



Meander Valley Council
Working Together

AGENDA

ORDINARY COUNCIL MEETING

Tuesday, 20 January 2026

Time 5.00pm

Location Council Chambers
26 Lyall Street
Westbury, Tasmania

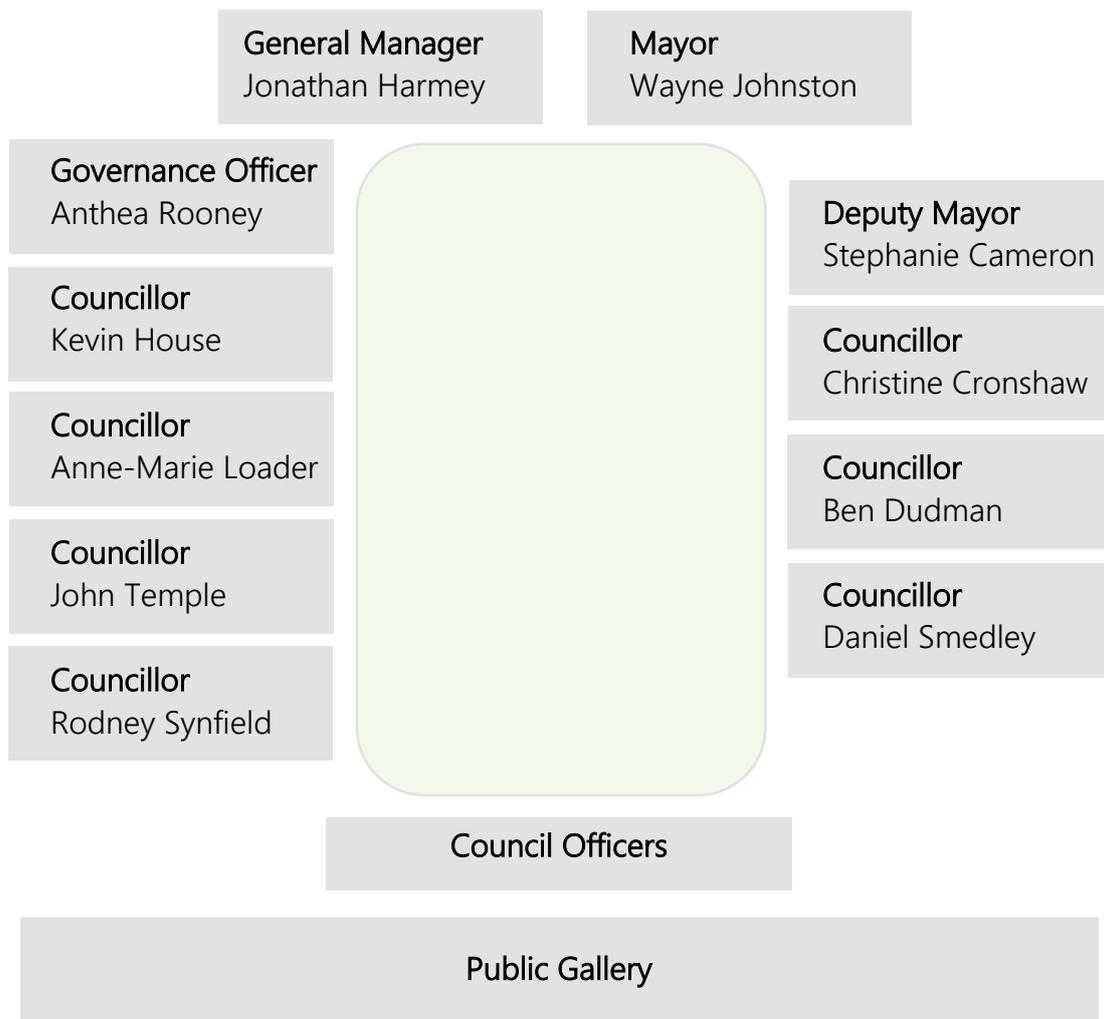
Telephone 6393 5300

The Way We Work Together

Our Agreed Behaviours

1. We work as a team, value each other's contribution and are accountable for our work.
2. We support each other's roles to deliver the best outcomes for our customers and community.
3. We are supported, trusted and empowered to do our work.
4. We value open and transparent communication to keep each other well informed.
5. We operate in an environment where people feel connected.

Council Chambers Seating Plan



Going to a Council Meeting

Members of the community are encouraged to engage with Council's monthly meetings. You can submit questions online or attend in person.

The Council's website offers handy fact sheets with information about what to expect at a Council Meeting, including how to participate in Public Question Time.

In accordance with Policy No. 98: Council Meeting Administration, this Meeting will be recorded and live streamed to the general public. By attending the Meeting in person, you are consenting to personal information being recorded and published.

No unauthorised filming or recording of the Meeting is allowed.

Copies of Agendas and Minutes are also available to view at the Council's office.

Learn More

Click here to find fact sheets about attending a Council Meeting, or to submit a question online for a future Meeting.

Click here to view Agendas and Minutes online or listen to audio of Meetings.

Following the Meeting Agendas, Minutes, Audio and Live Stream Recordings will be available online. Audio recordings will remain available to the public for a minimum of 12 months.

You can also contact the Office of the General Manager by telephone on 6393 5317, or email ogm@mvc.tas.gov.au to ask any questions, to submit a question or learn more about opportunities to speak at a Council Meeting.

Public Access to Chambers

Where there is a need to manage demand, seating will be prioritised as follows:

For Planning Decisions:

Applicants and representors have first priority. A representor is a community member who writes to the Council to object to or support a planning application (statutory timeframes apply for becoming a representor during the planning process).

For All Decisions:

Members of the media are welcome to take up any seats not in use by the public or email ogm@mvc.tas.gov.au to request specific information about a Council decision.

Attendees are requested to consider the health and wellbeing of others in attendance.

If you are symptomatic or in an infectious state, then you are requested to stay away from the Meeting or follow good practices to minimise risk to others. This includes measures such as social distancing, wearing of face-masks and the use of hand sanitisers.

Conduct at Council Meetings

Visitors are reminded that Council Meetings are a place of work for staff and Councillors.

The Council is committed to meeting its responsibilities as an employer and as host of this important public forum, by ensuring that all present meet expectations of mutually respectful and orderly conduct.

It is a condition of entry to the Council Chambers that you cooperate with any directions or requests from the Chairperson or the Council's Officers.

The Chairperson is responsible for maintaining order at Council Meetings. The General Manager is responsible for health, wellbeing and safety of all present. The Chairperson or General Manager may require a person to leave the Council's premises following any behaviour that falls short of these expectations. It is an offence to hinder or disrupt a Council Meeting.

Access and Inclusion

The Council supports and accommodates inclusion for all who seek participation in Council Meetings, as far as is practicable.

Any person with a disability or other specific needs is encouraged to contact the Council prior to the Meeting on 6393 5317 or via email to ogm@mvc.tas.gov.au to discuss how the Council can best assist you with access.

Council Meeting Processes

During Council Meetings, the following, processes occur:

All motions are passed by simple majority unless otherwise stated in the Agenda Item.

Councillors abstaining from voting at a Council Meeting are recorded as a negative vote (*Local Government (Meeting Procedures) Regulations 2025*).

Councillors are able to move amended, alternate or procedural motions during debate.

Councillors are able to ask a maximum of three questions during Councillors' Questions Without Notice. Councillors are requested to provide Questions Without Notice in writing at the conclusion of the Meeting.

Members of the Public are able to ask a maximum of two questions during Questions Without Notice. Members of the Public are requested to provide Questions Without Notice in writing at the conclusion of the Meeting.

Certificate of Qualified Advice

The General Manager must ensure any advice, information or recommendation is given to Council by a person with the necessary qualifications or experience: section 65, *Local Government Act 1993*.

Council must not decide on any matter without receiving qualified advice or a certification from the General Manager.

Accordingly, I certify that, where required:

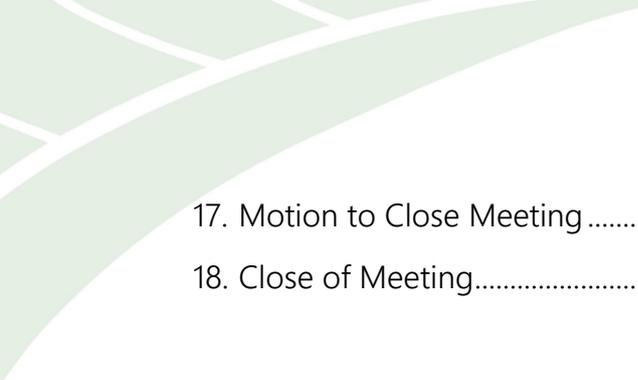
- (i) the advice of a qualified person was obtained in preparation of this Agenda; and
- (ii) this advice was taken into account in providing general advice to the Meander Valley Council; and
- (iii) A copy of any such advice (or a written transcript or summary of oral advice) is included with the Agenda item.

A handwritten signature in black ink, appearing to read 'Jonathan Harmey', with a long horizontal flourish extending to the right.

Jonathan Harmey
General Manager

Table of Contents

1. Opening of Meeting and Apologies.....	8
2. Acknowledgment of Country.....	8
3. Statement of Attendance.....	8
4. Confirmation of Minutes.....	8
5. Declarations of Interest.....	8
6. Council Workshop Report.....	9
7. Mayor and Councillors' Reports.....	11
8. Petitions.....	13
9. Community Representations.....	13
10. Public Question Time.....	14
11. Councillor Question Time.....	15
12. Councillor Notices of Motion.....	16
12.1. Notice of Motion – Councillor Ben Dudman – Entally House.....	16
13. Planning Authority Reports.....	21
13.1. PA\26\0081 – 1060 Osmaston Road, Deloraine.....	21
13.2. PA\26\0103 – 1519 Mole Creek Road, Chudleigh.....	116
14. Corporate Services.....	350
14.1. Financial Report to 31 December 2025.....	350
15. Infrastructure Services.....	368
15.1. Budget Adjustments 2025-26.....	368
16. Governance and Community Wellbeing.....	372
16.1. Annual General Meeting Report 2025.....	372
16.2. Annual General Meeting Public Notice of Motion With Notice Consideration.....	486
16.3. Annual Plan 2025-26 – Quarter 2 Performance.....	488
16.4. 2025-26 Community Grants and Sponsorship Fund Round 3.....	502
16.5. Northern Tasmania Development Corporation Membership.....	509



17. Motion to Close Meeting	544
18. Close of Meeting.....	544

1. Opening of Meeting and Apologies

2. Acknowledgment of Country

I begin today by acknowledging the Pallitore and Panninher past peoples, the Traditional Owners and Custodians of the land on which we gather today and I pay my respects to Elders past and present. I extend that respect to all Aboriginal and Torres Strait Islander peoples here today.

3. Statement of Attendance

Local Government (Meeting Procedures) Regulations 2025: Regulation 8

It is advised that persons attending this Meeting should note that:

- (a) an audio and visual recording is being made of the Meeting;
 - (b) all persons attending the Meeting are to be respectful of, and considerate towards, other persons attending the Meeting; and
 - (c) language and conduct at the Meeting that could be perceived as offensive, defamatory or threatening to a person attending the Meeting, or listening to the recording, is not acceptable.
-

4. Confirmation of Minutes

Local Government (Meeting Procedures) Regulations 2025: Regulation 41(1)(b)

Recommendation

That Council receives and confirms the Minutes of the last Ordinary Council Meeting held on 9 December 2025.

5. Declarations of Interest

Local Government Act 1993: section 48

(A councillor must declare any interest that the councillor has in a matter before any discussion on that matter commences).

6. Council Workshop Report

Local Government (Meeting Procedures) Regulations 2025: Regulation 10(3)(c)

Topics Discussed – 16 December 2025

Workshop Attendance

Present

Mayor Wayne Johnston, Deputy Mayor Stephanie Cameron, Councillor Ben Dudman, Councillor Anne-Marie Loader, Councillor Kevin House, Councillor Rodney Synfield, Councillor John Temple, Councillor Daniel Smedley and Councillor Christine Cronshaw

Planning Applications for January 2026 Council Meetings

Councillors received a review of Planning Applications to be presented to the 20 January 2026 Council Meeting.

Site Visit – Westbury Works Depot

Councillors visited the Westbury Works Depot for a progress update.

Public Toilet Upgrade Project Proposed Amendments

Councillors received an update on the revised budget for the Deloraine public toilet upgrade project.

Project 7832 – Westbury Town Entry Signs – Budget Position

Councillors were presented with and discussed a report summarising the current budget position.

New Financial Year 2025-26 Capital Works Project – Stock Underpass Contribution

Councillors discussed a request for a financial contribution for a proposed stock underpass in line with the Council's Stock Underpass Policy.

Meander Valley Short Walks Project Update

Councillors received an update on the finalisation of the Short Walks project.

Request for Waiver of Public Open Space Contribution

Councillors discussed the waiver of a public open space contribution.

ERP Technology Project Update

Councillors received an update on the Enterprise Resource Planning Project and were advised of the next steps in the process.

Westbury Town Centre Character Study – Consultation Summary

Councillors were provided with an update on the results of the Westbury Town Centre Character Study consultation and received advice on the next steps in the project.

Draft Prospect Vale – Blackstone Heights Structure Plan

Councillors provided feedback on the draft Prospect Vale – Blackstone Heights Structure Plan prior to community consultation.

External Presentation – Northern Tasmanian Regional Land Use Strategy

Councillors received a presentation regarding the Northern Tasmania Regional Land Use Strategy.

Items for Noting

Deloraine Recreation Precinct – Status Update

7. Mayor and Councillors' Reports

Councillors' Official Activities and Engagements Since Last Meeting

Mayor Wayne Johnston

Attended or participated in the following events:

- 16 December 2025 – General Manager's Performance Committee Quarterly Committee Meeting

Deputy Mayor Stephanie Cameron

Attended or participated in the following events:

- 11 December 2025 – presented at the Mole Creek Primary School Presentation Event
- 16 December 2025 – General Manager's Performance Committee Quarterly Committee Meeting
- 17 December 2025 – presented at the Westbury Primary School Kindergarten to Grade Five Presentation Event

Councillor Ben Dudman

Attended or participated in the following events:

- 8 December 2025 – presented at the Westbury Primary School Grade Six Awards Evening
- 11 December 2025 – presented at the Mole Creek Primary School Presentation Event
- 16 December 2025 – General Manager's Performance Committee Quarterly Committee Meeting

Councillor Kevin House

Attended or participated in the following events:

- 10 December 2025 – presented at the Bracknell Primary School Presentation Evening
- 15 December 2025 – Prospect High School Presentation Evening
- 16 December 2025 – Meander Valley Council Community Grants and Sponsorship Committee
- 16 December 2025 – presented at the Hagley Farm School Presentation Event

Councillor Daniel Smedley

Attended or participated in the following events:

- 16 December 2025 – Meander Valley Council Community Grants and Sponsorship Committee

Councillor Anne-Marie Loader

Attended or participated in the following events:

- 4 December 2025 – Carrick Hall Committee Christmas Celebration
- 5 December 2025 – Hagley Farm School Agricultural Learning Centre, Shelterbelt Opening
- 8 December 2025 – presented at the Westbury Primary School Grade Six Awards Evening
- 10 December 2025 – presented at the Bracknell Primary School Presentation Evening
- 11 December 2025 – presented at the Mole Creek Primary School Presentation Evening
- 14 December 2025 – Bracknell Hall Committee Christmas Party
- 14 December 2025 – Westbury Combined Churches Christmas Carols
- 15 December 2025 – presented at the Deloraine High School Presentation Evening
- 16 December 2025 – Meander Valley Council Community Grants and Sponsorship Committee
- 16 December 2025 – General Manager's Performance Committee Quarterly Committee Meeting
- 17 December 2025 – Giant Steps School Awards Presentations
- 17 December 2025 – presented at the Westbury Primary School Kindergarten to Grade 5 Presentation Afternoon

Councillors' Announcements and Acknowledgements

8. Petitions

For further information about Petitions, refer to the Local Government Act 1993: sections 57-60A

No new Petitions or Actions on Previous Petitions have been received as part of this Agenda

9. Community Representations

Community Representations are an opportunity for community members or groups to request up to three minutes to address Council on a topic of particular interest.

Requests received at least 14 days prior to a Council Meeting will be considered by the Chairperson. For further information, contact the Office of the General Manager on 6393 5317 or email ogm@mvc.tas.gov.au.

No Community Representations have been received as part of this Agenda

10. Public Question Time

Members of the public may ask questions in person or using the form available on the Council's website.

During the Meeting, a minimum of 15 minutes is available and is set aside for members of the public to ask Questions With or Without Notice. Council will accept up to two Questions With Notice and two Questions Without Notice per person, per Meeting.

Questions Without Notice are required in writing at the conclusion of the Meeting.

Click [here](#) to submit an online question for a future Meeting.

Refer to pages 3 and 4 of this Agenda for more information about attending a Council Meeting.

10.1. Public Questions With Notice

Local Government (Meeting Procedures) Regulations 2025: Regulation 38(1)

(Questions With Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting).

No Public Questions With Notice have been received as part of this Agenda

10.2. Public Questions Without Notice

Local Government (Meeting Procedures) Regulations 2025: Regulation 37

(Members of the public who ask Questions Without Notice at a Meeting will have both the question and any answer provided recorded in the Minutes.

Public Questions Without Notice should be provided in writing at the conclusion of the Meeting.

If the Council's Officers are unable to answer the question asked at the Meeting, the question and a response will be provided in the next Council Meeting Agenda).

11. Councillor Question Time

11.1. Councillors' Questions With Notice

Local Government (Meeting Procedures) Regulations 2025: Regulation 35

(Questions With Notice must be in writing and should be received by the General Manager at least seven days before the relevant Council Meeting).

No Councillors' Questions With Notice have been received as part of this Agenda

11.2. Councillors' Questions Without Notice

Local Government (Meeting Procedures) Regulations 202: Regulation 34

(Councillors who ask Questions Without Notice at a Meeting will have both the question and any answer provided recorded in the Minutes.

Councillors' Questions Without Notice should be provided in writing at the conclusion of the Meeting.

If the Council's Officers are unable to answer the question asked at the Meeting, the question and a response will be provided in the next Council Meeting Agenda).

12. Councillor Notices of Motion

12.1. Notice of Motion – Councillor Ben Dudman – Entally House

Subject File No.	S13-07-011
Proponent	Councillor Ben Dudman
Decision Sought	Support for this motion to provide advocacy to the State Government regarding the degrading condition of Entally Estate on behalf of community members who have raised well-founded concerns as to its current management.
Vote	Simple majority

Recommendation

That Council:

1. notes the community concern relating to Entally Estate, particularly its management.
2. notes that many community members have noticed a decline in the Estate's upkeep and management.
3. notes that historical sites that are not managed appropriately risk decline and the destruction of history that is valuable to the community and Country.
4. instructs the Mayor write to the Minister for Parks, Hon Nick Duigan MLC, seeking his intervention to restore this historic site and prevent further degradation.

Comments

Councillor Ben Dudman

Over the past several months, numerous community members have raised concerns with me as to the current management of Entally Estate. At a Council Meeting in late 2025, Councillor Temple asked a Question Without Notice regarding the Estate. It has been noticed by many that the Estate's condition is declining and this poses a threat to the historical preservation of the site.

As a Councillor, I have written to the Minister for Heritage, Madeleine Ogilvie MP and the Minister for Parks, Nick Duigan MLC, requesting action to protect this historic site. Built in 1819 by Thomas Haydock Reibey, the son of Mary Reibey, *the lady on the \$20 note*. Mary was a frequent visitor of the Estate. Thomas Reibey and his wife, Richarda Allen had numerous children who were all raised at Entally. This included Thomas Reibey III who became the 11th Premier of Tasmania. This site has immense historical value, not just to our municipality and the State of Tasmania, but also to our Country.

I ask that Councillors support this motion to ensure a united voice raises these concerns on behalf of our community and advocates for change and better management of this historic site.

Strategy

Supports the objectives of Council's strategic future direction

1. Cultivating a diverse, unified and empowered community

See Meander Valley Community Strategic Plan 2014-24. [Click here](#) or visit www.meander.tas.gov.au/plans-and-strategies to view.

Policy

Not applicable

Legislation

Local Government (Meeting Procedures) Regulations 2025

Consultation

Not applicable

Budget and Finance

Not applicable

Risk Management

Not applicable

Alternate Recommendation

Council can refer the matter to a Workshop for further discussion.

Councillor Ben Dudman

Madeleine Ogilvie MP
Minister for Heritage
Parliament of Tasmania
1 Salamanca Place
HOBART TAS 7000

Via email only: madeleine.ogilvie@dpac.tas.gov.au

Maddy
Dear Minister

RE: ENTALLY ESTATE

Recently I spoke with former volunteers of Entally Estate who shared their dismay with me at the current state of the buildings, gardens, and associated infrastructure on the site.

These volunteers recalled with great fondness the many hours of work that was dedicated to ensuring this important site of Australian historical significance was well-kept and maintained for future generations.

Unfortunately, since a recent lease was placed over the site and it has been closed to the public, it has become clear that the property is experiencing a growing state of disrepair. As you would be aware, once historic properties enter a state of decline, damage occurs, and history is lost.

It is on this basis that I seek your assistance for two reasons. The first is to ensure the ongoing protection and preservation of the site, to ensure that it remains a top-quality historic site that is appropriately managed. Furthermore, this property is owned by the public and should be available to the public to enter, enjoy, and experience its vast history.

As the home of Mary Reibey, the lady on the \$20 note, and only Tasmanian depicted on decimal currency, it is vital that this property is protected, enjoyed, and used to promote our local history.

Kind regards



Ben Dudman
Councillor for the Meander Valley

28 October 2025

You're Better with Ben



0447 935 137



ben.dudman@mvc.tas.gov.au



[facebook.com/BenDudmanTas](https://www.facebook.com/BenDudmanTas)



12.1.2 Letter Minister Duigan To Cr Dudman

OFFICIAL

Minister for Energy and Renewables
Minister for Parks
Minister for Sport



Level 1, 7-9 Franklin Wharf, HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Phone: +61 3 6165 7739
Email: minister.duigan@dpac.tas.gov.au

22nd December 2025

Cr Ben Dudman
Meander Valley Council
ben.dudman@mvc.tas.gov.au

Dear Cr Dudman

Thank you for your letter of 28 October 2025 to the Hon Madeleine Ogilvie MP in relation to your concerns regarding Entally House, specifically the deterioration of the buildings, gardens and associated infrastructure, as reported by former volunteers at the property. I am responding on behalf of the Tasmanian Government in my capacity as the Minister for Parks.

I acknowledge the value of this historic property and the disappointment of the volunteers who have committed their time to its upkeep,

Under the terms of the current lease for Entally, the Lessee has maintenance responsibilities as part of the agreement.

The Tasmanian Parks and Wildlife Service has been actively working with the Lessee to address concerns such as the ones you have raised and will continue to engage with them on this matter.

For the reference of you and the volunteers you represent, a copy of the lease is publicly available on the Department of Natural Resources and Environment Tasmania's website and can be accessed via the following link: leaseslicences.nre.tas.gov.au. It includes a clause regarding scheduled public access.

Thank you for your advocacy on this matter and for your interest in preserving this important property.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Nick Duigan".

Hon Nick Duigan MLC
Minister for Parks

OFFICIAL

Council as a Planning Authority

In planning matters, Council acts as a Planning Authority under the *Land Use Planning and Approvals Act 1993*. In the Agenda Items in this section, Council (when acting as the Planning Authority) will be referred to as a Planning Authority. The following applies to all Planning Authority reports:

Strategy The Council has an Annual Plan target to process Planning Applications in accordance with delegated authority and statutory timeframes.

Policy Not Applicable.

Legislation The Planning Authority must process and determine applications under the *Land Use Planning and Approvals Act 1993* (LUPA) and its Planning Scheme. Each application is made in accordance with LUPA, section 57.

Consultation The *Agency Consultation* section of each Planning Authority report outlines the external authorities consulted during the application process.

Community consultation in planning matters is a legislated process. *The Public Response – Summary of Representations* section of each Planning Authority report outlines all complying submissions received from the community in response to the application.

Budget and Finance Where a Planning Authority decision is subject to later appeal to the Tasmanian Civil and Administrative Tribunal (Resource and Planning Stream), the Council may be liable for costs associated with defending its decision.

Risk Management Risk is managed by all decision-makers carefully considering qualified advice and inclusion of appropriate conditions on planning permits as required.

Alternative Motions The Planning Authority may approve an application with amended conditions or may refuse an application.

Regardless of whether the Planning Authority seeks to approve or refuse an application, a motion must be carried stating its decision and outlining reasons. A lost motion is not adequate for determination of a planning matter.

13. Planning Authority Reports

13.1. PA\26\0081 - 1060 Osmaston Road, Deloraine

Proposal	Resource Development (Controlled Environment Agriculture – poly tunnels)
Report Author	George Walker Town Planning Consultant
Authorised By	Krista Palfreyman Director Development and Regulatory Services
Decision Due	21 January 2026
Decision Sought	It is recommended that the Planning Authority approves this application. <i>See section titled Planner's Recommendation for further details.</i>

Applicant's Proposal

Applicant	Rebecca Green & Associates Pty Ltd
Property	1060 Osmaston Road, Deloraine (CTs 1836271/1 and 175297/1)
Description	The applicant seeks planning permission for: <ol style="list-style-type: none">1. construction and use of five poly tunnels; and2. works within a watercourse. <i>Documents submitted by the Applicant are attached, titled Application Documents.</i>



Figure 1: Aerial image showing the location and spatial extent of the site (Source: LIST Map)

Planner's Report

Planning Scheme	Tasmanian Planning Scheme – Meander Valley (the Planning Scheme)
Zoning	Agriculture
Applicable Overlay	Bushfire Prone Area, Waterway and Coastal Protection Area and Flood Prone Area.
Existing Land Use	Agriculture

Summary of Planner's Assessment

Generally, Resource Development is classed as No Permit Required in this zone (Agriculture).

