Grantee: Whole of Lot 14227, 18 Acres. Kezia Rachel Langley	PARISH OF WYCOMBE	Approved: <b>11 DEC 1978</b> <i>[Signature]</i> Recorder of Titles
SCALE 1: 2500		



A. C. Ricketts  
Bradys Creek  
780 Larcombes Road  
REEDY MARSH 7304

15<sup>th</sup> July 2019

Martin Gill  
General Manager,  
PO Box 102,  
Westbury, 7303  
By email to: [Martin.Gill@mvc.tas.gov.au](mailto:Martin.Gill@mvc.tas.gov.au)  
AND [planning@mvc.tas.gov.au](mailto:planning@mvc.tas.gov.au)  
CC: Leanne Rabjohns [Leanne.Rabjohns@mvc.tas.gov.au](mailto:Leanne.Rabjohns@mvc.tas.gov.au)  
CC: Jo Oliver [jo.oliver@mvc.tas.gov.au](mailto:jo.oliver@mvc.tas.gov.au)

## **Objection**

REGARDING: The Readvertised Planning Application PA\19\0198 from: PDA  
Surveyors obo R Young

Location: 1 Farrells Road Reedy Marsh 7304

“Subdivision (2 lots): and outbuildings – general suitability, lot area, new access, and  
sight distance.”

Dear Mr Gill,

I am writing a second time and under sufferance, to lodge a second objection to the re-advertised and very slightly altered Planning Application proposal, PA\19\0198, by PDA Surveyors obo R Young of Elizabeth Town.

I am a ratepayer of the Municipality and resident of Reedy Marsh having lived in the Reedy Marsh area since 1991. As far as I am aware, I have never met Mr Young.

It is my expectation that Council will uphold the standards, provisions, intent and purpose of its planning scheme and protect both the local amenity and the natural environment. In lodging this objection, I have reference to the Meander Valley Interim Planning Scheme 2013 (MV IPS 2013), including Amendment 4. I consider that this PA\19\0198 simply does not meet the MV IPS 2013 Scheme.

**Please Note: I both seek and expect that this application be considered at a Council meeting.**

**I also seek and expect that Council completely refuse the application PA\19\0198.**

There are several sound reasons for my objection to PA\19\0198 and they are discussed below in this representation.

Thus, there are several compelling, sound and relevant reasons for Council to refuse this Planning Application.

There is also the strong potential that Council may be misadvised or inadequately advised by Council’s planning section.

### **A Readvertised Subdivision under the Original Planning Application PA\19\0198**

The Planning Application, PA\19\0198, proposes to subdivide Mr Young's 4.884 Ha title, CT 11940/2, which Council can readily see is already under 33% of the stated minimum area when compared with the 15 Ha minimum Lot size Acceptable Solution standard for Subdivision in the Reedy Marsh Rural Living Zone within the Meander Valley Interim Planning Scheme 2013 (MVIPS2013), post Amendment 4 of 2015.

Further, Mr Young's existing 4.884 Ha title on the corner of River Road and Farrells Road is already only 31% of the size of the average block of land within the Reedy Marsh Rural Living Zone, identified by Council in 2015. The average size of titles in the Reedy Marsh Rural Living Zone (as at 2015) is 15.7 Ha and Council, through its Amendment 4 Report of 2015, identified this aspect. I discuss this aspect as well as the consequences should the subdivision development Planning Application proceed, in more detail below.

Reedy Marsh is a rural locality in Northern Tasmania, a few kilometres north of the town of Deloraine. The locality of Reedy Marsh, in land use planning terms, has a number of zones, including the Rural Living Zone, the Environmental Living Zone and the Rural Resource Zone. The proposed subdivision is located within the area of the Rural Living Zone.

It is clear that the nature and intensity of development across the area of the Rural Living Zone in Reedy Marsh as well as impacts on the existing character, amenity and natural values are the relevant considerations in this case. That is, contrary to PDA's assertion, a wider consideration of the nature of development in the zoned area is appropriate and relevant to a consideration of whether this development meets the Performance Criteria. Otherwise, a perverse and undesirable outcome could well be inappropriately engineered.

In the original Planning Application, PA\19\0198, received by Council on the 27<sup>th</sup> March 2019, the existing title CT 11940/2 was proposed to be subdivided into 2 lots, being in area, of 2.21 Ha and 3.14 Ha, which suggested the subject land might be some 5.35 Ha in size. But apparently, currently the subject land, CT 11940/2, may not be 5.35 Ha at all. Indeed it is shown on the title as being only 4.88 Ha in area. It is shown on the 1978 Survey Plan as being only 4.884 Ha. This is a confusing situation and should be sufficient reason alone to see this readvertised Planning Application PA\19\0198 refused by Council. It would seem that the PDA's in house surveyors identified the areas of 2.21 and 3.14 Ha, for the two proposed Lots originally and these Lot area figures remain in the current Planning Application PA\19\0198.

The readvertised subdivision under the original Planning Application PA\19\0198 has now, in an informal way, disclosed new, different and even lower areas for the two proposed Lots. Now it seems, the proposition may be to subdivide the 4.884 Ha title, so the two lots would be only 2.12 Ha and 2.76 Ha, rather than the previously advertised 2.21 Ha and 3.14 Ha areas, all being canvassed within the one Planning Application PA\19\0198. I question whether this approach meets any surveying standards, let alone any planning standards.

Because the initially proposed areas of 2.21 Ha and 3.14 Ha for each of the two proposed Lots also remain within the Planning Application PA\19\0198 documentation, it must be impossible for Council to understand the true size of the

Lots. I certainly cannot work it out. Perhaps the Tasmanian Surveyor General can have a go.

Because the original areas cited above, remain in the Planning Application, one must assume there is uncertainty about the intention as well as the reality of the land. One can easily see the inconsistency of the information provided to Council by the applicant within the various application documents under Planning Application PA\19\0198. This is a very, very confusing situation and should be sufficient reason alone to see this Planning Application refused by Council. This development proposal, I argue, meets no standards. I conclude that on this subject, Council's planning department should investigate to check out the overall level of competence of the application. It is not entirely clear whether this Planning Application is limited to the Subdivision or includes the allegedly illegal shanty agglomeration in the west of the proposed Lot 1.

I consider it certainly not sufficient to have such multiple inconsistencies in the proposed subdivided Lot areas within the one Planning Application of PA\19\0198, for only the one title and that such a gross error within the application should have caused Council's planner to refuse the application. To expose the public to what appears to be such an incompetent Planning Application is extremely unsatisfactory.

What is enormously concerning is that this small, atypical lot, being apparently 4.884 Ha is already below 33% of the acceptable minimum lot size for subdivision under the Acceptable Solution of the MVC IPS 2013 in the Reedy Marsh RLZ. If PA\19\0198 were to proceed, the lots would be merely 14.75% and 20% of the acceptable minimum. This flies in the face of the very clear intention under the decision of Amendment 4 of 2015 to set the Minimum Lot for the Reedy Marsh RLZ generally at 15 Ha.

That is, the minimum lot, preferably needed for subdivision in Reedy Marsh, is in the vicinity of 30 Ha, rather than the current subdivision proposal of Mr Young, which is to cut up a small title of either 5.35 Ha or 4.884 Ha, even further.

When one looks at the Survey Plan within the Planning Application PA\19\0198 documentation one finds the subject land was already the product of an older subdivision, Part of Lot 14227 granted to KR Langley Prior CT 3757/60, back in 1978. It was open slather back then.

The reason Council has a 15 Ha minimum for the RLZ in Reedy Marsh, is to set a modern and responsible standard of sustainable development based on a range of issues, concerns and the overall existing amenity as well as environmental matters, such as the consideration of the Listed Threatened and Vulnerable vegetation and the presence of Threatened Species. This subdivision development proposal does not adequately consider the values at stake and thus in essence seeks to subvert the existing character, amenity and the values of the Reedy Marsh Rural Living Zone.

### **The PDA's Enabling of the Performance Criteria Discarded**

The surveying firm PDA, representing Mr Young, in essence claims that there are some nearby titles to the subject land which are of similar size which enable the Performance Criteria to be met.

PDA has, in my view, been very selective in looking at the nearby titles so that it may construct a convenient argument in support of the Planning Application PA\19\0198. Such a biased view of the existing landscape and cadastral reality of Reedy Marsh is extremely unfortunate and inadequate.

Land Use planning is not about taking little snippets of the landscape that suits one argument. I reiterate the relevant consideration is the overall pattern of land use and intensity across the Rural Living Zone of Reedy Marsh, which must be considered to be the local area.

As previously stated, the average size of titles in the Reedy Marsh Rural Living Zone is 15.7 Ha.

Conveniently overlooked perhaps by PDA, there is a range of larger titles in close proximity to the subject land including much larger titles which adjoin or are over the road. By PDA's definition of the surrounding area they must be considered. All these nearby titles have much larger areas than the un-subdivided 4.884 Ha title, CT 11940/2. They are:

- 465 River Rd            CT 159447/1    72.6600 hectares
- 520 River Road        CT 227705/1 and 217538/1    24.1900 hectares
- 585 River Road        CT 13177/5    20.2200 hectares
- 81 Farrells Road       CT 107327/1    63.7900 hectares

It is acknowledged there are a few smaller titles in the immediate vicinity but these obviously do not form the dominant character of the immediate area. The large titles form a vastly greater amount of the overall area of the immediate surrounding landscape of this part of Reedy Marsh.

Reedy Marsh does not need more small titles and the scheme is intended to mitigate against such undesirable outcomes.

With Planning Application PA\19\0198 we have Council accepting a proposal and considering and therefore progressing the subdivision of a sub-minimum lot of 4.884 Ha, proposed to be subdivided down to the two even smaller lots of 2.12 Ha and 2.76 Ha, in a Rural Living Zoned area, where the normal lots are, on average, about 15.7 Ha across the zone (as at 2015) of the surrounding area.

This ability under the MV IPS to lodge a planning application, which has a distinct lack of any proper standards forces Reedy Marsh residents to lodge objections to defend their amenity and the other values which they prize. This is concerning and indeed unacceptable. Hence I described my first objection to PA\19\0198 as being 'Under Sufferance'.

The clear and unambiguous intent and purpose of Council's Amendment 4 of the MV IPS 2013, was to ensure that very small lots would be avoided in the Reedy Marsh Rural Living Zone (RLZ).

The small lots adjoining the subject land and mentioned in PDA's selective assessment of existing character, in support of their claim the proposed subdivision would meet the MV IPS Performance Criteria in the RLZ, have been in existence for a long time. These select titles, used by PDA predate the Meander Valley Planning Scheme 1995, which simply had this part of Reedy Marsh within the Rural Zone at that time. Before that scheme, such subdivisions were done under the Deloraine

Interim Order, I believe. Indeed the survey plan for the subject land is dated 1978 when there were virtually no planning controls. So PDA is basing their client's PA\19\0198 on subdivision precedents from a time of very limited and primitive land use planning.

Council should be aware the purpose of modern planning schemes is to create proper standards that protect residents' existing amenity and which protect the environment, where that too is a relevant consideration. Such standards are in broad terms reflected and enshrined in the Act's Schedule 1 Objectives.

It is, in my view, not fair and orderly land use planning for Council to accept, facilitate and advertise a subdivision development of a title, which is less than a third of the average size of lots within the RM RLZ zone and which proposes to subdivide down to lot sizes which are shown as either 2.21 Ha and 3.14 Ha or indeed even 2.12 Ha and 2.76 Ha in the application, and thus would create small titles which would be a miserable 15% and 20% respectively of the minimum Acceptable Solution of a 15 Ha lot for the RM RLZ area. This would be a very poor precedent for our area.

Land use planning in Tasmania operates on a system of zones and those zones have a set of standards including Zone Purposes, Local Area Objectives and Desired Future Character Statements, as well as more iterative standards for subdivision including the Acceptable Solution and the Performance Criteria.

It has been claimed by PDA that this subdivision proposal can meet the Performance Criteria. I strongly disagree with PDA's claim because it is based on a selective assessment of a tiny portion of the Reedy Marsh Rural Living Zone.

### **Natural Assets Identification and Priority Habitat under the MV IPS 2013**

It is noteworthy that Council is in the process of creating a new planning scheme, under the Tasmanian Planning Scheme, which includes a new and somewhat more competent Natural Assets overlay, comprised of a new set of maps of Priority Vegetation, which in essence will thankfully replace the Priority Habitat mapping of the 2013 Interim Planning Scheme.

It has been known by Council for a long time that the extent of Priority Habitat in Reedy Marsh exceeds the mapping within the current MV IPS 2013 Scheme. Council disclosed that fact in its report regarding Amendment 4. It is common knowledge. It is also known that the underlying TasVeg III mapping is inadequate, incomplete and erroneous. It is I claim erroneous in this case.

I argue that the subject land, which carries significant forest, should have been mapped as Priority Habitat. I also argue that the proposed subdivision would have the effect of reducing Priority Habitat and diminishing the habitat of Listed Threatened Species.

It is noted that under the Tasmanian Planning Scheme, these new overlay vegetation maps known under the Natural Assets Code, as Priority Vegetation, show the subject land as indeed being mostly covered in Priority Vegetation.

It is my view that the new Natural Assets Code overlay is a highly relevant consideration for the Meander Valley Interim Planning Scheme and for PA\19\0198. I

explain this below and further on in my representation. Local Area Objectives at 13.1.2 state:

*“a) Future subdivision will be determined on the basis of capacity for servicing, access, any potential for natural hazards, natural values and potential for conflict with adjoining land uses.”*

I argue the Council has already identified the Priority Vegetation in its LPS on the subject land and I maintain that the Priority Vegetation in this case is a natural value.

In regards to the Planning Application PA\19\0198, no person with a Botanical or Ecological qualification has identified the vegetation communities present on the subject land. No map of that vegetation on the subject land has been produced.

It is highly likely that the vegetation on the subject land, now mapped in the draft MV LPS as Priority Vegetation, subject to Planning Application PA\19\0198, contains or supports species which are both state listed and nationally listed under the EPBC legislation.

In another planning project related to the MV LPS recently a botanist assessed roadside vegetation in Reedy Marsh, coincidentally including the subject land recently and identified the vegetation on the subject land as ‘Eucalyptus Viminalis Grassy Forest and Woodland’ over most of the roadside area and west of the track on Lot 1 Eucalyptus Pauciflora Forest and Woodland on Dolerite under the TasVeg III mapping system. This is a different vegetation community than which is mapped under TasVeg III. Thus, the claim by Mr Livingstone that the vegetation is indeed DSC or rather known as ‘Eucalyptus Amygdalina Eucalyptus Obliqua Damp Sclerophyll Forest’ is disputed. DSC is described by TasVeg III as:

*“Eucalyptus amygdalina – Eucalyptus obliqua damp sclerophyll forest is characterised by the lack of a clear dominant eucalypt species. Typically, a variety of species grow in a mosaic that changes over short distances. There are four eucalypt species that are characteristic of the forest community - E. amygdalina, E. obliqua, E. ovata and E. viminalis. However E. rodwayi and E. pauciflora are also common components in some areas. The understorey varies from open and heathy, to dense scrub to broad-leafed shrubbery depending on the fire frequency, slope and aspect.”*

Please note the TasVeg DSC Community is not intended to so classify a forest which is dominated by a single species such as Eucalyptus Viminalis.

‘Eucalyptus Viminalis Grassy Forest and Woodland’ is relatively uncommon in the Northern Slopes IBRA bioregion and is more typically found in the Northern Midlands IBRA and other bioregions with dry forest. It has been found elsewhere in Reedy Marsh.

It is important to note that for over 20 years it has been known that Reedy Marsh contains significant habitat for a range of Threatened fauna species. Some of these species range over quite large distances and some have smaller ranges. Listed species likely to use the habitat on the subject land include the Spotted Tailed Quoll and the Tasmanian Devil as well as other species potentially such as the Eastern Quoll (Listed) and the Tasmanian Bettong (RFA Priority Species). Near the western boundary there remains some E ovata which would be habitat for the Critically Endangered Swift Parrot. Mapping of Tasmania for the priority areas of threatened

fauna was done under the Regional Forest Agreement's Comprehensive Regional Assessment. Whilst the mapping is quite old now, it remains relevant. The map is enclosed.

It must be mentioned that *E viminalis* is a species which is suffering presently from an affliction termed Ginger Syndrome, which leads to death of trees, possibly from the impacts of climate change and attempts should be made to retain as much *E viminalis* as possible.

Mr Livingston's Bushfire Hazard report in Planning Application PA\19\0198 shows an area of standing vegetation (forest) to be cleared for a future house, which obviously can only be enabled by the subdivision. I cite Mr Livingston's Bushfire Hazard report, which is included in the subdivision application, as sufficient evidence of the intent to build a new dwelling on land, which I assert to be priority habitat. It would be a land clearance operation of Priority Habitat.

### **The Zone Purpose Statements**

I return to the Meander Valley Interim Planning Scheme, as amended:

Firstly, I refer Council to the zone purpose of 13.1.

#### *13.1.1 Zone Purpose Statements*

*13.1.1.1 To provide for residential use or development on large lots in a rural setting where services are limited.*

*13.1.1.2 To provide for compatible use and development that does not adversely impact on residential amenity.*

*13.1.1.3 To provide for rural lifestyle opportunities in strategic locations to maximise efficiencies for services and infrastructure.*

*13.1.1.4 To provide for a mix of residential and low impact rural uses.*

I claim the proposed subdivision development, Planning Application PA\19\0198, would not meet the following aspects of the Zone Purpose. It does not meet the clause P1 in general suitability of 13.4.2.1 regarding subdivisions in the Rural Living Zone of the MV IPS 2013. The Scheme says that each new Lot must be consistent with the Zone Purpose.

It is clear that the older of the existing dwellings on the subject land has been placed on the proposed Lot 2, but in any case, I consider that both proposed Lots need to be considered by Council in terms of the Zone Purpose. The number of dwelling structures on the subject land and the legality of those structures and whether they comply with the Building Code of Australia, has all not been disclosed. Councillors deserve to be informed of the true nature of this subdivision proposal.

The Planning Application PA\19\0198, is in essence the exact opposite of "development on large lots in a rural setting" at 13.1.1.1. These 2 proposed Lots are not "large lots" at all but rather small lots, certainly in the Reedy Marsh context, the original title is already and obviously is a 'small lot' and thus the subdivision would create very small lots. How can Council proceed to process a Planning Application,



which is the antithesis of ‘large lots’ but rather represents an intensification down to small lots or indeed very small lots?

Indeed the Planning Application, PA\19\0198, subdivision proposal is for two Lots smaller than the Scheme standards of the most densely populated Rural Living Zoned areas in the Municipality, being Davis Road and Meander, at a size of 4 ha Acceptable minimum Solution. By anybody’s definition, the subdivision proposal PA\19\0198 would create small lots. Indeed this subdivision proposal under Planning Application PA\19\0198 is almost at a Low Density Residential Zone standard rather than a Rural Living Zone standard of the MV IPS 2013.

The Reedy Marsh RLZ has the largest minimum lot size of 15 ha, in relation to subdivision standards in the Meander Valley Municipality.

Because of the Acceptable Solution minimum lot standard of 15 ha for Reedy Marsh RLZ, it cannot be refuted that a 2 Ha and/or 3 Ha Lot is not small, by way of comparison. It is the relative comparison, which defines the nature of ‘small’. It is surely without contention that small is the opposite of large. The 15 Ha is a minimum acceptable solution not a maximum, therefore it cannot be considered large in the Reedy Marsh context.

The Planning Application, PA\19\0198, represents a subdivision standard proposal contrary to the objective “*that does not adversely impact on residential amenity*” and in my view, would almost certainly result in an impact on residential amenity in this part of the Zone. I say that as a Reedy Marsh resident of over 25 years.

I consider that it would further degrade the amenity of the Farrell’s Road area in the vicinity of River Road. River Road is the main access road linking Reedy Marsh with Deloraine and thus this is one of the more visible parts of Reedy Marsh.

This development has the potential to stain the amenity of this part of Reedy Marsh. Every resident of Farrells Road, who has gone to considerable trouble to be discreet with their developments, would be faced with driving past a much more prominent development.

### **Local Area Objectives in 13.1.2 for Reedy Marsh**

I claim the proposed subdivision development PA\19\0198 does not meet the Local Area Objectives in 13.1.2 for Reedy Marsh, which are:

#### *Reedy Marsh*

- a) Provide for a low impact increase in housing density in support of housing choice close to Deloraine, whilst maintaining the bushland amenity and natural values of the area through careful subdivision design.*
- b) Subdivision is to be configured to provide for bushfire hazard management areas and accesses that minimize the removal of standing vegetation and provide for substantial separation distances between building areas.*
- c) The retention or planting of vegetation is the preferred means to integrate and screen development throughout the zone.*

*d) Future subdivision will be determined on the basis of capacity for servicing, access, any potential for natural hazards, natural values and potential for conflict with adjoining land uses.*

The proposal to subdivide a title: CT 11940/2 which is already in size below the minimum 15 Ha minimum lot size does not meet the above Local Area Objectives 13.1.2 (a), (b) or (d).

PA\19\0198 represents a subdivision contrary to “*low impact increase in housing density*” because the proposal represents an attempt at a massive densification of a title within the Reedy Marsh Rural Living Zone, doubling the potential for clearance of the natural environment, doubling the number of people potentially and obviously removing a significant part of the natural environment should the Bushfire Hazard plan be followed. When a subdivision doubles with the number of lots on the subject title, it cannot be described as a low impact increase.

This Planning Application PA\19\0198 fails to meet the objective: “*maintaining the bushland amenity and natural values of the area through careful subdivision design*”. Indeed, I argue that no careful subdivision could be achieved in this instance on the subject land because the design of the proposed Lots are too small which when combined with the Bushfire Hazard removal of vegetation removes the bushland amenity from the title. It is clear the Planning Application includes a subdivision design, which is contrary to the scheme’s objectives.

This Planning Application PA\19\0198 represents a subdivision contrary to “*Subdivision... to... minimize the removal of standing vegetation and provide for substantial separation distances between building areas*”. Although PA\19\0198 would not of itself, create a new house on the subject land it is clearly intended to do so and it cannot be argued that it is for any other purpose. Mr Livingston’s Bushfire Hazard plan makes the extent of the proposed removal of ‘standing vegetation’ very clear and Mr Livingston’s plan is a part of the subdivision Planning Application PA\19\0198. That standing vegetation does not have to be Priority Habitat; it simply has to be “standing vegetation”. The subject land is covered to a substantial extent with “standing vegetation”.

The percentage of native forest which would be removed for bushfire purposes, under Mr Livingston’s Bushfire Hazard plan report, within PA\19\0198 for a new dwelling on Lot 1 represents a significant portion of the whole of the vegetation of Lot 1 of the subject land. It is clear that should the subdivision go ahead, the clearance is likely. This does not meet local area objective (b). This clearance, sanctioned by Livingstone would be on top of the illegal clearance which I allege has already occurred in the last few years in the west of the proposed Lot 1.

In conversation with Council’s land use planner, Leanne Rabjohns, who is ostensibly handling this matter, she stated this PA\19\0198 is a subdivision proposal where the owner was intending to sell at least a part of the land and thus there is a Council expectation someone would put a new, second house on the subject land.

I remind Council again that this is a sub-minimum sized block and to put a new second house on the subject land mapped Priority Vegetation, which is also native ‘standing vegetation’ with significant conservation values, including the habitat of threatened species, it is reasonable to assume it would be highly likely these values would be removed under Livingston’s Bushfire Hazard Plan and as far as I can see

there is no ‘minimisation’ that could be claimed or would be being facilitated by way of PA\19\0198.

Further, the separation distances between houses under PA\19\0198 would become significantly smaller at the start of Farrells Road. Additionally, I disagree with PDA that this development would not be visible from the public road. The current illegal developments on that section of the land, proposed to be Lot 1 are already visible and they are further from the road than the Livingstone proposal for clearance.

### **Desired Future Character Statements for Reedy Marsh,**

I claim the proposed subdivision development, PA\19\0198, does not meet the Desired Future Character Statements for Reedy Marsh, which are:

#### *13.1.3 Desired Future Character Statements*

##### *Reedy Marsh*

*a) Reedy Marsh is characterized by predominantly forested hills with some cleared areas of pasture and a dispersed pattern of residential development with low levels of development visibility.*

*b) The character of the locality is to be maintained through retention of vegetation and lower densities to integrate and screen development and to reduce the visibility of buildings and access driveways from roads and neighbouring properties.*

*c) Where located on slopes or at higher elevations, the configuration of subdivision and the location of buildings and accesses are to minimize the impacts of vegetation clearance on the landscape. The retention or planting of vegetation is the preferred means to integrate and screen development throughout the zone.*

*d) Where located in a more open landscape, subdivision is to be configured with dimensions to reflect requirements for a low density and provide for development areas that accommodate appropriate separation between buildings, separation between buildings and adjoining access ways or roads and to accommodate bushfire hazard management areas within each lot.*

*e) Where development is unavoidably visible, ensure that materials are non-reflective and the design integrates with the landscape.*

The PA\19\0198 proposal to subdivide the title: CT 11940/2, which is already in size massively below the minimum 15 Ha minimum lot size of the Reedy Marsh RLZ, and the average lot sizes across the Zone of 15.7Ha, that it does not meet any notion of sustainability or standards and would change the existing character of this part of Reedy Marsh.

The PA\19\0198 subdivision proposal would not meet 13.1.3 Desired Future Character Statements: (a), (b), (d) and it would be unavoidably visible when the intended house, as cited in Livingstone’s Bushfire Hazard assessment report, and associated clearance which is being facilitated by the subdivision, was built within the proposed cleared area. It would be churlish of the Council to pretend that this subdivision was for any other reason than to put a second house on the subject land.

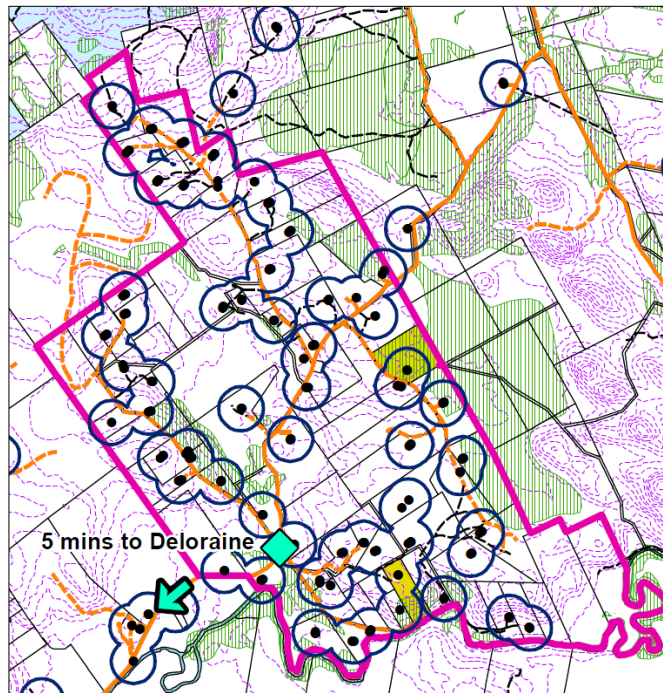
People owning land in the Rural Living Zone (RLZ) at Reedy Marsh in general support retention of the natural values of this area, as well as more broadly. This can be seen from the retained amenity and existing character of the general area.

A perusal of the titles across this RLZ at Reedy Marsh shows a number of mostly nuanced, private and secluded approaches with regard to how Residential Use is discretely accommodated, almost all being set back a lot further than can be achieved on the subject land. Development in Reedy Marsh has been respectful and tastefully private. The PA\19\0198 subdivision proposal would allow and facilitate a diminishing of such a quality, discrete, private amenity and character at this location.

This PA\19\0198 subdivision proposal would allow higher densities, not lower densities which is against the Desired Future Character Statement (b). Lower Densities must be seen in the context of the 15 Ha zone acceptable minimum Lot standard. A proposed 15% to 20% Lot size of that minimum area in the Scheme cannot be considered “Lower Densities”. It is in fact a massive densification.

The 2015 Council report regarding Amendment 4 says of Reedy Marsh (Note my emphasis by way of underlining):

#### Reedy Marsh



“The current Reedy Marsh Rural Living zone reflects a cluster of rural residential uses surrounding River Rd, Wadley’s Rd, Johns Rd, Farrells Rd and Saddlers Run Rd. The proposed zone consists of 86 lots and currently contains 76 houses. Lot sizes range from 7900m<sup>2</sup> to 75 hectares, with the 75-hectare parcel centrally located. The average lot size is 15.7 hectares. The topography of the area is predominantly native vegetated, undulating hills with the larger titles to the centre being cleared. The area contains 2 conservation covenants and patches of known priority habitat, both mapped and unmapped. The southern edge of the zone has steeper slopes and is bound by the Meander River. This topography is reflected in the predominance of Class 5 and 6 land with some Class 4 land to the larger central titles. The area is bound to the east by a large multi-use property subject to plantation forestry and grazing activities, which also has

significant stands of priority habitat. To the west is the prime agricultural plateau of Weetah. The northern edge is bordered by State forest and some private tree plantation mixed with priority habitat.

The clustering of established dwellings within the area in a pattern that surrounds the class 4 land in the centre, together with public roads and priority vegetation, practically constrains the land between, making viable connectivity of the class 4 land infeasible. This indicates that the land is conducive to hobby farm activities for small-scale enterprises and as such, the proposed zone boundaries are drawn around the clear ring of rural residential uses.

The zone is considered suitable for intensification to provide for some additional land supply. The area has close proximity to the settlement of Deloraine, at approximately 10 minutes maximum driving time. Deloraine is a well-serviced district centre with a full line supermarket and other retail, health services, primary and high schools, hospitality, banks, post office, recreation and cultural facilities. Public roads service the extent of the area and can provide access to larger lots that have the capacity to consolidate gaps between the clusters of existing dwellings. The existing and achievable lot sizes provide the ability to achieve appropriate setbacks or mitigation to surrounding rural resource land, accommodate on site wastewater and are considered capable of accommodating clearance areas for bushfire hazard management or avoidance of wet areas. The proposed minimum lot size of 15 ha reflects a density to achieve discrete bushfire management zones without erosion of the character of the area though is a slightly higher density than the average. It is considered likely however that the determinant of eventual yields will likely be the combined consideration of road frontage availability, bushfire protection and water quality protection. It is anticipated that approximately 27 new lots could be created."

In coming to a conclusion back in 2015/6 to support the 15 ha standard, proposed by some residents, Meander Valley Council considered the extent of additional residences and identified the 27 new lots, which could be created under the 15 ha standard.

In 2015, the Reedy Marsh Rural Living Zone apparently consisted of 86 lots and 76 houses. Lot sizes at the time ranged from 7900m<sup>2</sup> to 75 hectares.

So, even without subverting the 15 ha minimum lot standard Council said it could expect a significant increase in residential development in Reedy Marsh, whilst retaining the natural values: which translated to 27 new lots +10 undeveloped lots means that, at 15 ha Acceptable Solution there would be approximately 37 Lots a 50% increase in residential densification within the Reedy Marsh Rural Living Zone. A standard which allowed development to proceed in that manner was adopted and accepted. That does not mean it would be acceptable to have an open slather, high densification approach.

This subdivision proposal, PA\19\0198 with lots at only 15% to 20% of the Reedy Marsh RLZ Acceptable solution in the Scheme represents a far higher degree of densification, a vastly greater level of human habitation and much smaller lots than that which Council had planned upon, anticipated or felt was desirable in 2015 and if it became a new norm, the consequence would be a substantial diminution of native biodiversity habitat and a likely loss locally of Listed Threatened Species. The current amenity and character would disappear. In essence, this subdivision proposal,

PA\19\0198 does not represent a public interest outcome for Reedy Marsh and is in breach of the MV IPS 2013.

The above map, showing the distribution of residences across the RLZ of Reedy Marsh in Council's Amendment 4 report of 2015 is ample evidence of the existing sparse and spread out nature of residences in the Reedy Marsh Rural Living Zone, which I maintain is the surrounding area, which must be considered by Council here when considering the surrounding area. This character, I argue, is contrary to PDAs uninformed assertion about their selective claim for a surrounding area (see P2 (g)) made in PA\19\0198. I argue the surrounding area does not in any way mean merely the adjacent titles.

This subdivision proposal, PA\19\0198, represents a degree of intensification and densification, not at all foreshadowed or foreseen by Council's Amendment 4 proposal for Reedy Marsh, where a 15 ha minimum lot was chosen by Council and supported by the writer and others in Reedy Marsh. Indeed the argument at the time was the choice between a 15 Ha minimum standard and proposals for no subdivision at all.

Further, it should be recognised that in the upcoming Tasmanian Planning Scheme this sort of development would simply not be possible at all. The Performance Criteria in the MVLPS of the Tasmanian Planning Scheme are intended to not go below a bare minimum of 80% of the minimum subdivision lot standard which for Reedy Marsh will be either 10 Ha (Council's) or 15 ha (TEA's), that is a cut off at either 12 ha or 8 Ha. On that basis the 4.884 Ha subject title would not be allowed to be subdivided. The 2.21 ha of Lot 1 would be therefore a mere 22% and 2.12 Ha only 21% of the Draft MV LPS intended performance minimum, well under performance rules for this RLZ in the upcoming new scheme.

Council's role in administering a land use planning scheme is to ensure fair and orderly planning and sustainable development in accord with LUPAA and the Northern Tasmanian Regional Land Use Strategy NTRLUS, as well as being consistent with the MVC scheme provisions themselves.

I assert that it has been clearly shown this development does not meet those basic standards and therefore Council should refuse PA\19\0198.

Council's 2015 Amendment 4 report identifies that there is Priority Habitat in Reedy Marsh, which is not mapped. The existing mostly forested CT 11940/2 of some 4.88 Ha is mostly mapped as Priority Vegetation under the MV Local Provisions Schedule's Natural Assets Code, currently in draft form, but in any case in a form where Council is reticent to countenance making any changes. Council has an obligation to properly consider such matters with expert analysis. Priority Vegetation is a relevant consideration regarding this Planning Application and its proposed removal is a serious concern in this instance.

### **The Issues of and Legitimation of Current and Illegal Structures**

There is a number of structures already built on the proposed Lot 1 and I believe these are being used for habitation. I strongly suspect the shed structure on the proposed Lot 1 is not a legal one. There is also a very large shipping container and other buildings. Lot 1 has all the look and feel of a small shantytown. I had sought confirmation of this

aspect from Council in my first representation to PA\19\0198 but received no written response from Council. There appear to be no Architectural plans in support of any proposal or indeed within this Planning Application to regularise, including by way of a proposition or application for a Permit of Substantial Compliance regarding the shanty of structures.

The relatively recent presence of these several structures, which are almost certainly being used for habitation, is not a sufficient reason for accepting the proposal for subdivision in Planning Application PA\19\0198 from the landowner through PDA. Please Note: My intention in writing this objection is not to seek to stop someone from living in substandard accommodation.

Clearance of high conservation vegetation (Priority Habitat) on CT 11940/2 occurred for the purposes of the allegedly illegal shed and other structures, almost certainly it is alleged with no Forest Practices Plan, over vegetation, which included a stand of *Eucalyptus viminalis* and towards the creek area on the boundary, *Eucalyptus ovata*, which was also removed illegally, I assert.

There has long been a house on CT 11940/2. A few years ago additional structures were erected on CT 11940/2, which resulted in the clearing of the aforesaid mature Listed vegetation in the north-west of the block.

I was not aware of any Council permits, which may have been advertised on the front fence of the title, because I believe no permits were applied or are in existence. However, I do not often drive along Farrell's Road and so I concede it is possible that the shed and the associated clearance were legal but it seems highly unlikely. In any case, Council will know.

This sort of development, where although there is an existing historic clearance in forest of high conservation value on a relatively small title and then a second clearance, quite close to the boundary with the adjoining western neighbouring title is commenced willy-nilly, with no permit, it would seem, is not consistent with any notion of sustainable development. Council has, I assert, failed to control adequately and failed to ensure orderly legal planning and development.

Now Council would appear to be facilitating another unsatisfactory development on CT 11940/2, by way of PA\19\0198, which meets no standards, possibly seen as a means of rectifying the illegal sheds, which have been and appear to remain in use as habitation.

It is obvious that there is regular habitation. There is a letterbox at the top of the driveway at Farrell's Road, marked with the number 27. Who collects the mail?

I disagree strongly with PDA's claims that there are only three buildings on the subject land. Their own report identified more structures than three. The structures present on Lot 1 have not been included in any Rates assessment or Valuation Notice. It is obvious from the photograph on page 44 of the PA\19\0198 report that the so called portable site office is not portable at all thus is misdescribed. Indeed, I cannot even accept that the shed on Lot 1 is actually at the location described in the Planning Application PA\19\0198 documentation. It may be a relatively minor issue but one expects a level of accuracy with such Planning Applications.

The illegal developments, which have been inaccurately and incompletely detailed in Planning Application PA\19\0198, is the sort of ad hoc land use, which is not

desirable. It harms the amenity of the area, reduces the extent of high quality vegetation and habitat, lowers property values, increases unapproved informal accesses onto a small unpaved road and seeks to establish a new 'bottom of the harbour' type subdivision minimum Lot sizes, which is way, way below the 15 ha minimum, which Council supported as a reasonable standard for Reedy Marsh. If the intent of the Planning Application is also to legitimise the current shanty structures that cannot be supported.

It is noted that there appears to be some sort of a second access onto Farrell's Road, serving this shed and shanty agglomeration in the north-west corner, on that part of the land, termed Lot 1 by PDA.

A further concern is the discrepancy regarding the Bushfire Hazzard report of PA\19\0198, which seems to place the existing shed in a different location on Lot 1 to PDA Surveyor's mapped location of the shed in its document reference 43520 – P01, which is also a part of PA\19\0198. I can see from the images supplied originally that no hazard area appeared to be intended, nor any established for the perimeter of the existing shed structure but that in the readvertised documentation there is a BAL 12.5 zone around some of the structures on Lot 1. There is no adequate site plan for the shanty agglomeration of structures. How can one even seek to have some regularisation without a proper accurate site plan? This is substandard.

To be clear I am not convinced that BAL 12.5 is the correct assessment for Bushfire Hazzard on the subject land. I dispute the expedient assessment of the practitioner in his readvertised addendum to the original Planning Application. I am in the process of seeking the opinion of another practitioner.

Bushfire is a hazard in Reedy Marsh and I am of the opinion that reasonable standards for the surrounds of dwellings would be a better solution than attempting to prescribe burn Reedy Marsh. That said, having inspected the driveway from Farrells Rd, I cannot see how that meets any Bushfire Code standards either.

It must be said simply that the plethora of allegedly illegal buildings on Lot 1 have not made it onto the Subdivision plans. Were Council to legitimise the Lot 1 buildings and sanctify them through this subdivision Planning Application, Council would in my opinion, in essence be condoning some sort of illegitimate process of subdivision by way of illegal shanty development. This would be an extremely poor precedent to set.

I consider there to be an inadequate setback, in Bushfire Hazard terms, from the south-western boundary for the shed as outlined in PA\19\0198. If I read correctly, the proposal by PDA with this Planning Application may be to enshrine such illegal developments and possibly to give them additional legitimacy, and then to ipso facto condone and allow additional clearance of Priority Habitat, with the obvious intent to build a new dwelling, under separate ownership which would probably entail the removal of further vegetation and a more obtrusive development at the location specified by Livingstone in Planning Application PA\19\0198.

One can also see from the PDA document 43520 – P01 within Planning Application PA\19\0198 documentation that clearance of vegetation would appear to have occurred by the landowner over the adjoining Crown Road Reserve, adjoining the block, in the vicinity of the shed on the proposed Lot 1. The Planning Application does not appear to be proposing to purchase the Crown Road Reserve.



I argue that this vegetation on the Crown Road Reserve is likely to also be a habitat for Listed Species, as is the vegetation on the subject land itself. The Crown however has obligations over the conservation of such species and to ensure its land is not degraded. Council too has obligations. The clearance of Crown Land would appear to be associated with this shed development and this has not met any standards.

### **PDA's Claims re Surrounding Pattern in the Reedy Marsh Rural Living Zone**

I wish to strongly disagree with PDA over their assessment of the local amenity in PA\19\0198 and their claim that a subdivision down to either 2.21 Ha and 3.14 Ha or even only 2.12 Ha and 2.76 Ha is consistent with the surrounding land use pattern. It is most certainly not consistent with the surrounding pattern across the Reedy Marsh Rural Living Zone.

Further, on that subject, the block referred to by PDA in Planning Application PA\19\0198, opposite Farrells Rd, at 538 River Rd has never gained a social license in Reedy Marsh and is considered to have grossly diminished the neighbouring amenity. It must be stated that the title of 538 River Road was, I have been reliably informed, formerly the historic site of the Willowdale School. Thus, typical for such historic rural arrangements the school block was of very modest size. So, this legacy is not typical of the surrounding area at all and it would be very, very poor planning to rely on such historic artefacts.

Indeed, I argue that the "surrounding area" mentioned in the Scheme at 13.4.2.2 and P2 (g) is the Rural Living Zone of Reedy Marsh and that Council's work on this matter in its report at the time of the 2015 Amendment 4 is pertinent and relevant today. This Amendment report characterises and quantifies the lots and defines the surrounding area and it was for the purpose of defining subdivision standards. There is no other Council documentation, which defines the surrounding area.

Council assessed the land use pattern of the Reedy Marsh area in its report regarding Amendment 4 to the MVC IPS 2013, as well as other areas. That assessment considered that the average lot size in Reedy Marsh was about 15.7 ha. I reiterate Council's Amendment 4 deals with subdivision and the standards thereof and created the ability of land to be subdivided and importantly was an expression of Council's planning intent.

The modern Reedy Marsh RLZ area generally, that is, the overwhelming predominance of titles, has long been favoured for Rural Residential development and most of that development is situated with setbacks a very long way from the Council maintained road, organised in a private and discreet fashion, where the natural amenity of the area is respected. Planning Application PA\19\0198 would undermine that discrete private development aspect and undermine the natural amenity of the place, if one considers the development intent outlined in Mr Livingston's Bushfire Hazzard report contained within PA\19\0198.

The access track, serving the proposed Lot 1 from Farrells Road may also be an issue of concern but it may have predated the illegal developments on the proposed Lot 1. It seems it serves the shed and plethora of other shanty structures in the western corner of Lot 1, but meets no standards.

Indeed, I was not even aware that there was a track on the alignment, mainly because I rarely travel down Farrell's Road. I am certainly not aware of any Permit for the shanty developments.

Please advise me and consider whether this track is a legal one including whether it meets standards in Bushfire Hazard terms, in Council's planning report. It used not to be there in its current form. I wonder whether it meets any sight distance standards. Roads like Farrell's Road are small and narrow, can have a slippery surface and so the sight distance is important and such standards are there for a good reason.

I am mindful that in 2015, when debating the standards around the minimum lot size for Reedy Marsh Rural Living Zone, that there were those, including those who remain resident in Farrell's Road, who advocated that there should not be a subdivision capacity in Reedy Marsh and cited a range of reasons which are pertinent to the current Planning Application proposal PA\19\0198. Indeed there was one resident who described the effect that might occur as being tantamount to a rural residential ghetto. The current proposal PA\19\0198, were it approved, may entirely reinforce and illustrate his point.

Finally, I consider that Planning Application PA\19\0198 not only represents a threat to amenity and orderly planning, it represents avoidance of meeting the criteria for sustainable development.

Council previously had included a careful consideration of the density within the RLZ of Reedy Marsh and Planning Application PA\19\0198 transgresses and overturns that density were it to be applied more consistently as a precedent over the Zone. But PA\19\0198 also represents a threat more broadly to planning scheme standards, for the proposal disrespects and seeks to trash the standards Council has set. On these two issues alone, the development proposal is unacceptable.

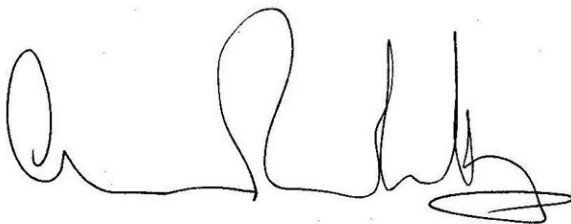
### **Conclusion**

Accordingly, for all of the reasons I have raised and stated, I respectfully seek that Council defends its planning scheme and refuses this Planning Application PA\19\0198.

I await Council's report and reply and trust that both Council's planning department and the elected Councillors will share my significant concerns regarding Planning Application PA\19\0198, which I have expressed above, and support my objection.

**I seek that Council advises the applicant to withdraw his Planning Application PA\19\0198 or otherwise I seek for Council to refuse the Application PA\19\0198.**

Yours sincerely,



Andrew Ricketts

15 July 2019

Martin Gill General Manager,  
PO Box 102,  
Westbury  
7303

Nick van Amstel,  
PO Box 314,  
Deloraine

By email to: Martin.Gill@mvc.tas.gov.au

Planning@mvc.tas.gov.au CC: Leanne Rabjohns Leanne.Rabjohns@mvc.tas.gov.au

**Objection – Planning Application PA\19\0198**

**Location: 1 Farrells Road Reedy Marsh 7304 Subdivision (2 lots): and outbuildings – general suitability, lot area, new access, and sight distance.**

**Applicant: PDA Surveyors obo R Young**

Dear Mr. Gill,

I am writing, as a property owner and resident of Farrells Road, Reedy Marsh to lodge an objection to the proposal PA\19\0198 by PDA Surveyors obo R Young seeking to subdivide his title: CT 11940/2.

With a size of 5.35 Ha CT 11940/2 is an anomaly in the Rural Living Zone of Reedy Marsh. The Planning Scheme has a standard minimum 15 Ha lot size for subdivision.

PDA's claim in its letter of 15 March 2019 that the proposed subdivision meets the General Suitability Performance Criteria under the Planning Scheme is misleading. Whilst it is acknowledged that there is a handful of legacy small plots in the immediate vicinity of the proposed subdivision these small plots are very much the exception and completely out of keeping with the intent of the Rural Living Zone.

Whilst this legacy that is at odds with the intent of the Reedy Marsh Planning Zone cannot easily be rectified it should not be used as the basis for justifying the proposed subdivision. Approval of the application would require the intent of the Reedy Marsh Planning Scheme to be ignored. Approval would inevitably lead to avoidable clearing of valuable vegetation and habitat, and set a precedent for further subdivision and loss of vegetation and wildlife habitat in the area.

I have kept my objection brief, but trust it will be given appropriate consideration.

Kind regards,



Nick van Amstel

Email nvamstel@yahoo.com

## PLANNING AUTHORITY 2

Reference No. 132/2019

18 GRIGG STREET, DELORAINE VIA 20 GRIGG STREET AND 4 RAILWAY STREET,  
DELORAINE

**Planning Application:** PA\19\0236

**Proposal:** Subdivision (3 lots)

**Author:** Justin Simons & Leanne Rabjohns  
Town Planner

### 1) Introduction

Applicant	Radian Surveying
Owner	CM & KJ Howe
Property	18 Grigg Street (CT: 34005/1), with drainage via 20 Grigg Street (CT:13514/1) and 4 Railway Street (CT:121612/2), Deloraine
Zoning	General Residential Zone
Discretions	10.4.15.1 General Suitability 10.4.15.5 Interaction, Safety and Security
Existing Land Use	Residential (Single Dwelling)
Number of Representations	Two (2)
Decision Due	13 August 2019
Planning Scheme:	Meander Valley Interim Planning Scheme 2013 (the Planning Scheme)

### 2) Recommendation

***It is recommended that the application for Use and Development for Subdivision (3 lots) on land located at 18 Grigg Street (CT: 34005/1), with drainage via 20 Grigg Street (CT:13514/1) and 4 Railway Street (CT:121612/2) Deloraine by Radian Surveying, be APPROVED, generally in accordance with the endorsed plans:***

- a) Radian Surveying – Plan of Subdivision and Servicing Works – Job no. 190102, Sheet 1 & 2**
- b) Rebecca Green & Associates – Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan – dated 21 May 2019;**

*and subject to the following conditions:*

1. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2019/00783-MVC attached).
2. Prior to commencement of works the following is to be submitted to Council:
  - a. Detailed engineering design drawings are required to the satisfaction of Council's Director Infrastructure Services. The designs must incorporate the following:
    - i. Pipe sizes, lengths, and invert level information for all proposed stormwater pipework
    - ii. Connection points and invert level information for lot connections including Lot 1.
    - iii. Excavation of the existing open drain in No.4 Railway Street to ensure the proposed stormwater outlet is free draining.
3. A 3.0m wide drainage easement is to be created over all public stormwater infrastructure within new allotments, in favour of Council.
4. The vehicular crossovers servicing proposed Lots 2 and 3 must be constructed and sealed in accordance with LGAT standard drawing TSD-R09-V1 and to the satisfaction of Council's Director Infrastructure Services (see Note 1).
5. Prior to the sealing of the Final Plan of Survey (for each stage), the following must be completed to the satisfaction of Council:
  - a. The infrastructure works and driveways must be completed as shown in the application documents and endorsed plans or as modified by the approval of the detailed engineering drawings and specifications, to the satisfaction of Council's Director Infrastructure Services.
  - b. As-constructed documentation for completed stormwater infrastructure work to be submitted to Council, to the satisfaction of Council's Director Infrastructure Services.
  - c. The developer must pay, a Public Open Space contribution, to Council a sum equivalent to 5% of the unimproved value of the approved lots as determined by a registered land valuer procured at the subdivider's expense.
  - d. Easements shown, as per Condition 3 above.
  - e. Vehicular crossovers for Lots 2 and 3 must be completed, as per Condition 4 above.

Note:

1. Prior to the construction of the any works within Grigg Street, including the driveway crossovers, separate consent is required by the Road Authority (Council). The Application for Works in the Road Reservation form is enclosed. All enquiries should be directed to Council's Infrastructure Department on 6393 5312.
2. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: [mail@mvc.tas.gov.au](mailto:mail@mvc.tas.gov.au).
3. This permit takes effect after:
  - a) The 14 day appeal period expires; or
  - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
  - c) Any other required approvals under this or any other Act are granted.
4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au).
5. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.
6. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received.

7. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
8. If any Aboriginal relics are uncovered during works;
  - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
  - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania Fax: (03) 6233 5555 Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au)); and
  - c) The relevant approval processes will apply with state and federal government agencies.

### **3) Background**

The application proposes to create two (2) additional residential lots at 18 Grigg Street, Deloraine. The land has frontage to Grigg Street and adjoins Tasrail's Western Line to the rear. The property to the east is residential, while the properties to the west are residential and commercial (Deloraine Signs).

The land is 5,400m<sup>2</sup> in area, with an existing dwelling located close to Grigg Street. The application requires changes to the sewerage and stormwater systems which will impact 20 Grigg Street and 4 Railway Street. The proposed subdivision layout and details are shown in Figure 1, while full plans and documentation are included in the attachments.

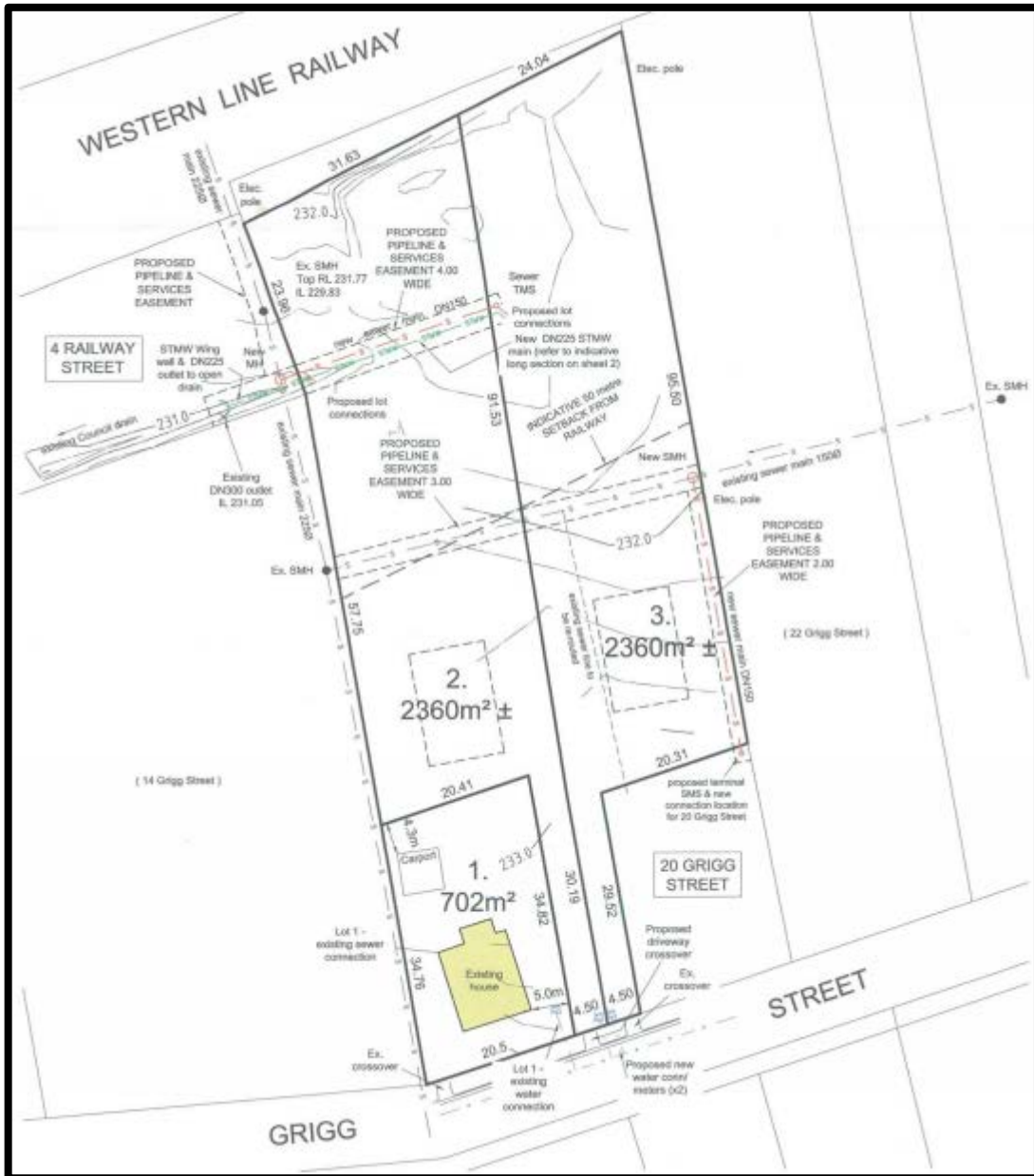


Figure 1: plan of subdivision (Radian Surveying, 2019)

#### 4) Representations

The application was advertised for the statutory 14-day period.

Two (2) representations were received (attached documents). A summary of the representations is as follows:

- a) TasRail – No objection, based on there being sufficient setback from the railway and there not being any drainage into the rail corridor. The representation includes a request for TasRail’s standard notes to be included on the permit.



- b) Current drainage system in 4 Railway Street is insufficient to manage current and additional stormwater.

**Comment:**

The proposed development is compliant with the Road and Rail Assets Code and both lots include sufficient area to accommodate a dwelling more than 50m from the railway. While TasRail has indicated that they do not object to the proposal, they have requested conditions or notes to be included on the permit. These notes will be passed onto the applicant. However, these points are regulated by other legislation and have not been recommended for inclusion as permit conditions or notes.

The modelling undertaken by Council included the culvert under the rail line to the north of 4 Railway Street. During inspections on site, Council's Works Department staff noted that the drain to the northern side of the railway culvert was overgrown and partially blocked. Work has been undertaken to clear the drain, with the exception of the culvert under the railway line itself, and Council officers are liaising with TasRail in regard to the status of the drain. It is likely the partial blockage of the drain is having an impact on upstream stormwater flows.

The 10% and 1% AEP storm events, with 10min to 45min duration rainfall patterns, were modelled for the pre-development and post-development subdivision scenario. The results show a very slight increase in peak culvert flows under the rail line as a result of development within the proposed subdivision at 18 Grigg Street:

The average peak increases from 0.672 m<sup>3</sup>/s to 0.692 m<sup>3</sup>/s (+2.86%) during the 1% AEP durations and from 0.312 m<sup>3</sup>/s to 0.317m<sup>3</sup>/s (+1.32%) during the 10% AEP durations. There is no change in the maximum level of surface flooding predicted during the 1% AEP (45 min duration) (231.54 m AHD) and only a 2mm change in the 10% AEP (45 minute duration) which is calculated to increase from 231.443 m AHD to 231.445 m AHD.

The 1% AEP 45 minute duration inundation footprint for the pre-subdivision scenario is shown below. There was no visible change between this inundation footprint and that determined from the post-development scenario. Note the blue colours in the figure below represent depths up to approximately 60mm, the green colours depths up to 200mm, and the orange colours up to 400mm in the existing open drain.

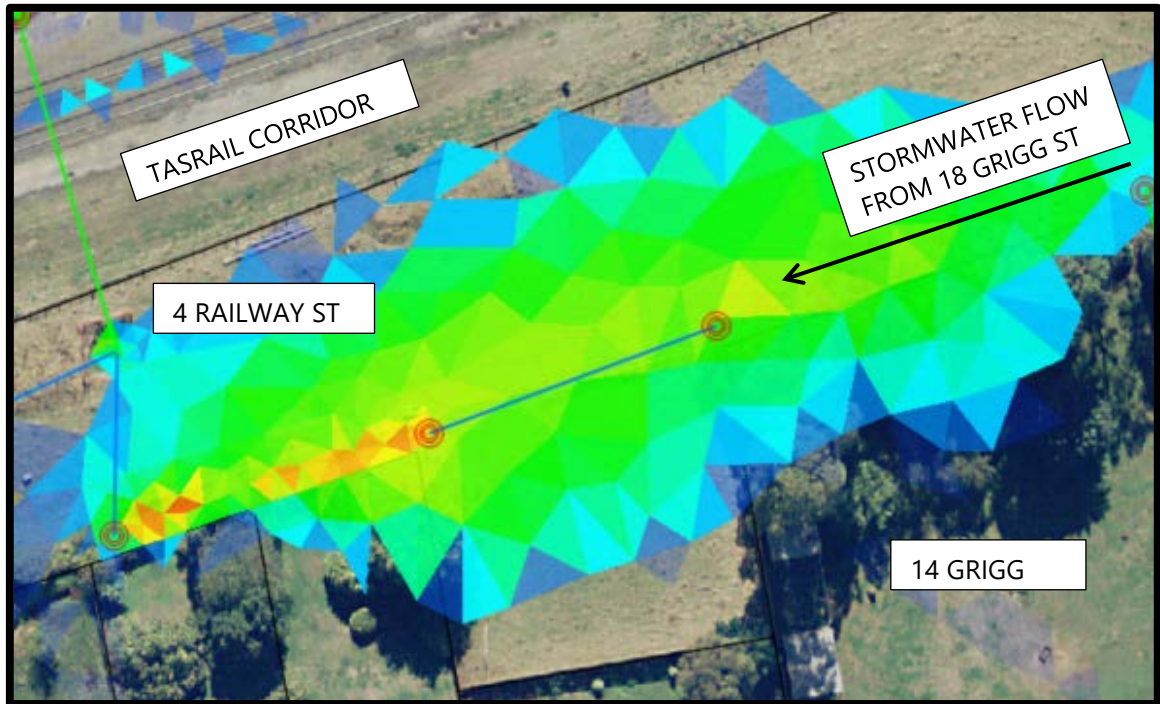


Figure 2 - pre-subdivision inundation in 4 Railway Street

The flooding in this location is an accumulation of overland and piped flows leading to small open drains at a low point, from which breakout readily occurs. The railway line acts as a barrier to overland flows across the natural lie of the land, where it would once have flowed towards the river. As such it may be impossible to completely remove flooding.

From the information available and the results of the modelling work undertaken, the discharge of stormwater from the proposed subdivision to the existing open drain is not unreasonable and would have minimal impact on 4 Railway Street. There are a number of issues that may affect the existing drainage system in this area which needs further assessment by Council, as they are not considered to be the responsibility of the subdivider.

## 5) Consultation with State Government and other Authorities

The application was referred to TasWater. A Submission to Planning Authority Notice (TWDA 2019/00783-MVC) was received on 11 June 2019 (attached document).

## 6) Officers Comments

**Use Class:** Residential

## Applicable Standards

A brief assessment against all applicable Acceptable Solutions of the applicable zone and codes is provided below. This is followed by a more detailed discussion of any applicable Performance Criteria and the objectives relevant to the particular discretion.