Discretions

For this application, two discretions are triggered. This means the Planning Authority has discretion to approve or refuse the application based on its assessment of:

Clause	Performance Criteria	Standard
21.4.2	P1	Setbacks
C7.6.1	P1	Development Standards for Buildings and Works

Before exercising a discretion, the Planning Authority must consider the relevant Performance Criteria, as set out in the Planning Scheme.

See Attachment titled *Planner's Advice - Performance Criteria* for further discussion.

Performance Criteria and Applicable Standards

This proposal is assessed as satisfying the relevant Performance Criteria and compliant with all Applicable Standards of the Scheme.

See Attachments titled Planner's Advice – Performance Criteria and Planner's Advice – Applicable Standards for further discussion.

Public Response

Two responses (representations) were received from the public. Both representations are objections.

See Attachment titled Public Response – Summary of Representations for further information, including the Planner's Advice given in response.

Agency Consultation

Nil

Internal Referrals

Infrastructure Services

Condition (1) – Prior to the commencement of use, an amended site plan must be submitted for approval to the satisfaction of the Council's Town Planner. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and must show the exact location of the modified watercourse, the boundaries and the proposed poly tunnels (see Note 1).

Note (1) – No future changes to be made to any internal watercourse without prior approval from the Council.

Note (2) – Stormwater runoff from the new building areas must be managed so that concentrated, or nuisance flows do not cross property boundaries to adjoining land.

Environmental Health

Comments by Environmental Health Officer (EHO) to matters raised by representors are below:

Drainage – the on-site drains will be draining into the creek after filtering through vegetation on the creek bank. The drain water will contain run off from the tunnels themselves and the ground, all which will contain chemicals and fertilizer, and microplastics. Quamby Brook is our household main water source, for livestock, showering, cooking, washing clothes, etc. We do not drink it unless it is boiled. The proposed new drain and tunnels will be closer to our house and we do not want any chemicals, etc. to be entering the creek.

EHO: Management of agricultural chemicals, including run-off into surface waters and spray drift, is regulated by the Department of Natural Resources and Environment (NRE). If the representator believes chemical runoff is entering Quamby Brook or spray drift is coming onto their property, the Council recommends contact with NRE.

It is also important to note that natural surface waters, such as Quamby Brook, will likely contain a variety of contaminants from upstream activities. While there are legislative requirements for land users to take all practicable measures to prevent chemicals, etc. leaving their property boundary, there will always be a small quantity of these contaminants that end up in waterways. For this reason, people who draw from water sources like rivers and streams should undertake their own treatment of their water supply as the quality of the surface water is highly variable and cannot be guaranteed.

Environment – I am concerned for animals and water life in the creek if continued drainage occurs. Quamby Brook is home to trout, black fish, platypus, native birds, paddy melons, even quolls and smaller wildlife.

EHO: Environmental Health Officer cannot comment as this is not an environmental health matter.

Fire – plastic can catch alight. With this new lot of tunnels being so close to the creek and closer to our house, I am concerned if the plastic catches fire the gum trees that line the creek may go up. The DA mentions tunnels being 3 metres from the riparian area.

EHO: Environmental Health Officer cannot comment as this is not an environmental health matter.

Noise – when we get strong southerly winds the plastic rips and tears and the noise created from the flapping is intolerable. When you cannot sleep for days due to the noise, you tend to get rather crabby. With the new tunnels being closer, I can only imagine the noise would be worse.

EHO: It is the farm operator's responsibility to maintain the poly tunnels in good condition. The Council may be able to take some action if the tunnels are not maintained appropriately and the noise can be proven to be a statutory nuisance.

Dangerous for us – the noises from flapping plastic and general work on the site can and has frightened our horses – recently I got trodden on while fixing a fence – I sustained a broken toe and bruising down the back of my leg, ankle and foot, due to noise from the development site on which there are existing polytunnels on the other side of the creek. Horses are always aware when someone or something is happening over there, even if we are not.

EHO: The Council does not have the power to act on matters of animals becoming spooked. This would need to be pursued as a private civil matter.

Dangerous for horses – when the plastic is ripped and flapped – it sounded like a gun being fired every few seconds, and the horses bolted, as they were grazing next to the creek and went running through the electric fence. Luckily they were not hurt but the electric fence was damaged.

EHO: As previously advised, the Council does not have the power to act on matters of animals becoming spooked and any property damage that may result. This would need to be pursued as a private civil matter.

Sprays – I am concerned about spray drift and discharge into creek. One of my brood mares went blind due to possible sulphur poisoning as per attending vet. We do not use sulphur based sprays on our place and only spot spray. Was it perhaps in the water? Also, our property has quite a few rare conifer trees (used to be a conifer nursery – which we are working on restoring and hoping to open back up to the public) and sprays used in berry farms can be harmful to conifers, according to google, I have not done a lot of research on this yet.

EHO: As previously advised, management of agricultural chemicals, including run-off into surface waters and spray drift, is regulated by the Department of Natural Resources and Environment (NRE). If the representator believes chemical runoff is entering Quamby Brook or spray drift is coming onto their property, the Council recommends contact with NRE. Regarding injuries they believe may have been caused to livestock on the property, NRE may be able to assist with this as a non-compliance for ag-vet chemical management, otherwise, it will likely need to be pursued as a private civil matter.

Shredding plastic stockpile – according to the DA the stockpile (which is very large) is to be shredded and intends to be done on a bi-annual basis from now on. Shredding the plastic is only going to create more microplastics during the process and end up in the ground and end up in the creek. Also, Quamby Brook creek floods on a semi regular basis over winter and this flooding will carry plastics, rubbish and chemicals elsewhere. In the last really big flood – 2/3 of our property went under – Osmaston Bridge and Exton Bridge both under water and the creek was over 1 metre above its banks.

EHO: Any stockpiling and subsequent processing and disposal of waste products on the property must be done in accordance with the Tasmanian Environment Protection Authority requirements. The specifics of this will vary depending on the type of waste material in question; however, as a general rule, the waste must not be allowed to leave the property boundary in an uncontrolled manner.

Planner's Recommendation to Council

The Planning Authority must note the qualified advice received before making any decision, then ensure that reasons for its decision are based on the Planning Scheme. Reasons for the decision are also published in the Minutes.

For further information, see Local Government Act 1993: section 65, Local Government (Meeting Procedures) Regulations 2025: Regulation 29(2) and Land Use and Approvals Act 1993: section 57.

Planning Authority Recommendation

This application by Rebecca Green & Associates Pty Ltd, for Resource Development (Controlled Environment Agriculture – poly tunnels), on land located at 1060 Osmaston Road, Deloraine (CTs 1836271/1 and 175297/1) is recommended for approval generally in accordance with the Endorsed Plans and recommended Permit Conditions and Permit Notes.

Endorsed Plan

- a. Rebecca Green & Associates; Dated: 30 October 2025; Planning Submission; Version: 2;
- b. Berry Greenhouse – Installation Guide; and
- c. Exceed Engineering; Dated: 30 October 2025; Natural Assets Code Assessment; Version: 2.

Permit Conditions

1. Prior to the commencement of use, an amended site plan (pdf and dwg, shp or equivalent GIS compatible format) must be submitted for approval, to the satisfaction of the Council's Town Planner. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and must show the exact location of the modified watercourse, the boundaries and the proposed poly tunnels (Refer to Note 1).
2. All works within the northern drainage line must be in full compliance with the endorsed Natural Assets Code Assessment prepared by Exceed Engineering.

Permit Notes

1. No future changes to be made to any internal watercourse without prior approval from the Council.
2. Stormwater runoff from the new building areas must be managed so that concentrated or nuisance flows do not cross property boundaries to adjoining land.
3. Any other proposed development or use (including amendments to this proposal) may require separate planning approval. For further information, contact the Council.
4. This permit takes effect after:
 - a. The 14-day appeal period expires; or
 - b. Any appeal to the Tasmanian Civil and Administrative Tribunal (TASCAT) is determined or abandoned; or
 - c. Any other required approvals under this or any other Act are granted.
5. Planning appeals can be lodged with TASCAT Registrar within 14 days of the Council serving notice of its decision on the applicant. For further information, visit the TASCAT website.

6. This permit is valid for two years only from the date of approval. It will lapse if the development is not substantially commenced. The Council has discretion to grant an extension by request.
7. All permits issued by the planning authority are public documents. Members of the public may view this permit (including the endorsed documents) at the Council Offices on request.
8. If any Aboriginal relics are uncovered during works:
 - a. all works to cease within delineated area, sufficient to protect unearthed or possible relics from destruction;
 - b. presence of a relic must be reported to Aboriginal Heritage Tasmania; and
 - c. relevant approval processes for State and Federal Government agencies will apply.

Attachments

1. Public Response Summary of Representations [13.1.1 - 2 pages]
 2. Representation 1 – J Richardson [13.1.2 - 3 pages]
 3. Representation 2 – A Ricketts [13.1.3 - 6 pages]
 4. Applicant Response to Representations [13.1.4 - 3 pages]
 5. Planner's Advice Applicable Standards [13.1.5 - 12 pages]
 6. Planner's Advice Performance Criteria [13.1.6 - 6 pages]
 7. Application Documents [13.1.7 - 56 pages]
-

13.1.1 Public Response Summary Of Representations

Public Response

Summary of Representations

A summary of concerns raised by the public about this planning application is provided below. Two responses (“representations”) were received during the advertised period.

This summary is an overview only, and should be read in conjunction with the full responses (see attached). In some instances, personal information may be redacted from individual responses.

Council offers any person who has submitted a formal representation the opportunity to speak about it before a decision is made at the Council Meeting.

J Richardson

Representation 1

Concern		Planner’s Response
a)	Drainage of runoff including chemicals, fertilisers and microplastics into Quamby Brook.	Application of fertilisers to berry plants is applied through the drip irrigation system which is guided directly to the root zone of plants. This type of fertiliser application is termed fertigation. Fertigation limits runoff and leachate and provides for efficient fertiliser application, minimising transportation into ground water and watercourses. Other application of fertilisers, chemicals and the management of microplastics outside the proposed poly tunnels are not matters which are under assessment or consideration within the context of the discretions which have been invoked by the proposed poly tunnels. These are matters which are regulated by corresponding environmental and farming regulations.
b)	Impact of runoff on the water quality of Quamby Brook for use by native and domestic animals and domestic (residential) water source.	Development of the proposed poly tunnels will not result in soil erosion, sediment or runoff that will impact upon the water quality of Quamby Brook.
c)	Fire risk associated with the plastic that will cover the poly tunnels.	This is not a matter which is regulated by the Planning Scheme.
d)	Noise impact (upon nearby residential uses) from the	Noise associated with an agricultural use is not a matter which is regulated by the Planning

13.1.1 Public Response Summary Of Representations

	movement of the plastic covers during high wind periods including frightening of horses.	Scheme where it occurs within the Agriculture zone.
e)	Impact of spray drift upon Quamby Brook.	Spray drift is not a matter which is regulated by the Planning Scheme within the context of the operation of an agricultural use within the Agriculture zone.
f)	Shredding of plastic stockpiles.	The application recognises that shredding of plastic covering of strawberry production substrate occurs on the site with efforts put in place by the berry farming operators to minimise the frequency of shredding (by using bi-annual substrate bags rather than annual bags) and to utilise more efficient shredding and separation technology. Separated plastic is collected and recycled where possible or otherwise legally disposed. Notwithstanding this, this action is not regulated by the Planning Scheme within the context of an agricultural use within the Agriculture zone.

A Ricketts

Representation 2

Concern		Planner's Response
a)	Concern regarding the apparent illegal clearance of native vegetation including (possible) <i>Eucalyptus ovata</i> forest adjacent to watercourses.	All vegetation that has been cleared on the site has occurred under a Forest Practices Plan certified under the <i>Forest Practices Act 1985</i> . A Certificate of Compliance was issued on 31/12/2024 for the vegetation removal (FPP No. JKS0118). Such vegetation removal (particularly within proximity to watercourses) is exempt from the Natural Assets Code pursuant to clause C7.4.1(d) of the Planning Scheme.

Note: The planning application was advertised in the Examiner Newspaper and on Council's website for a statutory period of 14 days from 8 November to 24 November 2025. A planning notice was also placed on the property.

13.1.2 Representation 1 - J Richardson

Natasha Whiteley

From: Jo Richardson [REDACTED]
Sent: Monday, 24 November 2025 4:19 PM
To: Planning - Meander Valley Council
Subject: Representation for PA\26\0081 – application for approval for polytunnel development
Attachments: Joanne Richardson representation (24 11 25).pdf

Please refer to the attached Representation

Kind regards
Jo Richardson

Joanne Richardson

24 November 2025

General Manager
Meander Valley Council
PO Box 102
WESTBURY TAS 7303

By email only: planning@mvc.tas.gov.au

Dear General Manager

Representation for PA\26\0081 – application for approval for polytunnel development

The Council should not approve the application or should not allow plastic to be used in the development for reasons including those set out in this letter.

Drainage - the on-site drains will be draining into the creek after filtering through vegetation on the creek bank. The drain water will contain run off from the tunnels themselves and the ground, all which will contain chemicals and fertilizer, and microplastics.

Quamby brook is our household main water source, for livestock, showering, cooking, washing clothes, etc. We do not drink it unless it is boiled. The proposed new drain and tunnels will be closer to our house and we do not want any chemicals, etc to be entering the creek.

Environment – I am concerned for animals and water life in the creek if continued drainage occurs. Quamby brook is home to trout, black fish, platypus, native birds, paddy melons, even quolls and smaller wildlife.

Fire - plastic can catch alight. With this new lot of tunnels being so close to the creek and closer to our house, I am concerned if the plastic catches fire the gum trees that line the creek may go up. The DA mentions tunnels being 3 metres from the riparian area.

Noise - when we get strong southerly winds the plastic rips and tears and the noise created from the flapping is intolerable. When you cannot sleep for days due to the noise, you tend to get rather crabby. With the new tunnels being closer, I can only imagine the noise would be worse.

Dangerous for us - the noises from flapping plastic and general work on the site can and has frightened our horses - recently I got trodden on while fixing a fence - I sustained a broken toe and bruising down the back of my leg, ankle and foot, due to noise from the development site on which there are existing polytunnels on the other side of the creek. Horses are always aware when someone or something is happening over there, even if we are not.

Dangerous for horses - when the plastic is ripped and flapped - it sounded like a gun being fired every few seconds, and the horses bolted, as they were grazing next to the creek, and went running through the electric fence. Luckily they were not hurt but the electric fence was damaged.

13.1.2 Representation 1 - J Richardson

Sprays – I am concerned about spray drift and discharge into creek. One of my brood mares went blind due to possible sulphur poisoning as per attending vet. We do not use sulphur based sprays on our place and only spot spray. Was it perhaps in the water? Also, our property has quite a few rare conifer trees (used to be a conifer nursery - which we are working on restoring and hoping to open back up to the public), and sprays used in berry farms can be harmful to conifers, according to google, I have not done a lot of research on this yet.

Shredding plastic stockpile - according to the DA the stockpile (which is very large) is to be shredded and intends to be done on a bi-annual basis from now on. Shredding the plastic is only going to create more microplastics during the process and end up in the ground and end up in the creek. Also, Quamby brook creek floods on a semi regular basis over winter and this flooding will carry plastics, rubbish, chemicals elsewhere. In the last really big flood - 2/3 of our property went under - Osmaston Bridge and Exton Bridge both under water and the creek was over 1 metre above its banks.

This proposed development is sought to be in the wrong place. The existing development at the site is already causing substantial loss and damage to humans, other animals and the environment. The Council must not exacerbate the damage and approve an extension of the development.

Regards

Jo Richardson
[REDACTED]
[REDACTED]

13.1.3 Representation 2 - A Ricketts

Natasha Whiteley

From: Andrew Ricketts [REDACTED]
Sent: Monday, 24 November 2025 3:49 PM
To: Jonathan Harmey; Planning - Meander Valley Council;
[REDACTED]
Subject: Objection against PA\26\0081 and Complaint regarding Clearance of Critically Endangered Eucalyptus Ovata Forested Native Vegetation Osmaston
Attachments: ACRicketts to MVC Objection to PA.26.0081 at Osmaston 24-11-2025.pdf; PA.26.0081-Website-Display.pdf

Hello Mr Harmey (MVC) and DNRE and FPA,

Please find my objection and complaint enclosed to you all.

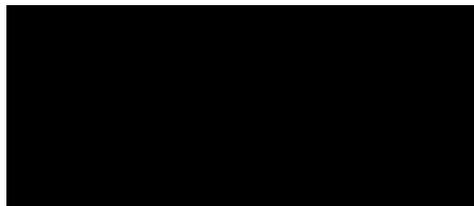
NB: I have included the Planning Application.

--

Sincerely
Andrew Ricketts
[REDACTED]

13.1.3 Representation 2 - A Ricketts

Andrew Charles Ricketts



24th November 2025

The General Manager
Jonathan Harmey
Meander Valley Council.
26 Lyall Street
(PO Box 102)
Westbury

By email to: Jonathan Harmey jonathan.harmey@mvc.tas.gov.au
And to 'planning@mvc.tas.gov.au' planning@mvc.tas.gov.au

AND COMPLAINT TO:

Forest Practices Authority: 

Threatened Species Unit: 

Objection against PA\26\0081 and Complaint regarding Clearance of Critically Endangered Eucalyptus Ovata Forested Native Vegetation

Dear Mr Harmey,

I acknowledge the current opportunity to lodge an objection to the 83,833 sq. metres of poly tunnels which is listed on the 8th Nov with an objection period up to the 24th November 2025.

The applicant is shown as APPLICANT: Rebecca Green & Associates - PA\26\0081 The Property Address: 1060 Osmaston Road DELORAINÉ (CTs: 183627/1 & 175297/1)

DEVELOPMENT: Resource development (Controlled Environment Agriculture - poly tunnels) – setback, waterway.

The Meander Valley Council and the developer have failed to identify the crucial matter and additionally it remains somewhat unclear which setback issues because discretion and which waterway issues are at stake.

Oh! Is it the complete obliteration of a minor unnamed waterway?

I note there is no formal mention of whom Rebecca Green & Associates is representing in the header.

In any case regardless of the Council's concerns, I am objecting to this development for a number of reasons as set out below.

13.1.3 Representation 2 - A Ricketts

This objection includes a complaint regarding what appears to be and what I allege is an aftermath of an illegal land clearance.

The subject land is shown on the 1:25,000 map sheet No 4639, named Montana and some of it on the adjoining Deloraine map sheet No 4640. The Montana map sheet shows a significant area of forest to the west of Quamby Brook, mostly on lying ground.

The illegal clearance of the *E ovata* vegetation has not been mentioned in the application and hence this objection. In fact the *E ovata* is not mentioned either. This is a common problem.

I downloaded this PA\26\0081 from: <https://www.meander.tas.gov.au/assets/docs/Planning-Applications/Advertised/PA.26.0081-Website-Display.pdf>

I claim the applicant Tasmanian Berries or the Landowner including their, his or her contractors have illegally cleared *Eucalyptus ovata* from the river flat section of the property. The Quamby Brook forms a boundary of the property.

It is not possible for me to determine exactly who undertook the destruction and clearance of the *Eucalyptus ovata* forest on the western side of Quamby Brook.

There is no mention of the *E. ovata* forested vegetation that is Listed as being Critically Endangered at a National level and Threatened at a State Level and also Priority Vegetation under the MVC Local Provisions Schedule for multiple reasons. The *E. ovata* forested vegetation which occupied a significant area of the river flat, some of which remained, when I last went by some weeks ago now.

The remaining small amount of *E ovata* can be seen fringing the Quamby Brook and was previously extensive across the lower lying parts of the river flat. I allege this relentless clearing has been illegal.

It is a common practice to fraudulently identify *E ovata* forest as DSC which is Damp Sclerophyll Complex and this complex's name has been weaselled to avoid using the *E ovata* word. It is a sham and a scam. This is a common ploy and becomes a real problem when the state vegetation layer is so inaccurate.

Damp Sclerophyll Complex is a complex of several different vegetation types but mostly 4 different *Eucalypt* species. *E amygdalina*, *E ovata*, *E obliqua* and *E viminalis*. But there can be *E rodwayi* and *E deligatensis* and sometimes *E pauciflora*. So whenever someone can use the inaccurate State mapping TasVeg they do so. And over and over you find places where the mapping is changed by the consultant. The consultants of course, under our pro-development system, are engaged and paid by the developer.

Additionally when one looks elsewhere along, Quamby Brook, one can see that it is a stream fringed with *Eucalyptus ovata* forest. However on CT 183627/1 there was a considerably wider patch associated with the minor streams and flat poorly drained riverside terrain. *Ovata* forest often occupies damp valley floor sites such as this. It requires higher moisture levels than many other *Eucalyptus* species.

The clearance of the remaining vegetation on the remainder of this site is opposed.

The drainage of this site is opposed. By not draining the site a rehabilitation of the *E. ovata* would remain possible.

Additionally the low lying parts of the site should be restored back to *E ovata* forest.

I do not regularly travel along Osmaston Road, so recently I have been shocked to see the deliberate wanton destruction of highly important Critically Endangered Eucalyptus ovata forest at this site. A disgrace.

The exact title of the relevant ecological community which is Listed under EPBC legislation is: 'Tasmanian Forests and Woodlands Dominated by Black Gum or Brookers Gum (Eucalyptus ovata / E. brookeriana) Ecological Community'. This was originally termed 'Eucalyptus ovata Forest and Woodland in Tasmania'.

Perhaps it is not widely known, but the Eucalyptus ovata tree provides vital foraging habitat for the critically endangered Swift Parrot (Lathamus discolor). The Swift Parrot is also nationally listed as Critically Endangered. Eucalyptus ovata forest can also form nesting habitat for the Swift Parrot when the forest is more mature.

It is not surprising there is almost no threatened species records in this locality. It simply reflects the local community's interest in nature.

The reason I mention this important but highly endangered bird, one of the few migratory parrots on the planet, is because even a small amount of foraging habitat can be important.

The population of this species continues to decline and this is simply because its habitat is being relentlessly cleared. There is even a recovery plan, so the Federal Government has gone to considerable lengths to what they can to stop it going the same way as the Thylacine. But in the land of the Thylacine killers, Tasmania, this is hard.

If over 90% of the habitat has been destroyed then it is understandable, given the symbiotic link between the Swift Parrot and the Eucalyptus ovata, (and E. globulous) that if society continues with development which destroys this Forest, then the bird will go extinct as well. The Swift Parrot's reliance on E. ovata is well recognised scientifically.

Importantly, this vegetation has been Listed at the Commonwealth level for well over five years. At the state level it has been listed as Eucalyptus ovata dry forest for about 25 years but the Threatened Species Unit in DNRE, sadly has very meagre staff levels.

It is recognised that the E. ovata vegetation is between 90% and 95% depleted in Tasmania. That's correct there may be only 5% left.

Additionally it is recognised that this vegetation community is highly vulnerable to climate change and under a climate change reality a further climate related or driven contraction of the extent of Eucalyptus ovata is likely to occur.

Anyone familiar with Eucalyptus ovata trees would be able to identify this distinctive species sometimes known as swamp gum. I have such trees on my reserved property and am hence able to easily identify the species.

It was obvious to me that this patch of E. ovata dry forest to the west of Quamby Brook is/was E ovata forest. As in almost all cases, as it went up the hill the composition changed away from E ovata and perhaps there was some DSC further up on the higher ground.

Generally E. ovata trees have a smaller stature than many other Eucalyptus and an ovate leaf and the base of the trunk has a distinctive bark. They are always conclusively identified by their gumnuts but they are mostly easy to identify.

Additionally E. ovata has become infamous because of the massive historic land clearance which occurred across Tasmania on ground which supported E ovata, the valley floor. Yet here we are in 2025 still knocking it down!

The fact that farmers and landowners are still clearing this Critically Endangered species illegally is incredibly concerning and very unacceptable. Often roadsides get cleared of them. It is a widespread problem in Meander Valley.

I would suggest that illegal clearance is occurring because the farming community know that this vegetation is a priority for conservation and protection.

The Tasmanian Berries plan is to develop with poly tunnels over the small stream and virtually up to the edge of the Quamby Brook and run drains into it. No 50 m buffer for this class 1 stream, it seems.

Somewhere I have photographs of all the *E. ovata* forest, which either Tasmanian Berries or the current landowner has destroyed on this property.

This is the best opportunity to restore some of the crucial elements of the natural environment here. It is very, very, very, important.

If Tasmanian Berries or the landowner have already cleared a very significant amount of river flat dry *E. Ovata* forest that will almost certainly be illegal. Such illegal clearance should be subject to prosecution and likely fines.

This Tasmanian Berries development matter is being handled by Rebecca Green and Assoc in Launceston. These people may not be aware of the recent illegal clearance of the *Eucalyptus ovata* forest or the past presence of it across the river flat.

But they know is a very damp place. I repeat: The low lying area should not be developed and drained.