<b>General Residential Zone</b>	
Scheme Standard	Assessment
<b>10.4.15.1 General Suitability</b>	
Acceptable solution 1	Relies on Performance Criteria
<b>10.4.15.2 Lot Area, Building Envelopes and Frontage</b>	
Acceptable solution 1	Complies
Acceptable solution 2	Complies
<b>10.4.15.3 Provision of Services</b>	
Acceptable solution 1	Complies
Acceptable solution 2	Complies
<b>10.4.15.4 Solar Orientation of Lots</b>	
Acceptable solution 1	Complies
<b>10.4.15.5 Interaction, Safety and Security</b>	
Acceptable solution 1	Relies on Performance Criteria
<b>10.4.15.6 Integration Urban Landscape</b>	
Acceptable solution 1	Complies
<b>10.4.15.7 Walking and Cycling Networks</b>	
Acceptable solution 1	Complies
<b>10.4.15.8 Neighbourhood Road Network</b>	
Acceptable solution 1	Complies

<b>E1 Bushfire-Prone Areas Code</b>	
Scheme Standard	Assessment
<b>E1.6.1 Subdivision: Provision of hazard management areas</b>	
Acceptable solution A1(b)	Complies
<b>E1.6.2 Subdivision: Public and fire fighting Access</b>	
Acceptable solution A1(b)	Complies
<b>E1.6.3 Subdivision: Provision of water supply for fire fighting purposes</b>	
Acceptable solution A1(b)	Complies
Acceptable solution A2(b)	Complies

<b>E4 Road and Railway Assets Code</b>	
Scheme Standard	Assessment
<b>E4.6.1 Use and road or rail infrastructure</b>	
Acceptable solution 2	Complies

<b>E4.7.1 Development on and adjacent to Existing and Future Arterial Roads and Railways</b>	
Acceptable solution 1	Complies
<b>E4.7.4 Sight Distance at Accesses, Junctions and Level crossings</b>	
Acceptable solution 1	Complies

<b>E6 Car Parking and Sustainable Transport Code</b>	
Scheme Standard	Assessment
<b>E6.6.1 Car Parking Numbers</b>	
Acceptable solution 1	Complies

<b>E10 Recreation and Open Space Code</b>	
Scheme Standard	Assessment
<b>E10.6.1 Provision of Public Open Space</b>	
Acceptable solution 1	Complies

### Performance Criteria

<b>General Residential Zone</b>
<b>10.4.15.1 General Suitability</b>
<p><b>Objective</b></p> <p><i>The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the General Residential Zone.</i></p>
<p><b>Performance Criteria</b></p> <p><i>P1</i></p> <p><i>Each new lot on a plan must be suitable for use and development in an arrangement that is consistent with the Zone Purpose, having regard to the combination of:</i></p> <ul style="list-style-type: none"> <li><i>a) slope, shape, orientation and topography of land;</i></li> <li><i>b) any established pattern of use and development;</i></li> <li><i>c) connection to the road network;</i></li> <li><i>d) availability of or likely requirements for utilities;</i></li> <li><i>e) any requirement to protect ecological, scientific, historic, cultural or aesthetic values; and</i></li> <li><i>f) potential exposure to natural hazards.</i></li> </ul>
<p><b>Response</b></p> <p>As the Zone Purpose has been directly incorporated into the Performance Criteria, the Zone Purpose becomes a standard that the proposed development must satisfy.</p> <p>The Zone Purpose states:</p>

10.1 *Zone Purpose*

10.1.1 *Zone Purpose Statements*

10.1.1.1 *To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.*

10.1.1.2 *To provide for compatible non-residential uses that primarily serve the local community.*

10.1.1.3 *Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off site impacts.*

10.1.1.4 *To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.*

10.1.2 *Local Area Objectives*

*Deloraine*  
a) *Deloraine will be supported as a growth centre servicing the rural district and also to support the business activity centre;*  
b) *Varying housing types and aged care will be supported as an important factor in retaining population.*  
a) *Subdivision design is to consider the relationship and connectivity between future urban growth areas, support services and open space assets.*

10.1.3 *Desired Future Character Statements*

*Dwellings are to maintain as the predominant form of development with some higher densities encouraged near services and the business area. Some redevelopment sites may also be appropriate for higher density development.*  
*Typical residential and non residential development is to be detached, rarely exceeding two storeys and be setback from the street and property boundaries.*

The proposal is to create three (3) residential lots. Lot 1 with the existing dwelling is 702m<sup>2</sup> in area, while the vacant lots are each 2,360m<sup>2</sup>. The new lots are capable of accommodating a range of dwelling sizes. The lots are serviced by sewer, water and stormwater infrastructure.

The size of the lots is consistent with those of the surrounding area, which vary

significantly, from 600m<sup>2</sup> at 20 Grigg Street to 4,230m<sup>2</sup> at 14 Grigg Street. Internal lots are a relatively common on Grigg Street.

The purpose of the subdivision is to provide an additional two (2) residential lots. The subdivision layout provides for a range of housing types in the area. Lots 2 and 3 are of a size and shape to allow for the construction of a dwelling that would meet all the applicable setback requirements for the zone.

The subject land is in close proximity to the local business centre of Deloraine. The River/Train Park, public transport, hospital, schools and the showground are all within easy commuting distance from the land.

The proposal is considered infill development.

The land is zoned General Residential, and a single dwelling has a No Permit Required use status. All lots are large enough to ensure a dwelling could meet the boundary setback standards of the zone.

The land is not heritage listed, and not mapped as landslip or karst. The building sites are located greater than 50m from the railway corridor.

The proposed development is considered consistent with the Objective and Performance Criteria.

#### **10.4.15.5 Interaction, Safety and Security**

##### **Objective**

*To provide a lot layout that contributes to community social interaction, personal safety and property security.*

##### **Performance Criteria**

*P1*

*Subdivisions that create internal lots must provide for adequate levels of visibility and surveillance.*

##### **Response**

Lots 2 and 3 are internal lots. The lot layout provides opportunities for visibility and surveillance of the internal lots from other residential lots and the surrounding road network.

The proposed development is considered consistent with the Objective and Performance Criteria.

**Conclusion**

It is considered that the application for Use and Development for a Subdivision (3 lots) is acceptable in the General Residential Zone and is recommended for approval.

**DECISION:**

15553

# APPLICATION FORM

## PLANNING PERMIT

### Land Use Planning and Approvals Act 1993

Index No. 15756 15554	
Doc No.	
RCVD: 22 MAY 2019	MVC
Action Officer SS	Dept. COS
EO	OD

McKendrick Valley Council  
BR EAKING TOGETHER

- Application form & details MUST be completed **IN FULL**.
- Incomplete forms will not be accepted and may delay processing and issue of any Permits.

15756  
15554

70-2800-0110  
70-1800-0140

OFFICE USE ONLY

Property No: 15553      Assessment No: 70 - 1800 - 0120

DA\ 19/0336      PA\ 19/0236      PC\

- Is your application the result of an illegal building work?  Yes  No
  - Have you already received a Planning Review for this proposal?  Yes  No
  - Is a new vehicle access or crossover required?  Yes  No
- Indicate by ✓ box

### PROPERTY DETAILS:

Address: 18 & 20 GRIGG ST AND 4 RAILWAY ST      Certificate of Title: 34005/1, 13514/1

Suburb: BELORAINE      7304      Lot No: 121612/2

Land area: 5420m<sup>2</sup> ±      m<sup>2</sup> / ha

Present use of land/building: Residential      (vacant, residential, rural, industrial, commercial or forestry)

- Does the application involve Crown Land or Private access via a Crown Access Licence:  Yes  No
- Heritage Listed Property:  Yes  No

### DETAILS OF USE OR DEVELOPMENT:

Indicate by ✓ box

Building work       Change of use       Subdivision       Demolition

Forestry       Other

Total cost of development (inclusive of GST): \$ 30,000      Includes total cost of building work, landscaping, road works and infrastructure

Description of work: 3 LOT SUBDIVISION, INCLUDING ASSOCIATED SERVICING WORKS

Use of building: n/a      (main use of proposed building – dwelling, garage, farm building, factory, office, shop)

New floor area:      m<sup>2</sup>      New building height:      m

Materials: External walls:      Colour:      Roof cladding:      Colour:



20 May 2019

Ref. 190102

Meander Valley Council  
PO Box 102  
WESTBURY TAS 7303

Index No.			
Doc No.			
RCV'D	22 MAY 2019	MVC	
Action Officer		Dept.	
EO		OD	

Dear Sir/ Madam

18 GRIGG STREET, 20 GRIGG STREET & 4 RAILWAY STREET, DELORAINE  
3 LOT SUBDIVISION & ASSOCIATED SERVICING WORKS

Please find enclosed the following documents submitted for the above proposed development:

1. Planning report
2. Proposal plan
3. Bushfire Report
4. Copy of title documents

Could you please invoice the developer directly for the required fees:

Corey Howe  
[Howexc.74@gmail.com](mailto:Howexc.74@gmail.com)

Full owner details are noted as follows:

<u>18 GRIGG STREET</u> COREY MERVYN HOWE KASSEY JACLYN HOWE 32A GRIGG STREET DELORAINE TAS 7304 Ph 0427 876 906	<u>20 GRIGG STREET</u> WAYNE CHARLES FARRELL PETA BRONWYN FARRELL 20 GRIGG STREET DELORAINE TAS 7304	<u>4 RAILWAY STREET</u> ANDREW JOHN SHERRIFF 4 RAILWAY ST DELORAINE TAS 7304
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Please contact me should you require any further information.

Yours faithfully,

RADIAN SURVEYING



Sam Bucknell  
Registered Land Surveyor

SEARCH OF TORRENS TITLE

VOLUME 34005	FOLIO 1
EDITION 3	DATE OF ISSUE 13-Sep-2016

SEARCH DATE : 20-May-2019

SEARCH TIME : 11.46 AM

DESCRIPTION OF LAND

Parish of CALSTOCK, Land District of WESTMORLAND  
 Lot 1 on Diagram 34005  
 being the land described in Conveyance No. 63/6107  
 Derivation : Part of Lot 277 Granted to P. Foote  
 Prior CT 4448/55

SCHEDULE 1

M583954 TRANSFER to COREY MERVYN HOWE and KASSEY JACLYN HOWE  
 Registered 13-Sep-2016 at 12.02 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 M586266 MORTGAGE to Bendigo and Adelaide Bank Limited  
 Registered 13-Sep-2016 at 12.03 PM

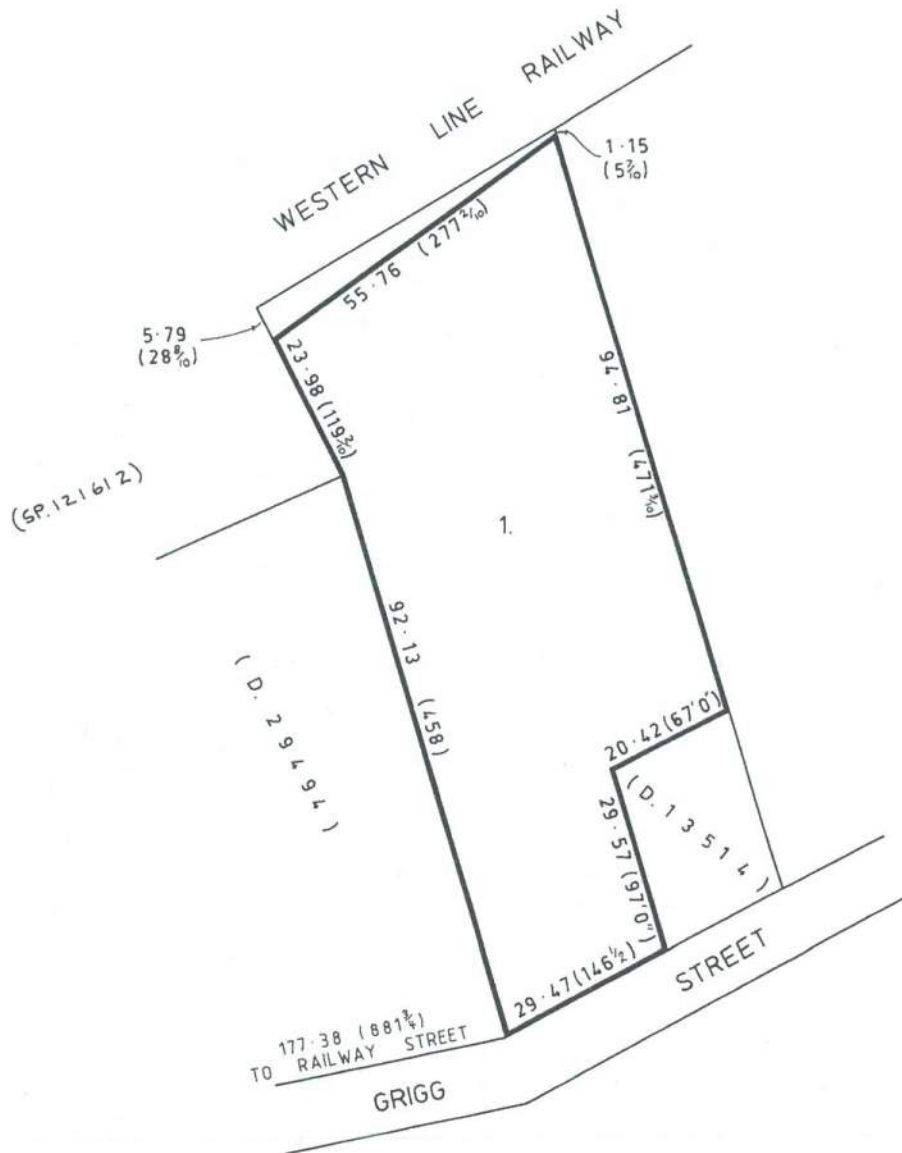
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

APPROVED 14 APR 1988 <i>M. J. W.</i> RECORDER OF TITLES	CONVERSION PLAN CONVERTED FROM 63 / 6107	REGISTERED NUMBER <b>D. 34005</b>
FILE NUMBER Y. 8538	GRANTEE PART OF LOT 277 510 0 0 GTD. TO PEARSON FOOTTE	DRAWN M. J. W. 22-12-87

SKETCH BY WAY OF ILLUSTRATION ONLY

CITY/TOWN OF  
LAND DISTRICT OF WESTMORLAND  
PARISH OF CALSTOCK  
LENGTHS ARE IN METRES. NOT TO SCALE.  
LENGTHS IN BRACKETS IN LINKS/FEET & INCHES.



SEARCH OF TORRENS TITLE

VOLUME 13514	FOLIO 1
EDITION 2	DATE OF ISSUE 30-Sep-2009

SEARCH DATE : 20-May-2019

SEARCH TIME : 11.46 AM

DESCRIPTION OF LAND

Parish of CALSTOCK, Land District of WESTMORLAND  
Lot 1 on Plan 13514  
Being the land described in Conveyance No. 21/5849  
Derivation : Part of Lot 277 Gtd. to P. Foote  
Prior CT 3809/7

SCHEDULE 1

M246521 TRANSFER to WAYNE CHARLES FARRELL and PETA BRONWYN  
FARRELL Registered 30-Sep-2009 at 12.01 PM

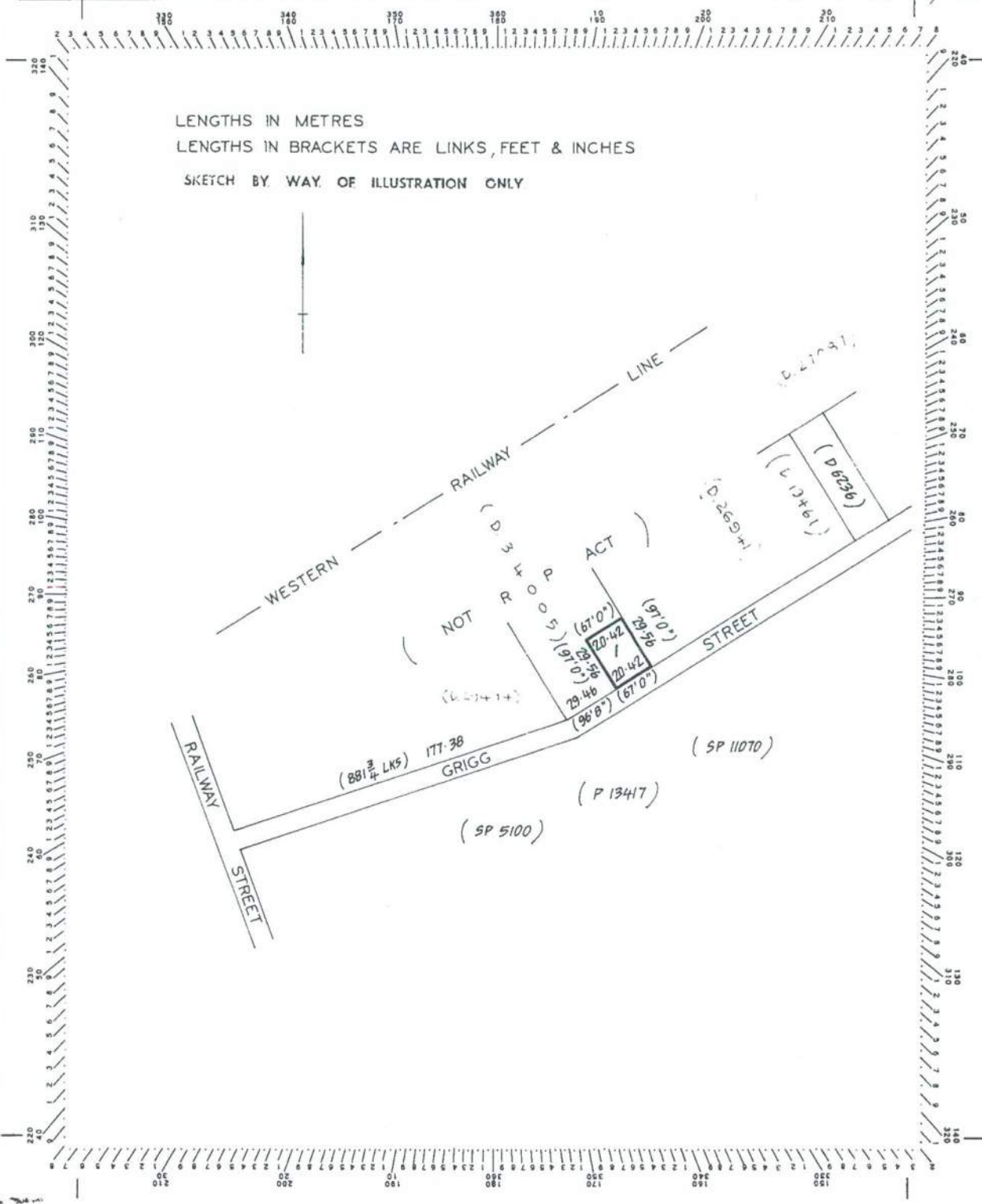
SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

Owner: DECEASED PERSONS ESTATE	PLAN OF SURVEY by Surveyor ..... of land situated in the	Registered Number: <b>D 13514</b>
Title Reference: Z 436	LAND DISTRICT OF WESTMORLAND PARISH OF CALSTOCK	Approved Effective from: <b>13 DEC 1973</b>
Grantee: part of lot 277 (510.0.0) Pearson Foote	NOT TO SCALE ± MEASUREMENTS IN METRES	<i>[Signature]</i> ACTING Recorder of Titles



SEARCH OF TORRENS TITLE

VOLUME 121612	FOLIO 2
EDITION 6	DATE OF ISSUE 06-Mar-2017

SEARCH DATE : 20-May-2019

SEARCH TIME : 11.45 AM

DESCRIPTION OF LAND

Parish of CALSTOCK, Land District of WESTMORLAND  
 Lot 2 on Sealed Plan 121612  
 Derivation : Part of 3.636ha Vested in the Australian National  
 Railways Commission, Part of 6A1R 10P Gtd to S. Feutrill and T.  
 Twinning  
 Prior CTs 121612/1000, 27252/1 and 49063/2

SCHEDULE 1

M335358 M603892 TRANSFER to ANDREW JOHN SHERRIFF Registered  
 06-Mar-2017 at noon

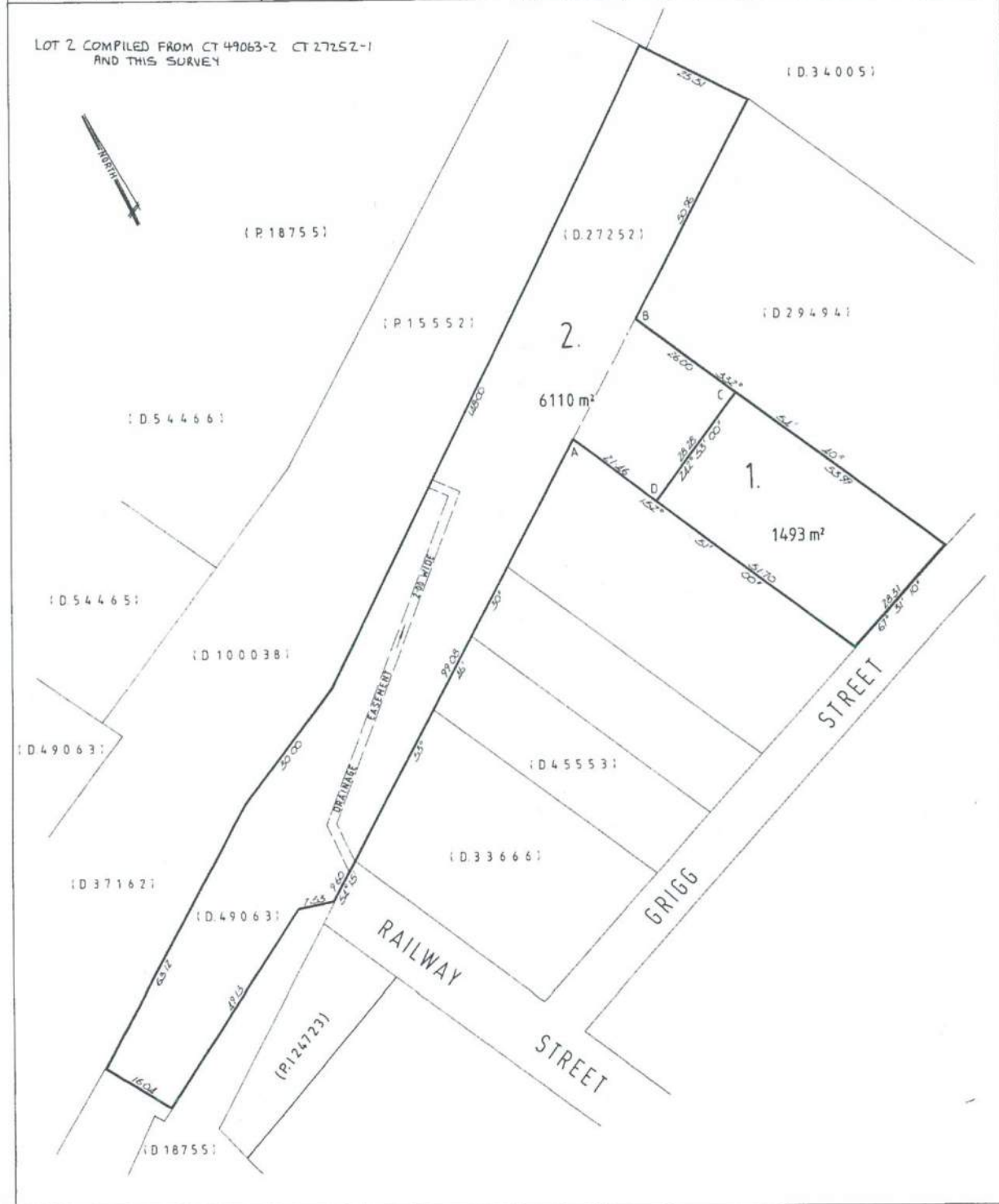
SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP121612 EASEMENTS in Schedule of Easements  
 SP121612 COVENANTS in Schedule of Easements  
 SP121612 FENCING COVENANT in Schedule of Easements  
 M611943 MORTGAGE to Bendigo and Adelaide Bank Limited  
 Registered 06-Mar-2017 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

OWNER <i>Wise Fertiliser Services Pty Ltd, Gony John Wise, Rosslyn Ann Wise, PIVOT LTD. &amp; M.M. GLEESON</i>	<b>PLAN OF SURVEY</b>	REGISTERED NUMBER <b>SP121612</b>
FOLIO REFERENCE CT 49063-2, CT 27252-1 F/R 121612/1000 GONW-3677662	BY SURVEYOR D J McCULLOCH — G.J. WALKEM & CO P/L LAUNCESTON	APPROVED EFFECTIVE FROM 23 OCT 1996 <i>Michael Quinn</i> Recorder of Titles
GRANTEE Part of Lot 271, 310°0'0" Gtd to Pearson Foote & Part of 3636 ha vested in the Australian National Railways Commission	LOCATION LAND DISTRICT OF WESTMORLAND. PARISH OF CALSTOCK.	
MAPSHEET MUNICIPAL CODE No. 121	SCALE 1:750 LENGTHS IN METRES	
LAST UPI No. 4505374, 375 + 382	LAST PLAN No. D.21252, D.49063	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN





SCHEDULE OF EASEMENTS

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

EASEMENTS AND PROFITS

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits à prendre described hereunder.

Each lot on the plan is subject to:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits à prendre described hereunder.

The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows.

EASEMENT

subject to a  
 Lot 2 is <sup>^</sup>together with the right of drainage in favour of the Meander Valley Council over the strip of land indicated as "Drainage Easement 2.00 wide" on the Plan

FENCING COVENANT

The Owner of Lot 2 on the Plan covenants with the Vendor, Marjory Mary Gleeson, that the Vendor shall not be required to fence

COVENANT

The Owner of Lot 2 on the Plan covenants with the Owner for the time being of Lot 1 on the Plan to the intent that the burden of this covenant may run with and bind the Covenantor's lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of Lot 2 on the Plan to observe the following stipulation namely, not to use or permit to be used that part of Lot 2 on the Plan as is indicated by the letters ABCD for the purpose of fertiliser transfer or storage

SIGNED by the said )  
 MARJORY MARY GLEESON )  
 the owner of the land )  
 comprised in Assent )  
 Registered Number 36/7662 )  
 in the presence of:- )

*M. M. Gleeson*

*H. J. Selph*  
 TEACHER AID  
 20 KANSLOWNE ST. DELORAINNE

~~THE COMMON SEAL of~~ )  
~~THE PHOSPHATE CO-OPERATIVE~~ )  
~~COMPANY OF AUSTRALIA~~ )  
~~LIMITED (ACN 004 080 264)~~ )  
~~was hereto affixed in~~ )  
~~the presence of:-~~ )



THE COMMON SEAL of PIVOT )  
LIMITED ACN 004 080 264 was )  
hereunto affixed in accordance with its )  
articles of association in the presence of: )

*M. Shanahan*  
Signature of Director  
*MICHAEL STANLEY SHAWAHAN*  
Full name of Director

*[Signature]*  
Signature of Director

*JAMES IRLAY SANDERS*  
Full name of Director



*[Signature]*  
Signature of Director/Secretary  
*Bryan Leslie Hunter*  
Full name of Director/Secretary

This is the schedule of easements attached to the plan of Wise Fertiliser Services Pty Ltd  
(Insert Subdivider's Full Name)  
Gary John Wise & Rosalyn Ann Wise affecting land in  
CT 49063-2, CT 27252-1  
(Insert Title Reference)  
 Sealed by Meander Valley Council on 30<sup>th</sup> October 1995  
 Solicitor's Reference Zeeman Kable & Page  
064 2134 [Signature]  
Council Clerk/Town Clerk  
General manager

18 GRIGG STREET, DELORAINE  
20 GRIGG STREET, DELORAINE  
4 RAILWAY STREET, DELORAINE

SUBDIVISION OF 18 GRIGG STREET INTO 3  
LOTS & ASSOCIATED WORKS

*Certificates of title CT.34005/1, CT.13514/1 & CT.121612/2*

**Planning Report**

### **Introduction**

It is proposed to undertake a subdivision of 18 Grigg Street to create 3 lots (2 additional lots). Lot 1 would encompass the existing cottage and Lot 2 and Lot 3 would be vacant lots.

This area of Deloraine is characterized by rows of cottages along the road frontage, interspersed with more recent development behind the frontages and vacant paddocks.

The land is serviced by existing TasWater sewer and water infrastructure. There is limited stormwater infrastructure and this is proposed to be extended from 4 Railway Street to service the subdivision.

Works are also proposed within 20 Grigg Street, where the existing sewer connection is to be re-routed to the eastern boundary.

### **Planning controls**

The Planning Instrument for the site is the Meander Valley Interim Planning Scheme 2013 (the *Planning Scheme*).

18 Grigg Street and 20 Grigg Street are zoned 10.0 General Residential.

4 Railway Street is zoned 15.0 Urban Mixed Use. The development proposed within 4 Railway Street is limited to the stormwater works only.

### **Land Use**

18 Grigg Street has an existing Residential use and there is no proposed change of use.

### **Planning Overlays**

The properties are not subject to any planning overlays.

### **Existing buildings**

Lot 1 features an existing weatherboard dwelling. The right-hand side setback from the new boundary to the cottage is proposed to be 6.0 metres. At the rear, a setback from the face of the existing carport to the new boundary is proposed to be 2.6 metres.

The setbacks are considered reasonable and are consistent with other dwellings and outbuildings in the area.

### **Development Standards**

An application for subdivision is to be assessed under section 10.4.15 of the Planning Scheme.

### 10.4.15.1 General Suitability

Objective:

The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the General Residential Zone.

Acceptable Solutions	Performance Criteria
<p>A1 No Acceptable Solution</p>	<p>P1 Each new lot on a plan must be suitable for use and development in an arrangement that is consistent with the Zone Purpose, having regard to the combination of:</p> <ul style="list-style-type: none"> <li>a) slope, shape, orientation and topography of land;</li> <li>b) any established pattern of use and development;</li> <li>c) connection to the road network;</li> <li>d) availability of or likely requirements for utilities;</li> <li>e) any requirement to protect ecological, scientific, historic, cultural or aesthetic values; and</li> <li>f) potential exposure to natural hazards.</li> </ul>
	<p><i>Response: The proposed Development complies with P1. Lot 2 and Lot 3 are relatively flat parcels with good orientation and of a size to allow future development of dwellings. All lots have direct access to Grigg Street and will have connections to water, sewer and stormwater utilities.</i></p>

### 10.4.15.2 Lot Area, Building Envelopes and Frontage

**Objective:**

To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.

Acceptable Solutions	Performance Criteria
<p>A1 Lots must:</p> <ul style="list-style-type: none"> <li>a) have a minimum area of at least 700m<sup>2</sup> which:               <ul style="list-style-type: none"> <li>i. is capable of containing a rectangle measuring 10m by 15m; and</li> <li>ii. has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</li> </ul> </li> <li>b) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</li> <li>c) be for the provision of utilities; or</li> <li>d) be for the consolidation of a lot with another lot with no additional titles created; or</li> <li>e) be to align existing titles with zone boundaries and no additional lots are created.</li> </ul>	<p>P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:</p> <ul style="list-style-type: none"> <li>a) a dwelling to be erected in a convenient and hazard-free location; and</li> <li>b) on-site parking and manoeuvrability; and</li> <li>c) adequate private open space.</li> </ul>
<p><i>Response: All lots comply with A1.a)</i></p>	
<p>A2 Each lot must have a frontage of at least 4 metres.</p>	<p>P2 Each lot must have appropriate, permanent access by a Right of Carriageway registered over all relevant titles.</p>
<p><i>Response: All lots comply with A2</i></p>	

### 10.4.15.3 Provision of Services

Objective:

To provide lots with appropriate levels of utility services.

Acceptable Solutions	Performance Criteria
<p><b>A1</b> Each lot must be connected to a reticulated:</p> <ul style="list-style-type: none"> <li>a) water supply; and</li> <li>b) sewerage system.</li> </ul>	<p>P1 No performance criteria</p>
<p><i>Response: Complies. Lot 1 has existing connections to the TasWater water and sewer mains. New sewerage infrastructure is proposed to service the development from the existing main running through 4 Railway Street. It is noted that an existing sewer connection from 20 Grigg Street passes through Lot 3 and it is proposed that this is re-routed to the eastern boundary and the existing connection point used for Lot 3.</i></p>	
<p><b>A2</b> Each lot must be connected to a reticulated stormwater system.</p>	<p>P2 Each lot created must be capable of disposal of storm water to a legal discharge point.</p>
<p><i>Response: Complies. A new stormwater line is proposed to provide connections for Lot 2 and Lot 3 and which will run to the existing open drain within 4 Railway Street.</i></p>	

### 10.4.15.4 Solar Orientation of Lots

Objective:

To provide for solar orientation of lots and solar access for future dwellings.

Acceptable Solutions	Performance Criteria
<p><b>A1</b> At least 50% of lots must have a long axis within the range of:</p> <ul style="list-style-type: none"> <li>a) north 20 degrees west to north 30 degrees east; or</li> <li>a) east 20 degrees north to east 30 degrees south.</li> </ul>	<p>P1 Dimensions of lots must provide adequate solar access, having regard to the likely dwelling size and the relationship of each lot to the road.</p>
<p><i>Response: All lots comply.</i></p>	
<p><b>A2</b> The long axis of residential lots less than 500m<sup>2</sup>, must be within 30 degrees east and 20 degrees west of north.</p>	<p>P2 Lots less than 500 m<sup>2</sup> must provide adequate solar access to future dwellings, having regard to the:</p> <ul style="list-style-type: none"> <li>a) size and shape of the development of the subject site; and</li> <li>b) topography; and</li> <li>b) location of access way(s) and roads.</li> </ul>
<p><i>Response: No lots less than 500m<sup>2</sup> are proposed.</i></p>	

### 10.4.15.5 Interaction, Safety and Security

Objective:

To provide a lot layout that contributes to community social interaction, personal safety and property security.

Acceptable Solutions	Performance Criteria
A1 Subdivisions must not create any internal lots.	P1 Subdivisions that create internal lots must provide for adequate levels of visibility and surveillance.
	<i>Response: Complies. The access ways for Lot 2 and Lot 3 are approximately 31 metres in length and have a degree of visibility and surveillance from Lot 1 as well as no. 20 and no. 22 Grigg Street. Other internal lots along Grigg Street are noted to be at least 39 metres in length.</i>

### 10.4.15.6 Integrated Urban Landscape

Objective:

To provide attractive and continuous landscaping in roads and public open spaces that contribute to the:

- a) character and identity of new neighbourhoods and urban places; or
- b) to existing or preferred neighbourhood character, if any.

Acceptable Solutions	Performance Criteria
<b>A1</b> The subdivision must not create any new road, public open space or other reserves.	<b>P1</b> For subdivision that creates roads, public open space or other reserves, the design must demonstrate that: <ul style="list-style-type: none"> <li>(a) it has regard to existing, significant features; and</li> <li>(b) accessibility and mobility through public spaces and roads are protected or enhanced; and</li> <li>(c) connectivity through the urban environment is protected or enhanced; and</li> <li>(d) the visual amenity and attractiveness of the urban environment is enhanced; and</li> <li>(e) it furthers the local area objectives, if any.</li> </ul>
<i>Response: The proposal complies with A1. There is no proposal to create any new road, public open space or other reserve.</i>	



### 10.4.15.7 Walking and Cycling Network

Objective:

- a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and
- b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible.
- c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

Acceptable Solutions	Performance Criteria
<p>A1 The subdivision must not create any new road, footpath or public open space.</p>	<p>P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to:</p> <ul style="list-style-type: none"> <li>a) link to any existing pedestrian and cycling networks; and</li> <li>b) provide the most practicable direct access for cycling and walking to activity centres, community facilities, public transport stops and public open spaces; and</li> <li>c) provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and</li> <li>d) promote surveillance along roads and from abutting dwellings.</li> </ul>
<p><i>Response: The proposal complies with A1. There is no proposal to create any new road, footpath or public open space.</i></p>	

### 10.4.15.8 Neighbourhood Road Network

Objective:

- a) To provide for convenient, safe and efficient movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood road network; and
- b) To design and construct road carriageways and verges so that the road geometry and traffic speeds provide an accessible and safe neighbourhood road system for all users.

Acceptable Solutions	Performance Criteria
<p>A1 The subdivision must not create any new road.</p>	<p>P1 The neighbourhood road network must:</p> <ul style="list-style-type: none"> <li>a) take account of the existing mobility network of arterial roads, neighbourhood roads, cycle paths, shared paths, footpaths and public transport routes; and</li> <li>b) provide clear hierarchy of roads and physical distinctions between arterial roads and neighbourhood road types; and</li> <li>c) provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport; and</li> <li>d) provide safe and efficient access to activity centres for commercial and freight vehicles; and</li> <li>e) ensure connector roads align between neighbourhoods for safe, direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles; and</li> <li>f) provide an interconnected and continuous network of roads within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles and minimise the provision of cul-de-sacs; and</li> <li>g) provide for service and emergency vehicles to safely turn at the end of a dead-end road; and</li> <li>h) take into account of any identified significant features.</li> </ul>
<p><i>Response: The proposal complies with A1. There is no proposal to create any new road, footpath or public open space.</i></p>	

## Codes

### **E1.0 Bushfire-Prone Areas Code**

- It is recognised that the subdivision falls within a bushfire-prone area and therefore this code applies.

Refer to the *attached Bushfire Report prepared by Rebecca Green & Associates* addressing the requirements for the Code.

### **E4.0 Road and Railway Assets Code**

- It is recognised that the land is adjacent to a railway line – the Western Line. The Code only applies to this development due to the proximity of the railway line. The development will have no impact on the railway. Consideration is given to ensure no adverse impact of the railway on the development.

## **DEVELOPMENT STANDARDS**

### **E4.7.1 Development on and adjacent to Existing and Future Arterial Roads and Railways**

Objective:

To ensure that development on or adjacent to class 1 or 2 roads (outside 60km/h), railways and future roads and railways is managed to:

- a) ensure the safe and efficient operation of roads and railways; and
- b) allow for future road and rail widening, realignment and upgrading; and
- c) avoid undesirable interaction between roads and railways and other use or development.

Acceptable Solutions	Performance Criteria
<p>A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> <li>a) new road works, buildings, additions and extensions, earthworks and landscaping works; and</li> <li>b) building areas on new lots; and</li> <li>c) outdoor sitting, entertainment and children's play areas</li> </ul>	<p>P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:</p> <ul style="list-style-type: none"> <li>a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and</li> <li>b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and</li> <li>c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and</li> <li>d) ensure that temporary buildings and works are removed at the applicant's expense within three years or as otherwise agreed by the road or rail authority.</li> </ul>
<p><i>Response: The proposal complies with A1. It can be demonstrated that, excluding the 50m buffer line, Lot 2 and Lot 3 retain large areas (978m<sup>2</sup> and 1120m<sup>2</sup> respectively) for:</i></p> <ul style="list-style-type: none"> <li>• <i>Building areas and landscaping works</i></li> <li>• <i>Outdoor sitting, entertainment and children's play area.</i></li> </ul>	

**Summary**

In summary, the proposed Development is considered to be appropriate and consistent with the zone purpose, objectives and criteria for subdivision.

# Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan

18 Grigg Street, Deloraine



**Prepared for (Client)**

Corey Howe

32A Grigg Street

DELORAIN TAS 7304

**Assessed & Prepared by**

Rebecca Green

Senior Planning Consultant & Accredited Bushfire Hazard Assessor

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Version 2

21 May 2019

Job No: RGA-B1080

## Executive Summary

The proposed development at 18 Grigg Street, Deloraine, is subject to bushfire threat. A bushfire attack under extreme fire weather conditions is likely to subject buildings at this site to considerable radiant heat, ember attack along with wind and smoke.

The site requires bushfire protection measures to protect the buildings and people that may be on site during a bushfire.

These measures include provision of hazard management areas in close proximity to the buildings, implementation of safe egress routes, establishment of a water supply and construction of buildings as described in AS 3959-2009 Construction of Buildings in Bushfire Prone Areas.

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## Schedule 1 – Bushfire Report

### 1.0 Introduction

The Bushfire Attack Level (BAL) Report and Bushfire Hazard Management Plan (BHMP) has been prepared for submission with a Planning Permit Application under the *Land Use Planning and Approvals Act 1993; Bushfire-Prone Areas Code* and/or a Building Permit Application under the *Building Act 2016 & Regulations 2016*.

The Bushfire Attack Level (BAL) is established taking into account the type and density of vegetation within 100 metres of the proposed building site and the slope of the land; using the simplified method in AS 3959-2009 Construction of Buildings in Bushfire Prone Areas; and includes:

- The type and density of vegetation on the site,
- Relationship of that vegetation to the slope and topography of the land,
- Orientation and predominant fire risk,
- Other features attributing to bushfire risk.

On completion of assessment, a Bushfire Attack Level (BAL) is established which has a direct reference to the construction methods and techniques to be undertaken on the buildings and for the preparation of a Bushfire Hazard Management Plan (BHMP).

### 1.1 Scope

This report was commissioned to identify the Bushfire Attack Level for the existing property. ALL comment, advice and fire suppression measures are in relation to compliance with *Bushfire-Prone Areas Code* of the Meander Valley Interim Planning Scheme 2013, the Building Code of Australia and Australian Standards, AS 3959-2009, *Construction of buildings in bushfire-prone areas*.

### 1.2 Limitations

The inspection has been undertaken and report provided on the understanding that:-

1. The report only deals with the potential bushfire risk, all other statutory assessments are outside the scope of this report.
2. The report only identifies the size, volume and status of vegetation at the time the site inspection was undertaken and cannot be relied upon for any future development.
3. Impacts of future development and vegetation growth have not been considered.

**No action or reliance is to be placed on this report; other than for which it was commissioned.**

### 1.3 Proposal

The proposal is for the development of a 3 Lot Subdivision.

Lot 1 will have an area of 702m<sup>2</sup> and will contain an existing house. Lot 1 will have frontage to Grigg Street.

Lot 2 will have an area of 2360m<sup>2</sup> and will be vacant. Lot 2 will have frontage to Grigg Street.

Lot 3 will have an area of 2360m<sup>2</sup> and will be vacant. Lot 3 will have frontage to Grigg Street.

## 2.0 Site Description for Proposal (Bushfire Context)

### 2.1 Locality Plan

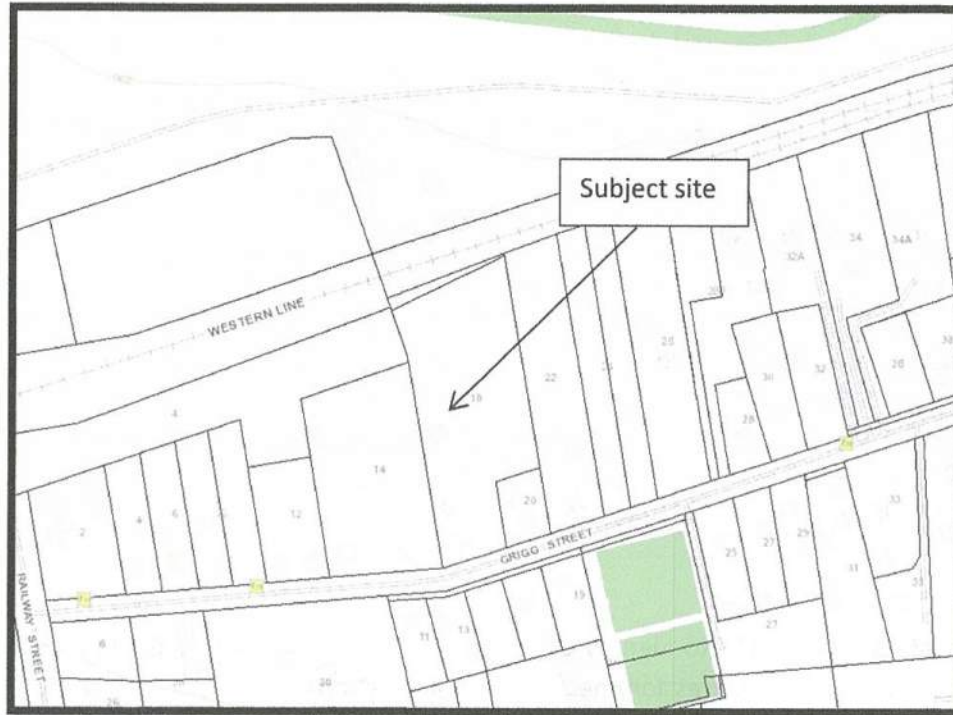


Figure 1: Location Plan of 18 Grigg Street, Deloraine

### 2.2 Site Details

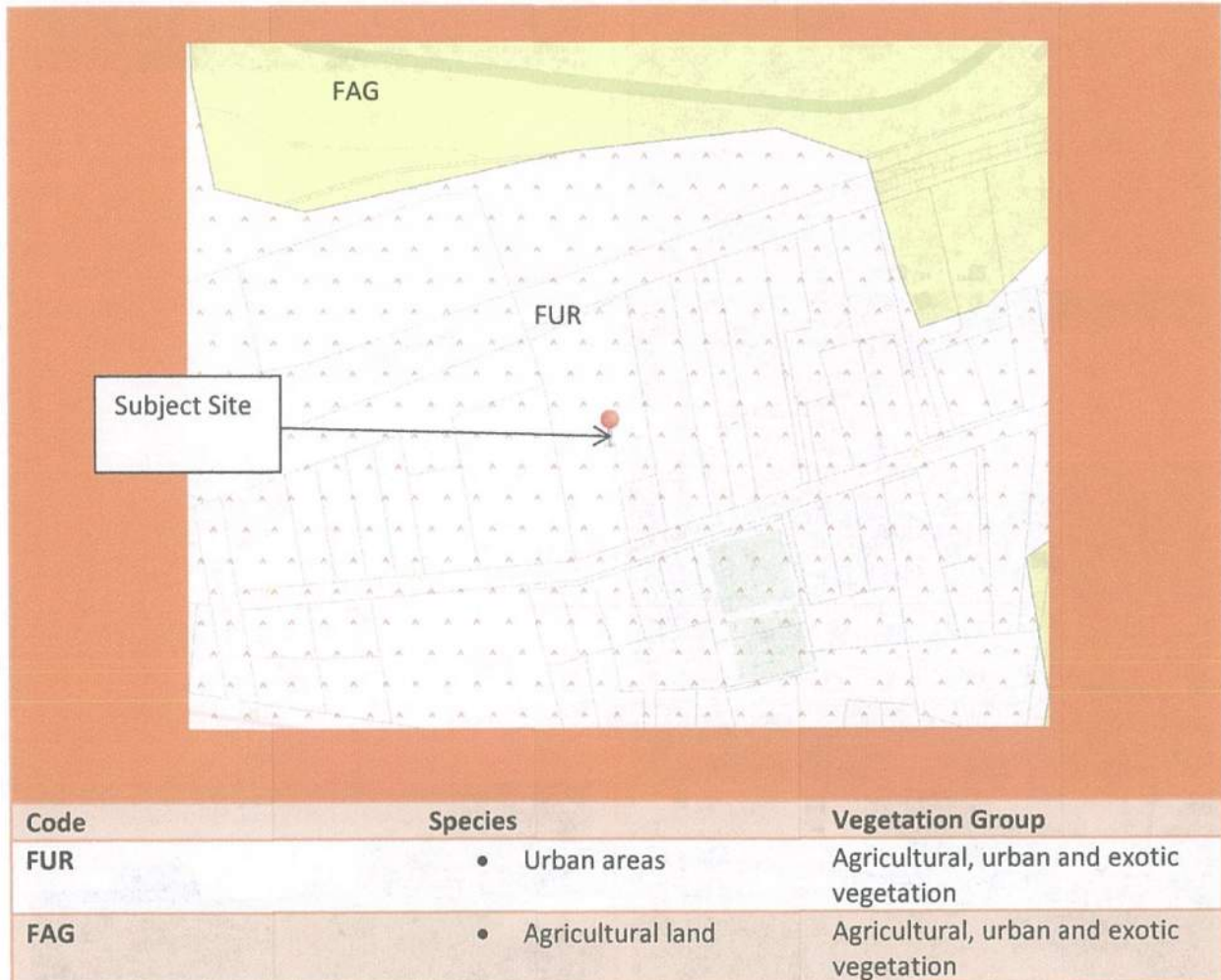
Property Address	18 Grigg Street, Deloraine
Certificate of Title	Volume 34005 Folio 1
Owners	Meander Valley Council
Existing Use	Residential
Type of Proposed Work	3 Lot Subdivision
Water Supply	Reticulated TasWater Supply On-site for fire fighting (if future habitable building is over 120m from fire hydrant)
Road Access	Grigg Street and Western Line

### 3.0 Bushfire Site Assessment

#### 3.1 Vegetation Analysis

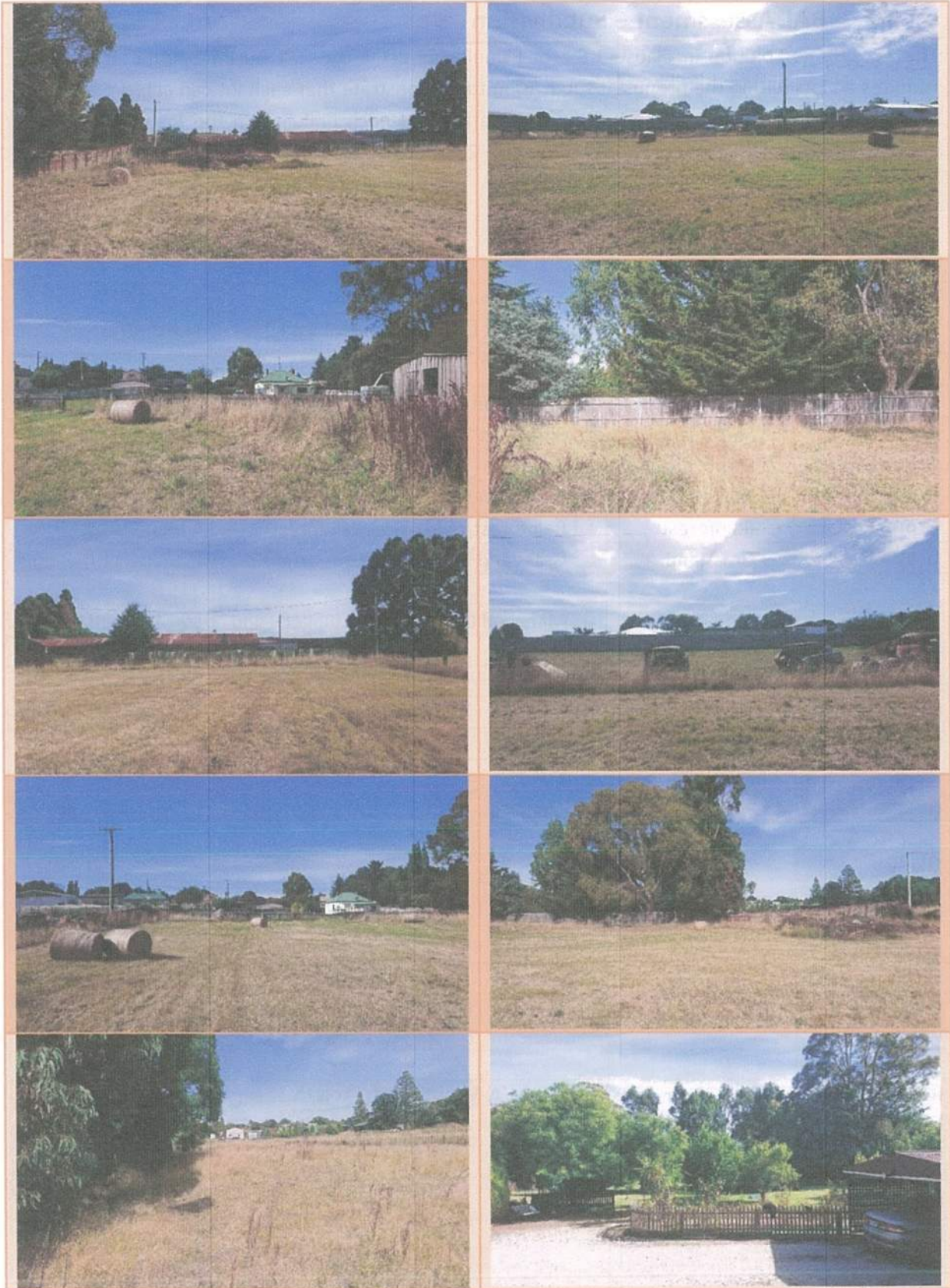
##### 3.1.1 TasVeg Classification

Reference to Tasmanian Vegetation Monitoring & Mapping Program (TASVEG) indicates the land in and around the property is generally comprising of varying vegetation types including:



3.1.2 Site & Vegetation Photos





### 3.2 BAL Assessment – Subdivision

The Acceptable Solution in Clause 1.6.1 of Planning Directive No. 5.1 Bushfire-Prone Areas Code requires all lots within the proposed subdivision to demonstrate that each lot can achieve a Hazard Management Area between the bushfire vegetation and each building on the lot with distances equal to or greater than those specified in Table 2.4.4 of AS3959-2009 Construction of Buildings in Bushfire Prone Areas for **BAL 19**.

#### Lot 2 & 3

Vegetation classification AS3959	North <input checked="" type="checkbox"/> North-East <input type="checkbox"/>	South <input checked="" type="checkbox"/> South-West <input type="checkbox"/>	East <input checked="" type="checkbox"/> South-East <input type="checkbox"/>	West <input checked="" type="checkbox"/> North-West <input type="checkbox"/>
Group A	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest
Group B	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland
Group C	<input type="checkbox"/> Shrub-land	<input type="checkbox"/> Shrub-land	<input type="checkbox"/> Shrub-land	<input type="checkbox"/> Shrub-land
Group D	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub
Group E	<input type="checkbox"/> Mallee-Mulga	<input type="checkbox"/> Mallee-Mulga	<input type="checkbox"/> Mallee-Mulga	<input type="checkbox"/> Mallee-Mulga
Group F	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest
Group G	<input checked="" type="checkbox"/> Grassland	<input type="checkbox"/> Grassland	<input type="checkbox"/> Grassland	<input type="checkbox"/> Grassland
	<input checked="" type="checkbox"/> Managed Land	<input checked="" type="checkbox"/> Managed Land	<input checked="" type="checkbox"/> Managed Land	<input checked="" type="checkbox"/> Managed Land
Effective slope (degrees)	<input checked="" type="checkbox"/> Up/0°	<input checked="" type="checkbox"/> Up/0°	<input checked="" type="checkbox"/> Up/0°	<input checked="" type="checkbox"/> Up/0°
	<input type="checkbox"/> >0-5°	<input type="checkbox"/> >0-5°	<input type="checkbox"/> >0-5°	<input type="checkbox"/> >0-5°
	<input type="checkbox"/> >5-10°	<input type="checkbox"/> >5-10°	<input type="checkbox"/> >5-10°	<input type="checkbox"/> >5-10°
	<input type="checkbox"/> >10-15°	<input type="checkbox"/> >10-15°	<input type="checkbox"/> >10-15°	<input type="checkbox"/> >10-15°
	<input type="checkbox"/> >15-20°	<input type="checkbox"/> >15-20°	<input type="checkbox"/> >15-20°	<input type="checkbox"/> >15-20°
Likely direction of bushfire attack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prevailing winds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
REQUIRED Distance to classified vegetation for <b>BAL 19</b>	10-<14m	N/A	N/A	N/A
REQUIRED Distance to classified vegetation for <b>BAL 12.5</b>	14-<50m	N/A	N/A	N/A

<b>BAL – 12.5</b>	<b>The risk is considered to be LOW.</b> There is a risk of ember attack. The construction elements are expected to be exposed to a heat flux not greater than 12.5 kW/m <sup>2</sup> .
<b>BAL – 19</b>	<b>The risk is considered to be MODERATE.</b> There is a risk of ember attack and burning debris ignited by windborne embers and a likelihood of exposure to radiant heat. The construction elements are expected to be exposed to a heat flux not greater than 19 kW/m <sup>2</sup> .

### 3.3 Outbuildings

Not applicable.

### 3.4 Road Access

Roads are to be constructed to provide vehicle access to the site to assist firefighting and emergency personnel to defend the building or evacuate occupants; and provide access at all times to the water supply for firefighting purposes on the building site.

Private access roads are to be maintained from the entrance to the property cross over with the public road through to the buildings on the site.

<b>New – Lot 2 and Lot 3</b> Driveways	Access via direct road frontage  Private access driveways are to be <u>constructed</u> from the entrance of the property cross over at the public road through to the buildings and on-site dedicated fire fighting water supply (if applicable). Private access roads are to be maintained to a standard not less than specified in Table E2B.
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**Table E2: Standards for Property Access**

The following design and construction requirements apply to property access length is 30 metres or greater or access for a fire appliance to a fire fighting point):

- (i) All weather construction;
- (ii) Load capacity of at least 20 tonnes, including for bridges and culverts;
- (iii) Minimum carriageway width of 4 metres;
- (iv) Minimum vertical clearance of 4 metres;
- (v) Minimum horizontal clearance of 0.5 metres from the edge of the carriageway;
- (vi) Cross falls of less than 3 degrees (1:20 or 5%);
- (vii) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;
- (viii) Curves with a minimum inner radius of 10 metres;

- (ix) Maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and
- (x) Terminate with a turning area for fire appliances provided by one of the following:
  - a) A turning circle with a minimum inner radius of 10 metres;
  - b) A property access encircling the building; or

### 3.5 Water Supply

A building that is constructed in a designated bushfire prone area must provide access at all times to a sufficient supply of water for firefighting purposes on the building site.

The exterior elements of a Habitable building in a designated Bushfire prone area must be within reach of a 120m long hose (lay) connected to –

- (i) A fire hydrant with a minimum flow rate of 600L per minute and pressure of 200kpa; or
- (ii) A stored water supply in a water tank, swimming pool, dam or lake available for firefighting at all times which has the capacity of at least 10,000L for each separate building.
- (iii)

<b>New – Lot 2 and Lot 3</b>	<p>A portion of Lot 2 and Lot 3 is within 120m of existing fire hydrants in Grigg Street.</p> <p>On-site water supply is required for any new habitable building if further than 120m from existing fire hydrant.</p>
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It should be recognised that although water supply as specified above may be in compliance with the requirements of the Building Code of Australia, the supply may not be adequate for all firefighting situations.

**Table E5: Static Water Supply for Fire Fighting**

Column 1	Column 2
Element	Requirement
<b>A.</b> Distance between building area to be protected and water supply	<p>The following requirements apply:</p> <ul style="list-style-type: none"> <li>(1) The building area to be protected must be located within 90 metres of the fire fighting water point of a static water supply; and</li> <li>(2) The distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.</li> </ul>
<b>B.</b> Static Water Supplies	<p>A static water supply:</p> <ul style="list-style-type: none"> <li>(1) May have a remotely located offtake connected to the static water supply;</li> <li>(2) May be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times;</li> <li>(3) Must be a minimum of 10,000 litres per building area to be protected. This volume of water must</li> </ul>



		<p>not be used for any other purpose including fire fighting sprinkler or spray systems;</p> <p>(4) Must be metal, concrete or lagged by non-combustible materials if above ground; and</p> <p>(5) 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 400mm of the tank exterior is protected by:</p> <p>(a) Metal;</p> <p>(b) Non-combustible material; or</p> <p>(c) Fibre-cement a minimum 6mm thickness.</p>
<b>C.</b>	Fittings, pipework and accessories (including stands and tank supports)	<p>Fittings and pipework associated with a fire fighting water point for a static water supply must:</p> <p>(1) Have a minimum nominal internal diameter of 50mm;</p> <p>(2) Be fitted with a valve with a minimum nominal diameter of 50mm;</p> <p>(3) Be metal or lagged by non-combustible materials if above ground;</p> <p>(4) if buried, have a minimum depth of 300mm;</p> <p>(5) Provide a DIN or NEN standard forged Storz 65mm coupling fitted with a suction washer for connection to fire fighting equipment;</p> <p>(6) Ensure the coupling is accessible and available for connection at all times;</p> <p>(7) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220mm length);</p> <p>(8) Ensure underground tanks have either an opening at the top of not less than 250mm diameter or a coupling compliant with this Table; and</p> <p>(9) If a remote offtake is installed, ensure the offtake is in a position that is:</p> <p>(a) Visible;</p> <p>(b) Accessible to allow connection by fire fighting equipment;</p> <p>(c) At a working height of 450-600mm above ground level; and</p> <p>(d) Protected from possible damager, including damage from vehicles.</p>
<b>D.</b>	Signage for static water connections	<p>The fire fighting water point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must:</p> <p>(1) Comply with water tank signage requirements within AS 2304-2011 Water storage tanks for fire protection systems; or</p> <p>(2) be:</p> <p>(a) marked with the letter "W" contained within a circle with the letter in upper case of not less than 100mm in height;</p> <p>(b) in fade-resistant material with white reflective</p>

		<p>lettering and circle on a red background;</p> <p>(c) located within 1m of the fire fighting water point in a situation which will not impede access or operation; and</p> <p>(d) no less than 400mm above the ground.</p>
<b>E.</b>	<b>Hardstand</b>	<p>A hardstand area for fire appliances must be provided:</p> <p>(1) No more than 3m from the fire fighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like);</p> <p>(2) No closer than 6m from the building area to be protected;</p> <p>(3) a minimum width of 3m constructed to the same standard as the carriageway; and</p> <p>(4) Connected to the property access by a carriageway equivalent to the standard of the property access.</p>

It should be recognised that although water supply as specified above may be in compliance with the requirements of the Building Code of Australia, the supply may not be adequate for all firefighting situations.

#### 4.0 Bushfire-Prone Areas Code Assessment Criteria

Assessment has been completed below to demonstrate the BAL and BHMP have been developed in compliance with the Acceptable Solutions and/or the Performance Criteria as specified in the Bushfire-Prone Areas Code.

**E1.4 – Exemptions – Not applicable.**

##### E1.6.1 Subdivision

<b>E1.6.1.1 Hazard Management Areas</b>		
		Comments
<input checked="" type="checkbox"/>	<b>A1</b>	(a) & (b) Specified distances for Hazard Management Areas for BAL 19 and BAL 12.5 as specified on the plan are in accordance with AS3959. The proposal complies.
<input type="checkbox"/>	<b>P1</b>	
<b>E1.6.2 Public Access</b>		
		Comments
<input checked="" type="checkbox"/>	<b>A1</b>	(a) Lot 1 contains an existing dwelling. Adequate separation to boundaries is existing. There is insufficient increase in risk to the existing dwelling by the proposed subdivision.
<input checked="" type="checkbox"/>	<b>A1</b>	(b) The private driveway to Lots 2 & 3 will be constructed/maintained in accordance with Table E2B. The property access is likely to be less than 200 metres.
<input type="checkbox"/>	<b>P1</b>	
<input checked="" type="checkbox"/>	<b>A2</b>	Not applicable.
<input type="checkbox"/>	<b>P2</b>	No PC
<b>E1.6.3 Water supply for fire fighting purposes</b>		
		Comments

<input checked="" type="checkbox"/> A1	(a) (b)	No increase in risk to existing dwelling on Lot 1. Reticulated water supply available for fire fighting purposes if new habitable building on Lot 2 and Lot 3 is within 120m of existing fire hydrant.
<input type="checkbox"/> P1	No PC	
<input checked="" type="checkbox"/> A2	(b)	Any new habitable building on Lot 2 and Lot 3 is to be supplied with a stored water supply in a water supply tank at least 10,000 litres per building area to be protected, with a fitting suitable for TFS access in accordance with Table E5 if >120m from existing fire hydrant.
<input type="checkbox"/> A2	(c)	Not applicable.
<input type="checkbox"/> P2	No PC	

## 5.0 Layout Options

Not relevant to this proposal.