Clearance of riparian forest, such as at this Quamby Brook stream, would be subject to the Forest Practices Act and the Forest Practices Code. Under the Forest Practices Code, Quamby Brook would be classified as a Class I stream and subject to a 50 m riparian buffer from the stream bank. There is no 50 metre buffer now. Who knows what is left.

The illegal clearance which has occurred in this instance, regardless of the type of forested vegetation, is against the Forest Practices Act 1985, as amended in terms of a forestry operation.

The illegal clearance associated with the proposed development renders the proposition to my mind to be illegal and unsustainable.

Tasmanian Berries are wanting to develop up to the edge of the stream having knowingly either removed or witnessed the removal of forested vegetation within the riparian area.

Even a primary school student would know that this is wrong.

I do not know Tasmanian Berries and know nothing about their business.

I have read the miserable Natural Values Assessment report provided with the Planning Application. This was done by Exceed Engineering. I refer Council to page titles Figure 1 dated 31-10-2025, Poly Tunnel Expansion, on an unnumbered page but page 4 of the very, very brief assessment. Page 4 shows how Tasmanian Berries plans to erect its horticultural polytunnels over parts of the water course. We are not talking about an organic farm here. These berries surely get sprayed.

Poly Tunnel Expansion is proposed to occur directly over the stream's riparian area. What an absolute disgrace, indeed a crime. This should not be allowed to proceed.

13.1.3 Representation 2 - A Ricketts

Page 5 of 5

While my biggest concern is related to the harm which has been caused by the destruction of the Critically Endangered E. ovata forest and the destruction of Swift Parrot habitat, this other issue is an outrage.

The destruction of Critically Endangered forest, about 95% depleted since 1750, is in my view a crime.

Thus it is very important that Council's planning section and the general manager both realise the illegalities, which I allege have occurred here.

One can see the presence of vegetation along the river, a significantly sized patch of vegetation which I assert was dominated by Eucalyptus ovata dry forest.

I seek that the PA is not automatically approved by MVC under delegated authority.

Tasmanian Berries' planning application PA\26\00081 should be referred to the Federal Minister for the Environment: Murray Watts, as a Controlled Action under EPBC law. Meander Valley Council should be in the business of ensuring that such referrals occur.

It should also be referred to the Forest Practices Authority and the Threatened Species Unit of DNRE, as the forestry, which has occurred is clearly a land clearance matter.

As a member of the community, I am aggrieved that such environmental vandalism which I allege has occurred requires me to lodge objections and complaints such as this one.

Tasmanian Berries has had poly tunnels on this site for many years now. They have witnessed or been a party to the presence and the removal of the riparian vegetation dominated by Eucalyptus ovata, which I term Swift Parrot foraging habitat. It would be impossible for this company to have not seen this vegetation, indeed I suspect they have been involved.

The recent illegal clearance and the status of the E. ovata forest has not been adequately disclosed in the planning application PA\26\00081.

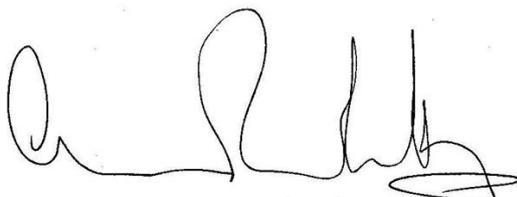
I consider this development proposal to be a poor catchment management proposal.

I seek that this application be considered by Council and not approved under delegation.

I seek that this planning application to be refused by Council and that no poly tunnels are approved on that low lying land near the brook or those areas associated with the small streams, which cross the river flat.

The design of placing poly tunnels over the line of the small stream is highly criticised and will mean chemicals will inevitably get to enter Quamby Brook because the spraying would be so close to the stream and also to the Brooks' edge.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Ricketts', with a stylized flourish at the end.

Andrew Ricketts

13.1.4 Applicant Response To Representations



Planning Department
Meander Valley Council
26 Lyall Street
WESTBURY TAS 7303

Attention: George Walker, Contract Planner

18 December 2025

Dear George,

Response to Representations PA/26/0081 – 1060 Osmaston Road, Deloraine

I wish to advise that I will not be able to attend Council's Ordinary Meeting in January due to being interstate at the time of the meeting, and will therefore be unable to speak at the meeting in support of our application.

However in lieu, I do wish to provide a written response to a couple of matters raised within the two representations received to the planning application for Resource Development (Controlled Environment Agriculture) including Polytunnels on behalf of Tasmanian Berries at 1060 Osmaston Road, Deloraine.

I wish to reiterate to the Planning Authority that the use on site is a No Permit Required Use within the Agriculture Zone, and development on the site is allowed to be 5m from a title boundary without seeking to rely on a performance criteria. Whilst Tasmanian Berries try their hardest to be a good neighbour, they understand that the nature of their business may not always appease all neighbours.

Tasmanian Berries advises that they are nearly through cleaning all the plastics out from the stockpile on site and are committed to doing so as soon as possible.

In response to the concerns raised in relation to clearing of native vegetation, including threatened species and/or communities, Tasmanian Berries were provided with a Forest Practices Plan (FPP No. JKS0118) in which to undertake timber harvesting on the site. Please find attached a copy of the Certification of Compliance issued by the Forest Practices Authority, dated 28 October 2024. This vegetation clearing was undertaken in 2024, and with the appropriate approvals in place.

An area of 20m x 20m of wattle was also cleared by Tasmanian Irrigation, so that they could achieve adequate sunlight to their solar panels to run the Quamby Brook outlet.

13.1.4 Applicant Response To Representations



It is not clear which vegetation clearing the representation is referring to, however all clearing on site, where required, has received appropriate approvals.

A map below indicates the cleared areas for assistance in response to the concerns raised.



I hope the above clarification is of assistance when making a decision on the planning application at hand.

Kind Regards,

A handwritten signature in black ink that reads 'R Green'.

Rebecca Green

Senior Planning Consultant & Accredited Bushfire Hazard Assessor (BFP-116)
m. 0409 284422
e. admin@rgassociates.com.au

13.1.4 Applicant Response To Representations



Certification of Compliance

Pursuant to s.25A of the *Forest Practices Act 1985*

FPP No. **JKS0118** Expiry Date. **31 / 12 / 2024**

as amended or varied in accordance with Part III of the *Forest Practices Act 1985*.

This compliance report is in relation to the following activity:

- Rooding
- Timber Harvesting**
- Reforestation
- Reforestation assessment
- Tree fern harvesting
- Quarry
- Clearing of trees and /or clearing and conversion

Date the activity was completed: **August 2024**

The activities under the plan did not proceed

or

Complied with the provisions of the FPP
 Fully complied Number of tree ferns harvested (if applicable):

or

Not complied with the provisions of the FPP

1. No further action recommended
2. Further action required – section 41 issued
3. Further investigation and action recommended

Please provide brief details of non-compliance and any actions to be undertaken (attach more pages if necessary):

.....

.....

.....

.....

.....

.....

.....

Database changes
 With respect to changes to the area of any forest communities, land use, harvest areas, or proposed land uses as a result of harvesting or regeneration:

Do the final areas differ from the original FPP cover page? Yes No
 (if Yes please ensure CoverPage database is updated)

Were changes in area amended through a variation(s) Yes No

Were changes in area amended as part of the final certificate of compliance? Yes No

This is the Final Certificate of Compliance Yes No

Responsible person signature.....  Date **28 / 10 / 2024**

Print Name: **Andrew Terry**

Certification by Forest Practice Officer – The operations have been inspected by a Forest Practices Officer and I declare that the operations are now completed and any actions required have been implemented.

FPO signature.....  Date **28 / 10 / 2024**

Print name: **Jason Smith**

A DOP interim compliance and final certificate of compliance is to be lodged on the FPA CoverPage database within 30 days of completion of the operation

2010/109234 FPA – CoC form V.2.8 (Jul 2020)

13.1.5 Planner's Advice Applicable Standards

Planner's Advice: Applicable Standards

Background

An application has been received for the use and development of land for controlled environment agriculture (berry production) located at 1060 Osmaston Road, Deloraine ('the site' refer to Figure 1).

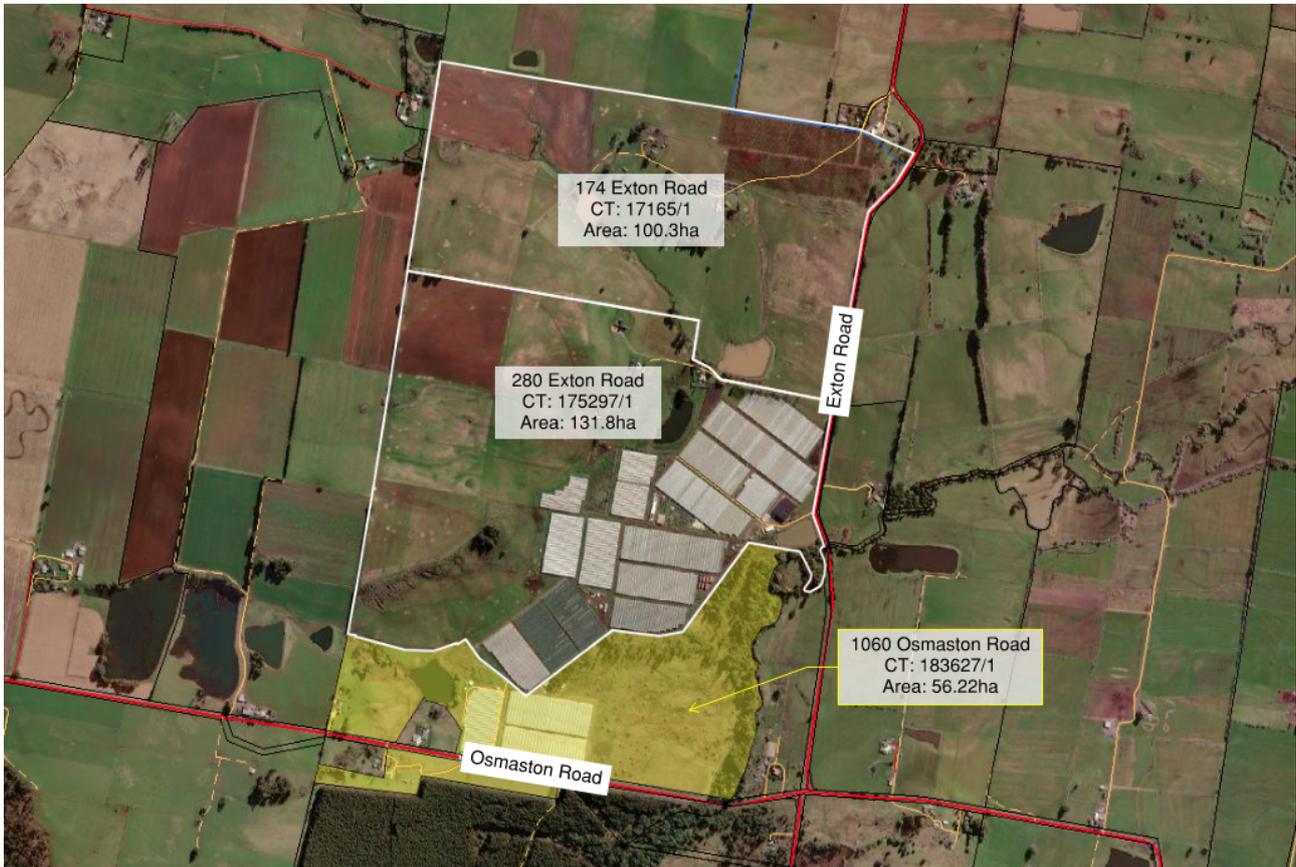


Figure 1: Aerial image showing the location and spatial extent of the site (Source: LIST Map).

The site comprises a single lot which has an area of 56.22ha and forms part of a larger berry production (and to a lesser extent mixed grazing and crop production) operation across three lots (inclusive of the lot that comprises the site) which have a combined area of 288.32ha.

With reference to Figure 1, the northern lot (CT 17165/1) is used for mixed grazing and cropping (including berry plant propagation) and workers accommodation. The middle lot comprises the majority of berry poly tunnels, (primary) storage and packing shed, mixed cropping and grazing, irrigation dam, workers accommodation and the main homestead. The southern lot (the site) comprises three (3) large poly tunnel blocks, irrigation dam, workers accommodation and cleared land (earmarked for poly tunnel expansion).

The site has frontage to Osmaston Road which separates a small portion of the southern end of the lot from the main area of the lot. The eastern boundary of the site follows Quamby Brook (watercourse). The site adjoins plantation forest production land to the south and agricultural land to the west.

13.1.5 Planner's Advice Applicable Standards

The proposed poly tunnel blocks will be as follows:

1. Block 1: 1.5385ha;
2. Block 2: 2.04ha;
3. Block 3: 2.2015ha;
4. Block 4: 2.55ha;
5. Block 5: 0.5338ha.

The proposed poly tunnels will have an upper building height of approximately 4.3m.

The proposed poly tunnel blocks will be operated by existing employees and will be accessed from established internal roads which will be extended to service the proposed poly tunnels. In this regard, primary vehicular access to the site is from the adjoining (middle) lot of the broader farm off Exton Road, adjacent to the primary storage and packing shed. All additional produce grown within the proposed poly tunnels will be absorbed within the existing storage and packing shed and trucks which transport berries to central dispatch in Devonport. In this regard, the proposed poly tunnels are not expected to result in an increase in employee numbers required to operate the berry production activity or vehicle movements at the existing vehicle access. No changes to established operating parameters (in terms of picking hours, storage and packaging and dispatch) are proposed as part of the new poly tunnels.

The site, along with all adjoining and adjacent land, is assigned to the Agriculture zone (refer to Figure 4). The site is located within an active farming (agricultural) landscape which includes production (Plantation) forestry to the south, mixed cropping to the west and grazing to the north and east.

13.1.5 Planner's Advice Applicable Standards



Figure 4: Zone map illustrating the spatial extent of the Agriculture zone as it applies to the site in addition to all adjoining and adjacent land.

Summary of Planner's Advice

This application was assessed against General Provisions Standards, as well as the Applicable Standards for this Zone and any relevant Codes.

All Standards applied in this assessment are taken from the Planning Scheme.

This application is assessed as compliant with the relevant Acceptable Solutions, except where "Relies on Performance Criteria" is indicated (see tables below).

Council has discretion to approve or refuse the application based on its assessment of the Performance Criteria, where they apply. Before exercising discretion, Council must consider the relevant Performance Criteria, as set out in the Planning Scheme.

13.1.5 Planner's Advice Applicable Standards

For the purposes of clause 6.2.1 of the Planning Scheme, the proposed use and development is categorised into the Resource Development Use Class. Use of land for controlled environment agriculture is listed as a 'No Permit Required' use within Table 21.2 (Agriculture Zone) of the Planning Scheme¹.

For a more detailed discussion of any aspects of this application reliant on Performance Criteria, see the attachment titled "Planner's Advice - Performance Criteria".

¹ For completeness, the site is not identified as Prime Agricultural Land and the controlled environment agriculture use maintains a No Permit Required use pathway under Table 21.2 of the Planning Scheme.

21.0 Agricultural Zone

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
21.3.1	<i>Discretionary uses</i>	
A1	The application does not involve a Discretionary Use.	Not Applicable
A2	The application does not involve a Discretionary Use.	Not Applicable
A3	The application does not involve a Discretionary Use.	Not Applicable
A4	The application does not involve a Discretionary Use.	Not Applicable
21.4.1	<i>Building Height</i>	
A1	Each proposed poly tunnel block will have a maximum building height of approximately 4.3m which is significantly less than the maximum building height of 12m allowed by Acceptable Solution A1.	Complies with Acceptable Solution
21.4.2	<i>Setbacks</i>	
A1	The north-eastern corner of (the northern tip) proposed Block 1 will be setback 3m from the lot boundary which does not satisfy the minimum boundary setback of 5m required by Acceptable Solution A1. Points of all other poly tunnels will be located greater than 5m from all lot boundaries (of the site).	Relies on Performance Criteria
A2	The proposed poly tunnels will not be used for a sensitive use.	Not Applicable

C2.0 Parking and Sustainable Transport Code

<i>Scheme Standard</i>	<i>Planner's Assessment</i>	<i>Assessed Outcome</i>
C2.5.1	<i>Car parking numbers</i>	
A1	Table C2.1 has no requirement for the provision of onsite car parking for controlled environment agriculture use and no additional vehicle parking infrastructure is proposed.	Complies with Acceptable Solution
C2.6.1	<i>Construction of parking areas</i>	
A1	The application does not involve any new vehicle access or parking infrastructure.	Not Applicable
C2.6.2	<i>Design and layout of parking areas</i>	
A1.1	The application does not involve any new vehicle access or parking infrastructure.	Not Applicable
A1.2	The application does not involve any new vehicle access or parking infrastructure.	
C2.6.3	<i>Number of accesses for vehicles</i>	
A1	The application does not involve any new vehicle accesses.	Not Applicable
A2	The application does not involve any new vehicle accesses.	Not Applicable
C2.6.5	<i>Pedestrian access</i>	
A1.1	The application does not involve any new vehicle access or parking infrastructure.	Not Applicable
A1.2	The application does not involve any new vehicle access or parking infrastructure.	
C2.6.6	<i>Loading bays</i>	
A1	The application is not required to provide any loading bays.	Not Applicable

13.1.5 Planner's Advice Applicable Standards

C2.0 Parking and Sustainable Transport Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
A2	The application is not required to provide any loading bays.	Not Applicable

C3.0 Road and Railway Assets Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
C3.5.1	<i>Traffic generation at a vehicle crossing, level crossing or new junction</i>	
A1.1	Exton Road and Osmaston Road are not category 1 or limited access roads.	Not Applicable
A1.2	The application does not involve a new junction, vehicle crossing, or level crossing to serve the proposed new berry poly tunnels.	
A1.3	The application does not involve a new private level crossing.	
A1.4	According to the application, the proposed poly tunnels will not result in an increase in vehicular traffic using the existing accesses to the farm.	
A1.5	Exton Road and Osmaston Road are not a major road.	

C7.0 Natural Assets Code

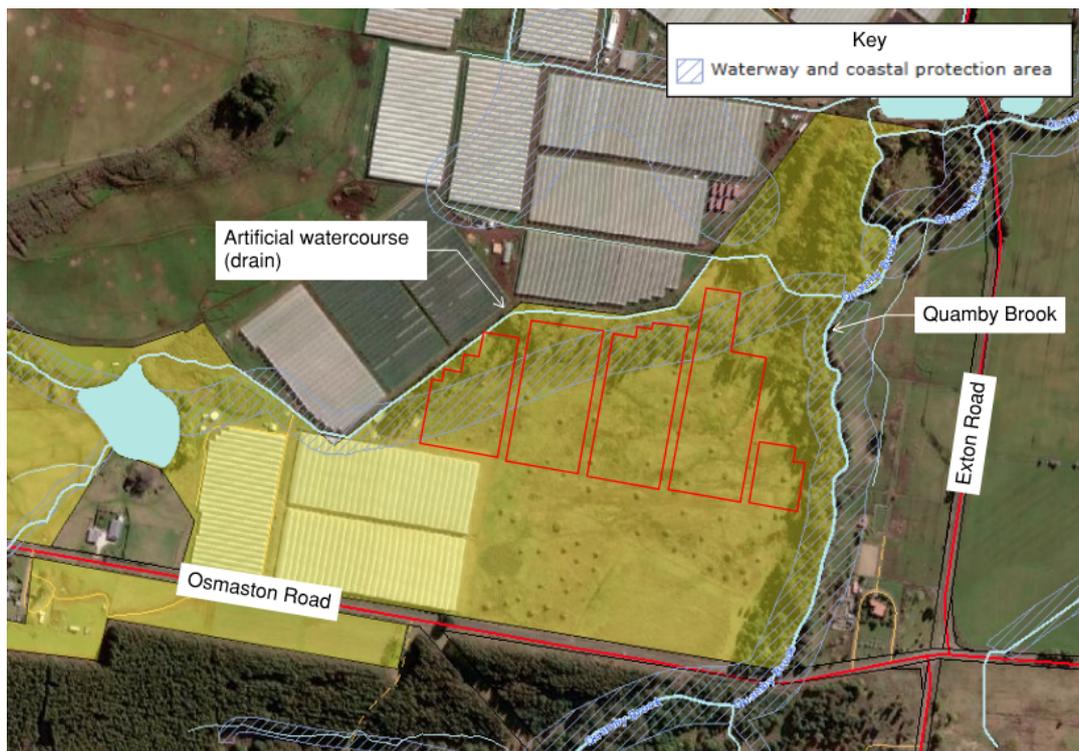
Scheme Standard

Planner's Assessment

Assessed Outcome

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

The extent to which the proposed development is located within the mapped waterway and coastal protection area is illustrated in the image below.



A1	The proposed poly tunnels will be located within an area of the site that is assigned to the waterway and coastal protection area overlay.	Relies on Performance Criteria
A2	The site is not subject to a future coastal refugia area.	Not Applicable
A3	The proposed poly tunnel development will not involve any new stormwater point discharge into a watercourse.	Not Applicable
A4	The application does not involve dredging or reclamation of land within a watercourse.	Not Applicable

13.1.5 Planner's Advice Applicable Standards

C7.0 Natural Assets Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
A5	The application does not involve any coastal protection works or watercourse erosion or inundation protection works.	Not Applicable
C7.6.2	<i>Clearance within a priority vegetation area</i>	
A1	The site is not subject to a priority vegetation area.	Not Applicable

13.1.5 Planner's Advice Applicable Standards

C12.0 Flood-Prone Areas Hazard Code

Scheme Standard

Planner's Assessment

Assessed Outcome

C12.4.1 Use or Development Exempt from this Code

The application involves development within the Flood-Prone Area (refer to image below).



(b)(iv) The application is for use and development of land within the Resource Development (Controlled Environment Agriculture) Use Class and the building is not a habitable building. The application is therefore exempt from the Flood-Prone Areas Code.

Exempt

13.1.6 Planner's Advice Performance Criteria

Planning Scheme Provision	21.4.2 Setbacks
	<p>Objective</p> <p><i>That the siting of buildings minimises potential conflict with use on adjoining properties.</i></p>
	<p>Performance Criteria P1</p> <p><i>Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to:</i></p> <p>(a) <i>the bulk and form of buildings;</i></p> <p>(b) <i>the nature of existing use on the adjoining properties;</i></p> <p>(c) <i>separation from existing use on the adjoining properties;</i></p> <p>(d) <i>any buffers created by natural or other features.</i></p>

Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P1, and is consistent with the objective.

Details of the planner's assessment against the provision are set out below.

Scheme Provision	Planner's Assessment
21.4.2 Performance Criteria P1	<p>The primary test of Performance Criteria 21.4.2 P1 is for proposed buildings to be sited to provide adequate vehicle access and to not cause or result in an unreasonable impact on existing use on adjoining properties. The proposed poly tunnels have been located within a position of the site that will not impact or disrupt existing vehicle access to the site, vehicle access within the site or associated vehicle parking within the site.</p> <p>For the purposes of assessing Performance Criteria 21.4.2 P1, the adjoining property is the adjoining lot to the north which forms part of the berry production operation (on the basis that the reduced boundary setback relates to the northern boundary of the site with all remaining boundary setbacks complying with the corresponding acceptable solution).</p> <p>The adjoining property comprises the majority of established berry production poly tunnels in addition to the primary storage and packing shed.</p> <p>The proposed poly tunnels will not cause an unreasonable impact on the existing berry production use on the adjoining property to the north having regard to the following sub-clauses of Performance Criteria 21.4.2.</p>
21.4.2 Performance	<p>The proposed poly tunnels will comprise a similar bulk and form as the existing poly tunnels on the site and on the adjoining property to the north.</p>

13.1.6 Planner's Advice Performance Criteria

Scheme Provision	Planner's Assessment
Criteria P1(a)	The proposed poly tunnels will therefore be compatible with the existing use on the adjoining property in this regard.
21.4.2 Performance Criteria P1(b)	The nature of the existing use on the adjoining property is berry production which is the same use established on the site. The adjoining use, which is integrated with two other lots (inclusive of the site), is the same use as the proposed poly tunnels which will be used for controlled environment agriculture for the purposes of mixed berry production.
21.4.2 Performance Criteria P1(c)	The proposed poly tunnels will be provided with similar separation between existing poly tunnels located on the site and the adjoining property to the north which are typically located in close proximity of one another in clusters of poly tunnel blocks.
21.4.2 Performance Criteria P1(d)	No buffers are proposed or considered necessary to minimise impacts between the proposed poly tunnels and the existing poly tunnels (and associated berry production use) on the adjoining property to the north.
21.4.2 Performance Criteria P1 Conclusion	The site is integrated into a broader berry production (and to a lesser extent mixed cropping and grazing) farming operation which occurs over three lots. The proposed poly tunnels will be located on the southern most lot within proximity to established poly tunnels. The proposed poly tunnels will be used for berry production and will therefore be compatible with the established use of the site and adjoining property to the north, therefore negating any impacts upon the use of the adjoining property as a result of the northern setback of the proposed poly tunnels.

Planning Scheme Provision	C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area
	<p>Objective</p> <p><i>That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.</i></p>
	<p>Performance Criteria P1.1</p> <p><i>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) impacts caused by erosion, siltation, sedimentation and runoff;</i> <i>(b) impacts on riparian or littoral vegetation;</i> <i>(c) maintaining natural streambank and streambed condition, where it exists;</i> <i>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i> <i>(e) the need to avoid significantly impeding natural flow and drainage;</i> <i>(f) the need to maintain fish passage, where known to exist;</i> <i>(g) the need to avoid land filling of wetlands;</i> <i>(h) the need to group new facilities with existing facilities, where reasonably practical;</i> <i>(i) minimising cut and fill;</i> <i>(j) building design that responds to the particular size, shape, contours or slope of the land;</i> <i>(k) minimising impacts on coastal processes, including sand movement and wave action;</i> <i>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</i> <i>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</i> <i>(n) the guidelines in the Tasmanian Coastal Works Manual.</i>

Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P1.1, and is consistent with the objective.