## 6.0 Other Planning Provisions

Not relevant to this proposal.

## 7.0 Conclusions and Recommendations

Mitigation from bushfire is dependent on the careful management of the site by maintaining reduced fuel loads within the hazard management areas and within the site generally and to provide sources of water supply dedicated for firefighting purposes and the construction and maintenance of a safe egress route.

**The site has been assessed as demonstrating a building area that have the dimensions equal to or greater than the separation distance required for BAL 19 and BAL 12.5 in Table 2.4.4 of AS 3959 – 2009 Construction of Buildings in Bushfire Prone Areas.**

### Access

Lot 2 and Lot 3 - The driveway is to be constructed of all-weather construction, with a minimum width of access of 4 metres.

### Water Supplies

Lot 2 and Lot 3 - On-site water storage – 10,000 litre dedicated fire fighting water supply, water tank, swimming pool, dam or the like is to be provided to any future habitable building if >120m from existing fire hydrant.

### Fuel Managed Areas

Hazard Management Areas as detailed within the plan shall be constructed and maintained as detailed in Schedule 2.

## Schedule 2 – Bushfire Hazard Management Plan



Form 55

# CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE ITEM

Section 321

To:  Owner /Agent  
 Address  
  Suburb/postcode

Form **55**

## Qualified person details:

Qualified person:   
 Address:  Phone No:   
  Fax No:   
 Licence No:  Email address:

Qualifications and Insurance details:  (description from Column 3 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)

Speciality area of expertise:  (description from Column 4 of the Director's Determination - Certificates by Qualified Persons for Assessable Items)

## Details of work:

Address:  Lot No:   
  Certificate of title No:   
 The assessable item related to this certificate:  (description of the assessable item being certified)  
 Assessable item includes –  
 - a material;  
 - a design  
 - a form of construction  
 - a document  
 - testing of a component, building system or plumbing system  
 - an inspection, or assessment, performed

## Certificate details:

Certificate type:  (description from Column 1 of Schedule 1 of the Director's Determination - Certificates by Qualified Persons for Assessable Items n)

This certificate is in relation to the above assessable item, at any stage, as part of - (tick one)  
 building work, plumbing work or plumbing installation or demolition work:   
 or  
 a building, temporary structure or plumbing installation:

In issuing this certificate the following matters are relevant –

Documents:	Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan (Rebecca Green & Associates, 21 May 2019, Version 2, Job No. RGA-B1080)
Relevant	N/A
References:	<i>Planning Directive No 5.1, Bushfire-Prone Areas Code</i> <i>Australian Standard 3959-2009</i>


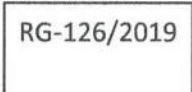
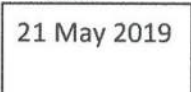
*Substance of Certificate: (what it is that is being certified)*

1. Assessment of the site Bushfire Attack Level (to Australian Standard 3959)
2. Bushfire Hazard Management Plan showing BAL-19 and BAL-12.5 solutions.

*Scope and/or Limitations*

<p><b>Scope</b></p> <p>This report and certification was commissioned to identify the Bushfire Attack Level for the existing property. <u>All</u> comment, advice and fire suppression measures are in relation to compliance with <i>Planning Directive No 5.1, Bushfire-Prone Areas Code</i> issued by the Tasmanian Planning Commission, the <i>Building Act 2016 &amp; Regulations 2016, Building Code of Australia</i> and <i>Australian Standard 3959-2009, Construction of buildings in bushfire-prone areas.</i></p> <p><b>Limitations</b></p> <p>The assessment has been undertaken and report provided on the understanding that:-</p> <ol style="list-style-type: none"><li>1. The report only deals with the potential bushfire risk all other statutory assessments are outside the scope of this certificate.</li><li>2. The report only identifies the size, volume and status of vegetation at the time the inspection was undertaken and cannot be relied upon for any future development.</li><li>3. Impacts of future development and vegetation growth have not been considered.</li><li>4. No assurance is given or inferred for the health, safety or amenity of the general public, individuals or occupants in the event of a Bushfire.</li><li>5. No warranty is offered or inferred for any buildings constructed on the property in the event of a Bushfire.</li></ol> <p><b>No action or reliance is to be placed on this certificate or report; other than for which it was commissioned.</b></p>
--

**I certify the matters described in this certificate.**

Qualified person:	Signed: 	Certificate No: 	Date: 
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## Attachment 1 – Certificate of Compliance to the Bushfire-prone Area Code

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## BUSHFIRE-PRONE AREAS CODE

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

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#### 1. Land to which certificate applies<sup>2</sup>

*Land that is the Use or Development Site that is relied upon for bushfire hazard management or protection.*

Name of planning scheme or instrument:

Meander Valley Interim Planning Scheme 2013

Street address:

18 Grigg Street, Deloraine

/Certificate of Title / PID:

CT34005/1

*Land that is not the Use or Development Site that is relied upon for bushfire hazard management or protection.*

Street address:

Certificate of Title / PID:

#### 2. Proposed Use or Development

Description of Use or Development:

3 Lot Subdivision

Code Clauses:

E1.4 Exempt Development

E1.5.1 Vulnerable Use

E1.5.2 Hazardous Use

E1.6.1 Subdivision

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

<sup>2</sup> If the certificate relates to bushfire management or protection measures that rely on land that is not in the same lot as the site for the use or development described, the details of all of the applicable land must be provided.

### 3. Documents relied upon

#### Documents, Plans and/or Specifications

**Title:**

**Author:**

**Date:**  **Version:**

#### Bushfire Hazard Report

**Title:**

**Author:**

**Date:**  **Version:**

#### Bushfire Hazard Management Plan

**Title:**

**Author:**

**Date:**  **Version:**

#### Other Documents

**Title:**

**Author:**

**Date:**  **Version:**

#### 4. Nature of Certificate

<input type="checkbox"/> <b>E1.4 – Use or development exempt from this code</b>		
Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/> E1.4 (a)	Insufficient increase in risk	

<input type="checkbox"/> <b>E1.5.1 – Vulnerable Uses</b>		
Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/> E1.5.1 P1	Residual risk is tolerable	
<input type="checkbox"/> E1.5.1 A2	Emergency management strategy	
<input type="checkbox"/> E1.5.1 A3	Bushfire hazard management plan	

<input type="checkbox"/> <b>E1.5.2 – Hazardous Uses</b>		
Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/> E1.5.2 P1	Residual risk is tolerable	
<input type="checkbox"/> E1.5.2 A2	Emergency management strategy	
<input type="checkbox"/> E1.5.2 A3	Bushfire hazard management plan	

<input checked="" type="checkbox"/> <b>E1.6 – Development standards for subdivision</b>		
<b>E1.6.1 Subdivision: Provision of hazard management areas</b>		
Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/> E1.6.1 P1	Hazard Management Areas are sufficient to achieve tolerable risk	
<input checked="" type="checkbox"/> E1.6.1 A1 (a)	Insufficient increase in risk	Refer to Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan, prepared by Rebecca Green, 21 May 2019 – Lot 1.
<input checked="" type="checkbox"/> E1.6.1 A1 (b)	Provides BAL 19 for all lots	Refer to Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan, prepared by Rebecca Green, 21 May 2019 – Lot 2 and 3.

<input type="checkbox"/>	E1.6.1 A1 (c)	Consent for Part 5 Agreement	
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<b>E1.6.2 Subdivision: Public and fire fighting access</b>			
	<b>Assessment Criteria</b>	<b>Compliance Requirement</b>	<b>Reference to Applicable Document(s)</b>
<input type="checkbox"/>	E1.6.2 P1	Access is sufficient to mitigate risk	
<input checked="" type="checkbox"/>	E1.6.2 A1 (a)	Insufficient increase in risk	Refer to Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan, prepared by Rebecca Green, 21 May 2019 – Lot 1.
<input checked="" type="checkbox"/>	E1.6.2 A1 (b)	Access complies with Tables E1, E2 & E3	Refer to Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan, prepared by Rebecca Green, 21 May 2019 – Lot 2 and 3.

<b>E1.6.3 Subdivision: Provision of water supply for fire fighting purposes</b>			
	<b>Assessment Criteria</b>	<b>Compliance Requirement</b>	<b>Reference to Applicable Document(s)</b>
<input checked="" type="checkbox"/>	E1.6.3 A1 (a)	Insufficient increase in risk	Refer to Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan, prepared by Rebecca Green, 21 May 2019 – Lot 1.
<input checked="" type="checkbox"/>	E1.6.3 A1 (b)	Reticulated water supply complies with Table E4	Refer to Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan, prepared by Rebecca Green, 21 May 2019 – Lot 2 and 3.
<input type="checkbox"/>	E1.6.3 A1 (c)	Water supply consistent with the objective	
<input type="checkbox"/>	E1.6.3 A2 (a)	Insufficient increase in risk	
<input checked="" type="checkbox"/>	E1.6.3 A2 (b)	Static water supply complies with Table E5	Refer to Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan, prepared by Rebecca Green, 21 May 2019 – Lot 2 and 3.
<input type="checkbox"/>	E1.6.3 A2 (c)	Static water supply is consistent with the objective	

## 5. Bushfire Hazard Practitioner<sup>3</sup>

Name:	Rebecca Green	Phone No:	0409 284 422
Address:	PO Box 2108	Fax No:	
		Email Address:	admin@rgassociates.com.au
	Launceston, Tas		7250
Accreditation No:	BFP – 116	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 –

The use or development described in this certificate is exempt from application of Code E1 – Bushfire-Prone Areas in accordance with Clause E1.4 (a) because there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measure in order to be consistent with the objectives for all the applicable standards identified in Section 4 of this Certificate.



or

There is an insufficient increase in risk from bushfire to warrant the provision of specific measures for bushfire hazard management and/or bushfire protection in order for the use or development described to be consistent with the objective for each of the applicable standards identified in Section 4 of this Certificate.




and/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 can deliver an outcome for the use or development described that is consistent with the objective and the relevant compliance test for each of the applicable standards identified in Section 4 of this Certificate.



Signed:  
certifier



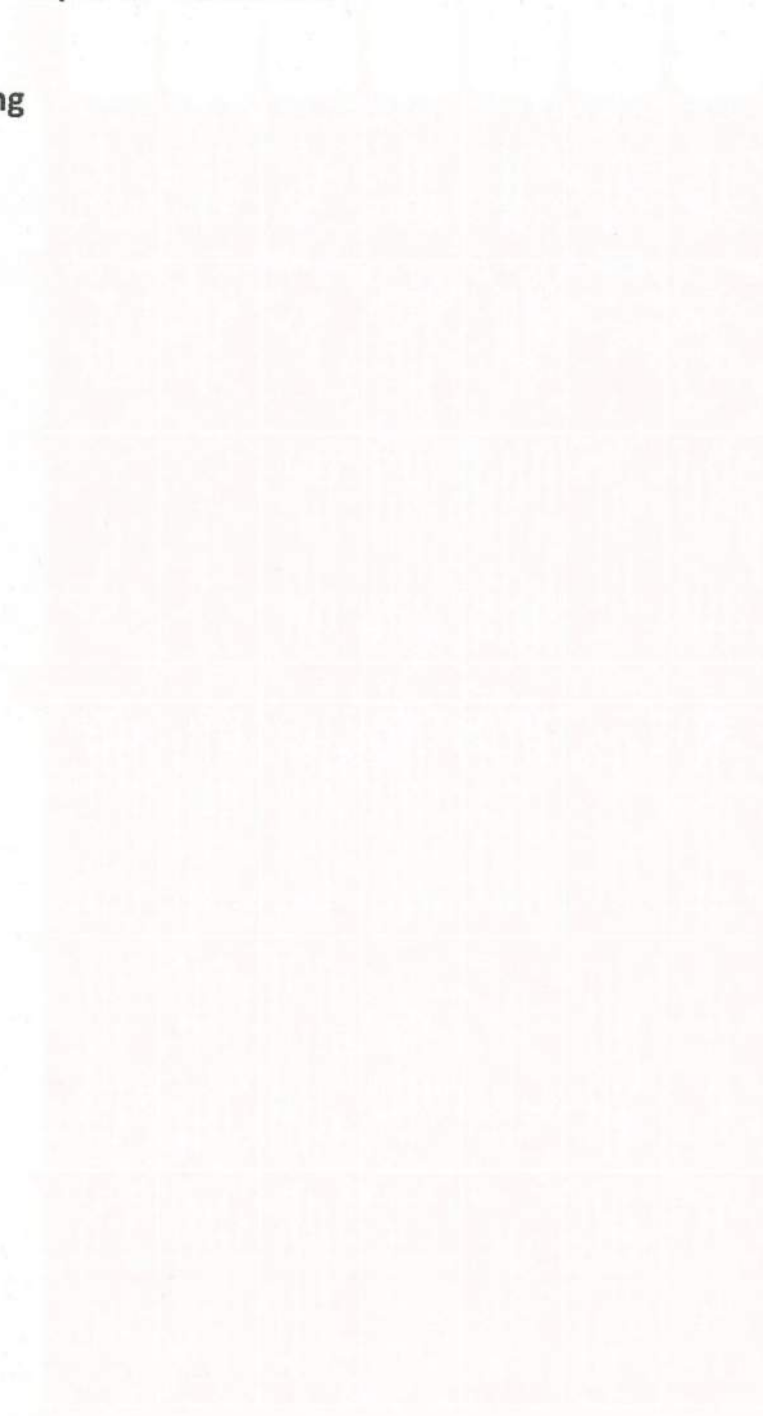
Date: 21 May 2019 Certificate No: RGA-124/2019

<sup>3</sup> A Bushfire Hazard Practitioner is a person accredited by the Chief Officer of the Tasmania Fire Service under Part IVA of Fire Service Act 1979. The list of practitioners and scope of work is found at [www.fire.tas.gov.au](http://www.fire.tas.gov.au).



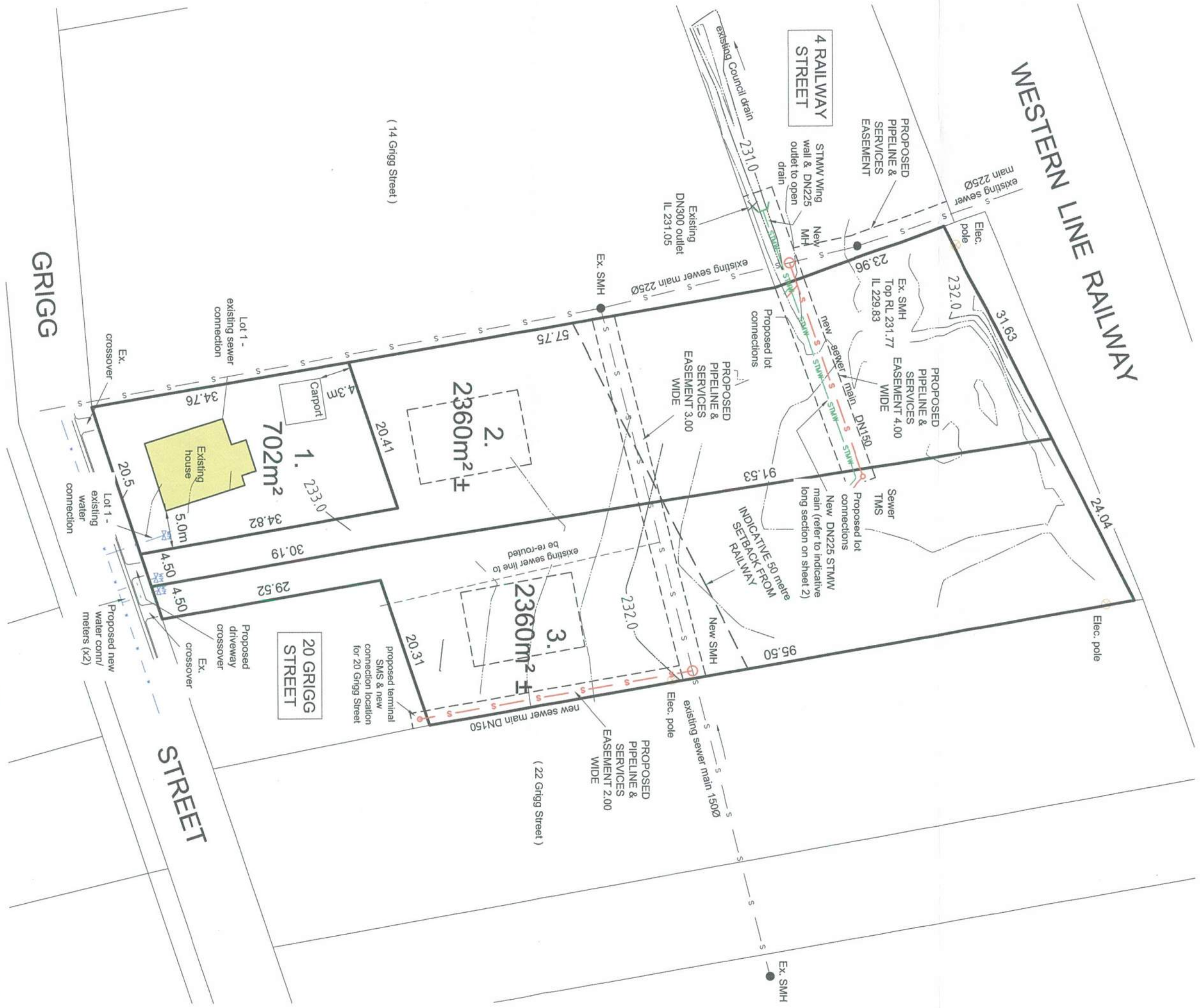
## Attachment 3 – Proposed Subdivision

### Radian Surveying



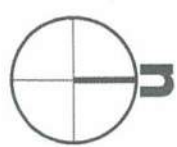


This plan has been prepared to accompany a Development Application to Council and should not be used for any other purpose. All measurements shown are subject to final survey.



**radian**  
SURVEYING

radian surveying pty. ltd.  
P. 0407 152 366  
e | admin@radiansurveying.com.au  
w | radiansurveying.com.au  
po box 7529 launceston tas 7250



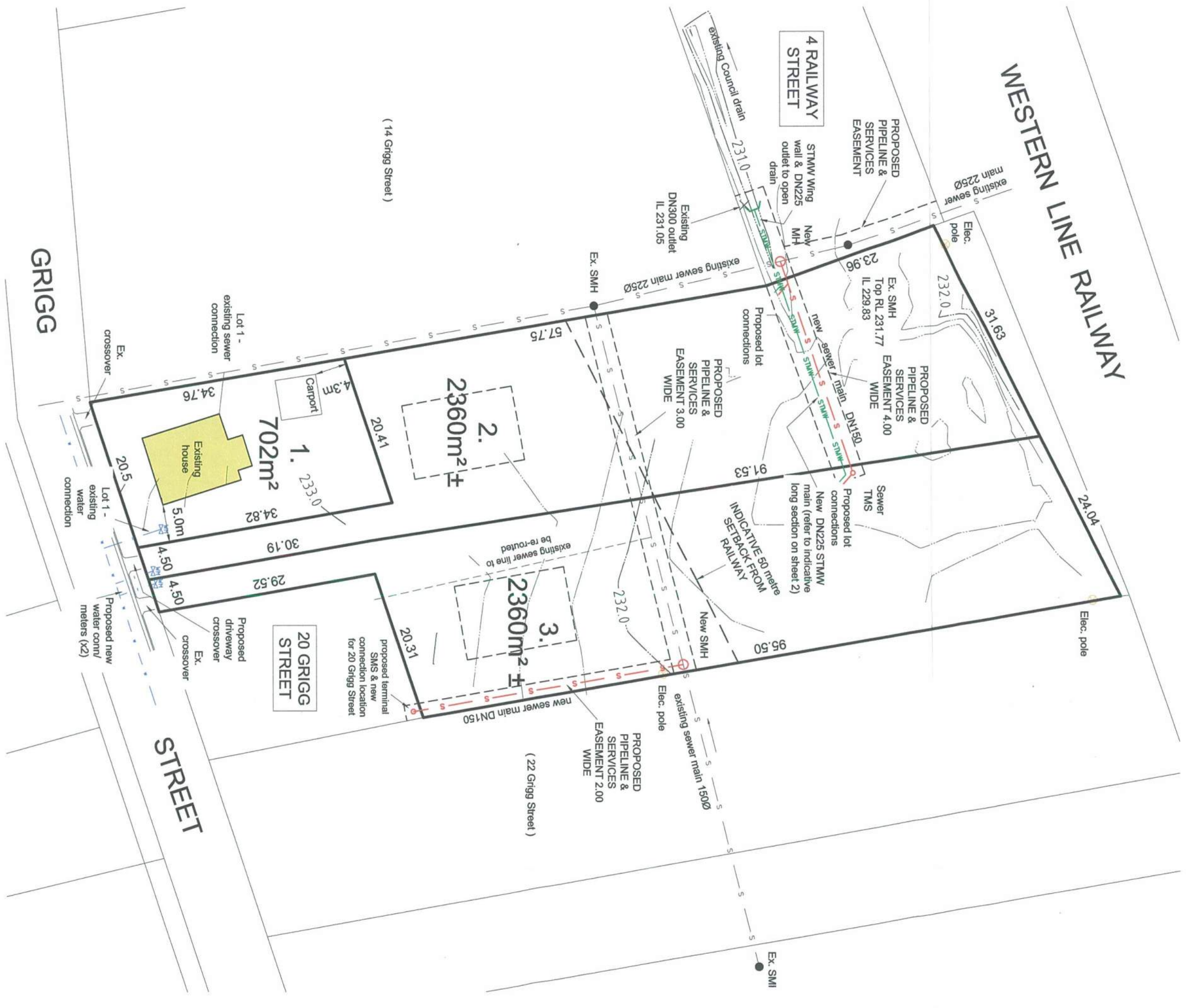
PROPOSED 3 LOT SUBDIVISION & ASSOCIATED SERVICING WORKS  
18 GRIGG STREET, 20 GRIGG STREET & 4 RAILWAY STREET DELORAINE -  
CT.34005/1, CT.13514/1 & CT.121612/2

Job	190102	Sheet	1/1
Drawing	190102_PROPOSAL_REVA.DWG	Revision	A
Scale	1:500 AT A3		17/05/19
Drawn	SCB	Checked	SCB

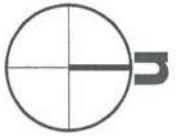
## References

- (a) Tasmanian Planning Commission 2017, *Tasmanian Planning Directive No. 5.1, Bushfire-Prone Areas Code*, Tasmania.
- (b) Australian Standards, AS 3959-2009, *Construction of buildings in bushfire-prone areas*, Standards Australia, Sydney NSW.
- (c) Resource Management & Conservation Division of the Department Primary Industry & Water September 2006, TASVEG, *Tasmanian Vegetation Map*, Tasmania.
- (d) Tasmanian Government, Land Information System Tasmania, [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)

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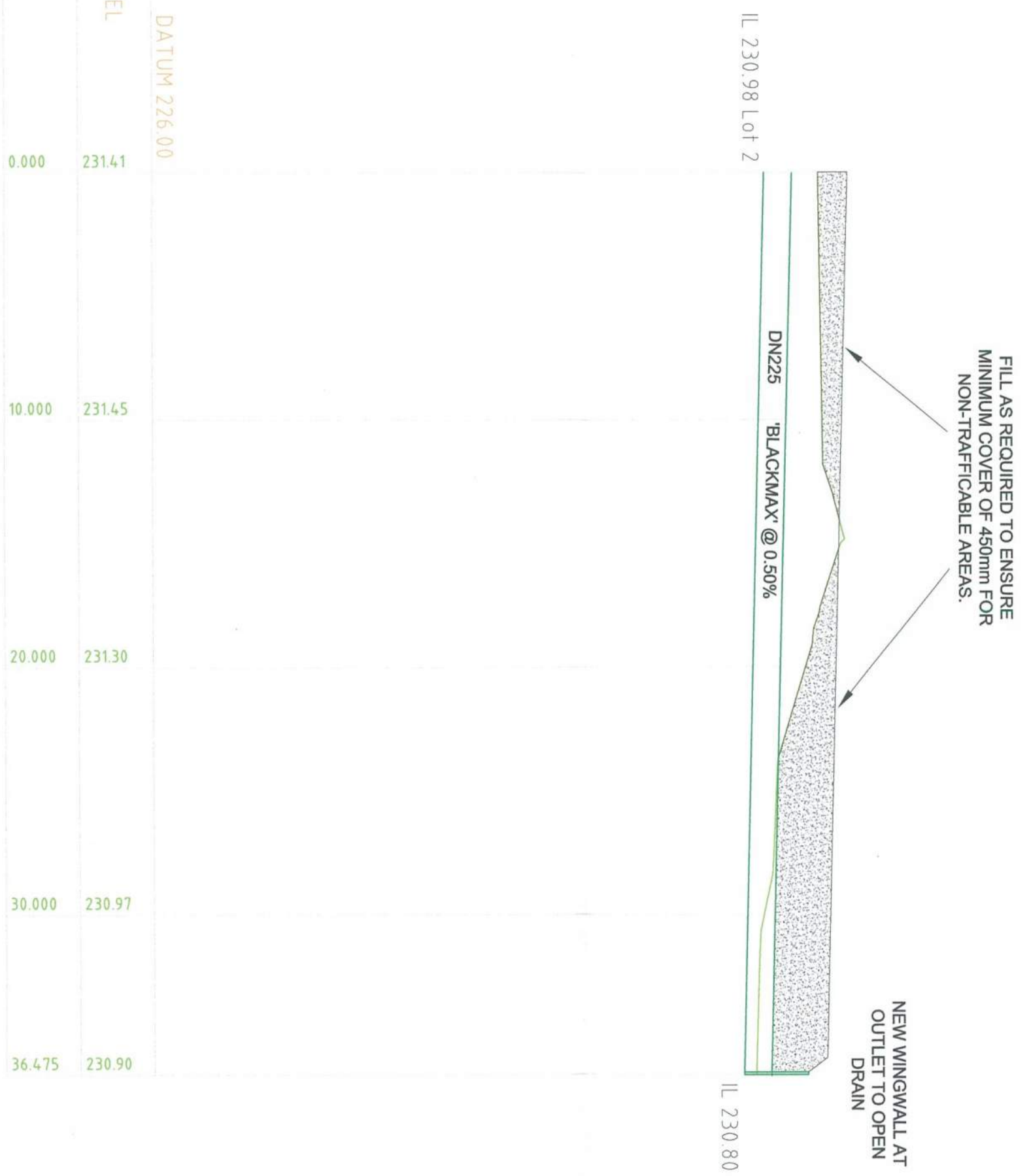


PROPOSED 3 LOT SUBDIVISION & ASSOCIATED SERVICING WORKS  
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 CT.34005/1, CT.13514/1 & CT.121612/2

Job	190102	Sheet	1/1
Drawing	190102_PROPOSAL_REVA.DWG	Revision	A
Scale	1:500 AT A3		
Drawn	SCB	Checked	SCB

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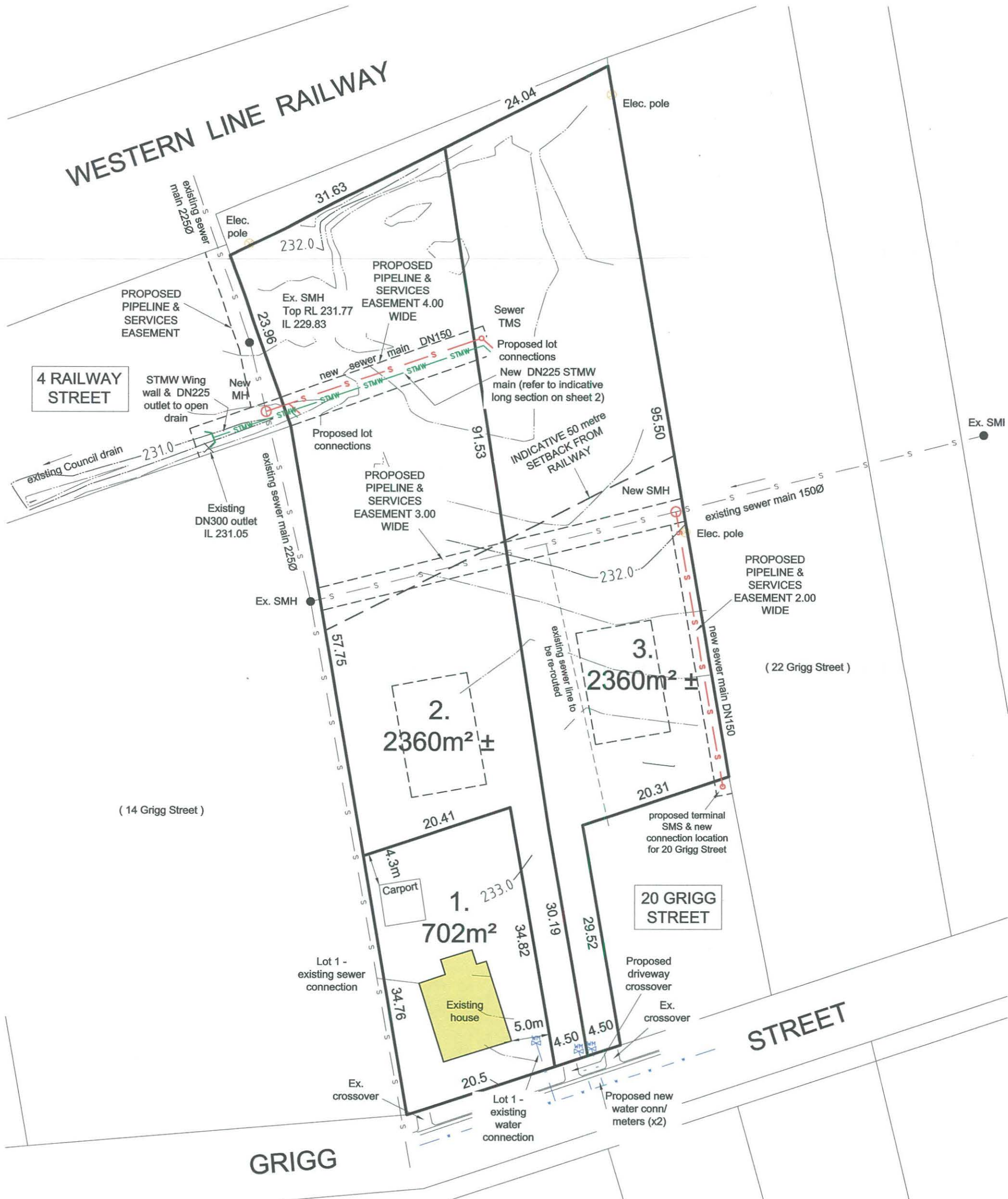
STMW 225DN ROAD LONGITUDINAL SECTION (LS 11)  
 SCALES: HORIZONTAL 1:200 VERTICAL 1:40



PROPOSED 3 LOT SUBDIVISION & ASSOCIATED SERVICING WORKS  
 18 GRIGG STREET, 20 GRIGG STREET & 4 RAILWAY STREET DELORAINE -  
 CT.34005/1, CT.13514/1 & CT.121612/2

Job	190102	Sheet	2/2
Drawing	190102_PROPOSAL_REVA.DWG	Revision	A
Scale		Revision	17/05/19
Drawn	SCB	Checked	SCB

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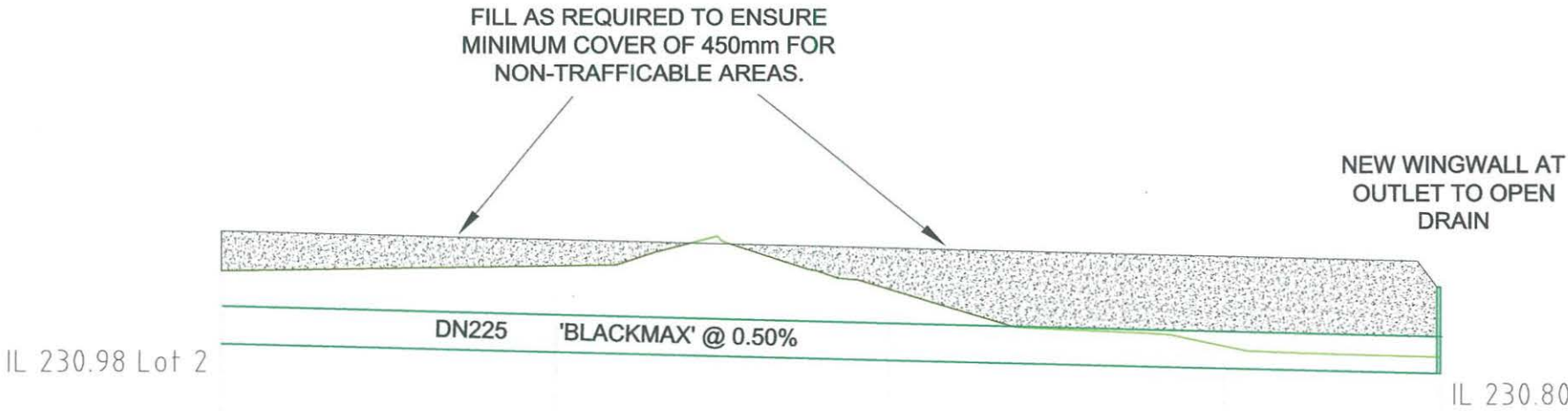


PROPOSED 3 LOT SUBDIVISION & ASSOCIATED SERVICING WORKS  
18 GRIGG STREET, 20 GRIGG STREET & 4 RAILWAY STREET DELORAINÉ -  
CT.34005/1, CT.13514/1 & CT.121612/2

Job	190102	Sheet	1/1
Drawing	190102_PROPOSAL_REVA.DWG	Revision	A
Scale	1:500 AT A3		17/05/19
Drawn	SCB	Checked	SCB

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STMW 225DN ROAD LONGITUDINAL SECTION (LS 11)  
 SCALES: HORIZONTAL 1:200 VERTICAL 1:40



	DATUM 226.00				
EXISTING LEVEL	231.41	231.45	231.30	230.97	230.90
CHAINAGE	0.000	10.000	20.000	30.000	36.475

PROPOSED 3 LOT SUBDIVISION & ASSOCIATED SERVICING WORKS  
 18 GRIGG STREET, 20 GRIGG STREET & 4 RAILWAY STREET DELORAINÉ -  
 CT.34005/1, CT.13514/1 & CT.121612/2

Job	190102	Sheet	2/2
Drawing	190102_PROPOSAL_REVA.DWG	Revision	A
Scale			17/05/19
Drawn	SCB	Checked	SCB

**From:** Jennifer Jarvis  
**Sent:** 1 Jul 2019 04:10:58 +0000  
**To:** Planning @ Meander Valley Council  
**Subject:** PA-19-0236 - 18 Grigg Street Deloraine

Dear Planning Department

Thank you for your notification advising TasRail of Planning Application PA-19-0236 – 18 Grigg Street Deloraine.