Details of the planner's assessment against the provision are set out below.

13.1.6 Planner's Advice Performance Criteria

Scheme Provision	Planner's Assessment
C7.6.1 Performance Criteria P1.1	<p>The application was supported by an assessment of the Natural Assets Code prepared by Exceed Engineering ('assessment'). The assessment correctly identifies that the Waterway and Coastal Protection Area overlay map ('waterway overlay') does not follow a physical watercourse which was relocated by a previous landowner several decades ago. Accordingly, the location of the proposed poly tunnels will not result in any impacts upon any watercourses within the waterway overlay in this regard.</p> <p>Notwithstanding this, the northern end of proposed poly tunnels 1 – 4 will be located within the waterway protection area that applies to the modified artificial watercourse that (approximately) follows the northern boundary of the site. Assessment of Performance Criteria C7.6.1 P1.1 is therefore limited to the artificial (drain) watercourse.</p> <p>The proposed poly tunnels will minimise adverse impacts upon the artificial watercourse having regard to the following sub-clauses of Performance Criteria C7.6.1 P1.1.</p>
C7.6.1 Performance Criteria P1.1(a)	<p>Legs (supports) of the proposed poly tunnels are drilled into the ground with the base of the (inside) poly tunnels to be sown or remain under grass cover. The proposed poly tunnels will therefore result in minimal disturbance within the context of soil erosion, siltation and sedimentation. In addition, the application indicates that stormwater runoff from the poly tunnels will either be captured and reticulated into the farming irrigation infrastructure for re use on the farm or captured on the ground below the poly tunnels within the grassed area.</p>
C7.6.1 Performance Criteria P1.1(b)	<p>All riparian vegetation has been removed in accordance with a Forest Practices Plan certified under the <i>Forest Practices Act 1985</i> (certificate of compliance issued 31/12/2024 (FPP No. JKS0118)). The assessment also concludes that the site does not contain any riparian vegetation communities.</p>
C7.6.1 Performance Criteria P1.1(c)	<p>The watercourse to the north of the proposed poly tunnels is an artificial watercourse (drain) which does not have a natural streambank or streambed.</p>
C7.6.1 Performance Criteria P1.1(d)	<p>The assessment concluded that there is no evidence that the artificial watercourse contains in-stream natural habitat including fallen logs, bank overhangs, rock or trailing vegetation.</p>

13.1.6 Planner's Advice Performance Criteria

Scheme Provision	Planner's Assessment
C7.6.1 Performance Criteria P1.1(e)	The watercourse is an artificial drain and does not comprise natural flow or drainage state.
C7.6.1 Performance Criteria P1.1(f)	The assessment has concluded that the artificial watercourse (drain) is not adequate to provide for fish passage.
C7.6.1 Performance Criteria P1.1(g)	The application does not involve the filling of any wetlands.
C7.6.1 Performance Criteria P1.1(h)	The proposed poly tunnels will be clustered amongst other poly tunnels within the established berry production operation that occurs on the site and on the adjoining lot to the north.
C7.6.1 Performance Criteria P1.1(i)	The application does not involve cut or fill.
C7.6.1 Performance Criteria P1.1(j)	The development area is relatively flat and has no observable topographical constraints.
C7.6.1 Performance Criteria P1.1(k)	The site is not located within a coastal location.
C7.6.1 Performance Criteria P1.1(l)	The assessment has not determined any need for future protection works required for the protection of the property and infrastructure.

13.1.6 Planner's Advice Performance Criteria

Scheme Provision	Planner's Assessment
<p>C7.6.1 Performance Criteria P1.1(m)</p>	<p>The proposed poly tunnels will not be located within the artificial (or any other natural) watercourse and therefore the Wetlands and Waterways Works Manual is not applicable to the proposed development.</p>
<p>C7.6.1 Performance Criteria P1.1(n)</p>	<p>The site is not located within a coastal location.</p>
<p>C7.6.1 Performance Criteria P1.1 Conclusion</p>	<p>The siting of the proposed poly tunnels will not result in any adverse impacts upon the adjacent artificial watercourse (drain) to the north. The purpose of this watercourse is to provide site drainage and overflow pathway from the upstream dam into Quamby Brook to the east. It does not contain any natural features including riparian vegetation.</p>

Planning Submission

Resource Development (Controlled Environment Agriculture)
including Polytunnels



1060 Osmaston Road, Deloraine



Contents

1. Executive Summary	3
1.1 Proposal Overview	3
2. Subject Land and Locality	3
2.1 Subject Land Description	3
2.1 Locality Description	4
2.2 Access and Movement	4
2.3 Services	4
2.4 Heritage	5
2.5 Flora and Fauna	5
3. Proposal	5
3.1 Development Proposal	5
4. Planning Assessment	7
4.1 Tasmanian Planning Scheme – Meander Valley	7
4.2 Other Planning Considerations	11
4.3 State Policies	13
4.3.1 State Coastal Policy 1996	13
4.3.2 State Policy on Water Quality Management 1997	13
4.3.3 State Policy on Protection of Agricultural Land 2009	14
4.4 Land Use Planning and Approvals Act 1993	14
4.5 National Environment Protection Measures	14
5. Conclusion	15

Appendices

Appendix A: Certificate of Title

Appendix B: Plans and Details

Appendix C: Natural Assets Code Assessment

1. Executive Summary

1.1 Proposal Overview

This submission is prepared on behalf of Tasmanian Berries (Andrew and Stephanie Terry), in support of a proposal for resource development (controlled environment agriculture) including polytunnels.

The owners of the subject land are Andrew and Stephanie Terry. This application is made with the knowledge of all landowners.

This application is made under the *Land Use Planning and Approvals Act 1993*, in accordance with Section 57 for a discretionary planning application. The proposal has been prepared in accordance with the provisions of the *Tasmanian Planning Scheme – Meander Valley* and the objectives of the *Land Use Planning and Approvals Act 1993*.

The proposal is summarised as:

- Use and Development of Resource Development, and is illustrated in plans, provided at Appendix B.

2. Subject Land and Locality

2.1 Subject Land Description

The subject site is comprised in Certificate of Title Volume 183627 Folio 1. A copy of the title is contained in Appendix A.

The registered owners of 1060 Osmaston Road are Andrew Geoffrey Petten Terry and Stephanie Sheree Terry. CT 183627/1 has an area of 55.35 hectares and has primary frontage to Osmaston Road. The site adjoins Quamby Brook to the east and located south of Exton. A number of polytunnels are current on the title.

Surrounding land is predominantly utilised for agriculture at various scale and levels of intensity.

2.1 Locality Description

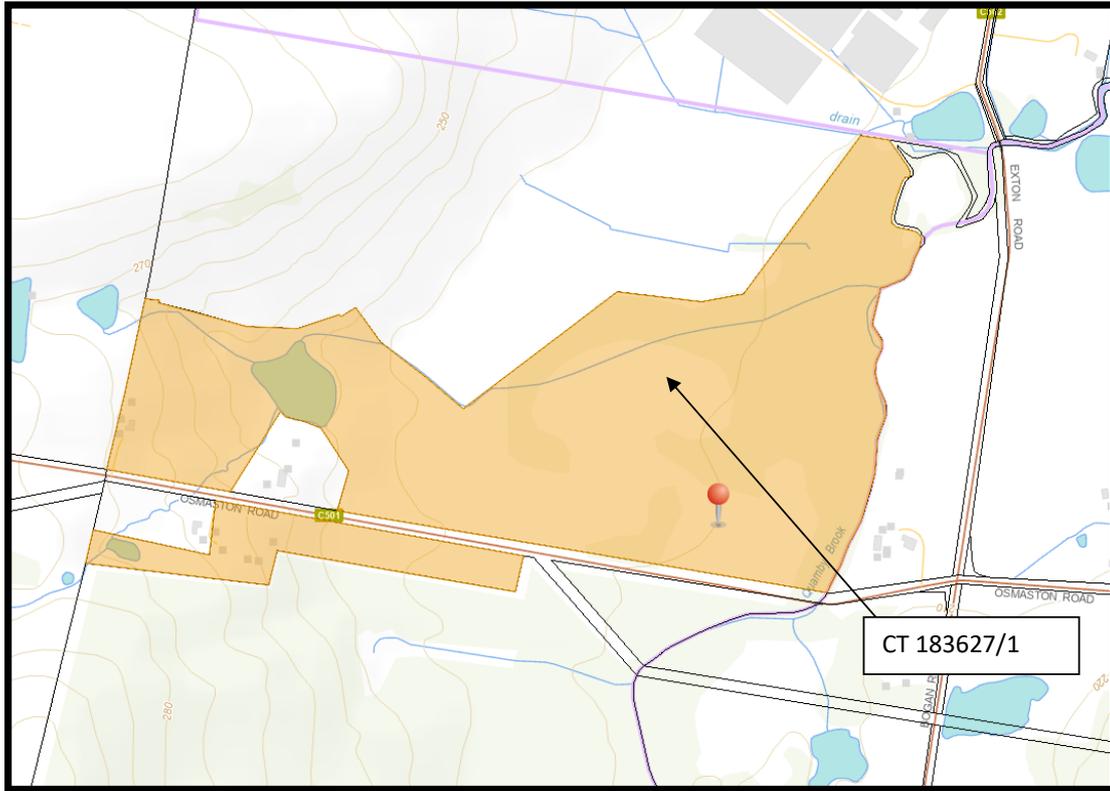


Figure 1: Locality Map 1060 Osmaston Road

(Source: [LISTmap - Land Information System Tasmania \(thelist.tas.gov.au\)](http://thelist.tas.gov.au))

2.2 Access and Movement

There are several existing vehicular access points to the land at 1060 Osmaston Road. The proposal will see access continue from the existing access points to Osmaston Road. Access to the polytunnels will also continue via the farm access existing and located to the adjoining property to the north in the same ownership.

2.3 Services

The subject site is located within the rural settlement of Deloraine; it is not provided with reticulated sewerage, water and stormwater; however, the site can be provided with power and communications supplies, as required. All drainage and stormwater are diverted to the dams on the farm and via in-ground filtration.

2.4 Heritage

The subject site is not identified to be of heritage significance.

2.5 Flora and Fauna

The site is located within the rural area of Deloraine. A search of the Natural Values Atlas has revealed no recorded species on the subject site. An area of Eucalyptus ovata forest and woodland is located in the northeastern corner of the site. The proposed polytunnels will be located approximately 140m to the southwest of this Threatened Native Vegetation Community.

3. Proposal

3.1 Development Proposal

Centralised packing, amenities and transport is provided and existing at 280 Exton Road, no changes to this area are proposed.

The proposal seeks to gain approval for the development associated with a berry growing enterprise that utilises controlled environment agricultural techniques at 1060 Osmaston Road, Deloraine.

Block 1 will comprise an area of 15,385m², Block 2 will comprise an area of 20,400m², Block 3 will comprise an area of 22,015m², Block 4 will comprise an area of 25,500m² and Block 5 will comprise an area of 5,338m² for polytunnel construction, as per drawings contained at Appendix B to this submission, and will accommodate strawberry production.

Tasmanian Berries commenced construction of polytunnels in February 2014 at 280 Exton Road, and in 2022 one block of polytunnels and two blocks of hot house structures was commenced on the subject site. In mid-2025 an additional three blocks of polytunnels commenced. The proposal seeks to add a further five blocks of polytunnels. The long harvest season requires between 12-18 people per hectare to rotationally harvest the fruit by hand, 7 days a week, as well as teams of people responsible for farm management, irrigation, maintenance, and crop husbandry.

The PALM (Pacific Australia Labour Mobility) scheme provides a reliable source of labour that works with the business for periods of 6-9 months each season before returning home.

Peak picking season is between November and April. Picking activity commences as early as 5.00am. Picking activity generally ends between 1.00pm and 3.00pm. In the past packing generally occurred at the same time as picking, however Tasmania Berries are moving packing to the packshed rather than picking and packing in the field, and anticipate to use 30% less labour across the board in the field which the existing staff will take up the extra area of the five blocks proposed. General farm maintenance is undertaken throughout the year, but increases during the winter months with polytunnel maintenance, disposing of old plants and planting of new ones, pruning and re-trellising. Deliveries other than fruit out and packaging in, includes deliveries of fertilisers, chemicals, trellis equipment, tunnel equipment and might occur 1-2 times per week. No additional vehicle movements is anticipated, as the employees live on site on the adjacent northern property and all vehicle movements will be internal between the two sites.

Strawberry Production Method

The proposed and existing strawberry operation utilises a hydroponic production system located within poly tunnel structures. The strawberries are grown in raised gutters positioned approximately 1.0 metre high, which allows for efficient plant management and drainage control.

Each gutter contains an inert growing medium (such as coco peat) that supports the plant root systems. A nutrient-rich fertigation solution—comprising water and dissolved fertilisers—is delivered directly to each plant via a controlled drip irrigation system. This ensures precise delivery of water and nutrients to the root zone, optimising plant growth while minimising waste.

All irrigation and nutrient delivery are monitored and regulated using automated control systems that measure and adjust flow rates, electrical conductivity (EC), and pH. This precision fertigation approach allows for substantial reductions in total water use and fertiliser input, compared with traditional soil-based production systems.

Wastewater Capture and Management

The hydroponic system operates as a closed or semi-closed loop, meaning that any excess or drain water from the raised gutters is fully captured and collected through a network of return lines and drainage channels within each poly tunnel. This captured nutrient solution—commonly referred to as “runoff” or “leachate”—is directed to a holding dam located on site.

From there, the stored nutrient water is reused and redistributed for irrigation of the farm’s broadacre cropping and grazing pastures, primarily through a centre pivot irrigation system. This process allows the nutrient-rich water to be beneficially applied to surrounding farmland, where it supports pasture and crop growth while reducing the need for additional synthetic fertiliser applications.

All recapture and reuse processes are managed to ensure:

- No uncontrolled discharge of nutrient water from the property boundary;
- Compliance with best practice water management and environmental standards;
- Optimisation of whole-farm water and nutrient use efficiency; and
- Protection of surrounding soil and groundwater quality.

Coir (substrate growing media made from coconut)

Coir bags each hold approximately 16 litres of coir, 1.0m longx0.2m sidex 0.15m high. These coir bags are generally replaced in the polytunnels annually, however Tasmanian Berries is in the process of moving to bi-annual for financial and sustainable reasons.

To dispose of the bags, this is completed utilising manual labour with knives to cut the bags and manually separate the plastic from the organic material. The organic material is then spread on the pasture and potato crops. The plastic is then recycled where possible. The manual separation process of the bags will soon be replaced for a number of reasons, to an industrial shredder to first

13.1.7 Application Documents



shred the whole bag plastic and all. The material is then put through a trommel screen to separate the organic material and the plastic, which is more efficient and safer. This process change will take place on farm before the development of the polytunnel construction, as the stockpile is presently in the location of the development. The business anticipates utilising this process in the future to alleviate any stockpiling.

All plans and details of the proposal are provided at Appendix B to this submission.

4. Planning Assessment

4.1 Tasmanian Planning Scheme – Meander Valley

The subject site is zoned Agriculture within the *Tasmanian Planning Scheme – Meander Valley*, effective 19th April 2021 and subject to the Bushfire-Prone Areas Code, and the Natural Assets Code (Waterway and coastal protection area) and the Flood-Prone Areas Code.

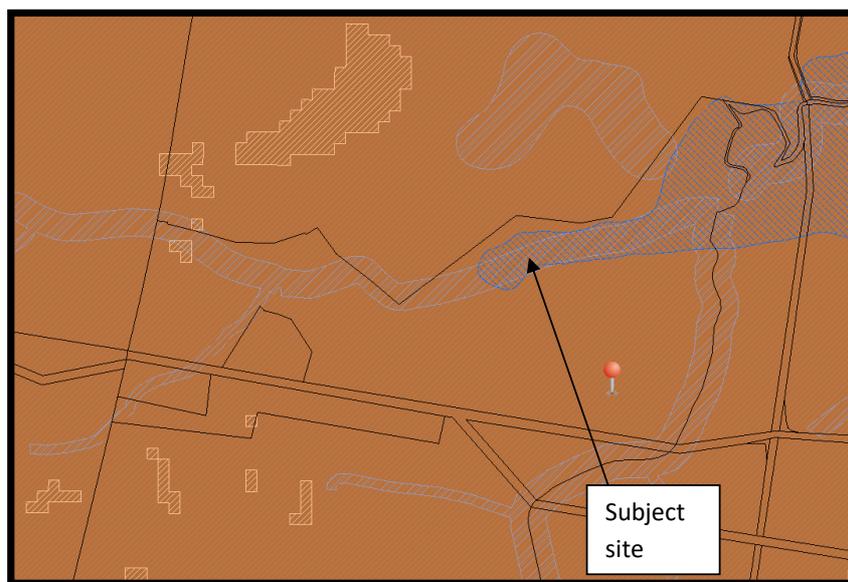


Figure 2: Zoning Map

(Brown = Agriculture Zone)

(Source: [LISTmap - Land Information System Tasmania \(thelist.tas.gov.au\)](http://thelist.tas.gov.au))

21.0 Agriculture Zone

21.1 Zone Purpose

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

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

(a) conflict with or interference from non-agricultural uses;

(b) non-agricultural use or development that precludes the return of the land to agricultural use; and

(c) use of land for non-agricultural use in irrigation districts.

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

Proposal Response

The proposal meets the zone purpose statements, as it provides for subservient and associated use to a resource development use at a commercial scale. The use of development will not constrain, or conflict resource development uses.

This is complied with.

21.2 Use Table

The proposed use fits the use class of **Resource Development** (Controlled Environment Agriculture) which is a No Permit Required Use, due to being located on Class 4 land (other than prime agricultural land).

Use Class

Resource Development

“Use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fish stock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry, forest operations, turf growing and marine farming shore facility.

Controlled Environment Agriculture as defined by the Scheme means:

“means an agricultural use carried out within some form of built structure, whether temporary or permanent, which mitigates the effect of the natural environment and climate. Such agricultural uses include production techniques that may or may not use imported growth medium such as greenhouses, polythene covered structures, and hydroponic facilities.”

21.3 Use Standards

21.3.1 Discretionary Uses – not applicable, the proposal is located on Class 4 land and is therefore a No Permit Required use meeting qualification (a) under Table 21.2.

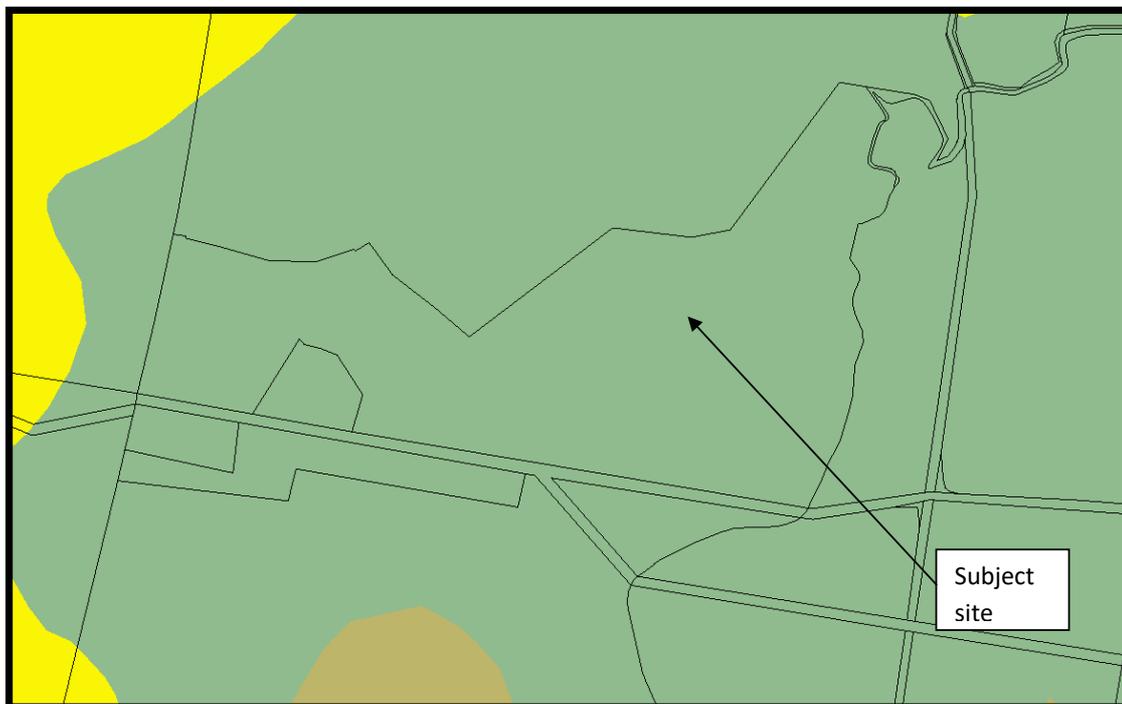


Figure 3: Land Capability Map

(Source: [LISTmap - Land Information System Tasmania \(thelist.tas.gov.au\)](http://thelist.tas.gov.au))

21.4 Development Standards for Buildings and Works

21.4.1 Building Height

Objective		
To provide for a building height that:		
(a) Is necessary for the operation of the use; and		
(b) Minimises adverse impacts on adjoining properties.		
Acceptable Solution	Performance Criteria	Proposal Response
A1 Building height must be not more than 12m.	P1 Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to: (a) The proposed height of the building; (b) The topography of the site; (c) The bulk and form of the	A1 The proposed polytunnels are less than 12m (4.3m) as detailed within plans and details contained at Appendix B.

- building;
- (d) Separation from existing use on adjoining properties;
- (e) The nature of the existing uses on adjoining properties; and
- (f) Any buffers created by natural or other features.

21.4.2 Setbacks

Objective		
That the siting of buildings minimises potential conflict with use on adjoining properties.		
Acceptable Solution	Performance Criteria	Proposal Response
A1 Buildings must have a setback from all boundaries of: <ul style="list-style-type: none"> (a) Not less than 5m; or (b) If the setback of an existing building is within 5m, not less than the existing building. 	P1 Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to: <ul style="list-style-type: none"> (a) The bulk and form of the building; (b) The nature of existing use on the adjoining properties; (c) Separation from existing use on the adjoining properties; and (d) Any buffers created by natural or other features. 	<i>All polytunnels will be located at least 8m to the boundary except for a section of polytunnels in Block 1 which is proposed to be 3m to the boundary. The proposed polytunnel development is used in association with the adjacent title. Vehicular access is existing and will not be impacted by the proposed polytunnels located within 5m of a boundary. The polytunnel blocks are made up of a number of rows of polytunnels, lightweight in structure with a level of transparency through the structure. The proposal will not cause an unreasonable impact on existing use on adjoining properties, given the nature of the use between the two titles, and the same ownership. The proposal is consistent with the performance criteria.</i>
A2 Buildings for a sensitive use must have a setback from all	P2 Buildings for a sensitive use must be sited so as not to conflict or	<i>A2 Not applicable, no sensitive use proposed.</i>

boundaries of: (a) Not less than 200m; or (b) If the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.	interfere with an agricultural use, having regard to: (a) The size, shape and topography of the site; (b) The prevailing setbacks of any existing buildings for sensitive uses on adjoining properties; (c) The location of existing buildings on the site; (d) The existing and potential use of adjoining properties; (e) Any proposed attenuation measures; and (f) Any buffers created by natural or other features.
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

21.4.3 Access for New Dwellings – not applicable, the proposal is not for a dwelling.

21.5 Development Standards for Subdivision – not applicable, the proposal does not include subdivision.

4.2 Other Planning Considerations

C2.0 Parking and Sustainable Transport Code

C2.5 Use Standards

C2.5.1 Car Parking Numbers

A1 – The number of on-site car parking spaces meets the reasonable needs of the use. Table C2.1 has no requirement for the Resource Development use class. No additional formal car parking is proposed on site.

Bus/car transportation is provided to essential services for workers by Tasmanian Berries as well as internal transportation where required within the property.

C2.5.2 Bicycle Parking Numbers

A1 - Table C2.1 has no requirement for Resource Development use class. The site is sufficient in size to accommodate any bicycles that the seasonal workers may own/utilise.

C2.5.3 Motorcycle Parking Numbers

A1 – Table C2.4 has no requirement for the provision of motorcycle parking for this proposal.

C2.5.4 Loading Bays – not applicable.

C2.5.5 Number of Car Parking Spaces within the General Residential Zone and Inner Residential Zone – not applicable.

C2.6 Development Standards for Buildings and Works

No additional car parking spaces / bus parking areas proposed.

C3.0 Road and Railway Assets Code

Vehicular traffic to and from the site, using an existing vehicle crossing will not increase by more than the amounts in Table C3.1. All vehicular traffic is capable of entering and leaving the site in a forward direction. No additional vehicle movements is anticipated, as the employees live on site on the adjacent northern property and all vehicle movements will be internal between the two sites.

The proposal complies with A1.4 of C3.5.1. All other provisions are not applicable.

C7.0 Natural Assets Code

The application of this Code does apply to this subject site as the Code applies to development on land within a waterway and coastal protection area.