TasRail has reviewed the documents provided and advises it has no objection to this application based on the understanding that there is sufficient setback distance from rail land, and that no stormwater or other water will be discharged into the rail corridor/rail drainage system.

Should the application be approved by Council and a permit issued, TasRail requests that the following TasRail Standard Notes be included in the permit document.

**TasRail Standard Notes (as at April 2019)**

- Should there be a requirement for a service or asset to be installed on rail land, a separate TasRail Permit is required and will only be approved subject to terms and conditions. A Permit Application Form is available by contacting [property@tasrail.com.au](mailto:property@tasrail.com.au)
- No obstruction is permitted inside railway land for any purpose including for structures, unauthorised vehicles, drainage, water pipes, stormwater discharge, electrical or service infrastructure.
- Under Section 24 of the *Rail Infrastructure Act 2007*, the Rail Infrastructure Manager (TasRail) may give an adjoining landholder a notice to clear an obstruction as circumstances require. In the event that the adjoining landholder fails to comply with the clearance notice, then the Rail Infrastructure Manager may apply to a justice for a warrant to access the land to clear the obstruction and recover the costs as a debt due to the railway entity from the landholder.
- Access to railway land is not permitted without formal authorisation from TasRail.
- Using or creating an unauthorised railway crossing is unsafe and strictly prohibited.
- Parking of vehicles within rail land is not permitted.
- As railway land is Crown Land, the Rail Infrastructure Manager is not required to contribute to the cost of boundary fencing.

Should you require any additional information or clarification, please don't hesitate to contact me.

Jennifer Jarvis



Manager Group Property & Compliance |  
Phone: 03 6335 2603 | Mobile: 0428 139 238  
11 Techno Park Drive, Kings Meadows, Tasmania, 7249  
[Jennifer.Jarvis@tasrail.com.au](mailto:Jennifer.Jarvis@tasrail.com.au)



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**From:** Andrew Sherriff - Deloraine Signs  
**Sent:** 27 Jun 2019 10:01:01 +1000  
**To:** Planning @ Meander Valley Council  
**Cc:** Martin Gill  
**Subject:** FW: Grigg Street Subdivision - Proposed Stormwater Work  
**Attachments:** IMG\_3475.MOV, IMG\_6802.MOV, IMG\_6803.MOV, 18 Grigg St Subdivision.pdf

Hi Planning

I'm sending this email in regard to the proposed Grigg Street subdivision PA/19/0236

I was made aware of this subdivision as the owner contacted me some months ago about this.

I informed the owner at the time I was not interested in his, or anyone else's storm water entering my block without the upgrade of the current open drains. The current system cannot cope with heavy rain now so adding to this will only exacerbate the problem.

I find it difficult to understand why I am unable to dump a down pipe onto the ground on my property yet someone in council in the past has decided that they can dump the entire of Grigg streets stormwater, rubbish and junk and now a new subdivisions stormwater onto my property.

I don't believe there is even a stormwater easement for the water on my block, is there?

Until such time the current un-piped storm water and the capacity problem is fixed I don't want any additions to it.

I have no issues with the sewage connection or anyone having access to my property if they give prior notice.

I have attached some videos of the current capacity problem already for you to consider.

Don't hesitate to contact me should you have any questions or should you wish to discuss further.

Regards

*Andrew Sherriff*



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# COMMUNITY & DEVELOPMENT 1

Reference No. 133/2019

## REVIEW OF POLICY NO. 74 – CONSERVATION COVENANT INCENTIVE SCHEME

**AUTHOR:** Stuart Brownlea  
GIS/NRM Officer

### 1) Recommendation

***It is recommended that Council:***

***Confirm the continuation of Policy No. 74 – Conservation Covenant Incentive Scheme, as follows:***

<b>Policy Number: 74</b>	<b>Conservation Covenant Incentive Scheme</b>
<b>Purpose:</b>	To establish guidelines for administering a Rates Rebate Incentive Scheme for land under Conservation Covenants.
<b>Department:</b>	Community and Development Services
<b>Author:</b>	Stuart Brownlea, NRM Officer
<b>Council Meeting Date:</b>	13 August 2019
<b>Minute Number:</b>	XX/2019
<b>Next Review Date:</b>	<b>August 2023</b>

#### POLICY

##### 1. Definitions

**Conservation Covenant:** means a land title covenant registered under Part 5 of the *Nature Conservation Act 2002*, once signed by both the relevant Tasmanian Minister and the landowner.

##### 2. Objective

To formally encourage, recognise and reward voluntary conservation of high priority natural values, in the form of Conservation Covenants and to support objectives in the *Meander Valley Council Natural Resource Management Strategy*.

### **3. Scope**

This policy only applies to that proportion of private land titles within the Meander Valley that is the subject of Conservation Covenants and to the General Rate (net of any other rebate or remission). The rebate level is calculated on the number of hectares that are covered by the Conservation Covenant, rather than the whole area of a title that has a Conservation Covenant within it.

### **4. Policy**

Council recognises that conservation covenants:

- play a role in protecting habitats for a wide range of native species, including threatened plants and animals, from wedge-tailed eagles to native grasses. They also help to maintain the scenic values of Tasmanian landscapes that benefit tourism, can be a direct tourism venture asset, and contribute to the maintenance of water quality by preventing soil erosion and salinity problems.
- are a way that private landowners can ensure the long-term conservation of natural values on their land. Landowners are helped to establish these covenants by a single program in Tasmania: the *Private Land Conservation Program*. Landowners who place perpetual conservation covenants on their land title are helping to achieve conservation benefits for the whole community.
- are legally binding agreements between the landowners and the State Government that are registered on land titles and travel with those titles to future owners. A Nature Conservation Plan has or will be implemented with most conservation covenants. Together, the two documents detail a management regime that will protect conservation values on a property whilst allowing for continued use of the land.
- are decided upon by a landowner only after considerable planning and management negotiation. Professionally determined Nature Conservation Plans are developed with the landowner's input and consent. The desire to utilise the reserve, for example to collect domestic loads of firewood or graze stock periodically, are accommodated wherever this will not have a long term negative impact on the reserved values.
- may have flow on benefits for a tourism venture, be an area that is not commercially viable, provide an offset for other development, leverage funding for conservation aims, protect other land from degradation such as salinity, or provide access to management advice and assistance from the Tasmanian Government.

### **Individual Rates Rebate Calculation**

The rebate amount is to be calculated on the following basis:

As at 1<sup>st</sup> July, 2017, base rate of \$5.67 per ha of land area covered by the Conservation Covenant only with a minimum amount of \$56.70 and maximum of \$567.00 for any one property AND with no rebate in any case to exceed 50% of the General Rate (net of other rebates or remissions).

### **Annual Adjustment**

The base rate, minimum and maximum amounts are to be adjusted by the same percentage as the General Rate adjustment each financial year.

### **Commencement of Entitlement**

Entitlement to a Rates Rebate amount under the Scheme is to commence from the 1<sup>st</sup> July of the next rating period immediately following the date of signing of the Conservation Covenant.

### **Cessation of Entitlement**

Entitlement to a Rates Rebate amount payable under the Scheme ceases when a covenant no longer exists on the affected title.

### **5. Legislation**

Nature Conservation Act 2002.

### **6. Responsibility**

Responsibility for the operation of this policy rests with the Director, Community and Development Services.

## **2) Officers Report**

Councillors requested at the July 2019 Workshop that Policy No. 74 be brought forward for review. This policy was last reviewed in May 2018.

In February 2017 Council wrote to the Department of Primary Industries Parks Water and Environment (DPIPWE) to seek a financial contribution to the conservation covenant incentive scheme. In August 2017 Council was advised by DPIPWE that they were not in a position to make a financial contribution,

however they are committed to providing direct support to landowners in the form of advice about environmental management and review of their management plans for the individual properties. DPIPWE also plays a role in ensuring that the landowners are implementing the management plans and support a covenant-related landowner group that runs field days and share information.

In operation the current policy continues to provide conservation incentive, on a voluntary basis. Conservation Covenant landowners continue to be proactive in collectively addressing issues of relevance to their conserved land, including topical field days with a focus on such things as fire management and weed management. They continue to be supported in this endeavour through the Tasmanian Government's Private Land Conservation Program (PLCP) and the Tasmanian Land Conservancy. Mapped distribution of covenanted titles and the adjustment to the World Heritage Area boundary are provided in Attachment 1.

The Tasmanian Land Conservancy, in partnership with the PLCP, is monitoring the condition of the conserved areas and ensuring that a current, negotiated Nature Conservation Plan exists for the vast majority of covenanted land (a small number early in the covenanting program had a different type of management agreement applied). Nature Conservation Plans will address both landowner's preferences for management and prescriptions for sustaining the natural values for which the covenant was put in place. They will all be up for review again ten years after being put in place.

The PLCP unit of DPIPWE has provided data on the environmental condition of covenanted land (Attachment 2). Of the vegetation condition assessments undertaken so far, on roughly one third of all covenants, 74 percent were in "good or very good" condition. In addition, 65 percent had weeds on less than 1 percent of their area; with only 4 percent having significant weed threats. Weeds in these minority cases may be affording protection from predation or disturbance.

Some threatened species, especially plants such as *Pimelea curviflora* var. *gracilis* (slender curved riceflower), *Brunonia australis* (blue pincushion) and *Pomaderris phyllicifolia* (narrow-leaf dogwood), are poorly reserved on public land and so are reliant on private reserves for effective conservation. Threatened Vegetation Communities on covenanted land are likewise either not present or poorly represented in formal reserve areas (refer Attachment 1). Even where natural values occur on both public and private land, there is value in safeguarding private land populations as insurance against catastrophes such as fire, flood or disease incursion. In many places the covenanting process has

provided additional community benefits by securing landscape amenity and potentially adding to tourism experiences.

### **3) Council Strategy and Policy**

Furtheres the objectives of the Community Strategic Plan 2014 to 2024:

- Future direction (1) – A sustainable and natural built environment.

### **4) Legislation**

Not applicable

### **5) Risk Management**

Not applicable

### **6) Government and Agency Consultation**

There has not been any contact with DPIPWE or the PLCP as part of this August 2019 review.

Council contacted the Private Land Conservation Program (PLCP) within DPIPWE in 2016 for information regarding the environmental condition and ongoing management of covenanted land which supports the policy. The response is Attachment 2.

### **7) Community Consultation**

It is noted that conservation covenant landowners have not been advised of this August 2019 review.

Landowners with conservation covenant were advised of the Policy review in 2016 and nine submissions were received . These are provided in Attachment 3.

### **8) Financial Consideration**

The current total rebate for the 2019-20 financial year is \$11,641. This scheme funding is allocated across 70 Meander Valley landowners with a total of 2,374ha of covenanted land.

Council approved a budget of \$12,500 for conservation covenant rebates at the June 2019 meeting, to be provided for the 2019-20 financial year.

## **9) Alternative Recommendations**

Council can elect to discontinue or amend the existing Policy.

## **10) Voting Requirements**

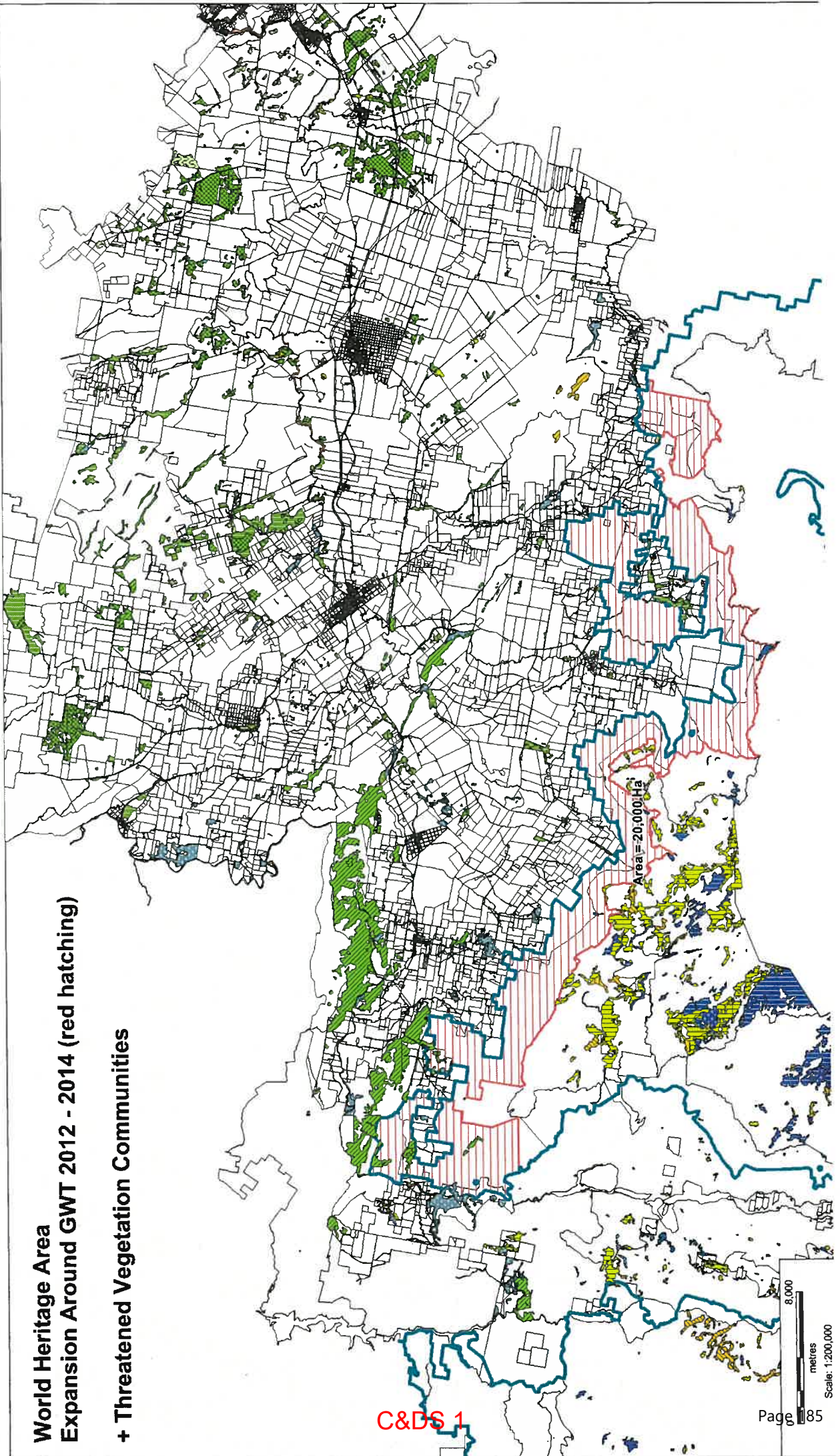
Simple majority.

**DECISION:**



**World Heritage Area  
Expansion Around GWT 2012 - 2014 (red hatching)**

**+ Threatened Vegetation Communities**



23/8/16

Hi Stuart,

The TLC have forwarded on your below email seeking information about conservation covenants.

The Private Land Conservation Program in DPIPWE have responsibility for overseeing the Tasmanian private reserve estate and as such are best placed to respond to your questions.

Our Program conducts monitoring across the reserve estate, with roughly a third of covenants having had a Vegetation Condition Assessment (VCA). Most VCA zones (74%) have been found to be in good or very good condition, with only 1% in poor condition. In addition, 65% have <1% weeds, and <4% had high covers of high threat weeds.

For those covenants with low scores, it may be a reflection of what the covenant was like at the time of signing rather than a decline in condition over time. For example I am aware of a covenant which was set up to protect a wedge-tailed eagle nest, where the forest understorey is predominantly gorse. In this instance the covenant was established for the protection of a threatened species, and there is no expectation that the gorse will be removed.

To know whether a landowner is “effectively managing their covenanted area” would require site specific information on what the natural values and threats are on that block, as well as a determination of what is reasonable to expect a landowner to be able to control.

VCA resurveys (unpublished data) conducted by our Program have found that 95% of VCA zones were in the same or increased VCA condition class. Having said this, changes in condition cannot generally be detected over short time periods – more likely 15-20 years to pick up change, unless it is very dramatic. In addition, working out the causes of condition change is another thing entirely. Apparent declines in condition can be due to things outside the landowners control such as climate/weather variability, disease etc.

In general there is a very high level of compliance across the conservation covenant estate and we have very few instances of serious decline in condition or lack of compliance.

We always appreciate feedback on covenant areas from others working in the field so if there are activities of concern in MVC please let us know, so that we can follow up.

If you have any further questions, please let me know - I would be happy to help.

Kind regards,  
Helen

---

**Helen Crawford**  
Team Leader, Private Land Conservation  
Natural Values Conservation Branch  
Department of Primary Industries, Parks, Water and Environment  
Level 4, 134 Macquarie Street, Hobart, Tasmania 7000

*Please note: I work Monday - Thursday*  
☎ 03 6165 4386  
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Kingsley and Lynette Dunstan  
458 Maralla Road  
Bullsbrook  
Western Australia 6084.

Stuart Brownlea  
NRM Officer  
Meander Valley Council  
26 Lyall Street  
Westbury  
Tasmania 7303

23 August 2016

Dear Stuart

**Re: Review of Meander Valley Council Policy 74 - Conservation Covenant Incentive Scheme.**

Thank you for the opportunity to comment on the review of the Conservation Covenant Incentive Scheme Policy 74.

It is noted that the purpose of the policy is to establish guidelines for administering the rates rebate incentive scheme only. With that in mind, the following comments are provided for consideration.

1. Objective – agree.
2. Scope – agreed
3. Policy – agreed however it should be noted that activities on surrounding properties can severely undermine the conservation efforts of land owners. It is not clear how these impacts can be managed and may in fact be out of the scope of Policy 74.
4. Rates rebate calculations – It is the view of the landowners that the rebate amount is relatively insignificant when considering the costs landowners incur when trying to care for their property. A rebate of \$86 per year does little to offset costs. I do not understand why the rebate cannot exceed 50% of the general rate, especially if council is serious about meeting policy objectives.
5. Annual adjustment – agreed

Trusting this information is of use. There is not much in the policy to comment about, the main thing of course is the rebate amount and the maximums applicable.

Please contact me on 0411 712 955 if more information is required.

Yours sincerely

Kingsley Dunstan

## Merrilyn Young

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**From:** Judy Hawkes <jhawkes@bordernet.com.au>  
**Sent:** Sunday, 21 August 2016 1:52 PM  
**To:** Stuart Brownlea  
**Subject:** Conservation Covenant Incentive Scheme

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

Dear Stuart

We are writing to you, in regards to the review of the Meander Valley Council Policy 74 concerning the Conservation Covenant Incentive Scheme, in which we are listed.

By placing perpetual conservation covenants on our land titles, we have been able to guarantee the continued preservation of the natural values of our immediate area.

We have appreciated the Council's commitment to understanding the importance of conservation covenants and the role they play in protecting habitat, maintaining scenic amenity and enhancing tourism in the Meander Valley area.

To be formally recognised by the Council, through the Incentive Scheme, for our voluntary role in protecting and maintaining our habitat has been greatly appreciated.

We hope that, with the continued support of the Meander Valley Council, we will be able to continue, in future years, to assist in the preservation of our immediate region and help also to achieve benefits for the greater community.

Yours sincerely

Michael & Judith Hawkes  
464 Larcombes Road  
Reedy Marsh  
Tasmania 7304  
Australia

999 Denmans Road  
Birrree Tas 7303  
19/7/2016

To all Councillors  
Meander Valley Council

We are writing strongly to encourage the Council to retain its Conservation Covenant Incentive Scheme (MVC Policy 74).

Conservation covenants on private land are an essential part of the National Reserve System of Australia and require the support of local government. It is important that Council meet its NRM obligations, support ecological sustainability and assist in the management of areas with threatened species and/or remnant areas of all natural forest communities in the municipality. The incentive scheme is one of the few things the Council can do quite easily with little expense to encourage the preservation of the municipality's precious natural vegetation.

We took an active role in the community consultation that led to the development of Council's first award-winning *Vegetation Management Strategy* some years ago. It does seem to us that very few of the recommendations of this strategy have ever been implemented and it has been disheartening to see that areas of vegetation considered as high priority for retention in that Strategy have since been cleared for pivot irrigators or for plantation establishment.

Despite being aged pensioners we consider conservation "in perpetuity" of our forested 130 acres to be much more important than any profit we might get by exploiting its resources. The area is rich in threatened forest types and provides habitat and breeding sites for Grey Goshawk, Wedge-tailed Eagle and Collared sparrowhawk. There are populations of Tasmanian Devil and Spotted Tail Quoll. Important scientific studies continue on these properties, including an internationally significant study of the dawn chorus. Ongoing research into Myxomycetes (also known as slime moulds) has revealed dozens of species not yet recorded in Tasmania, and at least two that are completely new to science. We are confident that much more remains to be found and described. It is exciting to live a place with such rich natural wonders. This should be a matter of pride for the Council.

The two titles concerned are not easily accessed and are not suitable for the construction of any further homes. In other words, we consider that we have made considerable financial sacrifice to help Council meet its obligations. A rate rebate may not amount to a huge amount of money even for us, but of equal importance is the recognition by Council that we are performing an important public service.

yours sincerely,

Sarah Lloyd

Ron Nagorcka

Andrew Ricketts  
Bradys Creek  
780 Larcombes Road  
REEDY MARSH 7304  
Phone 03 6368 1343  
Email: [AndrewRicketts@antmail.com.au](mailto:AndrewRicketts@antmail.com.au)

27<sup>th</sup> July 2016

The Mayor and Councillors and  
Council's NRM Officer  
Meander Valley Council  
Lyall Street  
Westbury 7303

By email to:

Craig Perkins (Mayor) [mvcperkins@bigpond.com](mailto:mvcperkins@bigpond.com)  
Michael Kelly (Deputy Mayor) [mjkelly1970@gmail.com](mailto:mjkelly1970@gmail.com)  
Andrew Connor (Councillor) at [connor4mvc@gmail.com](mailto:connor4mvc@gmail.com)  
Bob Richardson (Councillor) at [abdass@bigpond.com](mailto:abdass@bigpond.com)  
Deborah White (Councillor) at [debwhite99@bigpond.com](mailto:debwhite99@bigpond.com)  
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Tanya King (Councillor) at [tanyaking01@gmail.com](mailto:tanyaking01@gmail.com)

Stuart Brownlea: [stuart.brownlea@mvc.tas.gov.au](mailto:stuart.brownlea@mvc.tas.gov.au)

### **Conservation Covenant Incentive Scheme - MVC Policy 74**

Dear Mayor, Councillors and Mr Brownlea,

For about a decade or so the Meander Valley Council has operated a Conservation Covenant Incentive Scheme - supported by MVC Policy 74, now in its third version. A copy of Policy 74 is attached and can be found in Council's Policy Manual.

I write both as a supporter and a beneficiary of the Conservation Covenant Incentive Scheme, which in my case supports the two in perpetuity conservation covenants registered on my private land titles in Reedy Marsh.

It is to be noted that Council has also supported some of the covenanted land here through zoning as part of an Environment Living Zone. Only one such area exists in the MVC area with most covenants lying outside such land-use zoning.

I wish to advocate the retention of Meander Valley Council's Conservation Covenant Incentive Scheme in its current form. This letter sets out the salient, germane matters around Policy 74.

Conservation covenants are binding agreements, made voluntarily between a landholder and the state government, to protect and enhance the natural, cultural and scientific values of a

piece of private land. They can apply to all or part of a property and are registered on the title of the land and generally are intended to remain in force in-perpetuity.

A covenant is a promise contained in a document under seal. Such a promise is enforceable on the basis of **privity of contract**. The Minister administering the Nature Conservation Act is the dominant tenement. There are remedies if a covenant is breached. Covenants generally are hard to remove once placed on a title.

Regardless of which scheme created the conservation covenants - (PFRP, PAPL, FCF (inc Mole Creek component), or the revolving fund of TLC), in essence the act of reserving private land in Tasmania represents a private donation to the public good. The extent of that donation may not be easily quantified but is undeniably of intergenerational importance.

The Meander Valley Council Policy 74 currently provides an ongoing (capped) annual rates rebate for people who own private land subject to a conservation covenant. The objective and details are spelt out in the Policy. Council's Policy is reviewed every few years. It could be reviewed less often in my view.

I understand Policy 74 is currently scheduled for review again shortly. A decision whether to renew the Policy or to ditch it will likely be considered at an upcoming Council workshop and a decision possibly made at the Council meeting in September 2016.

Council's Policy No 74 is important in showing tangible local government support for private land owners who have committed their land to the in-perpetuity conservation of nature, priority vegetation and threatened species across our municipality.

Significantly, often such high conservation values are found as a priority on private land and in general it is private land, which has a greater extent and a higher number of high conservation biodiversity values. As you know the conservation covenants, which are currently supported by Council, are binding on subsequent owners of the land on which they are registered.

There may be a lack of understanding amongst councillors of the value of retaining the Meander Valley Council's Conservation Covenant Incentive Scheme and perhaps there is an anti-conservation element sitting on Council, which I believe, sadly sees, either little benefit in such a scheme or worse, even holds antipathy towards it. This letter however, is directed to all councillors regardless of any subjective view of mine as to any bias or pre-held opinion, one way or the other and is designed to elucidate salient facts and relevant considerations from my perspective.

There are some 80 conservation covenants in Meander Valley Council's Conservation Covenant Incentive Scheme. The landowners holding in-perpetuity conservation covenants under the Nature Conservation Act represent a wide social, vocational, economic and geographic spectrum within our Municipality.

Some conservation covenants bind most or the whole of a title and some bind only a portion. The Council's Scheme allows for such variations in a fair and elegant way. For my holding the protected portion is between 85% and 90% of the 127.8 Hectares. It is an obligation of responsibility, which I take very seriously.

When I applied to Council for a Conservation Covenant rates rebate I was requested to provide a copy of my covenants and if I recall correctly, a copy of my management plan or nature conservation plan.

The standard covenant under the Tasmanian Nature Conservation Act provides a specified range of obligations to the owner of the reserve. These may vary from one reserve to another but are all clearly articulated and enforceable. There is a rigorous approach to nature

conservation and considerable time and individual negotiation is involved in establishing each Covenant with the consequence that conservation covenants have substantial resilience and integrity. They have a planned approach to the management of the subject land and often include differing zones which assist planning in land use terms.

Bear in mind the Nature Conservation Act is a part of the RMPS, the same suite of legislation that has LUPAA, governing the creation of Planning Schemes.

To put Meander Valley's 80 conservation covenants into perspective, there are some 807 conservation covenants in Tasmania covering some 98,582 hectares. Meander Valley (MV) with its 80 Covenants, may seem to be only a relatively small portion of those 807 but when considered by Local Government area, MV has a far greater share than might be expected, being one of 29 local government areas in Tasmania. Even if one discounted the suburban municipalities the Meander Valley area has performed well above average in terms of conservation covenants. There would be a range of causal factors of course.

In terms of Meander Valley's rating base, the 80 private properties burdened by a conservation covenant under the Nature Conservation Act and thus a part of The Scheme represents less than one percent (0.66%) of the 12,000 or so rateable properties within the Municipality, thus its modest impact on Council's rates revenue is truly small by any measure. For Council, this is clearly not an expensive or complex Policy to administer or support.

Several important benefits accrue from retention of Meander Valley Council's Conservation Covenant Incentive Scheme. Firstly there are benefits to Council's reputation, in a climate where otherwise its performance over nature conservation and threatened species issues can only be described as relatively weak. Secondly it assists in meeting its various NRM obligations, as well as over its public interest ones regarding the conservation management of threatened species. It could be claimed Meander Valley Council's Conservation Covenant Incentive Scheme supports land sustainability objectives.

The Scheme recognises that to devote land for in-perpetuity conservation rather than economic gain is a significant private landowner donation to future generations. This intergenerational aspect is one which local government has a role in supporting.

In perpetuity conservation covenants on private land in Tasmania are a part of the National Reserve System of Australia, which in itself deserves to be supported by local government.

*"The National Reserve System is Australia's network of protected areas, conserving examples of our natural landscapes and native plants and animals for future generations. Based on a scientific framework, it is the nation's natural safety net against our biggest environmental challenges.*

*The reserve system includes more than 10,000 protected areas covering 17.88 per cent of the country - over 137 million hectares. It is made up of Commonwealth, state and territory reserves, Indigenous lands and protected areas run by non-profit conservation organisations, through to ecosystems protected by farmers on their private working properties."*

The next 20 years will be a critical period for biodiversity conservation in Australia. Now is not the time for Council to distance itself from nature conservation.

The following description reproduced in Meander Valley Council's Natural Resource Management Strategy 3rd Edition, originally sourced from the National Strategy for the Conservation of Australia's Biodiversity (Department of the Environment, Sport and Territories, 1996 Introduction), provides a concise summary of the role and benefits of biodiversity:



*“The benefits of conserving biological diversity are numerous. Biological diversity is the primary source for fulfilment of humanity's needs and provides a basis for adaptation to changing environments. An environment rich in biological diversity offers the broadest array of options for sustainable economic activity, for nurturing human welfare and for adapting to change.*

*The world's species provide us with all our food and many medicines and industrial products. For example, the fishing, forestry, and wildflower industries rely on the harvest of biological resources from the wild. There is great scope for developing new or improved food crops from our biological diversity.*

*Benefits arising from the conservation of Australia's biological diversity are not, however, restricted to the continued harvest of resources - they include the provision and maintenance of a wide array of ecological services. The maintenance of hydrological cycles (groundwater recharge, watershed protection and buffering against extreme events), climate regulation, soil production and fertility, protection from erosion, nutrient storage and cycling, and pollutant breakdown and absorption are some of the services. They are fundamental to the quality of our life and our economy, but they are often grossly undervalued.*

*[Additionally,] biological diversity can be important for cultural identity ... .. [, while] the aesthetic values of our natural ecosystems and landscapes contribute to the emotional and spiritual wellbeing of a highly urbanised population. Both active and passive recreational benefits of our ecosystems are highly valued by an increasing number of people.*

*There is in the community a view that the conservation of biological diversity also has an ethical basis. We share the earth with many other life forms that warrant our respect, whether or not they are of benefit to us. Earth belongs to the future as well as the present; no single species or generation can claim it as its own.”*

I hope you can see that supporting the retention of Conservation Covenanted private land has significant public interest benefits, which accrue from the conservation of biological diversity.

Relying on covenanted land alone to protect biological diversity is not of itself sufficient but it represents the most secure strategy apart from reservation of public land. Council's Natural Resource Management Strategy 3rd Edition remains the current strategic document over such issues. Council indeed gained accolades for its first NRM Strategy.

In considering other mechanisms in the MVC toolkit, Council would be well advised to consider the very limited impact of the Biodiversity Code in its Interim Planning Scheme (MVCIPS 2013) in enhancing secure outcomes for nature, which is under threat from development. Indeed the Council mapping associated with the Biodiversity Code, the Priority Habitat overlay of the MVCIPS 2013 does not even identify land which was previously identified by the Commonwealth and State as long ago as 1996, as being Key Fauna Habitat for Rare and Threatened Fauna Species. So Council is otherwise failing to achieve sustainability objectives in my view. The Biodiversity Code and Priority Habitat overlay have potential for improved outcomes. However such change may simply be occurring too slowly.

I have long been an advocate of private land conservation and reservation. Indeed within Meander Valley, it is surely without dispute there remains much that remains to be done in terms of stemming the decline of nature, protecting the natural environment and securing native species for future generations.

Please consider: Do we really want to declare that on our watch we acted negligently and allowed the Swift Parrot to go extinct, for example? Bear in mind that this bird species, which inhabits the Threatened Eucalyptus ovata forest in Meander Valley, is now listed as Critically Endangered. The E. ovata forest itself is about 95% depleted since European occupation.

The Tasmanian Devil is now estimated to have a 90% decline in places such as Meander Valley, yet we are not actively conserving its habitat on private land, aside from securely protected and covenanted land.

There are many more examples of species suffering decline due to human activity and development. Since the Regional Forest Agreement (RFA) of 1997 there has been several additions and upgraded listings to the state's Threatened Species List.

I consider the Meander Valley Council's Conservation Covenant Incentive Scheme to be an important action because simply, it represents a start. That cannot be understated.

There are many other initiatives, which Council could and should be doing. I am not suggesting that Policy 74 should be changed to encompass other solutions however, just that we need to do more, not less. Council could for example have a role to create new conservation covenants. It has the expertise.

I do wish to flag the likely need of a further private land conservation scheme arising from the RFA renegotiation process. Tasmania's poor performance over threatened species issues is both identified and acknowledged in the last RFA review. Indeed the various RFA related covenant programs have not succeeded in solving the adequate reservation of some vegetation communities and some species continue to suffer declines.

One of the benefits of Council, in not only retaining its current scheme but also in supporting new private land conservation programs (such as under a new RFA) would be that it potentially provides (probably federal) funding for private land owners for their public interest actions of conserving priority aspects of nature on their land.

Council should understand that increasingly Tasmania would need to conserve the remaining elements of nature to protect catchments for water, to mitigate against climate change and to protect our scenic assets. If that can be done with new initiatives then Council should be seen as a positive player in advocating such outcomes.

Tasmania has a unique situation in this regard. We are free of many pests and diseases and still have species, which are now extinct on the mainland. Meander Valley still has environments with high biophysical naturalness on private land and such land has a higher life support capacity. That is a higher life support capacity for all species including humans. The activity of the protection of such life support capacity absolutely deserves Council's support.

Without incentives, not only to create secure protective instruments such as conservation covenants but also to support their retention and also the costs associated with private retention, then it is highly likely we will simply fail to stem the losses in the natural world caused by economic growth and development.

Finally it should be recognised by Council that managing land for conservation is a valid land-use activity requiring time, energy and private resources and yet generally for most rate paying covenant owners their conservation reserves do not provide an income which offsets that loss, which may have been avoided through development. Meander Valley Council's Conservation Covenant Incentive Scheme is an example of such recognition and Council is to be congratulated for introducing and maintaining the scheme.

Please consider: If it is your view (and it is not mine) that a private property owner should have unfettered rights to develop and if in doing so the burden of protecting species from

extinction then falls to others with the consequence that the developer gains the short term economic benefit from the process of extinction, then surely it is still wise to have Schemes such as Meander Valley Council's Conservation Covenant Incentive Scheme where cautious long term propositions are supported.

Finally, recently I received a letter from Norma Bennett notifying me of the 2016/17 rebate amount. However it made no mention of a review of the Policy No 74. You may find that other covenant holders have a view over or an appreciation of Council's Conservation Covenant Incentive Scheme that may indeed assist Councillors in their review.

### **Conclusion**

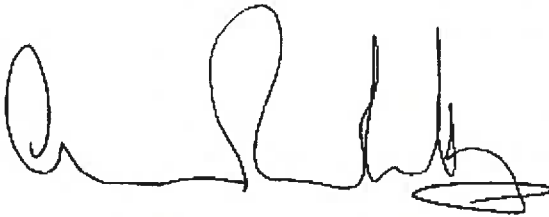
The continuation of Council's Policy 74 should be beyond contention, if Council actually has an interest in Sustainability. Please do not go backwards.

In reality your decision should consider whether it is a Public Interest for private land owners to be involved in conserving important elements of nature. Whether such a public interest formula should have Council support in the form of the Conservation Covenant Incentive Scheme.

I wish to contend Meander Valley Council's Conservation Covenant Incentive Scheme is clearly an example of Working Together for the public interest good. It is an initiative showing leadership quality.

For all of the above reasons, I am thus writing to strongly urge the retention of Meander Valley Council's Conservation Covenant Incentive Scheme and the associated Council Policy No 74.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Ricketts', with a large, stylized initial 'A' and a horizontal line extending across the middle.

Andrew Ricketts



## Re – Conservation Covenant Incentive Scheme – MVC Policy 74

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To the Meander Valley Mayor and Councillors

The [Tasmanian Land Conservancy](#) (TLC) is a private, not-for-profit organisation that conserves nature on private land in Tasmania. Our vision is for Tasmania to be a global leader in nature conservation.

TLC employs three main mechanisms to protect natural assets or conservation values on private land:

1. The purchase of land to be kept and managed by the TLC as permanent reserves, with conservation covenants registered on the reserve titles;
2. The operation of a Revolving Fund, where properties are purchased, protected by conservation covenants on the titles and on-sold; and
3. Working in partnership with private landholders and the Tasmanian and Australian governments, corporate sponsors and philanthropists to promote and facilitate nature conservation on private land, sometimes involving the establishment of conservation covenants.

In the fifteen years since inception, the TLC has grown rapidly to become one of the largest private landholders in Tasmania. Our sixteen permanent reserves across the state total around 13,099 hectares, protecting a range of important habitats from coastal wetlands to alpine meadows. We manage a further approximately 22,000 hectares for nature and have facilitated nature conservation over around 2% of the private land in Tasmania.

Conservation on private land is significant in Tasmania. In total (as at 30 June, 2016) there were 807 Conservation Covenants in the state, protecting 98,582 hectares of natural assets. In many cases covenants or property purchases have been aided by State or Federal government investment.

The Department of Primary Industries, Parks, Water and Environment (DPIPWE) along with the agricultural sector, regional Natural Resource Management (NRM) committees and some Tasmanian councils, acknowledge the significant role of private landowners in conserving Tasmania's natural capital and the public and private benefits that flow from this approach. 'Capable land stewardship conserves the natural environment, providing benefits for future Tasmanians and visitors while enabling landowners to maintain market access and capitalise on new opportunities' ([DPIPWE's Private Land Conservation Program](#)).

Covenants are legally binding under the *Nature Conservation Act (2002)* and are registered on the land title. They may apply to some or all of the land. Usually established in perpetuity, covenants give peace of mind that natural values, such as native flora and fauna, natural wetlands and geo-conservation assets, will persist for generations. Nature conservation on private land makes an enormous contribution to the [National Reserve System](#), Australia's network of protected areas.

The TLC applauds Tasmanian councils that recognise the public benefit of conservation covenants through rates rebates and landowner grants. The Meander Valley Council is one of sixteen Tasmanian councils, providing an annual rates rebate. Other councils that recognise the value of private land conservation include Glamorgan Spring Bay Council, Break O'Day Council, Burnie City Council, Clarence City Council, Devonport City Council, Dorset Council, George Town Council, Hobart City Council, Huon Valley Council, Kentish Council, Kingborough Council, Latrobe Council, Launceston City Council, Waratah-Wynyard Council and West Tamar Council.

As a property owner in the municipality, the TLC has been a grateful beneficiary of financial support through this scheme. Councillors and staff will be well aware of the cost of managing land, and covenanted properties may have special requirements regarding weed management, feral species control or recommended fire regimes to optimise conditions for significant species. The rate rebate provides a small contribution to landholders for the cost of managing important natural values. While a relatively small contribution of the total council budget, the rates rebate is noteworthy for landowners and strongly demonstrates the Council's commitment to the sustainable management of natural resources.

The commitment to the existing scheme is a credit to the Meander Valley Council as it has provided welcome support for the management of key environmental values in the area. While the rates rebate contributes towards the costs directly incurred by the landowners, the true benefits of healthy landscapes can be seen throughout the catchment. Testimony to the environmental benefits that flow from covenanting, a past State of the Environment Report for Tasmania recommended that all councils provide rate incentives to encourage private land conservation.

The TLC congratulates Meander Valley Council on the implementation of the Conservation Covenant Incentive Scheme in years' passed, and we implore you to continue the initiative in the future.

With regards



James Hattam

Acting CEO

Tasmanian Land Conservancy  
PO Box 2112  
Lower Sandy Bay TAS 7005  
**Ph** 03 6225 1399  
**E** [info@tasland.org.au](mailto:info@tasland.org.au)  
[www.tasland.org.au](http://www.tasland.org.au)

**From:** Leigh Walters  
**Sent:** 12 Dec 2016 01:40:39 +0000  
**To:** Meander Valley Council Email  
**Cc:** Martin Gill  
**Subject:** Rate Rebates for Conservation Covenants  
**Attachments:** Meander Valley Council Rate Rebate Scheme.docx

Dear Martin,

I understand there has or will be at some time a discussion about rate rebates for conservation covenant landowners, please see my attached letter supporting the continuation of the scheme.

To the Mayor, Councilors and General Manager.

Please see my attached letter regarding land managed for conservation.

Regards, Leigh



Tasmanian Land Conservancy

PO Box 392, Launceston, TAS 7250

72 Tamar Street, Launceston, TAS 7250

Tel: 03 6331 9295 Mobile: 0407 891 025

E-mail: [lwalters@tasland.org.au](mailto:lwalters@tasland.org.au)

[www.tasland.org.au](http://www.tasland.org.au)

[@Tas\\_Land](#)

Meander Valley Council

PO Box 102

Westbury, 7303

The Mayor and Councilors

I am writing in support of your program to provide rate re-bates for land holders that have conservation covenants on their land for which they receive a small rebate on their council rates.

The benefits in supporting land holders willing to manage all or part of their land for conservation purposes are many, not only to the land holder themselves but also to the region its inhabitants and Tasmanians in general. These benefits include the aesthetic values for which your area is famous, the maintenance of water quality and erosion control. Importantly these areas also provide habitat and refuge for a wide range of threatened flora and fauna. Areas protected under a conservation covenant form part of Australia's National Reserve System and therefore also contribute to Australia's international obligations such as the Convention on Biological Diversity.

Should you have any questions, please feel free to contact me.

Kind Regards,

A handwritten signature in black ink, appearing to read 'L Walters', with a long horizontal flourish extending to the right.

Leigh Walters

Operations Manager

Tasmanian Land Conservancy

lwalters@tasland.org.au

[facebook.com/taslandconservancy](https://www.facebook.com/taslandconservancy)

[instagram.com/tasland](https://www.instagram.com/tasland)

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Annemaree Woodward  
Aeolia  
700 Larcombes Rd  
Reedy Marsh  
Tasmania 7304  
Email: yanga@antmail.com.au

24 July 2016

To the Mayor and all Councillors -  
Craig Perkins, Michael Kelly, Bob Richardson, Andrew Connor, Deborah White, Tanya King, Rodney Synfield, Ian Mackenzie and John Temple.

CC NRM Officer, Stuart Brownlea

**Conservation Covenant Incentive Scheme - MVC Policy 74**

Dear Mesdames and Sirs,

I understand Meander Valley Councillors are attending a workshop on 26 July 2016, and will consider the Conservation Covenant Incentive Scheme - MVC Policy 74. I write to support the retention of Policy 74 and wish to point out the reasons for so doing.

I decided to conserve my block of land because it is located in a forested area where both the public and private land has high natural values. I considered it was an advantage to both nature and the public interest that I largely forgo development of my land.

My land is in an area of high biodiversity: it contains priority vegetation communities and is habitat for endangered species.

My block of land is small - 30.35 hectare of which 28.82 are conserved in perpetuity through the Private Forest Reserve Program. The balance is set aside as a homestead site. My land is now zoned Environmental Living.

At the time I was advised by the assessor from DPIPWE of the benefits that would accrue to me through conserving my land. Apart from a feeling of well-being, these were an incentive payment from the State Government and a rates' rebate from MVC.

The incentive payment was a modest 'one-off'. It was by no means compensation for the loss of development potential caused by the covenant – it was never considered as compensation by either the state government or myself.

I applied for inclusion in the Conservation Covenant Incentive Scheme in 2007 and have had the benefit of a reduction in my rates since that time. I am grateful for this benefit.

I understand that there are about 80 conservation covenants in the Meander Valley Municipality. Accordingly it would seem that the amount of revenue foregone by the

Conservation Covenant Incentive Scheme is not great. Nevertheless it is significant to the beneficiaries as recognition for their contribution to the conservation of nature.

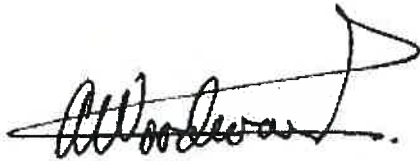
I am unaware of any other schemes the Meander Valley Council has to support biodiversity in our municipality. I do know that there is still ongoing removal of forest and it seems that the Council is unable to prevent the loss of priority habitat through the planning scheme.

This being the case I think it is important that the Conservation Covenant Incentive Scheme continues. Currently it appears to be the only way that Council can demonstrate its support for biodiversity conservation and sustainable development.

Accordingly I think Council should consider that the Conservation Covenant Incentive Scheme is an inexpensive, easy to manage benefit to our municipality that helps protect natural values whilst at the same time enhances the Meander Valley Council's standing in the national arena in the sphere of biodiversity conservation.

For these reasons I consider that Meander Valley Council should retain its Conservation Covenant Incentive Scheme. I hope you agree and would appreciate a reply with your opinion and any comment on the content of my letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Annemaree Woodward', with a large, stylized flourish extending from the end of the signature.

Annemaree Woodward

Kali & Erik Bierens  
1012 Bogan Road  
Golden Valley  
Tasmania 7304  
(03) 6369 5217

22<sup>nd</sup> August 2016

Meander Valley Council  
26 Lyall Street  
Westbury Tas 7303

**Attention: Stuart Brownlea**

**Review of Meander Valley Council Policy 74,  
Conservation Covenant Incentive Scheme**

Dear Sir,

Thank you for the invitation to comment on the review of the Conservation Covenant Incentive Scheme, Council Policy 74.

We support the objectives of this policy in its current form. The objectives being: "To formally encourage, recognise and reward voluntary conservation of high priority natural values", by offering a small financial rate rebate, through the implementation of the Conservation Covenant Incentive Scheme. We believe that the policy should be retained unchanged.

The policy states that the Council recognises that conservation covenants have flow on benefits for the tourism sector. It is true that land protected for its natural assets in perpetuity, enhances the scenic landscape and adds value to the visitor experience. Tourism has the potential to stimulate the local economy, attract visitors, retain residents through employment opportunities and sustain a local ratepayer base.

The conservation covenants are the outcome of an extensive formal process between private landholders and the state government, who together have identified significant areas of bio-diversity and ensured formal recognition and protection for these areas. Protecting significant habitat provides connectivity for threatened, endangered and endemic species of both flora and fauna. This adds outstanding value to our region.

We believe that residents taking part in the conservation covenant program should continue to be rewarded for their long term commitment to local conservation.

Yours sincerely,

Kali and Erik Bierens.

# **CORPORATE 1**

Reference No. 134/2019

## **REQUEST FOR REMISSION OF THE 2019-20 RATES AND CHARGES ON 152 AND 154 BLACKSTONE ROAD, BLACKSTONE HEIGHTS**

**AUTHOR:** Jonathan Harmey  
Director Corporate Services

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### **1) Recommendation**

***It is recommended that Council grants a rate remission for the General Rate (subject to applying the Minimum Amount of \$170) and Waste Management charge for 2019-20 under Section 129 of the Local Government Act 1993 to the following properties:***

- 1. Unit 1/152 Blackstone Road, Blackstone Heights***
- 2. Unit 2/152 Blackstone Road, Blackstone Heights***
- 3. 154 Blackstone Road, Blackstone Heights***

### **2) Officers Report**

The purpose of this report is for Council to consider a request from the owner of 152 and 154 Blackstone Rd, Blackstone Heights for a remission of the 2019-20 rates and charges levied on the two properties that continue to be affected by landslip.

In July 2014 a landslip event occurred at the front of the properties at 152 and 154 Blackstone Road, Blackstone Heights. As a result of this event Council commissioned an assessment of the sites and the potential risk to the residents of the affected properties.

The assessment concluded that there was risk of further landslip activity and recommended the evacuation of residents of 152 and 154 Blackstone Road and ongoing monitoring of landslip activity. The residents were issued a notice to vacate on 12 August 2014. The notice is still in force and the properties remain unoccupied. The property owner has not taken sufficient actions to have the evacuation order lifted however has noted in their request that the owner now

has a planning permit and will be applying for a building permit to rectify the problems.

When considering the ongoing management of the landslip at the affected properties at its November 2014 meeting, Council decided to provide a pro-rata rate remission from the date of the notice to vacate for the General Rate (subject to applying the Minimum Amount of \$135) and the Waste Management service charge for 2014-15. Council considered a request from the property owner and provided a rate remission on the same basis at the following meetings:

- June 2016 (for the 2015-16 financial year)
- June 2017 (for the 2016-17 financial year)
- September 2017 (for the 2017-18 financial year)
- October 2018 (for the 2018-19 financial year)

The State Government Fire Levy was not remitted on each occasion as Council is required to pay this amount to the State Fire Commission. The minimum rate was not remitted on each occasion as it was considered that every property owner has an obligation to contribute a minimum amount to the ongoing governance, administration and provision of essential services to the community. The rates remissions previously provided to the property owner is summarised as follows:

<b>Financial Year</b>	<b>Rates Remission</b>
2014-15	\$1,806 (pro-rata)
2015-16	\$2,148
2016-17	\$2,228
2017-18	\$2,341
2018-19	\$2,448

The owner of 152 and 154 Blackstone Road has written to Council requesting rate remissions on the properties for the 2019-20 financial year (refer to the attached letter).

Section 129 of the Local Government Act 1993 allows Council, by absolute majority to grant a remission of any rates payable by a rate payer. Until the engineering issues are resolved and the structural integrity of the dwellings restored, the properties need to remain unoccupied.

It is noted that some adjoining properties affected by the Blackstone Heights landslip have completed rectification works and had the evacuation order revoked. Rates remissions have been provided for 152 and 154 Blackstone Road by Council since August 2014 and if the current request is approved, then five

years and eleven months will have been covered by some rates remission. The property owner has previously been advised that while requests for rates remissions in the future can be received it is preferred that action be taken by the property owner to return the two properties to a condition where the evacuation order can be revoked.

It is recommended that Council grant a remission of the General Rate (subject to applying the Minimum Amount of \$170) and the Waste Management service charge for 152 and 154 Blackstone Road totalling \$2,259.90. Council sets a minimum amount payable in respect of the General Rate to ensure that all rateable properties make a base contribution to the cost of administering council's activities and maintaining the services and physical infrastructure that supports each property. A remission of the Fire Levy is not recommended as Council is required to pay this amount to the State Fire Commission.

### **3) Council Strategy and Policy**

Not applicable

### **4) Legislation**

Rate remissions may be granted by absolute majority in accordance with Section 129 of the Local Government Act 1993.

### **5) Risk Management**

Not applicable

### **6) Government and Agency Consultation**

Not applicable

### **7) Community Consultation**

Not applicable

### **8) Financial Consideration**

The proposed rate remissions, if granted, will reduce Council revenue. The 2019-20 rates and charges for the properties are as follows:

<b>Property</b>	<b>General Rates</b>	<b>Fire Levy</b>	<b>Waste Charges</b>	<b>Total Revenue</b>
1/152 Blackstone Rd	732.75	189.31	56.00	978.06
2/152 Blackstone Rd	732.75	189.31	56.00	978.06
154 Blackstone Rd	1,136.40	293.60	56.00	1,486.00
<b>Total</b>	<b>2,601.90</b>	<b>672.22</b>	<b>168.00</b>	<b>3,442.12</b>

The recommended remission of the General Rate (subject to applying the Minimum Amount of \$170) totals \$2,259.90.

### 9) Alternative Recommendations

Council can provide a partial or no rate remission for the General Rate and Waste Management charge.

### 10) Voting Requirements

Absolute majority.

## DECISION:

**E. M. GRIFFITHS**

**P.O. Box 135**

**Trentham Vic 3458**

Ph: (03) 5424 1377 / (03) 5424 1433

Fax: (03) 5424 1599

Email: [stanshield@bigpond.com](mailto:stanshield@bigpond.com)

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Via Email: [narelle.beer@mvc.tas.gov.au](mailto:narelle.beer@mvc.tas.gov.au)

18 July 2019

Ms Narelle Beer  
Office Manager - Rates Manager  
Meander Valley Council  
P.O. Box 102  
Westbury Tas 7303

Dear Ms Beer,

**Re: Request for Rates (2020) Remission – 152 & 154 Blackstone Road, Blackstone Heights  
Property Numbers: 19255, 19256 and 12152**

We are currently working on the process of rehabilitating the above properties – we have now received a Planning Permit and are currently applying for a Building Permit in order to rectify all the problems.

The units at 152 Blackstone Road are still uninhabitable, and evacuation orders for 152 Blackstone Road and 154 Blackstone Road are still in place.

In light of the circumstances I respectfully request a Rate remission for the above properties for the 2019/2020 financial year.

Yours sincerely,



pp Eva Griffiths.



# **INFRASTRUCTURE 1**

Reference No. 135/2019

## **PROPOSED NEW ROAD NAME – ASKRIGG LANE, NEEDLES**

**AUTHOR:** Beth Williams  
Administration Officer, Infrastructure Services

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### **1) Recommendation**

***It is recommended that Council endorse the proposed new road name of 'Askrigg Lane' for the short section of sealed road accessed off Mole Creek Road, and forward it to the Nomenclature Office for formalisation.***

### **2) Officers Report**

In 1997, TJ & AF Terry Pty Ltd (now identified as Askrigg Investments Pty Ltd – Tasmania Truffles) were awarded Planning Permit approval (#S19/97) from Council for development of their subdivided property. One of the conditions placed upon the Terry's was that 'the new internal road is to be upgraded to sealed rural road standard (5-metre sealed carriageway with gravel shoulders and adequate drainage) between Mole Creek Main Road and new lot 8 prior to takeover by Council.' Refer to Figure 1 below for road location.

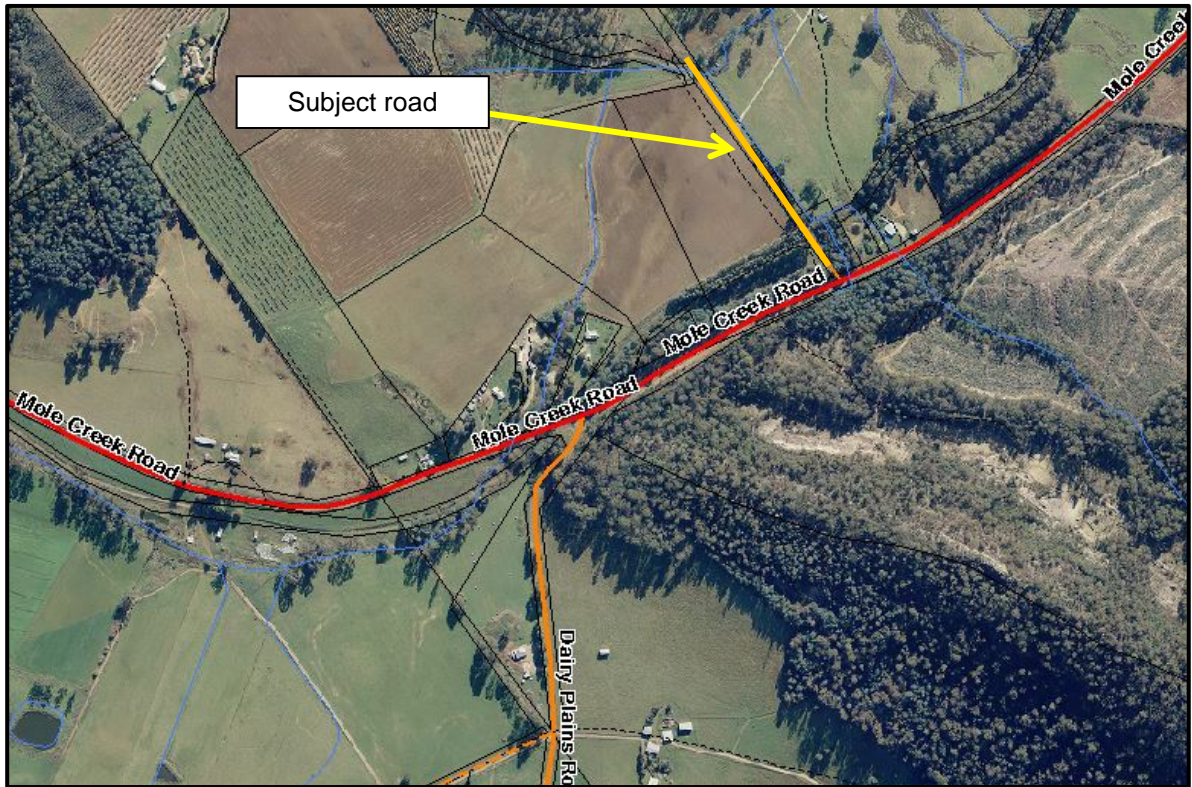


Figure 1: location of subject road to be named 'Askrigg Lane'

Mr and Mrs Terry subsequently carried out the roadworks, with the road section sealed to Council's standard for a distance of 365 metres from Mole Creek Road to the south side of an existing cattle grid. Although the road has been known as 'Askrigg Road' since the road's construction in early 1998, the handover to Council did not occur.

Council's Works Director has recently inspected the road, and has confirmed it was constructed and sealed to Council's standard and could therefore be taken over by Council with the acknowledgement that Council will be responsible for all future road maintenance.

The Terry property has been developed as a black truffle producer ('Tasmanian Truffles') and is named 'Askrigg' after a small village located in North Yorkshire, England where the Terry family originated. Because of the long-standing association of this section of road with the property name, it is intended to formally name this road, 'Askrigg Lane'. [Note: The preferred choice of the generic 'Road' rather than 'Lane' cannot be adopted as consultation with the Nomenclature Office has confirmed that duplication of any road name within Tasmania is no longer permitted; there is an existing 'Askrigg Road' in Gretna, southern Tasmania.]



Figure 2: access to subject road off Mole Creek Road (looking north)



Figure 3: subject road from cattle grid towards Mole Creek Road (looking south)

Local Government is a key road naming authority for all council maintained roads within respective municipalities under Section 20(E) of the *Survey Co-Ordination Act 1944*. However, although a council has the jurisdiction to name roads within proclaimed town boundaries, this road is located outside of any town boundary and as such, after endorsement by Council, will require submission to the Nomenclature Board for its approval and gazetting.