C7.6.1 Buildings and Works within a Waterway and Coastal Protection Area or a Future Coastal Refugia Area

A1 – The proposal is not able to meet the acceptable solution.

P1.1 – A Natural Assets Code Assessment prepared by Exceed Engineering is attached to this submission at Appendix C demonstrating compliance with the performance criteria.

P1.2 – Not applicable.

A2 – Not applicable.

A3 – Stormwater from the structures including the polytunnels will be discharged via in-ground filtration. No new point source discharges into a watercourse are proposed. The proposal will not give rise to pollutants as clean water runoff is proposed.

A4 – A5 – Not applicable.

C12.0 Flood-Prone Areas Hazard Code

The proposed use and development is exempt under C12.4.1 (b)(iv) of this Code.

4.3 State Policies

4.3.1 State Coastal Policy 1996

The State Coastal Policy was created under the *State Policies and Projects Act 1993*. This Policy applies to the Coastal Zone, which is defined as the area within State waters and all areas within one kilometre of the coast.

Proposal Response

The subject site is not located within one kilometre from the coast, meaning that the provisions of the State Coastal Policy 1996 do not apply.

4.3.2 State Policy on Water Quality Management 1997

This Policy applies to all surface waters, including coastal waters, and ground waters, other than:

- i. Privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public; or
- ii. Waters in any tank, pipe or cistern.

The purpose of the Policy is to achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System (Schedule 1 of the *State Policies and Projects Act 1993*).

The objectives of this Policy are to:

1. *Focus water quality management on the achievement of water quality objectives which will maintain or enhance water quality and further the objectives of Tasmania's Resource Management and Planning System;*
2. *Ensure that diffuse source and point source pollution does not prejudice the achievement of water quality objectives and that pollutants discharged to waterways are reduced as far as is reasonable and practical by the use of best practice environmental management;*
3. *Ensure that efficient and effective water quality monitoring programs are carried out and that the responsibility for monitoring is shared by those who use and benefit from the resource, including polluters, who should bear an appropriate share of the costs arising from their activities, water resource managers and the community;*
4. *Facilitate and promote integrated catchment management through the achievement of objectives (1) to (3) above; and*
5. *Apply the precautionary principle to Part 4 of this Policy.*

Proposal Response

The proposal involves collection and discharge of stormwater via in-ground filtration for the new development. The objectives of this Policy will therefore be managed in this rural environment.

The proposal is consistent with the policy.

4.3.3 State Policy on Protection of Agricultural Land 2009

The location of the proposed works and development are located within the area of the site which is mapped as Class 4 land. There is no prime agricultural land directly associated with the location of the proposed development.

The proposal is unlikely to impact on adjacent agricultural use. As such, the proposal does not conflict with the objectives of this Policy.

4.4 Land Use Planning and Approvals Act 1993

The *Land Use Planning and Approvals Act 1993* provides objectives for all development considered under this Act. The proposal has been considered against the objectives of this Act. The proposal has been prepared to be consistent with the provisions of the *Tasmanian Planning Scheme – Meander Valley*. The proposal is therefore considered to be consistent with the objectives of the Act.

4.5 National Environment Protection Measures

A series of National Environment Protection Measures (NEPMs) have been established by the National Environment Protection Council. These measures are:

- Ambient air quality;
- National pollutant inventory;
- Movement of controlled waste;
- Use packaging materials;
- Assessment of site contamination; and
- Diesel vehicle emissions.

Proposal Response

It is considered that the NEPMs are not relevant to the proposed development.

5. Conclusion

The proposal is for resource development (controlled environment agriculture) by way of the provision of five blocks of polytunnels at 1060 Osmaston Road, Deloraine, and is illustrated in plans, provided at Appendix B.

The proposal complies with the development standards prescribed by the Scheme, and can be approved under the *Tasmanian Planning Scheme – Meander Valley*. This application is made under the *Land Use Planning and Approvals Act 1993*, Section 57 which provides for the submission of a discretionary application.

The proposal is consistent with the relevant State and local policies, Planning Scheme objectives and considerations and objectives of the *Land Use Planning and Approvals Act 1993*. It is therefore recommended that the proposal be considered for planning approval.

Author	Version	Date
Rebecca Green	1	29 September 2025
Rebecca Green	2 – Response to RFI	30 October 2025

13.1.7 Application Documents



Appendix A: Certificate of Title

RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 183627	FOLIO 1
EDITION 2	DATE OF ISSUE 06-Feb-2023

SEARCH DATE : 21-Jun-2025

SEARCH TIME : 01.13 PM

DESCRIPTION OF LAND

Parish of CALSTOCK Land District of WESTMORLAND
 Lot 1 on Plan 183627
 Being in part the land described in Conveyance 72/3977
 Excepting thereout Lot 1 (SP145226) 9600m2, Part of Lot 1
 (SP175297) 48.97ha & Part of Lot 1 (SP183626) 1.180ha
 Derivation : Part of Lot 43, 500 Acres Gtd. to William Bramich
 Prior CT 175298/1

SCHEDULE 1

N105459 TRANSFER to ANDREW GEOFFREY PETTEN TERRY and
 STEPHANIE SHEREE TERRY Registered 06-Feb-2023 at
 noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP 15021 BENEFITING EASEMENT: Pipeline right (appurtenant to
 the land marked ABCD on Plan 183627) over the strip
 of land marked Water Supply and Pipeline Easement
 3.00 wide on Plan 183627
 M615614 BENEFITING EASEMENT: a right of carriageway over the
 land marked Right of Way 8.00 wide on Plan 183627
 Registered 31-Mar-2017 at noon
 SP175297 BURDENING EASEMENT: a pipeline easement (appurtenant
 to Lot 1 on Sealed Plan 175297) over the land marked
 Pipeline Easement 4.00 wide PQR (SP175297) on Plan
 183627
 SP183626 BURDENING EASEMENT: Right of Carriageway (appurtenant
 to Lot 1 on Sealed Plan 183626) over the land marked
 Right of Way 6.00 wide (SP183626) on Plan 183627
 SP183626 BURDENING EASEMENT: a water supply easement
 (appurtenant to Lot 1 on Sealed Plan 183626) over the
 land marked Water Supply Easement 4.00 wide PQST
 (SP183626) on Plan 183627
 SP 15021 BURDENING EASEMENT: Pipeline right (appurtenant to
 the land marked ABCD on Plan 183627) over the strip
 of land marked Water Supply and Pipeline Easement

RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

3.00 wide on Plan 183627

C704431 ADHESION ORDER under Section 110 of the Local Government (Building and Miscellaneous Provisions) Act 1993 Registered 21-Mar-2006 at 12.03 PM

C860751 ADHESION ORDER under Section 110 of the Local Government (Building and Miscellaneous Provisions) Act 1993 Registered 26-May-2008 at noon

E332442 MORTGAGE to Australia and New Zealand Banking Group Limited Registered 06-Feb-2023 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

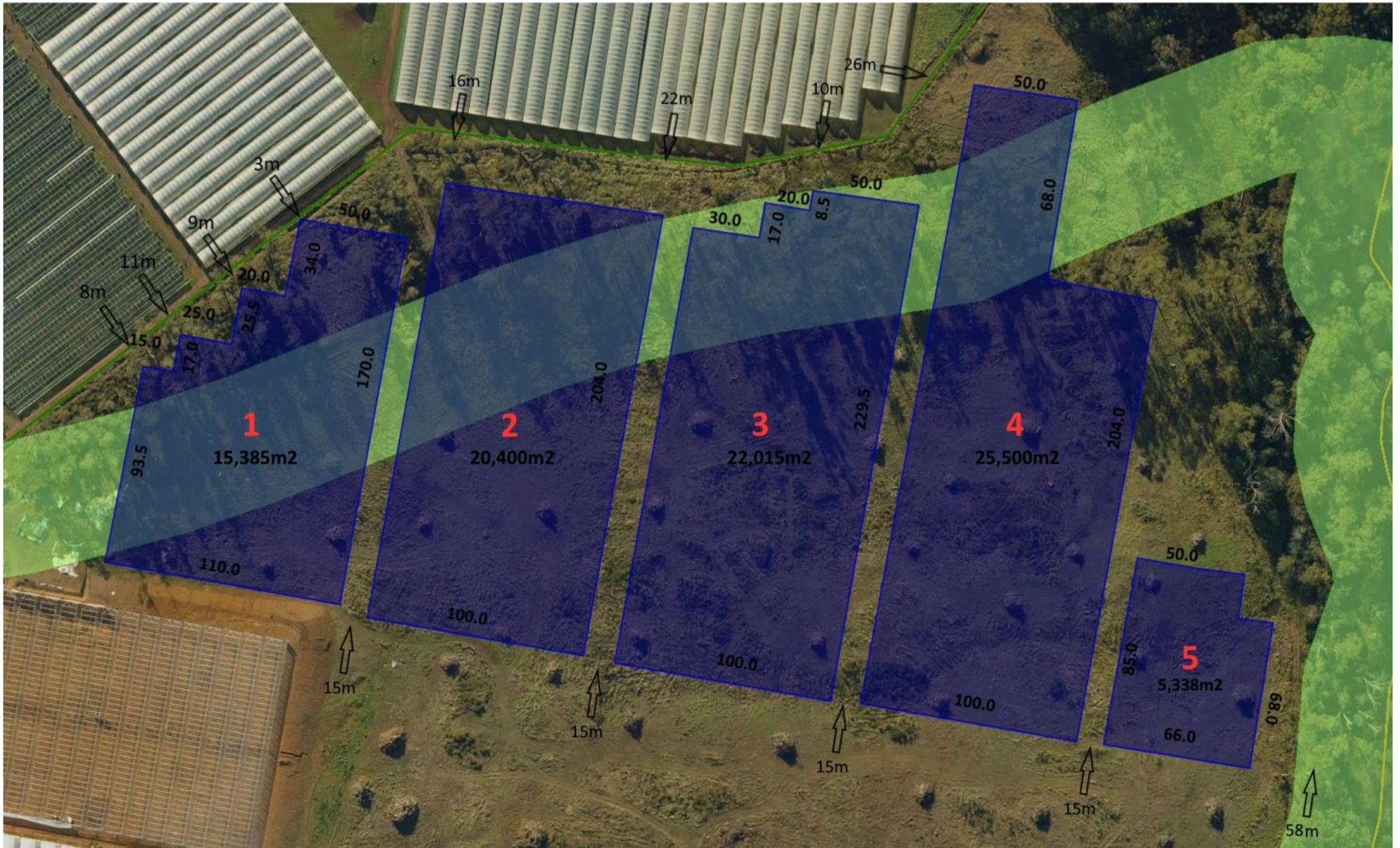
No unregistered dealings or other notations

13.1.7 Application Documents



Appendix B: Plans and Details

13.1.7 Application Documents



BERRY GREENHOUSE

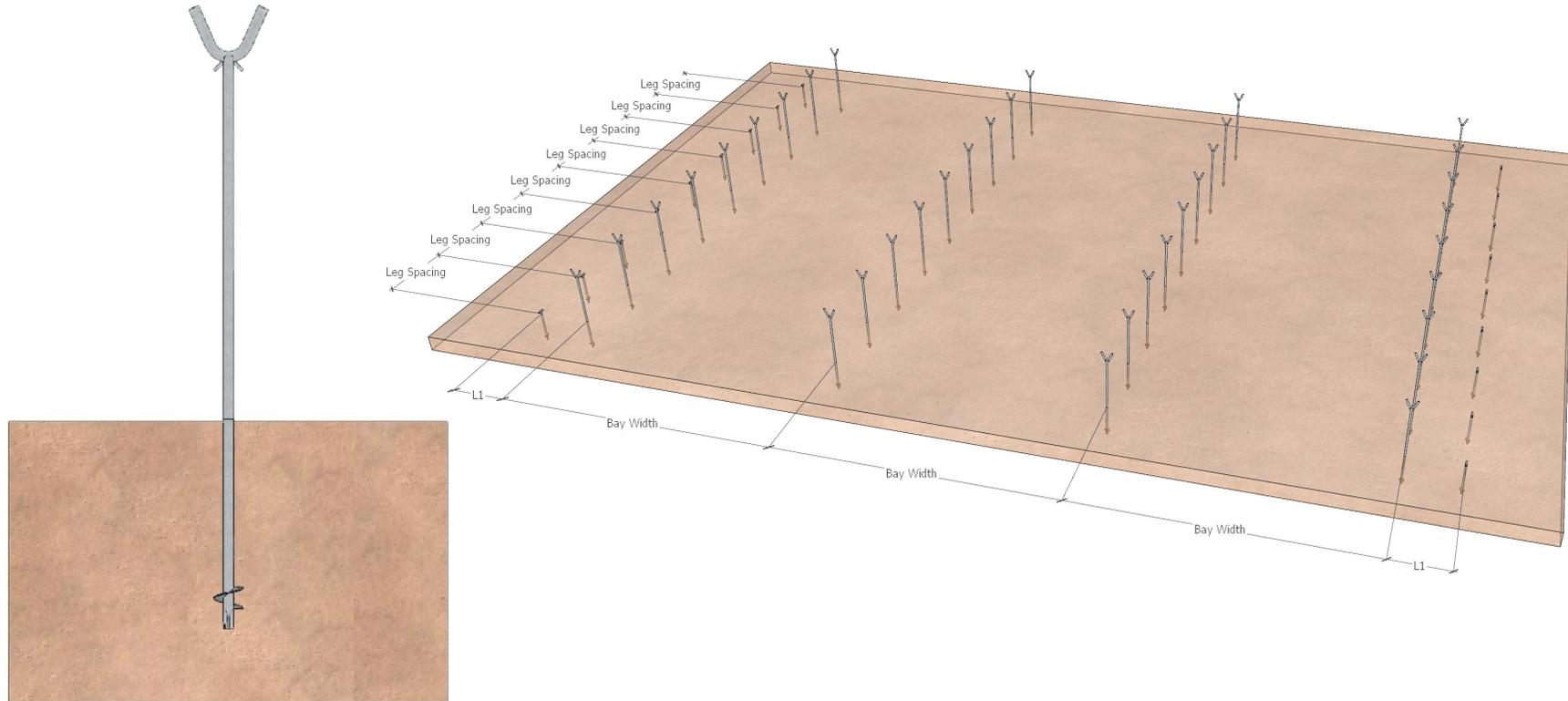
Optimized Growth / Easy Installation

Installation Guide



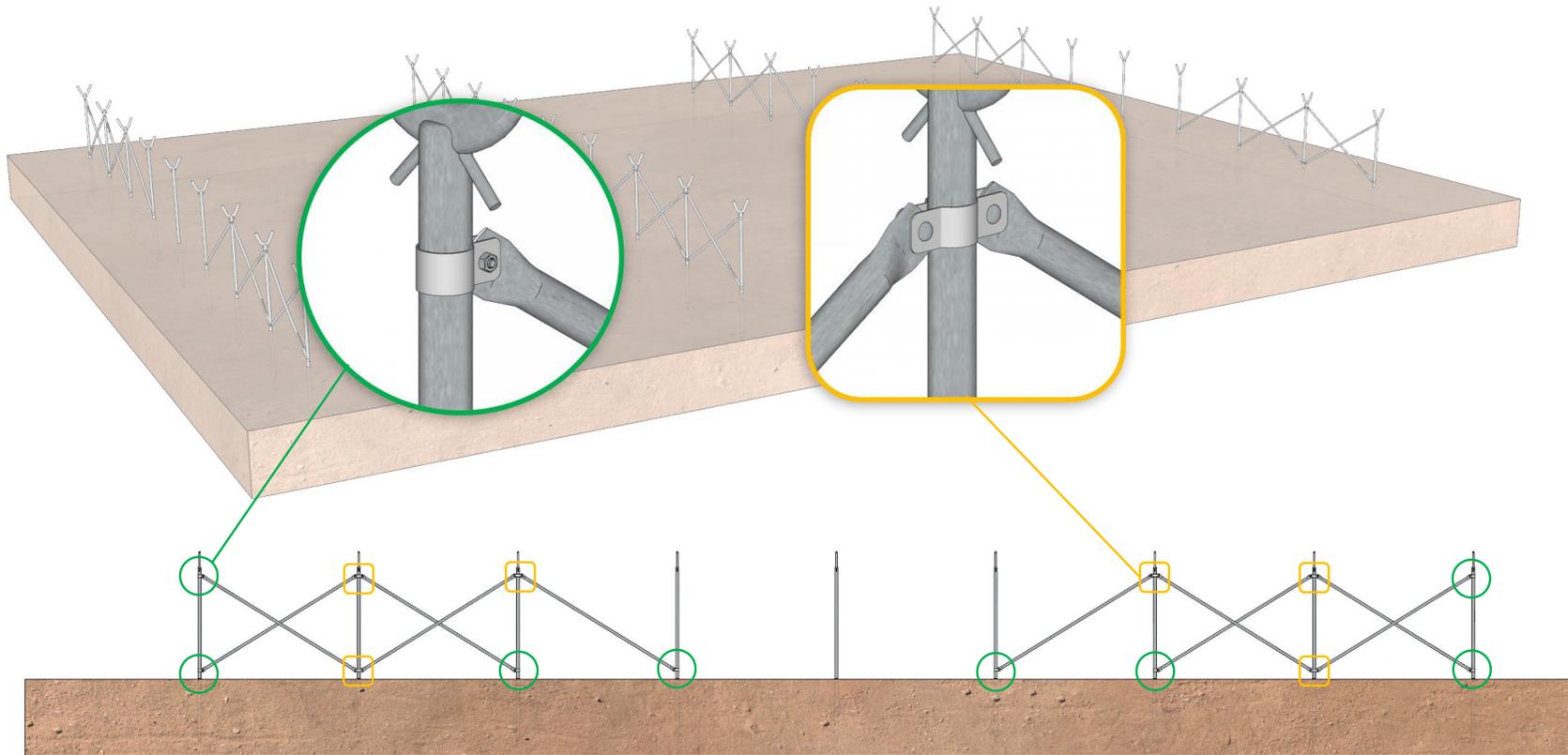
Step 1: Drill Legs To The Ground

Based on the customized size of the greenhouse, confirm the position and depth of the columns. Drill them into the ground, ensuring they are vertical.



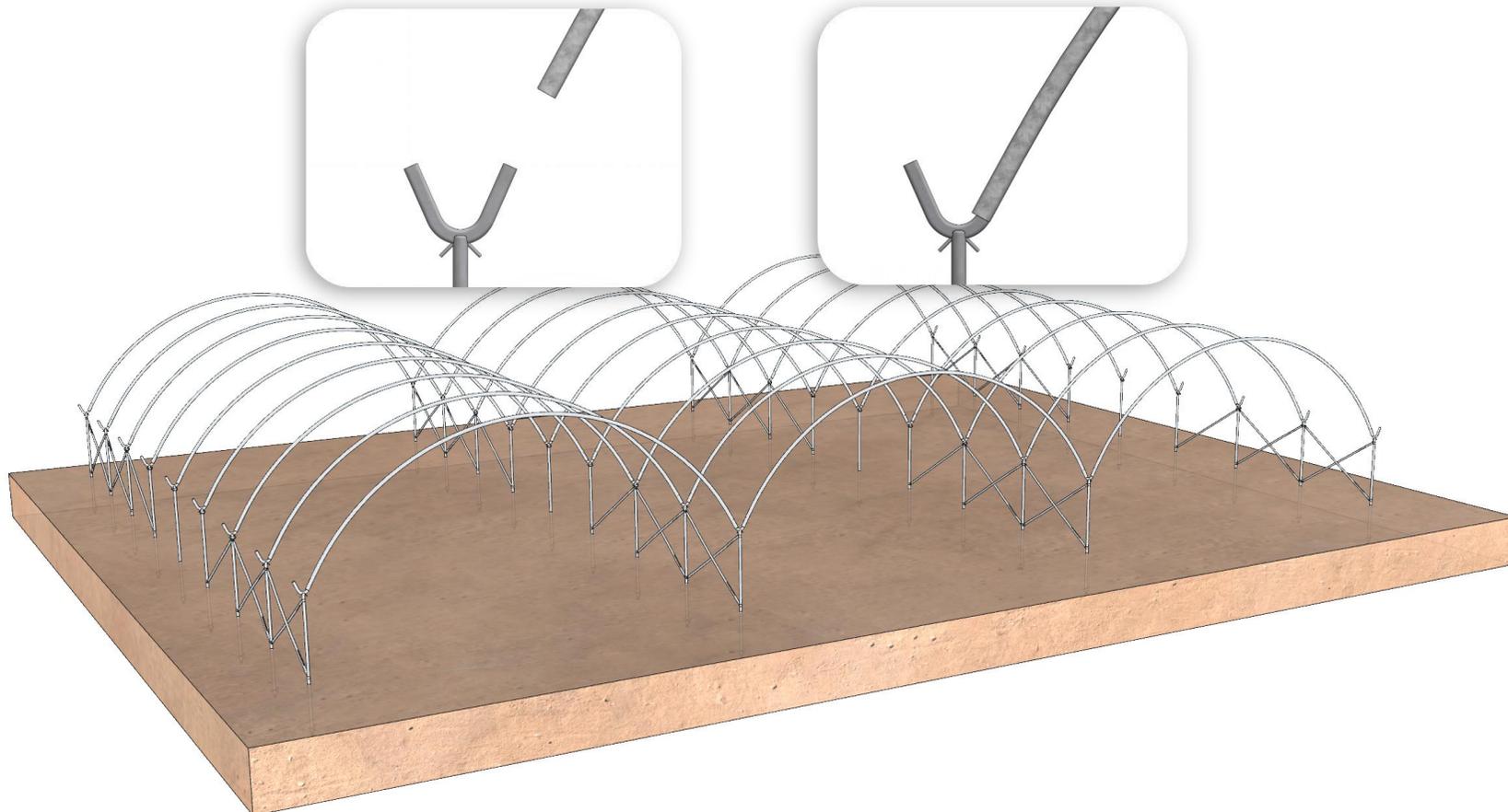
Step 2: Column Wind-Resistant Tube Kit

Install the column wind-resistant kit on both the front and back of each column row, with 10 pieces per row.



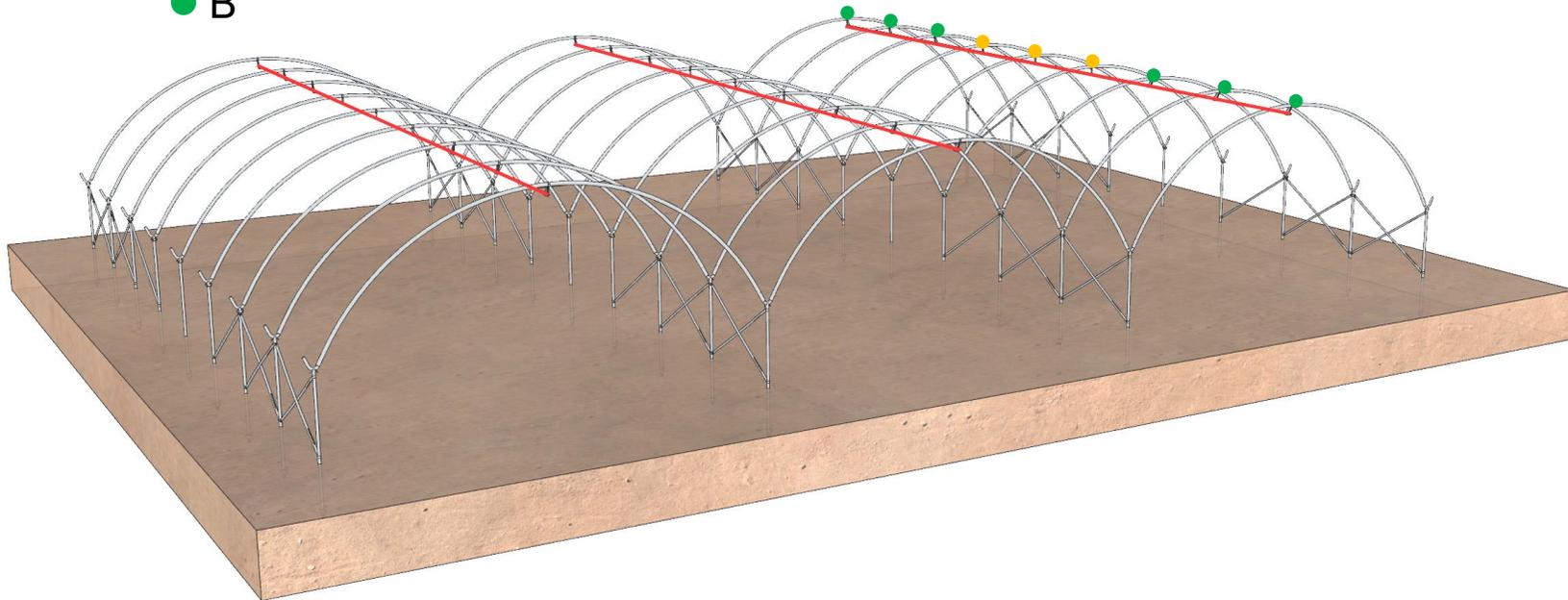
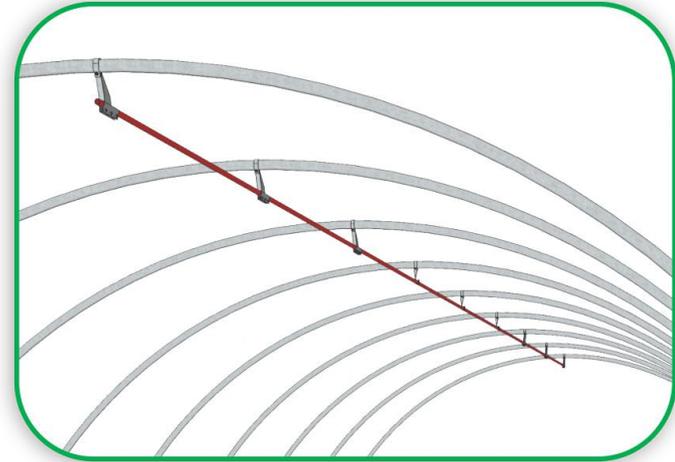
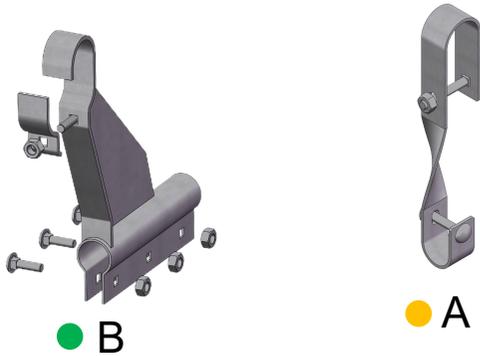
Step 3: Arch Tube

First, bend the ARCH TUBES into a specific arc shape.
Then install them sequentially onto the embedded columns.