The Terry family has been consulted regarding Council taking ownership and maintenance responsibilities of the 365-metre sealed road section, as per the conditional arrangement of the 1997 Planning Permit. They are in agreeance to having this road section identified as 'Askrigg Lane'.

### **3) Council Strategy and Policy**

Not applicable

### **4) Legislation**

Road naming is regulated under the *Survey Co-Ordination Act 1944*.

### **5) Risk Management**

Risk is managed through the formal process of ratifying road names to avoid conflict with existing named roads in other municipalities within Tasmania. Non-duplication of names also ensures greater address clarity for such agencies as emergency services as it removes confusion in property location identification, thus enhancing public safety.

### **6) Government and Agency Consultation**

Not applicable

### **7) Community Consultation**

Not applicable

### **8) Financial Consideration**

Not applicable

## **9) Alternative Recommendations**

Council can select a name other than that recommended or delegate this responsibility to Council staff.

## **10) Voting Requirements**

Simple majority

**DECISION:**

## **INFRASTRUCTURE 2**

Reference No. 136/2019

### **DIVESTMENT OF COUNCIL PROPERTIES**

**AUTHOR:** Dino De Paoli  
Director Infrastructure Services

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#### **1) Recommendation**

***It is recommended that Council proceed with divestment under Section 177 of the Local Government Act 1993 and approve the General Manager to enter into contracts of sale for the following properties;***

- 1) 6-8 Emu Bay Road, Deloraine (CT:162910/1)***
- 2) 333 Westbury Road, Prospect Vale (CT:143357/1)***
- 3) 35 William Street, Westbury (CT:219994/1)***

#### **2) Officers Report**

The purpose of this report is for Council to consider the divestment of the following three Council properties;

- 6-8 Emu Bay Road, Deloraine (CT:162910/1)
- 333 Westbury Road, Prospect Vale (CT:143357/1)
- 35 William Street, Westbury (CT:219994/1)

These properties are not classified as "Public" under the Local Government Act 1993 and are considered by Officers to be surplus to Council's current and long term needs.

Council previously considered the divestment of these properties at the Ordinary Council Meeting in October 2018, however, resolved not to proceed with the divestment at that point in time. The divestment of Council properties was most recently presented to Council for discussion at the workshop on 23 July 2019.

Further details on each property are provided below.

**6-8 Emu Bay Road, Deloraine (CT:162910/1)**

This property is surplus to Council’s needs and no strategic plan was identified for this building during the Deloraine Outline Development Plan project. This property was originally identified for sale approximately 9 years ago with a project included in Council’s Capital Works program (FY10/11). The sale did not progress at the time due to various considerations around the cost and responsibility to upgrade the building concerning fire separation, and also protracted lease agreement negotiations with Service Tasmania.

The property contains commercial premises. The current tenancies are made up of Service Tasmania, and the Department of Education (Deloraine Library Literacy Office). The office previously tenanted by the former member of the legislative council, Greg Hall, is currently vacant.

The zoning for the land is General Business.



Aerial photo 1: 6-8 Emu Bay Road

**333 Westbury Road, Prospect Vale (CT:143357/1)**

This property is surplus to Council’s needs and there was no strategic project identified for this property in the Prospect Vale Blackstone Heights Structure Plan.

The property contains a residential dwelling and was purchased in November 2014 as part of the Westbury Road-Vale Street intersection roundabout project.

The roundabout project was completed and the property is currently leased through Bushby Real Estate.

It is noted that the Department of Communities has expressed an interest in the purchase of this property from Council to assist the State Government with the delivery of affordable housing to the area. The General Manager may negotiate directly with the Department to sell the property based on fair market value should Council support the recommendation for divestment.

The zoning for the land is General Residential.



Aerial photo 2: 333 Westbury Road

**35 William Street, Westbury (CT:219994/1)**

This property contains a residential dwelling and was purchased in November 2015 with the intention of being “land banked” for incorporation into the potential future development of a commercial hub within Westbury. This was predicated in part on the establishment of a new supermarket on the corner of William Street and Meander Valley Road. Council currently manages the lease for this property.

Since Council purchased this property, there has been no further progress toward a commercial hub in this location, and the building work for the new IGA supermarket at 45 Meander Valley Road, Westbury, is nearing completion.



The zoning for the land is Urban Mixed Use.



Aerial photo 3: 35 William Street

The proceeds from the sale of the properties are recommended to be applied to new or upgraded property development projects in line with Council's strategic documents and to be determined by Council as part of future capital works considerations.

### 3) Council Strategy and Policy

Further the objectives of the Council's Community Strategic Plan 2014 to 2024:

- Future Direction (5): Innovative leadership and community governance

### 4) Legislation

Section 177 Sale and disposal of land under the Local Government Act 1993 applies. A decision to sell land by Council under Section 177 must be carried by an absolute majority.

## 5) Risk Management

Not applicable

## 6) Government and Agency Consultation

Not applicable

## 7) Community Consultation

Not applicable

## 8) Financial Consideration

The following table details the current value of the properties provided by the State Government's Office of the Valuer General (OVG), effective 1 July 2018:

Property	OVG Valuation
6-8 Emu Bay Road, Deloraine	\$315,000
333 Westbury Road, Prospect Vale	\$330,000
35 William Street, Westbury	\$250,000

Prior to Council selling the properties, Officers will obtain a valuation from a qualified valuer that will be used to determine fair market value for the sale process.

## 9) Alternative Recommendations

Council could elect not to sell any or all of these properties.

## 10) Voting Requirements

Absolute majority

## DECISION:

# GOVERNANCE 1

Reference No. 137/2019

## LOCAL GOVERNMENT CODE OF CONDUCT PANEL DETERMINATION REPORT

**AUTHOR:** Jonathan Harmey  
Director Corporate Services

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### 1) Recommendation

***It is recommended that Council receive the Local Government Code of Conduct Panel Determination Report, dated 8 July 2019, which upholds a complaint against Councillor Rodney Synfield brought by Council's General Manager.***

### 2) Officers Report

The purpose of this report is for Council to receive a Local Government Code of Conduct Panel Determination Report (attached).

A complaint was brought against Councillor Rodney Synfield (Cr Synfield) by Martin Gill (Council's General Manager) as outlined in the report. The Panel met on 30 May 2019 and 5 June 2019 to conduct hearings, with the determination report dated 8 July 2019.

The complaint brought against Cr Synfield by Council's General Manager alleged that Cr Synfield breached all of the following Sections of Council's Code of Conduct:

*Part 7 Relationships with community, Councillors, and council employees*

7.1 *A Councillor*

- a. must treat all persons with courtesy, fairness, dignity and respect; and*
- b. must not cause any reasonable person offence or embarrassment; and*
- c. must not bully or harass any person.*

7.5 *A Councillor must not contact an employee of the council in relation to council matters unless authorised by the General Manager of the council.*

## *Part 8 Representation*

8.7 *The personal conduct of a Councillor must not reflect, or have the potential to reflect, adversely on the reputation of the council.*

The State Government's independent Local Government Code of Conduct Panel upholds the complaint against Cr Synfield.

The Code of Conduct had a range of sanctions available to impose on Cr Synfield for the contravention of Council's Code of Conduct. The Panel chose to impose a reprimand on Cr Synfield, and requires him to undertake training in the competencies of Emotional Intelligence. Council is required to organise and pay all associated costs associated of the training, to occur between 9 August 2019 and 30 September 2019.

### **3) Council Strategy and Policy**

The complaint considers the current Code of Conduct approved by Council on 12 March 2019 and the previous Code of Conduct approved by Council on 12 July 2016.

Further the objectives of Council's Community Strategic Plan 2014 to 2024:

- Future direction (5) – Innovative leadership and community governance

### **4) Legislation**

In accordance with Section 28ZK of the Local Government Act 1993 (Act) the Code of Conduct Panel has made its determination in relation to a complaint. As per Section 28ZK(2) of the Act copies have been provided to Cr Synfield, Council's General Manager and the State Government's Director of Local Government.

In accordance with Section 28ZK(4) of the Act the report is to be tabled at the August 2019 meeting of Council which is open to the public.

In accordance with Section 28ZNA of the Act if, as a result of a determination report, a councillor is required to undergo training, the costs associated with that training are to be borne by the relevant council.

### **5) Risk Management**

Not applicable

## **6) Government and Agency Consultation**

Not applicable

## **7) Community Consultation**

Not applicable

## **8) Financial Consideration**

The cost to Council for the Code of Conduct Panel to hear the complaint is expected to be between \$5,000 and \$10,000.

The Panel imposes a reprimand on Cr Synfield, and requires him to undertake training in the competencies of Emotional Intelligence. This training is to be organised by Council. The cost to Council to facilitate this training is expected to be between \$5,000 and \$10,000.

## **9) Alternative Recommendations**

Not applicable

## **10) Voting Requirements**

Simple majority

## **DECISION:**

## CODE OF CONDUCT PANEL DETERMINATION REPORT\*

### MEANDER VALLEY COUNCIL COUNCILLOR CODE OF CONDUCT

Complaint brought by Mr Martin Gill (General Manager, Meander Valley Council)  
against Cr Rodney Synfield

**Date of Determination:** 8 July 2019

#### **Code of Conduct Panel:**

Lynn Mason (Chairperson)  
Sue Smith (community member with experience in local government)  
Anthony Mihal (legal member)

#### **Summary of the Complaint**

The complaint from Mr Gill was submitted to the Executive Officer of the Code of Conduct Panel (*the Panel*) on 20 September 2018. The Chairperson of the Panel undertook an initial assessment of the complaint and advised on 16 October 2018 that she had determined that the whole of the complaint was to be investigated and determined by the Panel. The Panel's jurisdiction to investigate the complaint was curtailed when Cr Synfield failed to retain his seat on Meander Valley Council (*the Council*) in the October 2018 local government elections.

Cr Synfield returned as a Councillor following the resignation of a sitting Councillor in April 2019. The Complainant was advised as a matter of courtesy that the Code of Conduct Panel again had jurisdiction to hear the complaint, and would do so, provided that he did not wish to withdraw the complaint. Mr Gill advised that he did not wish to withdraw the complaint. The Panel subsequently recommenced its investigation.

Cr Synfield was notified on 8 May 2019 that the investigation into the complaint had been reopened, and documents pertaining to the complaint were sent to him again.

The Council adopted a revised version of the Code of Conduct (*the Code*) on 12 March 2019. Panel investigated the complaint in accordance with the Code adopted by Council on 12 July 2016, which was in force at the time of the alleged breaches.

The sections of the Code which Mr Gill alleged Cr Synfield breached are:

*Part 7 Relationships with community, Councillors, and council employees*

#### *7.1 A Councillor*

- a. must treat all persons with courtesy, fairness, dignity and respect; and*
- b. must not cause any reasonable person offence or embarrassment; and*
- c. must not bully or harass any person.*

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\* Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council.

7.5 *A Councillor must not contact an employee of the council in relation to council matters unless authorised by the General Manager of the council.*

#### *Part 8 Representation*

8.7 *The personal conduct of a Councillor must not reflect, or have the potential to reflect, adversely on the reputation of the council.*

### **The Complaint**

Mr Gill alleged that Cr Synfield's behaviour towards a female council employee (*the employee*) over a period of months had led to her specifically requesting Cr Synfield to restrict his contact with her to work related matters. This occurred on 18 July 2018. Cr Synfield responded to the employee on the same day, stating that he had wanted to give her a birthday present *100% as a private person, caring about someone else (you)*; and referring to *the interest we have already expressed about and for each other*. In a second message five days later, in reply to Cr Synfield's email of 18 July 2018, the employee stated that *I think you have misunderstood the meaning and intent of my email to you. I feel a boundary has been crossed and it is important to me that you respect my previous request*. She also said that the interaction between herself and Cr Synfield was *professional, and nothing beyond that*.

On 2 August 2018 Mr Gill, as General Manager, emailed Cr Synfield at 11.58 am, stating in summary:

- That he (Mr Gill) was the only person within the Council who was aware of all the details of the situation between Cr Synfield and the employee;
- That the employee had been uncomfortable in her encounters with Cr Synfield because she detected differences between the way she viewed her relationship with Cr Synfield, and Cr Synfield's view of it;
- That the employee felt no anger or malice towards Cr Synfield; and
- That he wanted to consider how Cr Synfield could return to his duties as a Councillor.

Mr Gill went on to instruct Cr Synfield on his expectations of the Councillor's future behaviour towards all council employees, viz.,

- *You make all initial contact with me when you have questions or enquiries, or ask the Mayor to make an enquiry on your behalf;*
- *If you do need to see a director you make an appointment;*
- *You do not come into the staff area without an appointment or without a director having come to accompany you through the staff area.*

Mr Gill concluded his email by offering whatever support within Council's power that Cr Synfield needed to assist him to return to his duties as a Councillor. Cr Synfield did not respond to the General Manager.

Mr Gill alleged that on or about 3 August 2018, Cr Synfield approached the employee as she sat in her car in a public street. Cr Synfield did not dispute that this had occurred. As a result of this approach, the employee asked Mr Gill, as General Manager of the Council, to discuss the situation with the directors (senior management of the Council).

On 7 August 2018, Mr Gill wrote again to Cr Synfield. He received no response.

Mr Gill alleged that on 19 August 2018, Cr Synfield went to where the employee was feeding her horses alone in the evening. Cr Synfield did not dispute that this had occurred. Both the employee and Cr Synfield agreed that the employee was so startled that she screamed when he

appeared unexpectedly. At this time, Cr Synfield had made no contact with the General Manager in response to his emails.

On 21 August 2018, the General Manager wrote again to Cr Synfield asking him to *stop to reflect and consider what impact you are having* on the employee.

On 24 August 2018 the General Manager advised Cr Synfield in writing that he had sought legal advice regarding the situation with the employee and *her ability to feel safe*.

Mr Gill alleged that on 26 August 2018, without the General Manager's permission, Cr Synfield approached another female council employee at a supermarket to ask her about a Council matter. Cr Synfield did not dispute that this had occurred. On 27 August, the General Manager advised Cr Synfield in writing that this employee had told him of Cr Synfield's approach to her (in a public place and without seeking permission from the General Manager), and that the matter of Cr Synfield's situation vis-à-vis council employees (including the employee) would be discussed at a Council workshop on 28 August.

Cr Synfield did not respond to any of the General Manager's emails. He did not dispute that he had received all of them.

On 20 September 2018, the General Manager, Mr Gill, lodged his complaint against Cr Synfield.

### **Procedure (including the hearing)**

Under s28ZD (1) (a), the Panel is to make every endeavour to investigate and determine a complaint within 90 days of the Chairperson's determining to investigate the whole of the complaint. The Panel could not complete its investigation in respect of this complaint within that time. The reason for that was that the Panel was without jurisdiction to investigate and determine the complaint between September 2018 and April 2019, owing to the failure of Cr Synfield to retain his seat as a Councillor. The investigation was resumed as soon as practicable after Cr Synfield resumed his role as a Councillor.

Cr Synfield responded to the initial notification of the complaint on 24 October 2018 by requesting that he be given further time to respond to the complaint. The Panel acceded to this. On Cr Synfield's return to Council in April 2019, the investigation reopened.

The Panel met on 10 May 2019 to consider the complaint and response from Cr Synfield. Following that meeting, the Panel requested information from Mr Gill as follows:

- *The Panel has received a document entitled 'Extract from Employee Statement to Council Solicitor'. Please provide the full statements provided by (the employee), or any other party, relative to the complaint;*
- *Please provide a copy of the brief given to Edge Lawyers in the matter of the complaint, the brief which resulted in the letter from Edge Legal to the General Manager dated 23 August 2018;*
- *Please advise the Panel of any leave from Council taken by Cr Synfield during the period covered by the complaint;*
- *When did Cr Synfield return as a Councillor following the recount?*
- *Is (the employee) still employed by the Council, and if so, in what capacity? If she has left Council's employment, please tell the Panel of the date her employment terminated.*
- *Please provide any other evidence you consider relevant to the complaint.*



The Panel determined to conduct a hearing as part of its investigation of the complaint. In response to the Panel's request Mr Gill provided further documents before the hearing. The parties were given copies of all of the written material considered by the Panel before the hearing.

The hearing was held on 30 May 2019, when it was adjourned after three hours, and concluded on 5 June 2019. Cr Synfield called two character witnesses and two witnesses with knowledge of Cr Synfield's role on council and in the community: Mr Ian Mackenzie and Cr John Temple. Mr Gill called one witness, the employee. The employee provided her evidence by telephone.

The Panel heard both character witnesses attest to their relationship with Cr Synfield.

Mr Gill then made his statement to the Panel, and provided written submissions, including:

- Details of three incidents which he considered demonstrated contravention of the Code by Cr Synfield –
  - Incident 1, 3 August 2018<sup>1</sup>, when Cr Synfield approached the employee while she sat in her car awaiting traffic movement in a public street;
  - Incident 2, 19 August 2018, when Cr Synfield approached the employee while she was feeding her horses in an isolated rural area; and
  - Incident 3, 26 August 2018, when Cr Synfield followed a senior female council employee to the supermarket and spoke to her there about a council matter;
- Copies of emails between the parties pertinent to the above incidents.

Cr Synfield was provided with copies of the above material at the hearing.

Mr Gill requested that as a result of the Panel's investigation of the complaint, Cr Synfield acknowledge in writing that his behaviour was inappropriate, and acknowledge in writing and abide by the direction that he have no contact with Council employees.

The employee tabled a chronology of the events from March 2017 to 19 August 2018, and included a number of emails which had been exchanged between herself and Cr Synfield during that time.

The employee also stated that:

- The situation had been going on for almost 12 months and had taken a significant amount of time to manage;
- That from approximately mid-2018, Cr Synfield's phone calls to her had become more frequent, so that she began to screen his calls and send them to voice mail;
- That from approximately June 2018, Cr Synfield's emails had become more concerned with matters outside council business, and that 'the intensity of his level of concern for me' began to be worrying;
- She had been and continued to be the subject of discussion and opinion, and that she was embarrassed and distressed by this occurring in her place of employment;
- Her role as an employee had of necessity been curtailed, so that she no longer attended Council meetings, no longer presented at Council workshops, and no longer attended Council events.

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<sup>1</sup> This may have been Thursday 2 August 2018. Mr Gill sent his first relevant email to Cr Synfield on 2 August 2018. This incident occurred later on that day or very shortly afterwards.

Cr Synfield considered that his relationship with the employee had three elements: employee to Councillor, community member to Councillor, and private person to private person. Cr Synfield disputed that he used Council matters as a vehicle for 'other' interaction.

Cr Synfield said that his only motivation in contacting the employee after her email to him on 23 July 2018 was not because he accepted that he had 'crossed the line' as a Councillor with an employee, but because of his care and concern for her, and if his care and concern had caused her angst and concern, he wanted to apologise to her. He tried to do this in the street on or about 3 August 2018.

Mr Gill became involved in the issue because as General Manager, the employee appealed to him for assistance. Cr Synfield was asked by the Panel whether he considered that he might have tried to resolve the matter of a possible apology by contacting the General Manager or another senior member of staff, or another Councillor. Cr Synfield said that between 3 August 2018 and 19 August 2018 he had tried to apologise through the auspices of Cr Temple, but was told that the employee had not wanted to hear such an apology: she 'wanted to put the matter behind her'. He said that he did not consider it was necessary to use the context of Council to make an apology to the employee, as again, he did not consider that he had breached the boundaries of acceptable Councillor to employee behaviour, but rather, that he had caused the employee angst and concern as a private individual relating to another private individual.

He regarded the incident on 19 August 2018 as 'organic': an opportunity which arose accidentally, and which he saw as another opportunity to apologise for causing the employee angst and concern. He did not see this as an incident between a Councillor and an employee, but rather as 'person to person'.

Mr Mackenzie appeared as a witness for Cr Synfield. He stated that the times at which Cr Synfield could pick up fodder from his property for his farm varied according to his own commitments, and therefore he disputed that Cr Synfield deliberately timed his trips to collect fodder so that he could contact the employee while she was attending to her horses on agistment.

Cr Temple appeared as a witness for Cr Synfield. When he was asked by Cr Synfield to apologise on his behalf to the employee, he had asked the General Manager to be permitted to speak to the employee, and this was approved. Later that day the General Manager told Cr Temple that the employee did not wish to receive the apology from him. He believed that Cr Synfield believed that the matter was based on a misunderstanding.

Cr Synfield tabled emails in groups numbered from 11 to 33, dated from 12 January 2018 to 23 July 2018.

The hearing was adjourned at approximately 12.30 pm and resumed on Wednesday 5 June 2019. In the interim between adjournment and resumption, the emails tabled by Cr Synfield were copied and sent to the Panel and to Mr Gill.

Cr Temple resumed giving evidence on 5 June 2018. Cr Temple then left the hearing.

Cr Synfield's response, in summary, made the following points:

- There had been occasions when the employee had contacted him as a Councillor about matters not directly related to her role as an employee, but rather, as a member of the community;

- There had been occasions when the employee and Cr Synfield had conversations about farming and other subjects;
- He had been stunned to receive the employee's email on 23 July 2018;
- On the occasion of the contact which occurred in the street on or about 3 August 2018, he had said in conclusion, 'I'm sorry';
- In his later evidence he referred to this as 'an aborted apology';
- The employee had told him that she did not consider the incident on 3 August 2018 as a 'confrontation';
- His contact with the employee on 3 August 2018 was 'as a private person';
- He agreed that in any public area, any Councillor is a Councillor 'all the time';
- He reiterated that at the horse agistment area on 19 August 2018 he was not apologising as a Councillor but as one private person to another;
- He stated that on 19 August, it was his view that he was not having contact with a member of staff, and that the General Manager's emails of 2 August 2018 and 7 August 2018 were 'misconceiving' and 'inflammatory';
- He was not sorry that he had interacted with the employee after 2 August 2018;
- He did not think that he had breached the Code by raising a council matter with a council employee at a supermarket on 26 August 2018, but said that he discussed an upcoming Council meeting with her, for which he did not have the General Manager's permission;
- He did not respond to the General Manager's invitations to discuss the primary matter with the employee because that would give 'some imprimatur to what was being said', and also, it would have required him to respond to the General Manager.

Mr Gill and Cr Synfield were invited to make submissions on sanction. Cr Synfield made no submission on this matter at the hearing. Mr Gill indicated that the Council would arrange and pay the cost of appropriate training in the event that the Panel ordered Cr Synfield to undertake such training.

The Panel considered possible sanctions in the event that the complaint were to be upheld. On 18 June 2019 Mr Gill and Cr Synfield were invited to comment on an order for training with Rachel Moore Consulting as a possible sanction on Cr Synfield. Cr Synfield requested to be allowed to provide further information to the Panel, and this was allowed. On 3 July 2019 the Panel met to consider the additional information provided by Cr Synfield and the submissions provided by Mr Gill and Cr Synfield on sanction. The Panel did not consider it necessary to give Mr Gill an opportunity to respond to the additional material provided by Mr Synfield before making its determination of the complaint.

### **Material considered by the Panel**

- Statement made by the employee to Edge Legal, undated, 6 pp
- Extract of statement made by the employee to Edge Legal, undated, 3pp
- Email from the employee to Cr Synfield, 0915, 18 July 2018, and forwarded the same day to the General Manager
- Email from Cr Synfield to the employee, 1442, 31 May 2018
- Email from the employee to Cr Synfield, 1454, 31 May 2018
- Email from Cr Synfield to the employee, 1751, 31 May 2018
- Email from Cr Synfield to the employee, 2 June 2018
- Email from Cr Synfield to the employee, 4 June 2018
- Generic email response from employee, 4 June 2018
- Email from the employee to Cr Synfield, 6 June 2018

- Email from Cr Synfield to the employee, 15 June 2018
- Email from the employee to Cr Synfield, 20 June 2018
- Email from Cr Synfield to the employee, 27 June 2018
- Email from Cr Synfield to the employee, 1 July 2018
- Email from Cr Synfield to the employee, 4 July 2018
- Email from the employee to Cr Synfield, 4 July 2018
- Email from Cr Synfield to the employee, 12 July 2018
- Email from Cr Synfield to the employee, 17 July 2018
- Email from the employee to Cr Synfield, 0915, 18 July 2018
- Email from Cr Synfield to the employee, 1349, 18 July 2018
- Email from the employee to Cr Synfield, 0922, 23 July 2018
- Email from Martin Gill, General Manager, to Cr Synfield, 2 August 2018
- Email from Martin Gill, General Manager, to Cr Synfield, 7 August 2018
- Email from Martin Gill, General Manager, to Cr Synfield, 19 August 2018
- Advice from Edge Legal to the General Manager, dated 23 August 2018, entitled Complaint by the employee regarding behaviour of Cr Synfield
- Email from Martin Gill, General Manager, to Cr Synfield, 24 August 2018
- Email from Martin Gill, General Manager, to Cr Synfield, 27 August 2018
- Email exchange between Lynette While, Council's Director Community and Development Services, and the General Manager, 27 August 2018
- Email from Cr Synfield to two council officers, 4 October 2018
- Email from Martin Gill, General Manager, to Cr Synfield, 4 October 2018
- Meander Valley Council file note dated 16 October 2018, 3 pp
- A List of Events sent by the employee to Martin Gill, 16 October 2018, 2 pp
- Email from Cr Synfield to the Executive Officer, Code of Conduct Panel, dated 27 May 2019, regarding his witnesses for the hearing
- Statutory Declaration from Martin Gill regarding witness statement from the employee, 27 May 2019
- Statutory Declaration from Robyn Pearl Receveur, 27 May 2019, 3pp
- Statement to the Panel by Martin Gill, with four appendices, tabled 30 May 2019
- Statement of chronological events from the employee, tabled by Martin Gill, 30 May 2019
- Statement by Cr John Temple, tabled 5 June 2019
- Email from Mr Gill re possible sanction, 18 June 2019
- Email from Cr Synfield re possible sanction, 25 June 2019
- Submission from Cr Synfield, 27 June 2019

## Determination

The Code of Conduct Panel upholds the complaint against Cr Synfield.

## Reasons for the Determination

### *Part 7 Relationships with community, Councillors, and council employees*

#### *7.1 A Councillor*

- must treat all persons with courtesy, fairness, dignity and respect; and*
- must not cause any reasonable person offence or embarrassment; and*
- must not bully or harass any person.*

The Panel finds that Cr Synfield did not comply with the explicit requests of the employee sent to him on 18 July 2018, and reiterated on 23 July 2018. The employee stated categorically that their relationship must be on a professional basis, limited to professional interactions between a Councillor and a council employee. The Panel finds that Cr Synfield failed to respect the wishes of the employee by approaching her on or about 3 August 2018 and again on 19 August 2018, and that his behaviour caused her embarrassment.

The Panel finds that the actions of continuing to approach the employee outside the Council offices, without permission from the General Manager, after she had requested that he desist, and the General Manager had instructed him to desist, constituted harassment of the employee. The Panel heard Cr Synfield's view that his approaches were undertaken as a private person, not as a Councillor. The Panel did not consider that Cr Synfield's defense was valid, given the intercession into the matter by the General Manager as the person responsible for the welfare of the employee as an employee of Meander Valley Council.

*7.5 A Councillor must not contact an employee of the council in relation to council matters unless authorised by the General Manager of the council.*

The Panel finds that on two occasions, Cr Synfield contacted the employee without the permission of the General Manager, and on one occasion, contacted a different employee, also without permission from the General Manager. All three events occurred after the General Manager had specifically instructed Cr Synfield not to do this. The Panel finds that while Cr Synfield put forward the view that his contacts with the employee were not on council matters, the issue had definitively become a council matter from the time that the General Manager, as the employer, intervened to support his employee. The Panel is satisfied that what Cr Synfield discussed with the second employee, by own account, amounted to council matters.

## *Part 8 Representation*

*8.7 the personal conduct of a Councillor must not reflect, or have the potential to reflect, adversely on the reputation of the council.*

The Panel finds that Cr Synfield's behaviour has the potential to reflect adversely on the reputation of the Council, given his position as an elected person, the role of the employee within the Council, and the subsequent restriction of her role across the organisation.

## **Sanction**

The Panel imposes a reprimand on Cr Synfield, and requires him to undertake training in the competencies of Emotional Intelligence. This training is to be organised by Council and provided by Rachel Moore Consulting. The Panel requires Cr Synfield to attend at least three, and up to five sessions with Ms Moore. Training is to commence on or before 9 August 2019 and be concluded by 30 September 2019.

The reasons for the imposition of the sanction are: the serious nature of the breaches; the Councillor's disregard of the General Manager's approaches which were designed both to protect the employee and make Cr Synfield aware of his obligations under the Code of Conduct; and the lack of awareness and understanding of those obligations that Cr. Synfield showed during the Panel's investigation. The Panel hopes that with further training, Cr Synfield might gain that

understanding and continue to fulfil his duties as a Councillor without committing further similar breaches of the Code.

### **Right to Review**

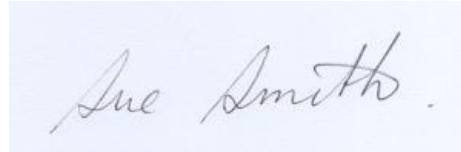
Under s28ZJ of the Act, a person aggrieved by the determination of the Panel is entitled to apply to the Magistrates Court (Administrative Appeals Division) for a review of the determination on the ground that the Panel has failed to comply with the rules of natural justice.



**Lynn Mason**  
(Chairperson)



**Anthony Mihal**  
(Legal Member)



**Sue Smith**  
(Community Member with  
experience in local government)

## **ITEMS FOR CLOSED SECTION OF THE MEETING:**

Councillor xx moved and Councillor xx seconded ***“that pursuant to Regulation 15(2)(g) of the Local Government (Meeting Procedures) Regulations 2015, Council close the meeting to the public to discuss the following items.”***

### **Voting Requirements**

Absolute Majority

Council moved to Closed Session at x.xxpm

## **GOVERNANCE 2**

### **CONFIRMATION OF MINUTES**

Confirmation of Minutes of the Closed Session of the Ordinary Council Meeting held on 9 July, 2019.

## **GOVERNANCE 3**

### **APPLICATIONS FOR LEAVE OF ABSENCE**

(Reference Part 2 Regulation 15(2)(h) Local Government (Meeting Procedures) Regulations 2015)

## **CORPORATE 2**

### **TOURISM NORTHERN TASMANIA FUNDING AGREEMENT 2020 TO 2022**

(Reference Part 2 Regulation 15(2)(d) Local Government (Meeting Procedures) Regulations 2015)

## **CORPORATE 3**

### **VARIATION TO CONTRACT FOR SALE – 18 FRANKLIN STREET, WESTBURY**

(Reference Part 2 Regulation 15(2)(d) Local Government (Meeting Procedures) Regulations 2015)

## **INFRASTRUCTURE 2**

### **CONTRACT 209 – 2019/20 – PROSPECT VALE PARK TRAINING GROUND UPGRADES**

(Reference Part 2 Regulation 15(2) Local Government (Meeting Procedures) Regulations 2015)

Council returned to Open Session at x.xxpm

Cr xxx moved and Cr xxx seconded "***that the following decisions were taken by Council in Closed Session and are to be released for the public's information.***"

The meeting closed at .....

.....  
WAYNE JOHNSTON (MAYOR)