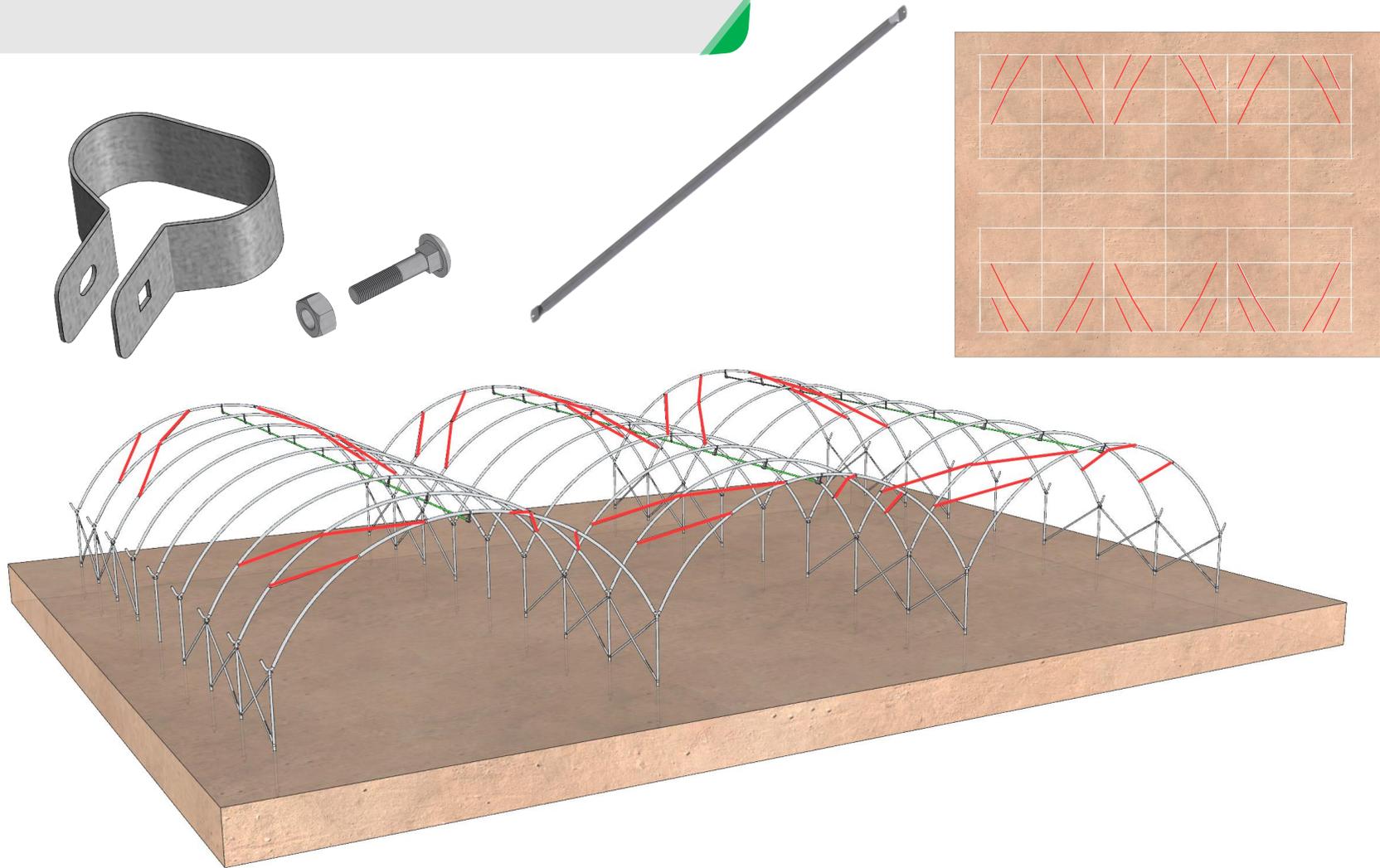
Step 4: Purlin

Install the purlins with 3 plane heads(B) at the front and back, and use hooks(A) for the rest.



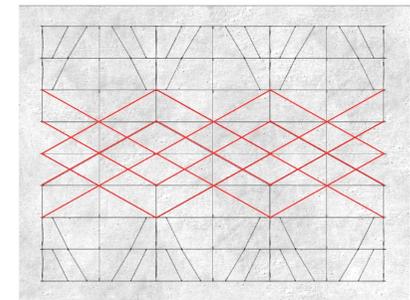
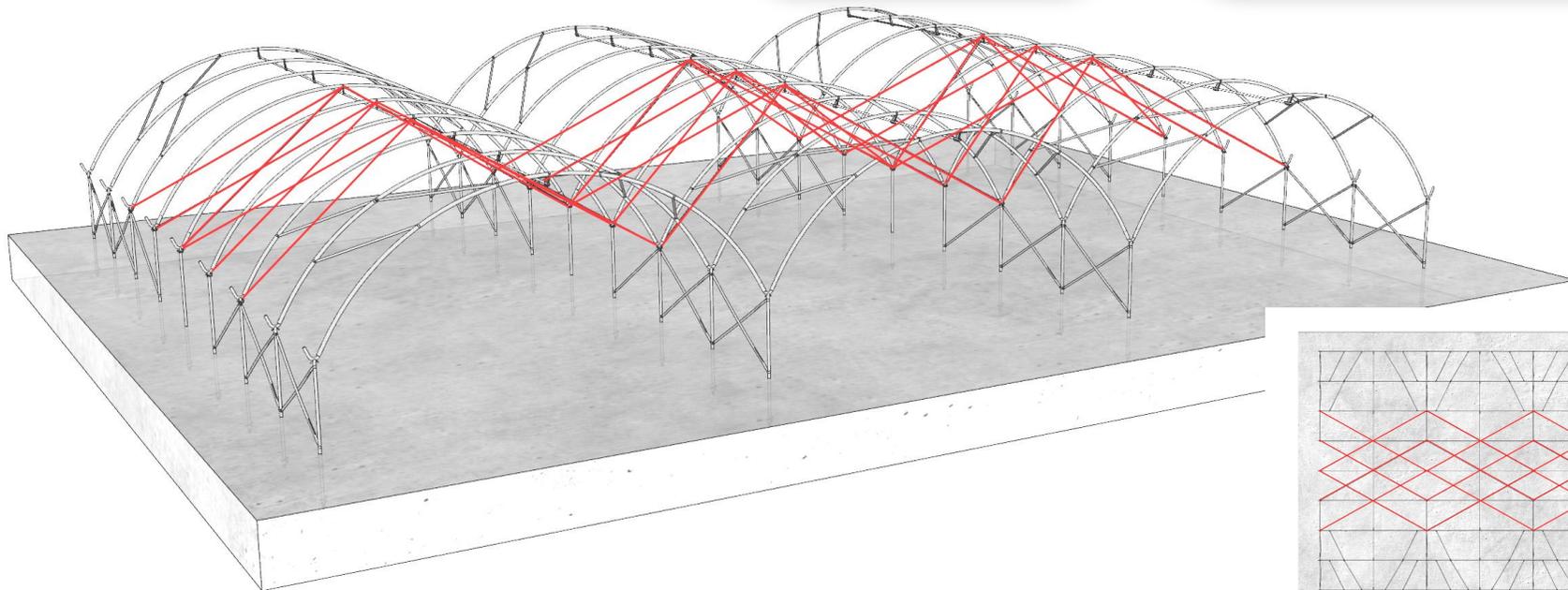
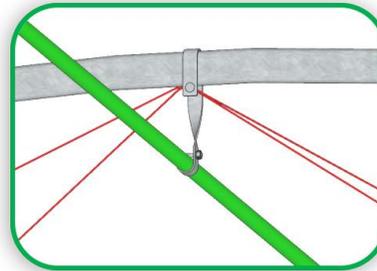
Step 5: Arch Wind-Resistant Tube Kit

Install wind-resistant rods on the arch bars of rooms 1, 2, and 3.
Connect the accessories as shown in the picture.



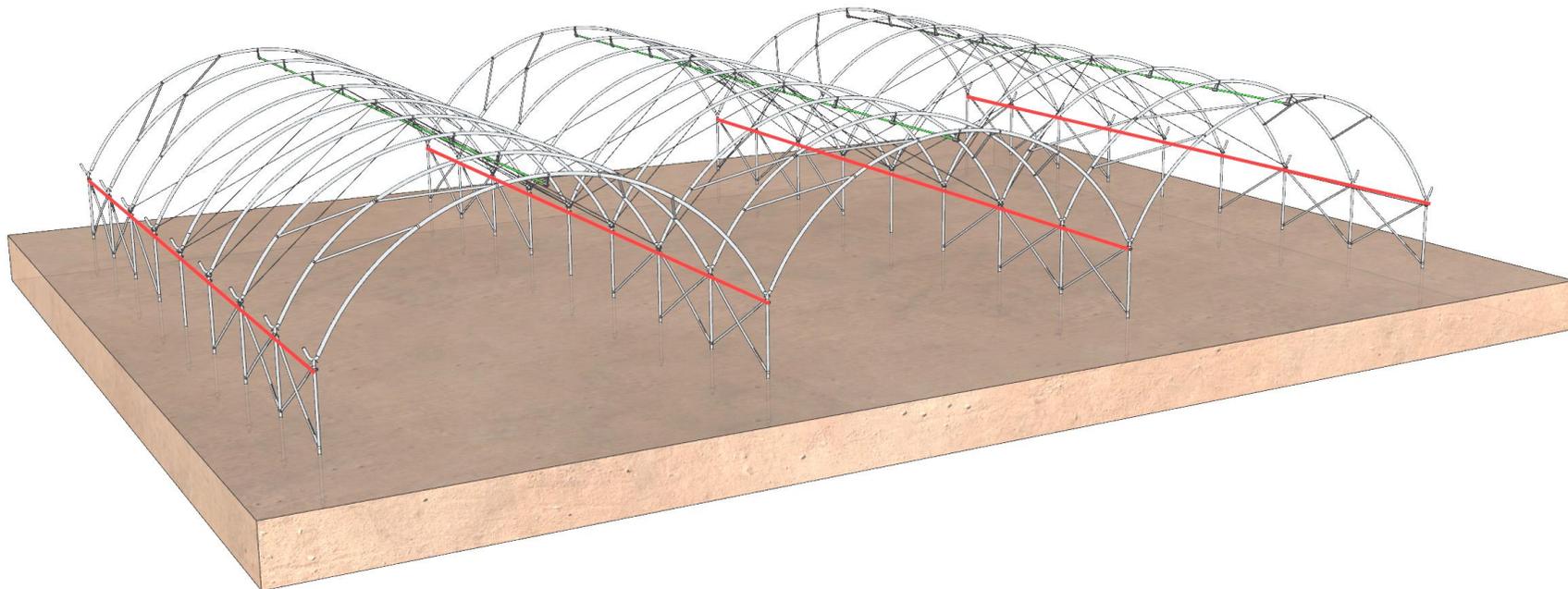
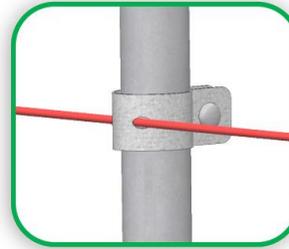
Step 6: Installing the 3# steel wire rope

Start installing the 3# steel wire rope from the 3th column. Cross and tighten as shown in the picture, securing it on the column using U clamps.



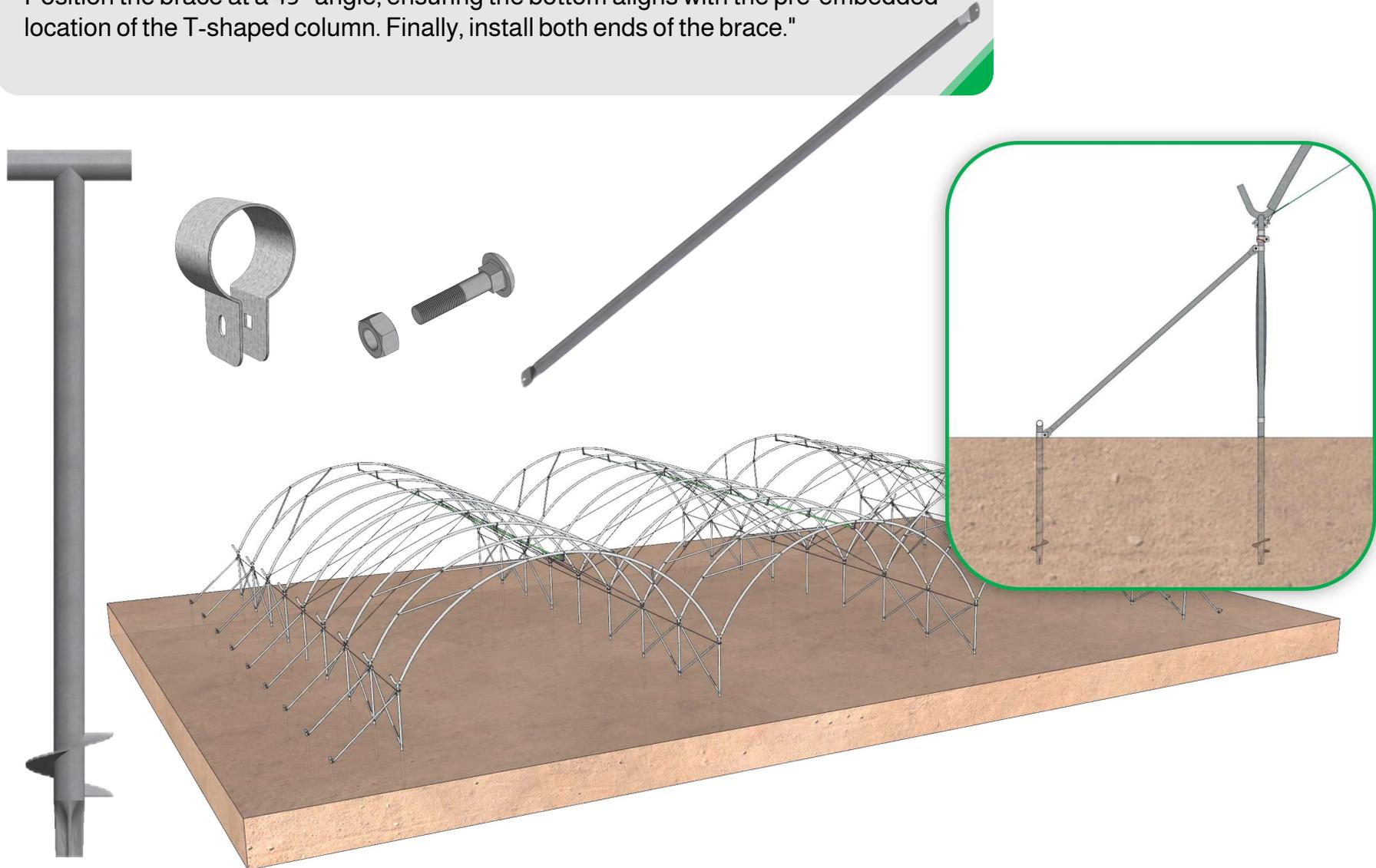
Step 7: Installing the 6# steel wire rope

On each column in every row, install and secure the No. 6 steel wire rope using hole-cored clamps and steel wire locks.



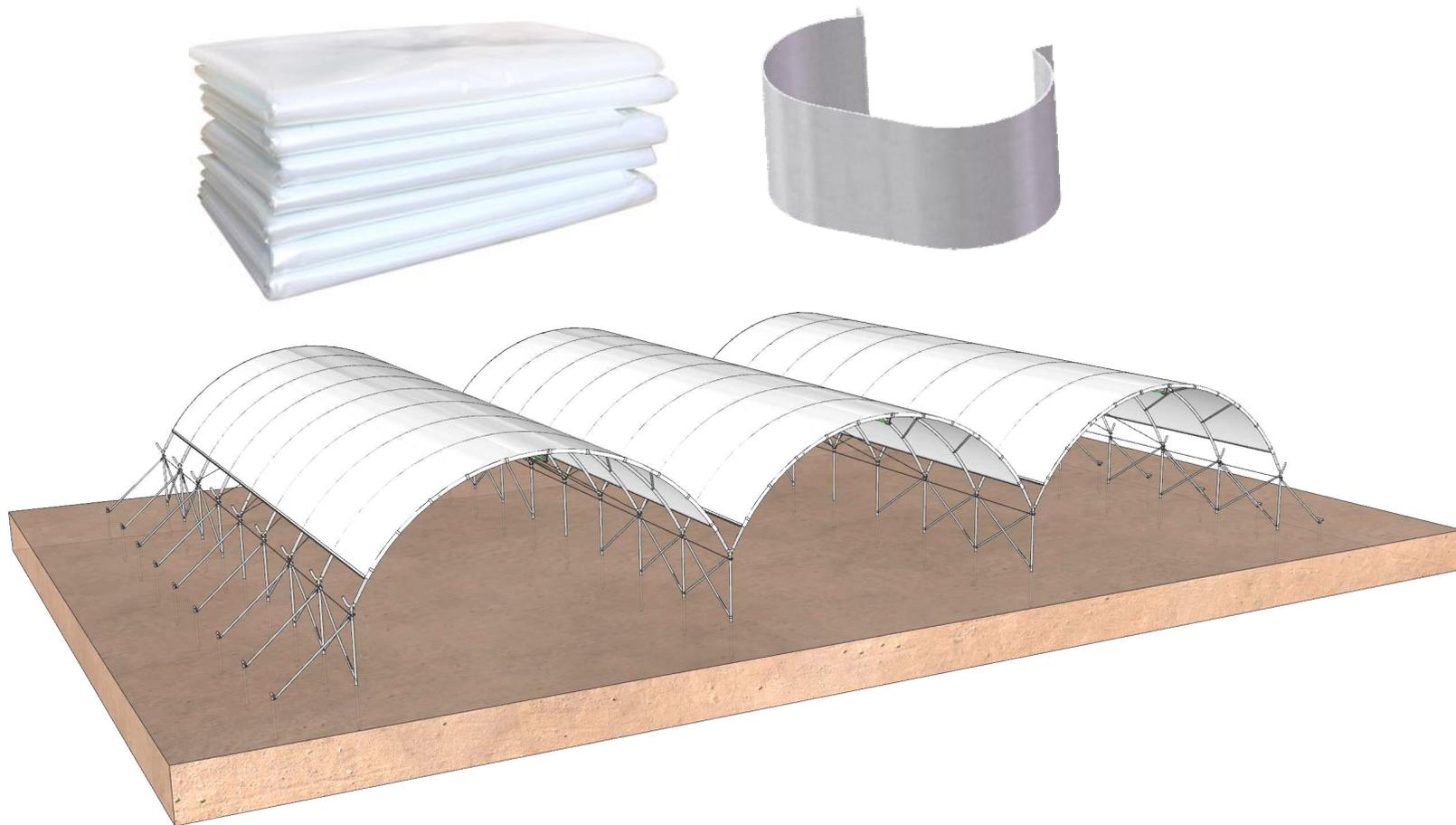
Step 8: Install the lateral reinforcement bars.

Position the brace at a 45° angle, ensuring the bottom aligns with the pre-embedded location of the T-shaped column. Finally, install both ends of the brace."



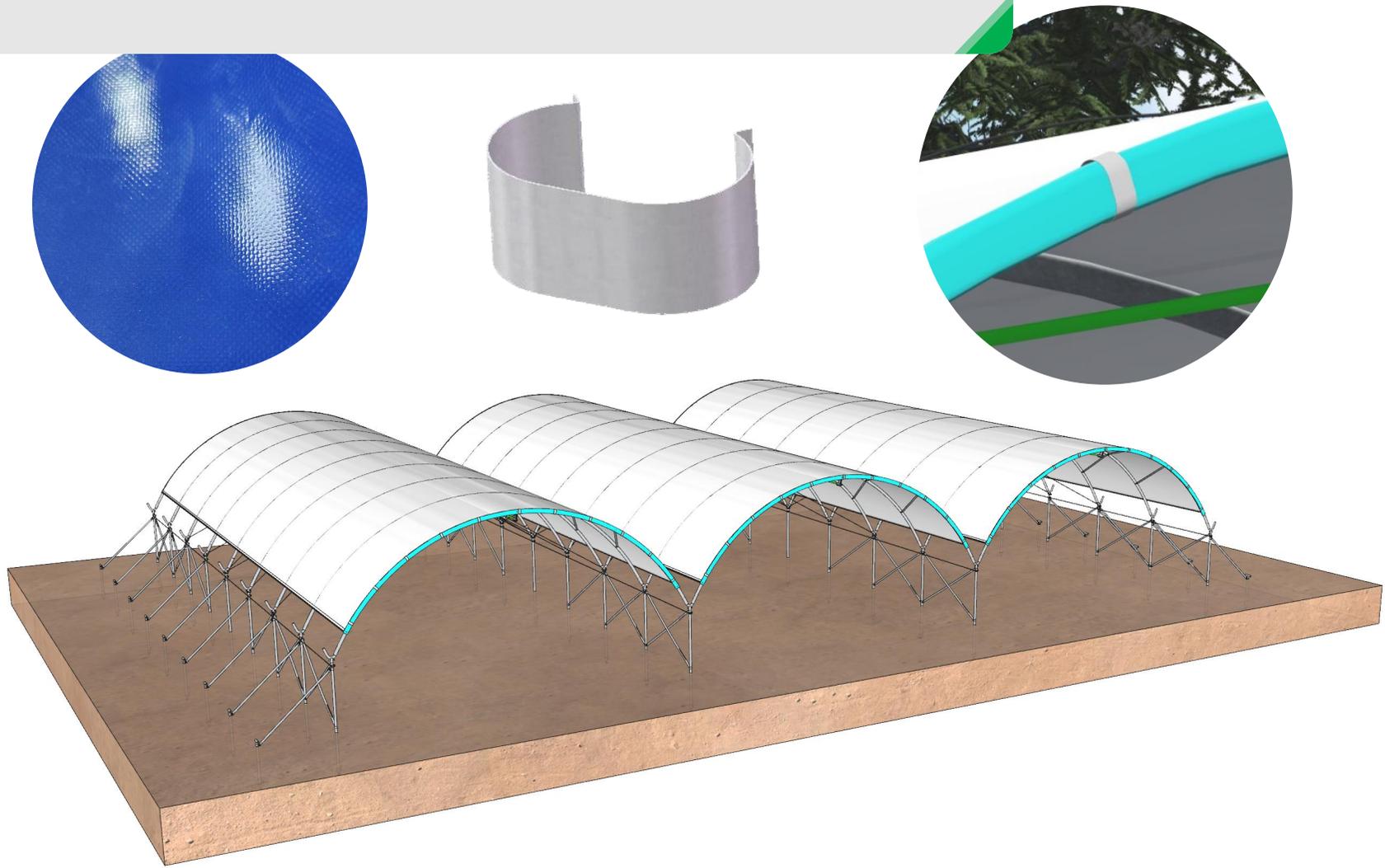
Step 9: Install the film.

Install the top film,
Fix it onto the arch tube at the end with film clamps every 1 meter .



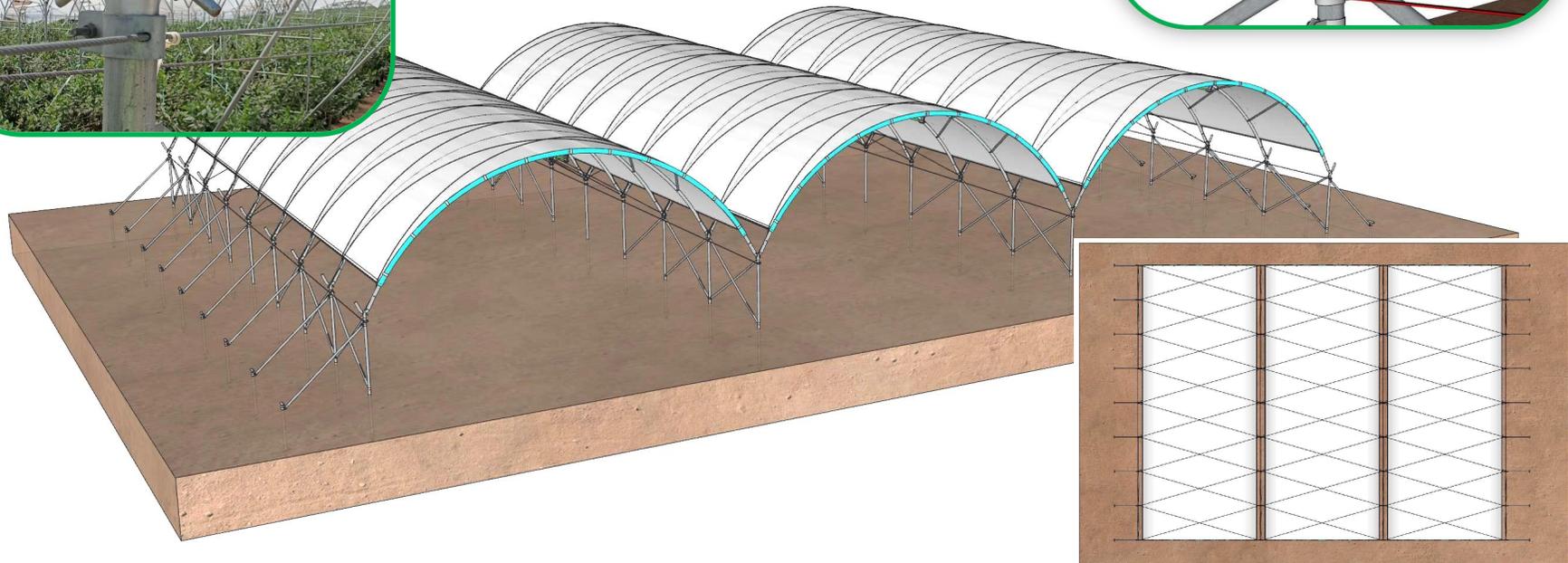
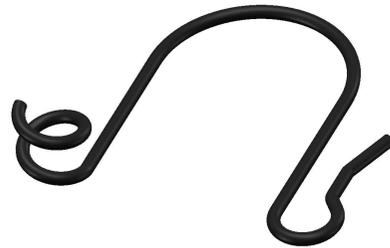
Step 10: Install the protective film strip.

Attach the protective film strip at both ends and secure it every meter using film clamps



Step 11: Install the tensioning tape.

Secure the film using the tensioning tape, fastening it onto the Y-shaped column and guiding it with line hooks.



13.1.7 Application Documents



Appendix C: Natural Assets Code Assessment



POLY TUNNEL EXPANSION

Natural Assets Code Assessment

A: PO Box 1971 | 51 York Street, Launceston TAS 7250
P: 6332 6955 **E:** info@exceedengineering.com.au
W: www.exceedengineering.com.au



13.1.7 Application Documents

Exceed Engineering

CLIENT: Tasmanian Berries
PROJECT: Polytunnel Expansion – Natural Assets Code Assessment
JOB NO: EE1371

Date	Purpose of Issue/Nature of Revision	Revision No.	Authorised by
15/9/2025	Draft	1	SD
30/10/2025	Revised based on Council feedback	2	SD

This report has been prepared by:

Jackson Whitbread *BSc*

Reviewed by:

Sam Dingemanse *BSc BBus MEIANZ*

This report is based on data, surveys, analyses, designs, plans, and other information provided by the client and referenced sources, as well as available data and assumptions detailed in the supporting documentation. Unless stated otherwise, Exceed has not independently verified the accuracy or completeness of this information. The designs meet current relevant standards as of the date of this report, but future updates to standards, changes in land use, maintenance practices, rainfall patterns, or extreme weather events beyond the design threshold may affect performance. Similarly, the passage of time, latent conditions, or future events may lead to differences from what is described in this report.

The design and assessment have considered normal and reasonably anticipated conditions, however, it may not cover extraordinary events like natural disasters, extreme weather, unforeseen environmental changes, or future climate impacts on weather patterns, unless stated otherwise.

No responsibility is accepted for using this report in a different context, for a different purpose, or by third parties. This report does not provide legal advice, and readers should consult professional legal advisers for such guidance. The report should be read alongside all notes, warnings, and cautions in the associated design drawings (if applicable).

Exceed Engineering

Contents

1 Background 3
1.1 Overview 3
1.2 Proposed development..... 3
2 Existing Conditions 5
2.1 Vegetation 5
2.2 Drainage..... 7
2.2.1 Northern drain..... 8
2.2.2 Southern drain 12
3 Planning Assessment 14
3.1 Natural Assets Code - Waterway and coastal protection area 14
4 Recommendations 17
4.1 Increase capacity of northern drain 17
4.2 Vegetate southern drain 18
5 Conclusion..... 19

List of Figures

Figure 1 Proposed development 4
Figure 2 Vegetation adjacent to the northern drain, showing mature eucalypt trees, limited understorey and presence of gorse 6
Figure 3 Existing cleared land in the polytunnel footprint 7
Figure 4 Proposed site location showing the waterway overlay not aligning to the hydrology data. Source LISTmap..... 8
Figure 5 Approximate catchment area contributing flows to northern drain 9
Figure 6 Northern drain typical construction through the site..... 11
Figure 7 Northern drain north of the proposed polytunnels. Note presence of gorse... 12
Figure 8 Southern drain typical construction. Note it has just been cleaned out hence lack of vegetation on banks..... 13

List of Tables

Table 1 Natural Assets Code Criteria and Responses – Existing mapped waterway as per the LIST 14

Exceed Engineering

1 Background

1.1 Overview

Tasmanian Berries is an innovative and growing business in Central, Northern Tasmania. The business has two farm sites, both near Deloraine in Tasmania where they grow strawberries, raspberries and blackberries.

All their berries are grown under multi-bay polytunnels. The polytunnels allow the growing season to extend beyond traditional growing periods by creating an ideal micro-climate, different to that outside of the polytunnels. The polytunnels allow pollinators and other beneficial insects to thrive as well as protecting the berries from weather events, including rain, wind, hail or sunburn and maximising sunlight and heat to create an ideal growing environment for the berries.

In addition to growing under the polytunnels, most of the berries are grown hydroponically, in individual bags of coir (coconut peat). The plants are fed through a state-of-the-art irrigation system, which provides the plants with the specific nutrients each variety requires for maximum yield and quality.

A detailed planning assessment for the development is being completed by Rebecca Green & Associates. This report addresses the Natural Assets Code of the Tasmanian Planning Scheme only (the Code) and will support the overall planning assessment being completed by Rebecca Green & Associates. The details of the Code and comments about how the code has been addressed are included in Section 3.

1.2 Proposed development

Tasmanian Berries is planning to develop additional polytunnels on their farm at 1060 Osmaston Road, Osmaston. Details of the proposed development are included in Figure 1 below.

The polytunnels will house elevated growing systems consisting of individual bags of coir into which water and nutrients are injected.

Not cut or fill is required for the installation of the polytunnels.

The vegetation along the northern drainage line is proposed to be cleared.

13.1.7 Application Documents

Exceed Engineering

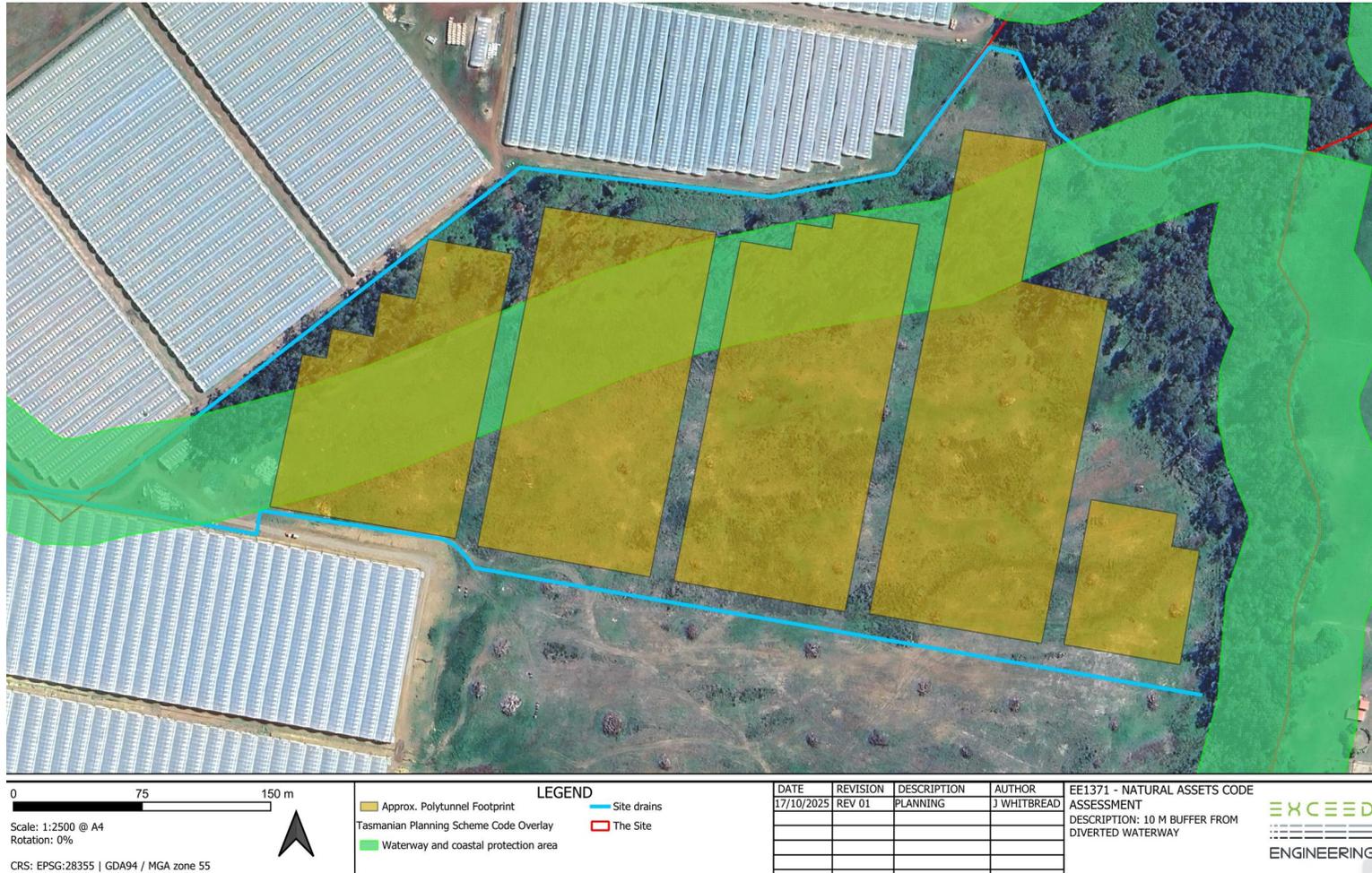


Figure 1 Proposed development

POLY TUNNEL EXPANSION | *Natural Assets Code Assessment*

Exceed Engineering

2 Existing Conditions

Site visits were undertaken in September and October by Exceed staff. The group completed a walkthrough of the development area and took photographs to document the condition of the area and to more accurately map the waterways based on field information. Relevant photos from the site visit have been included below and cross referenced against the site plan to document existing site conditions.

2.1 Vegetation

The majority of the proposed polytunnel installation footprint is existing cleared land. It is mapped as under TASVEG 4.0 as DSC (*Eucalyptus amygdalina* – *Eucalyptus obliqua* damp sclerophyll forest), and FRG, regenerating cleared land.

Vegetation proposed to be removed, located adjacent to the northern drain is also mapped as DSC. It was noted during the site visit that the understorey was infested with gorse (refer photo - Figure 7). This vegetation community is not a Threatened Native Vegetation Community listed under the *Nature Conservation Act* 2002 nor are there any records of threatened flora or fauna species registered in the Natural Values Atlas in proximity to the works.

13.1.7 Application Documents

Exceed Engineering



Figure 2 Vegetation adjacent to the northern drain, showing mature eucalypt trees, limited understorey and presence of gorse

Exceed Engineering



Figure 3 Existing cleared land in the polytunnel footprint

2.2 Drainage

The waterway planning overlay was incorrectly mapped, as a previous waterway that this overlay appears to align to, was rerouted by previous owners sometime in the mid 20th century (pers. comm. with Andrew Terry). The realigned drain (northern drain) is mapped correctly on the LISTmap hydrology layer as an artificial watercourse (Figure 4). There is an additional drainage line (southern drain) that has been constructed to the south of the proposed poly tunnels.

13.1.7 Application Documents

Exceed Engineering

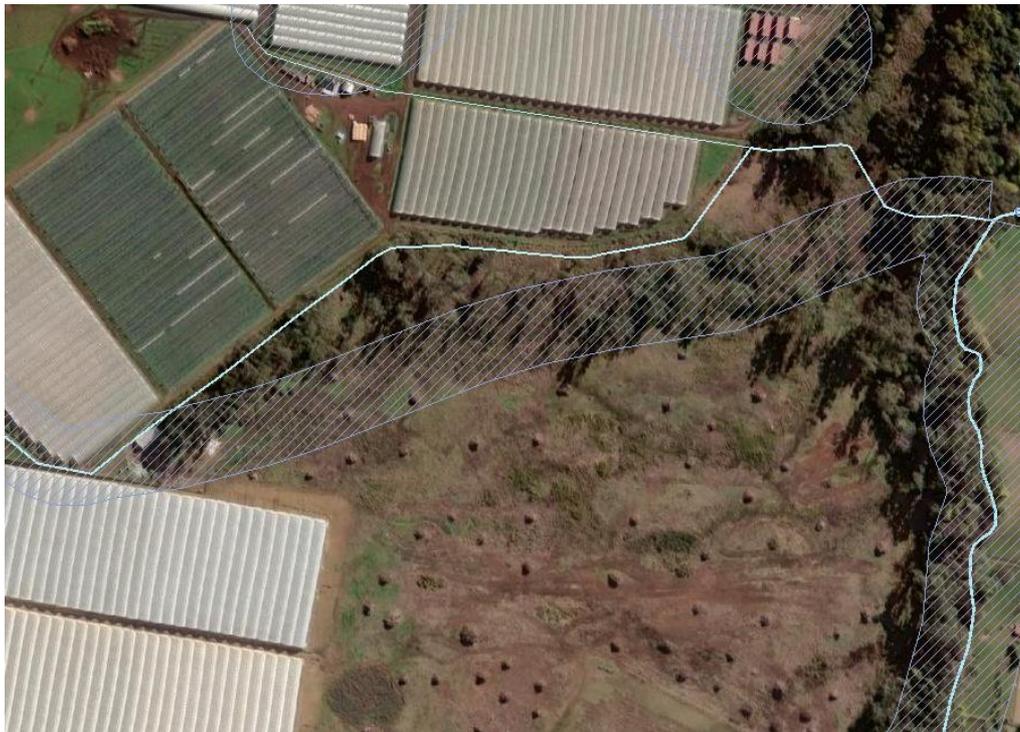


Figure 4 Proposed site location showing the waterway overlay not aligning to the hydrology data. Source LISTmap

2.2.1 Northern drain

The northern drain conveys flows from a catchment area of approx. 220 ha (Figure 5). It includes numerous in-stream dams, with the drain receiving spills from these dams.

The drain is entirely modified from the discharge of the in-stream farm dam present on the site (Dam ID 7804) to where it discharges to the Quamby Brook flood plain/riparian area. As such it does not exhibit features typical of natural streams, and its associated natural value is considered low.

13.1.7 Application Documents

Exceed Engineering



Figure 5 Approximate catchment area contributing flows to northern drain

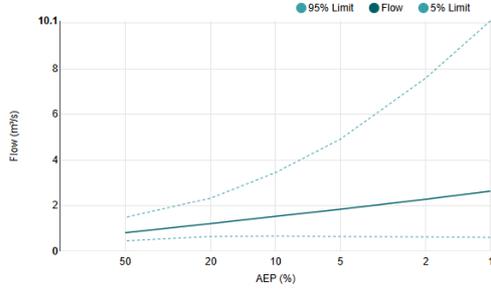
The Regional Flood Frequency Estimation Model (RFFEM) was used to estimate the peak flows associated with this catchment. It estimates flood magnitudes and their probabilities in areas with limited or no stream gauge data. It works by:

1. Grouping similar catchments into hydrologically homogeneous regions based on physical characteristics (like area, slope, rainfall patterns)
2. Using data from gauged catchments within these regions to develop relationships between flood characteristics and catchment properties
3. Transferring these relationships to ungauged catchments in the same region to estimate flood frequencies

13.1.7 Application Documents

Exceed Engineering

Results | Regional Flood Frequency Estimation Model



AEP (%)	Discharge (m³/s)	Lower Confidence Limit (5%) (m³/s)	Upper Confidence Limit (95%) (m³/s)
50	0.810	0.460	1.49
20	1.22	0.650	2.33
10	1.53	0.670	3.45
5	1.84	0.650	4.91
2	2.28	0.630	7.59
1	2.64	0.610	10.1

Input Data	
Date/Time	2025-10-21 13:08
Catchment Name	Berries
Latitude (Outlet)	-41.55102
Longitude (Outlet)	146.72692
Latitude (Centroid)	-41.55172
Longitude (Centroid)	146.71059
Catchment Area (km²)	2.24
Distance to Nearest Gauged Catchment (km)	6.04
50% AEP 6 Hour Rainfall Intensity (mm/h)	5.802578
2% AEP 6 Hour Rainfall Intensity (mm/h)	11.192401
Rainfall Intensity Source (User/Auto)	Auto
Region	Tasmania
Region Version	RFFE Model 2016 v1
Region Source (User/Auto)	Auto
Shape Factor	0.91
Interpolation Method	Natural Neighbour
Bias Correction Value	-0.891

Statistics

Variable	Value	Standard Dev	Correlation		
Mean	-1.056	0.468	1.000		
Standard Dev	0.362	0.398	-0.330	1.000	
Skew	0.158	0.159	0.150	-0.440	1.000

Note: These statistics come from the nearest gauged catchment. [Details.](#)

Note: These statistics are common to each region. [Details.](#)

13.1.7 Application Documents

Exceed Engineering



Figure 6 Northern drain typical construction through the site

Exceed Engineering



Figure 7 Northern drain north of the proposed polytunnels. Note presence of gorse.

2.2.2 Southern drain

The southern drainage line was constructed when the hothouses located at the south of the farm were constructed. It captures roof drainage from the hothouses, as well as groundwater intercepted from the bank on the western side of the hothouses. It runs in an easterly direction to the point where it discharges to the heavily vegetated riparian zone of Quamby Brook.

13.1.7 Application Documents

Exceed Engineering



Figure 8 Southern drain typical construction. Note it has just been cleaned out hence lack of vegetation on banks

Exceed Engineering

3 Planning Assessment

3.1 Natural Assets Code - Waterway and coastal protection area

The assessment against the code included a site visit to document the natural assets within the development area. An assessment against the code is included in Table 1.

The area mapped as a waterway overlay does not contain a waterway, as it was historically re-routed as the northern drain. This assessment was thus made to a buffer area overlaying the northern drainage line. As per Table C7.3 of the Natural Assets Code the spatial extent of the buffer for a watercourse whose catchment exceeds 100 ha is 30m, i.e. 15m either side of the centre of the drain.

Table 1 Natural Assets Code Criteria and Responses – Existing mapped waterway as per the LIST

Criterion	Response
C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area	
<p>A1 Buildings and works within a waterway and coastal protection area must:</p> <p>(a) be within a building area on a sealed plan approved under this planning scheme;</p> <p>(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or</p> <p>(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.</p>	<p>Not met, so P1.1 applies.</p>
<p>P1.1 Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <p>(a) impacts caused by erosion, siltation, sedimentation and runoff;</p>	<p>Polytunnels do not concentrate stormwater to the extent that they will cause erosion, siltation, sedimentation and runoff, as the stormwater runs off the polytunnels on each side and along the entire length of the structure at regular intervals, to not concentrate the stormwater as a point source.</p>

13.1.7 Application Documents

Exceed Engineering

	<p>The northern drain discharges to a heavily vegetated riparian area prior to entering Quamby Brook, this acts as a vegetated filter to capture sediment entrained in the flow prior to discharge to Quamby Brook</p>
<p>(b) impacts on riparian or littoral vegetation;</p>	<p>There is no evidence of riparian or littoral vegetation in the overlay area. Vegetation is mapped under TASVEG 4.0 as DSC (<i>Eucalyptus amygdalina</i> – <i>Eucalyptus obliqua</i> damp sclerophyll forest which is not a riparian vegetation community.</p>
<p>(c) maintaining natural streambank and streambed condition, where it exists;</p>	<p>There is no natural streambank and streambed as the drain is artificial</p>
<p>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</p>	<p>No evidence of these features were identified.</p>
<p>(e) the need to avoid significantly impeding natural flow and drainage;</p>	<p>No change to the natural flow through the drain is proposed. An enlargement of the drain is recommended to mitigate flooding risk.</p>
<p>(f) the need to maintain fish passage, where known to exist;</p>	<p>No deep waterway existis in the area for fish passage</p>
<p>(g) the need to avoid land filling of wetlands;</p>	<p>No wetlands, so not applicable</p>
<p>(h) the need to group new facilities with existing facilities, where reasonably practical;</p>	<p>The proposed development groups new polytunnels with existing development at the site</p>
<p>(i) minimising cut and fill;</p>	<p>No cut and fill proposed, not applicable</p>
<p>(j) building design that responds to the particular size, shape, contours or slope of the land;</p>	<p>Not applicable – no striking features of the land, contours, slopes etc.</p>
<p>(k) minimising impacts on coastal processes, including sand movement and wave action;</p>	<p>Not a coastal location, so not applicable.</p>

13.1.7 Application Documents

Exceed Engineering

<p>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</p> <p>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</p> <p>(n) the guidelines in the Tasmanian Coastal Works Manual.</p>	<p>Not applicable</p> <p>No works associated with the polytunnels installation will occur in a waterway. A recommendation is made to enlarge the drain, this should occur in accordance with <i>Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands</i>. Refer section 4 for more details.</p> <p>Not a coastal location so not applicable.</p>
<p>P1.2 Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to: ...</p>	<p>Not a coastal location, so not applicable.</p>
<p>A2 Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.</p>	<p>Not a future coastal refugia area, so not applicable.</p>
<p>A3 Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</p>	<p>No new stormwater point discharge so not applicable.</p>
<p>A4 Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<p>No dredging or reclamation so not applicable.</p>
<p>A5 Coastal protection works or watercourse erosion or inundation protection works must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<p>No coastal protection works, watercourse erosion or inundation protection works so not applicable.</p>

Exceed Engineering

4 Recommendations

4.1 Increase capacity of northern drain

Section 2.2 presented hydraulic modelling for this drainage line. For a 20% AEP storm intensity the predicted maximum flow rate is 1.22 m³/s (1,220 L/s).

Mannings equation can be used to calculate the required channel cross-sectional area to convey this peak flow rate, as follows:

$$Q = \frac{1}{n}AR^{2/3}S^{1/2}$$

Where:

- Q = flow rate (m³/s)
- n = Manning's roughness coefficient
- A = cross-sectional area of flow (m²)
- R = hydraulic radius (m), defined as $R = \frac{A}{P}$, where P is the wetted perimeter (m)
- S = channel slope (dimensionless, m/m)

For 1:1 channel side slope, 1.5% longitudinal grade and Mannings n of 0.025, the required channel dimensions are: 1540mm wide and 770mm deep.

It is thus recommended that the northern drain is enlarged to be 1600mm wide and 800mm deep, which will mitigate the risk of flooding at the site for up to a 20% AEP storm event. This conservatively assumes that all dams are full during the storm event. The velocity at the design peak flow rate is approx. 2 m/s which is acceptable for a vegetated drainage line to prevent erosion.

Where there are abrupt changes in direction in the drain, the banks should be lined with 100mm median diameter rock to minimise erosion to banks.

These works should occur in accordance with *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*. The following is a summary of the key requirements from this document:

- The works should occur during a period of low flow, i.e. during the summer period. Vegetation removal should be limited to the drain itself.
- Machinery should be kept out of the drain when operating
- Excavated material should be placed away from the drain to minimise erosion back into the drain

13.1.7 Application Documents

Exceed Engineering

- The drain discharges to a heavily vegetated riparian area prior to entering Quamby Brook, this will act as a vegetated filter to capture any sediment entrained in the water.
- Refuelling of equipment should occur well away from the drain, and spill kits should be made available
- The banks should be stabilised as soon as possible after the works are completed by vegetating with endemic grasses and/or covering vegetation

4.2 Vegetate southern drain

As this drain has been recently cleaned out, the banks should be stabilised as soon as possible after the works are completed by vegetating with endemic grasses and/or covering vegetation.

Exceed Engineering

5 Conclusion

An assessment was made of the proposed poly tunnel expansion against the waterway and coastal protection area criteria. The area mapped as the as waterway overlay on the site is not correct as the historic waterway was re-directed by previous land owners.

The northern drain is the diverted artificial drain, which conveys flows from a catchment area of ~ 220 ha. It is entirely modified and lacks natural values associated with natural waterways. The activity, including vegetation clearance and construction of poly tunnels in proximity to this drain, is unlikely to adversely impact on water quality, natural values or ecological function in the onsite drains, or in Quamby Book.

13.1.7 Application Documents

Leanne Rabjohns

From: Rebecca Green <admin@rgassociates.com.au>
Sent: Tuesday, 4 November 2025 2:10 PM
To: Leanne Rabjohns
Subject: 1060 Osmaston Road Polytunnels

Good afternoon Leanne

Further to our phone conversation today in relation to C3.0 Road and Railway Assets Code, I can confirm that whilst additional produce will result from the proposed poly tunnels, it is not anticipated that the proposal will result in any additional truck movements to and from the packing shed on the adjacent title, as existing truck movements will be retained with improved efficiencies in terms of loads within.

Kind regards

Rebecca Green
Senior Planning Consultant & Accredited Bushfire Hazard Assessor Rebecca Green & Associates m. 0409 284422 P.O.
Box 2108, Launceston, 7250

13.2. PA\26\0103 - 1519 Mole Creek Road, Chudleigh

Proposal	Subdivision (2 Lots to 2 Lots)
Report Author	Natasha Whiteley Team Leader Town Planning
Authorised By	Krista Palfreyman Director Development and Regulatory Services
Decision Due	21 January 2026
Decision Sought	It is recommended that the Planning Authority approves this application. <i>See section titled Planner's Recommendation for further details.</i>

Applicant's Proposal

Applicant	JDA Planning – obo – Chatsworth Enterprises Pty Ltd
Property	1519 Mole Creek Road, Chudleigh (CTs 47523/1 and 150260/1)
Description	The applicant seeks planning permission for the reconfiguration of the title boundaries between two lots (CTs 47523/1 and 150260/1) that form part of 1519 Mole Creek Road, Chudleigh. <i>Documents submitted by the Applicant are attached, titled Application Documents.</i>



Figure 1: Aerial image showing the location and spatial extent of the subject titles
(Source: Spectrum Spatial)

Planner's Report

Planning Scheme	Tasmanian Planning Scheme – Meander Valley (the Planning Scheme)
Zoning	Agriculture Zone
Applicable Overlay	Natural Assets Code (Waterway Protection Area); Scenic Protection Code (Scenic Road Corridor); Bushfire-Prone Areas Code; Landslip Hazard Code (Low Landslip Hazard Band); Karst Management Area Specific Area Plan (Low and High Sensitivity Karst Areas).

Existing Land Use Residential and Resource Development

Summary of Planner's Assessment

Generally, subdivision (2 lots to 2 lots) is discretionary in this zone (Agriculture).

Discretions

For this application, two discretions are triggered. This means the Planning Authority has discretion to approve or refuse the application based on its assessment of:

Clause	Performance Criteria	Standard
21.5.1	P1	Lot Design
21.5.1	P2	Lot Design

Before exercising a discretion, the Planning Authority must consider the relevant Performance Criteria, as set out in the Planning Scheme.

See Attachment titled Planner's Advice - Performance Criteria for further discussion.

Performance Criteria and Applicable Standards

This proposal is assessed as satisfying the relevant Performance Criteria and compliant with all Applicable Standards of the Scheme.

See Attachments titled Planner's Advice – Performance Criteria and Planner's Advice – Applicable Standards for further discussion.

Public Response

Five responses (representations) were received from the public. Of these, all are objections.

See Attachment titled Public Response – Summary of Representations for further information, including the Planner's Advice given in response.

Agency Consultation

Tasmanian Heritage Council

The application was referred to the Tasmanian Heritage Council. The Tasmanian Heritage Council provided a Notice of No Interest on 20 October 2025 (Reference: THC Works Ref: 8761).

See Attachment titled Tasmanian Heritage Council – Notice of No Interest.

Department of State Growth

The application was referred to the Department of State Growth. The Department of State Growth advised on 17 October 2025 that *State Growth has no comment to make on this planning application.*

See Attachment titled Department of State Growth.

Internal Referrals

Infrastructure Services

The existing access located off Mole Creek Road will service both lots and is considered satisfactory. It is noted that Mole Creek Road is administered by the Department of State Growth. No conditions or notes are recommended.

Environmental Health

The homestead *Bentley* and its outbuildings are serviced by on-site wastewater management system/s. The existing on-site wastewater management system/s are shown to be located within the boundary for Lot 1. It is recommended that, if approved, a condition be included to ensure that the existing wastewater management system/s are wholly located within the boundaries of Lot 1. It is noted that proposed Lot 1, being 23.86ha, is of a sufficient size to be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.

Planner's Recommendation to Council

The Planning Authority must note the qualified advice received before making any decision, then ensure that reasons for its decision are based on the Planning Scheme. Reasons for the decision are also published in the Minutes.

For further information, see Local Government Act 1993: section 65, Local Government (Meeting Procedures) Regulations 2025: Regulation 29(2) and Land Use and Approvals Act 1993: section 57.

Planning Authority Recommendation

This application by JDA Planning – obo – Chatsworth Enterprises Pty Ltd, for a Subdivision (2 Lots to 2 Lots), on land located at 1519 Mole Creek Road, Chudleigh (CTs 47523/1 and 150260/1) is recommended for approval generally in accordance with the Endorsed Plans and recommended Permit Conditions and Permit Notes.

Endorsed Plan

- a. PDA Surveyors, Engineers & Planners; Dated: 25 September 2025; Job Number: 54524; Sheet: 01; Revision: D; Plan of Subdivision.
- b. No author; No date; Aerial Image showing the location of the existing septic tanks.
- c. Pinion Advisory; Dated: 2 October 2025; Agricultural Assessment Report, Bentley 1519 Mole Creek Road, Chudleigh, Tas, 7304; Version: 5.
- d. Livingston Natural Resource Services; Dated: 14 October 2025; Bushfire Hazard Management Report: Subdivision; Version: 3.
- e. JDA Planning; Dated: October 2025; Planning Submission. Subdivision – Boundary Reorganisation – *Bentley* – 1519 Mole Creek Road, Chudleigh; Pages 1-37 and Pages 1-3 (Tasmanian Heritage Register datasheet).

Permit 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 by the consent in writing of the Council; and
 - b. such covenants or similar controls are submitted for and receive written approval by the Council prior to submission of a Plan of Survey and associated title documentation is submitted to the Council for sealing.
2. The existing on-site wastewater management system/s, inclusive of the septic tanks and associated land application areas, are to be tracked and located by a suitably qualified person to the satisfaction of the Council's Environmental Health Officer and Plumbing Surveyor and must be wholly contained within Lot 1 (refer to Note 1).
3. The hydraulic services from all buildings to be retained on Lot 1 must achieve hydraulic separation to the satisfaction of the Council's Plumbing Surveyor and must be wholly contained within Lot 1 (refer to Note 2).
4. Prior to the sealing of the Final Plan of Survey, the following must be completed to the satisfaction of the Council:
 - a. evidence must be submitted demonstrating the location of the existing wastewater managements system/s, in accordance with Condition 2.
 - b. evidence must be submitted demonstrating that hydraulic separation has been achieved in accordance with Condition 3.
 - c. water rights in favour of Lot 1 are provided for in the Schedule of Easements.
5. The lots must be maintained at all times in accordance with the endorsed Bushfire Hazard Management Plan (prepared by Livingston Natural Resource Services).

Permit Notes

1. If the on-site wastewater management system is located and extends beyond the title boundary, it will need to be relocated to be entirely within the boundary of Lot 1, subject to first obtaining the relevant planning and plumbing approvals by the Council. All enquiries should be directed to the Council's Development and Regulatory Services Department on 6393 5320 or via email: mail@mvc.tas.gov.au.
2. Prior to undertaking any plumbing works associated with the achievement of hydraulic separation, it is recommended to contact the Council's Plumbing Surveyor to confirm if plumbing approval is required. All enquiries should be directed to the Council's Permit Authority on 6393 5320 or the Council's Plumbing Surveyor on 0419 510 770 or via email: mail@mvc.tas.gov.au.

3. It is recommended that during the preparation of the title documents for this subdivision that a right of way is also established over CT 111364/1 to provide legal access for Lot 1 and the Balance Lot to pass over the access located on this title. It is noted that there is potential for Lot 1 and the Balance Lot to become landlocked without the creation of a right of way.
4. Any other proposed development or use (including amendments to this proposal) may require separate planning approval. For further information, contact the Council.
5. This permit takes effect after:
 - a. The 14-day appeal period expires; or
 - b. Any appeal to the Tasmanian Civil and Administrative Tribunal (TASCAT) is determined or abandoned; or
 - c. Any other required approvals under this or any other Act are granted.
6. Planning appeals can be lodged with TASCAT Registrar within 14 days of the Council serving notice of its decision on the applicant. For further information, visit the TASCAT website.
7. This permit is valid for two years only from the date of approval. It will lapse if the development is not substantially commenced. The Council has discretion to grant an extension by request.
8. All permits issued by the permit authority are public documents. Members of the public may view this permit (including the endorsed documents) at the Council Offices on request.
9. If any Aboriginal relics are uncovered during works:
 - a. all works to cease within delineated area, sufficient to protect unearthed or possible relics from destruction;
 - b. presence of a relic must be reported to Aboriginal Heritage Tasmania; and
 - c. relevant approval processes for State and Federal Government agencies will apply.

Attachments

1. Public Response Summary of Representations [13.2.1 - 12 pages]
 2. Representation 1 – M Hiscock [13.2.2 - 3 pages]
 3. Representation 1 – M Hiscock additional information [13.2.3 - 6 pages]
 4. Representation 2 – J Hawkins [13.2.4 - 42 pages]
 5. Representation 3 – R Hawkins [13.2.5 - 2 pages]
 6. Representation 3 – R Hawkins additional information [13.2.6 - 2 pages]
 7. Representation 4 – Australian Garden History Society [13.2.7 - 2 pages]
 8. Representation 5 – W Oakman [13.2.8 - 4 pages]
 9. Applicant Response to Representations [13.2.9 - 8 pages]
 10. Planner's Advice – Applicable Standards [13.2.10 - 23 pages]
 11. Planner's Advice – Performance Criteria [13.2.11 - 8 pages]
 12. Application Documents [13.2.12 - 112 pages]
 13. Tasmanian Heritage Council – Notice of No Interest [13.2.13 - 1 page]
 14. Department of State Growth [13.2.14 - 2 pages]
-

13.2.1 Public Response Summary Of Representations

Public Response

Summary of Representations

A summary of concerns raised by the public about this planning application is provided below. Five responses (“representations”) were received during the advertised period.

This summary is an overview only, and should be read in conjunction with the full responses (see attached). In some instances, personal information may be redacted from individual responses.

Council offers any person who has submitted a formal representation the opportunity to speak about it before a decision is made at the Council Meeting.

M Hiscock

Representation 1

	Concern	Planner's Response
a)	Proposed Lot 1 is unacceptable and requests that an alternative subdivision plan is considered which included a markup showing where the boundaries should be reflected in pink. The representor considers the amendment better considers the cultural heritage landscape and amenity of the Bentley homestead.	Whilst the representor has proposed an alternative plan of subdivision, the Planning Authority can only consider the plan of subdivision that has been submitted by the applicant as part of the application. Alternative subdivision designs cannot be considered by the Planning Authority when making a decision on an application, unless the changes are requested by the applicant. If this is requested, Council must consider the extent of the changes to determine if it can be considered as part of the application, or if a new application is required to be submitted. It is noted that the applicant has not proposed amendments to the plan of subdivision through the application process. The application as submitted must be considered against the requirements of the Planning Scheme. The plan of subdivision and supporting information has been assessed and considered to comply with and satisfy the requirements of the Planning Scheme.
b)	The subdivision is odd and excludes the lake in front of the house, robbing the Estate of a major asset. Unsightly new fencing would also detract significantly from the view. The	The plan of subdivision proposes a title configuration that keeps the water resources with the balance land. The application material stated that water rights will be established for Lot 1. The Planning Scheme does not provide a consideration to the views from the property,

13.2.1 Public Response Summary Of Representations

	entire dam to the north of the house could be included in a revised subdivision whilst maintaining water rights for agriculture.	however, agricultural fencing, typically post and wire, is not considered to be a feature that would dominate the landscape.
c)	<i>Subdivision removes all water resources from ownership of the Lot 1. Currently there is no right to any water, even for domestic purposes. The existing potable water supply and gravity fed pipes from the spring behind the house would need to be kept with the house. Requests an easement to be created for this purpose.</i>	<p>Domestic water supply is generally something that is not considered in the Planning Scheme. Installation of water tanks could be installed to provide a water supply to the dwelling and outbuildings if a water right is not provided. However, the application material submitted states that water rights will be provided to Lot 1. The applicant has stated that <i>'Lot 1 will have rights to draw water from the western dam for uses associated with the new lot including domestic use. The rights will be established through the Schedule of Easements attaching to the new title'</i>. As such a condition is recommended to include water rights in favour of Lot 1 in the Schedule of Easements.</p> <p>It is noted that the agricultural report submitted with the application has not considered the need for Lot 1 to have access to water for the agricultural productivity of the land.</p>
d)	Requests the removal of the <i>'proposed drainage easement variable width'</i> to provide management rights over the unnamed creek to the west of the Bentley dwelling on Lot 1.	The watercourse that the drainage easement is proposed over drains to the western dam. The drainage easement is proposed to enable the owners of the Balance Lot to enter Lot 1 for the purposes of maintenance of that watercourse to ensure that the water level of the western dam is maintained.
e)	<i>'An easement only where the existing east/west road crosses the drive to the north of the main gates should be in place. That proposed all the way up to the main gates as a "right of way in favour of balance lot", should be removed. The beautiful long drive to the Heritage property</i>	The right of way is proposed to be established to the main gates of the residential property on Lot 1. The applicant has proposed the extent of the right of way. It is noted that the Balance Lot will have its own driveway from CT 111364/1. The reason for the right of way extending beyond CT 111364/1 is not known, however, the extent of the right of way is not something that Council can consider.

13.2.1 Public Response Summary Of Representations

	<i>(see attached) must be protected and mixing of a domestic driveway with livestock and heavy machinery is a recipe for erosion and unwanted and unnecessary conflict.</i>	The maintenance of the access within the right of way is a civil matter between those who use it. Whilst a conflict could arise regarding the use of the right of way, the Balance Lot has the existing internal access parallel to the access proposed to have a right of way established over, that could be used if issues arise. The potential conflict, as a result of the right of way, is not considered to impact the agricultural productivity of the land.
f)	<i>'There is currently no protection from farming influences on the adjoining land to the proposed subdivision which is concerning. My understanding is that a 200m setback is mandatory for all dwellings from farmland boundaries. Inclusion of the treed area in the proposed subdivision (marked with a star in the attached aerial view) is a simple boundary adjustment that alleviates this problem to some extent. Otherwise, the boundary comes to within a stone's throw from the Bentley homestead. The linking dirt road (marked with an arrow) could remain with the existing owner and applicant'.</i>	The application for subdivision is assessed pursuant to Clause 21.5.1 P1(a) of the Planning Scheme. This provision does not require a 200m setback from sensitive uses. However, the agricultural report has considered the distances from the dwelling to the proposed title boundary. At a minimum the dwelling is setback 50m to the proposed new boundary. Additional to this, the existing established vegetation on Lot 1 and the positioning of the dams on the Balance Lot 'combine to form a significant buffer to the surrounding agricultural land' (Pinion Advisory 2025: 6). These existing features minimise the potential for conflict between the agricultural use of the Balance Lot and the residential use of Lot 1.

J Hawkins

Representation 2

	Concern	Planner's Response
a)	No communication from the owner regarding the proposal.	The <i>Land Use Planning and Approvals Act 1993</i> (LUPAA), does not require the owner of the land to discuss the proposal with a lessee or adjoining property owners. The application was notified as per the requirements of section 57 of LUPAA.
b)	There are issues, problems and errors with the proposal and it	The comment is noted. Please refer to the response to d) below.

13.2.1 Public Response Summary Of Representations

	<i>'should not be approved as it stands'.</i>	
c)	<p>The property Bentley is listed on the Tasmanian Heritage Register with reference THR ID 4759.</p> <p><i>'Bentley is on the register of the National Estate. It was and remains of National Significance to Australia for its Heritage values'.</i></p> <p><i>'I claim both the landscape and the Bentley heritage homestead would be adversely impacted by this insensitive proposed Carve-up'...'This is a public interest issue to the residents of the Chudleigh Valley'.</i></p> <p>A portion of the property has a landscape plan filed in the Central Plan Registry CPR 11103.</p> <p>The representation included the consideration by a heritage consultant regarding the proposed subdivision.</p>	<p>The heritage listing of the property is noted. As required by the <i>Historic Cultural Heritage Act 1995</i>, the application was referred to the Tasmanian Heritage Council for consideration. The Heritage Council responded to Council by issuing a Notice of No Interest pursuant to section 36(3)(a) of that Act. The Notice of No Interest states <i>'the proposed heritage works are consistent with what is eligible for a Minor Works Approval under Section 5.2 of the Works Guidelines'</i>. This notice can be found in the attachment titled <i>Tasmanian Heritage Council-Notice of No Interest</i>.</p> <p>As the property is listed on the Tasmanian Heritage Register, there are no applicable Planning Scheme standards that are to be considered regarding heritage.</p>
d)	<p>The representor lists errors with the application, listing inconsistency with the lot sizes throughout the application material.</p>	<p>The lots sizes that have been provided within the application material describe the existing size of the titles subject to the application (CT 47523/1 having an area of 38.83ha and CT 150260/1 having an area of 177.7ha). The Plan of Subdivision show the resulting lot sizes, with Lot 1 having an area of 23.86ha and the Balance Lot having an area of 192.67ha.</p> <p>The images and figures used throughout the application material, illustrate different matters but are not proposing a different plan of subdivision. They are used to describe matters discussed in the text as part of the consideration of proposed subdivision. The application</p>

13.2.1 Public Response Summary Of Representations

		material clearly illustrates what is being proposed as part of this application.
e)	The proposed subdivision does not meet the sensitive use setback of 200m.	<p>Clause 21.5.1 P1(a) of the Planning Scheme does not require the consideration of the 200m setback for a sensitive use. However, the planning submission and the agricultural report have considered the location of the new boundary and its setback from the dwelling, and the potential to cause conflict. The agricultural report states <i>'The boundaries of the proposed Lot 1 offers the most appropriate allocation of land to this subject block, utilises existing natural and man-made buffers, maximises the amount of land available for agriculture on the balance of the Bentley property and minimises the potential for interference with the standard and normal agricultural land use activities which are and could be conducted on the adjacent and surrounding agricultural land. The boundaries of the proposed Lot 1 are consistent with the intent of the Agricultural zoning, as per minimising the potential conflict and negative impacts on the balance of the Bentley property'</i> (Pinion Advisory 2025:38).</p> <p>The buffers are stated as:</p> <ul style="list-style-type: none"> • the dams located to the north, south and east provide a <i>'significant buffer to the balance of the agricultural land on the Bentley property. The buffers associated with these dams provides a substantial physical separation (as per approximately a 100-150m wide separation for the northern dam, 200-250m wide separation for the eastern dam, and 80-120m wide separation for the southern dam) from the open extensive pasture land on the balance'</i> (Pinion Advisory 2025:37). • <i>'Well established substantial gardens and an orchard located on the western area of the proposed Lot 1 offers screening and a physical buffer to the balance'</i> (Pinion Advisory 2025:38).

13.2.1 Public Response Summary Of Representations

		<ul style="list-style-type: none"> • 'A hedge row (approximately 2m high) extending 450m is present on both sides along the southern half of the laneway entrance into the proposed Lot 1, which provides a visual screen to the east' (Pinion Advisory 2025:38). • 'A number of buildings are located to the south of the residential dwelling on the proposed Lot 1 which provides a significant physical buffer to the south' (Pinion Advisory 2025:37). • 'A 2.3 hectare block of native vegetation is present adjacent to the south west and provides a significant buffer in this direction' (Pinion Advisory 2025:38).
f)	<p>The representor considers the proposed subdivision of <i>'the Bentley estate represents a reduction in agricultural potential' which is 'against the Protection of Agricultural Land State Policy'</i>. The agricultural report <i>'does not include the whole of the Bentley property and as a result fails Bentley'</i>.</p>	<p>The agricultural report considers the 13 titles that make up the Bentley property as part of its assessment. It considered the existing land use on the property, the land capability and its limitations as well as the potential for agricultural activities conducted. The report states that <i>'the Bentley property covers approximately 360 hectares and would be anticipated to have a total potential sustainable carrying capacity of approximately 6,450 DSE. 6,450 DSE would be considered sufficient to running approximately 600 dairy replacement heifers on annual basis, although the exact number would vary depending on the seasonal conditions, livestock weight and liveweight gain performance of the heifers'</i> (Pinion Advisory 2025:30).</p> <p>The report further considers the current stocking rate of the potential carrying capacity based on the condition of the property, as well as the irrigation potential.</p> <p>The report considers that <i>'Lot 1 would have approximately 13 hectares of pasture land which would have a potential carrying capacity of approximately 260 DSE, and this represents roughly 3.6% of the total grazing area and 4% of the total carrying capacity of the entire Bentley'</i></p>

13.2.1 Public Response Summary Of Representations

		<p><i>property ... 260 DSE would allow for running roughly 24 dairy replacement heifers on an annual basis' (Pinion Advisory 2025:30). The Balance lot 'would have approximately 165 hectares of pasture land which would have a potential carrying capacity of approximately 3,300 DSE and this represents roughly 45.8% of the total grazing area and 51% of the total carrying capacity of the entire Bentley property. 3,300 DSE would allow for running roughly 307 dairy replacement heifers on an annual basis' (Pinion Advisory 2025:30).</i></p> <p><i>It further states that 'The development associated with the proposed Lot 1 could be undertaken with a negligible impact and no material bearing on the current and future scale, intensity, operation and management of livestock production activities which can and could be undertaken on the balance lot nor that of the overall Bentley property. No grazing pasture land would be lost as a result of the proposed development' (Pinion Advisory 2025:30-31).</i></p>
g)	Proposes an alternative subdivision design, that maintains the dam to the north of the dwelling on Lot 1.	Please refer to the response to Representation 1 at point a).
h)	The proposed subdivision removes water access to Lot 1.	The application material has noted that water rights will be provided to Lot 1. Further the applicant has stated that ' <i>Lot 1 will have rights to draw water from the western dam for uses associated with the new lot including domestic use. The rights will be established through the Schedule of Easements attaching to the new title</i> '. A condition is recommended to require the water right to be established in the Schedule of Easements.
i)	The application material shows the septic tanks in the wrong location and that there are actually three septic tanks.	If the application is approved, it is recommended that a condition be included to locate the existing wastewater system/s on the

13.2.1 Public Response Summary Of Representations

		property to ensure that the entire system is located within Lot 1.
--	--	--------------------------------------------------------------------

R Hawkins

Representation 3

Concern		Planner's Response
a)	Objects to the proposal and request that it be refused. The application contains errors.	Noted. The application is recommended for approval as the development is considered to comply with or satisfy the relevant requirements of the Planning Scheme.
b)	<p><i>The destruction of the curtilage to the homestead lot is not in the best interests of those who live in the beautiful valley.</i></p> <p>Bentley is listed on the Tasmanian Heritage Register.</p> <p><i>'Bentley is of historic heritage significance because of its ability to demonstrate the principal characteristics of a single storey Victorian rural homestead with outbuildings set in a fine cultural landscape. These characteristics are found in the external form, construction methods and the detailing, both externally and internally.'</i></p> <p><i>'The place has a strong or special association with a particular community or cultural group for social or spiritual reasons.'</i></p> <p><i>'The rural property of Bentley contributes significantly to the cultural landscape values of the Chudleigh Valley.'</i></p>	Please refer to the response to Representation 2 at point c).

Australian Garden History Society

Representation 4

Concern	Planner's Response
----------------	---------------------------

13.2.1 Public Response Summary Of Representations

a)	<p>Bentley is listed on the Tasmanian Heritage Register and the datasheet states: <i>'the rural property of Bentley contributes significantly to the cultural landscape values of the Chudleigh Valley', "the setting contributes significant layers to the historic landscape" and "the cultural landscape of Bentley is notable, including specimen exotic trees and hawthorn hedges.'</i></p>	<p>The heritage listing of Bentley is noted. The application was referred to the Tasmanian Heritage Council for consideration. The Tasmanian Heritage Council issued a Notice of No Interest. There are no heritage considerations in the Planning Scheme that are applicable to the assessment of the application.</p> <p>The proposed subdivision does not include any works, except for that associated with the implementation of boundary fencing. As a result there will be minimal change to the current landscape, other than fencing.</p> <p>The proposal does not include the remove of the existing vegetation.</p>
b)	<p><i>During Bentley's previous ownership, land was repurchased to enable the Bentley estate to encompass 860 acres of the original 1829 Gardiner land grant. Under this previous ownership, the property was developed and managed to form a distinct and significant landscape.'</i></p> <p><i>'The notable cultural landscape of Bentley includes extensive hawthorn hedges, specimen trees, avenues of trees, and two lakes, one with an adjacent large scale stone sculpture framing views to the distant mountain range to the north.'</i></p>	<p>Please refer to the response to a) above.</p>
c)	<p>The representor is concerned that the proposed subdivision will diminish the property's value as a significant cultural landscape. Some concerns are:</p>	<p>Please refer to the response to a) above.</p>

13.2.1 Public Response Summary Of Representations

	<ul style="list-style-type: none"> • <i>The connection to the historic Gardiner land grant will be reduced.</i> • <i>The relationship between the Bentley estate and the broader landscape context will be reduced.</i> • <i>The relationships between the elements within the significant cultural landscape of Bentley will be reduced.</i> • <i>The proposed title boundaries will separate the two lakes, one with the large sculpture, from the other elements of the existing Bentley cultural landscape.</i> • <i>The lakes, referred to as "irrigation infrastructure", in the planning application are likely to be managed as such and have their landscape value diminished.</i> • <i>Potentially, the land in the title named "balance lot", being managed solely for agricultural use, may be developed in a purely utilitarian manner, without regard to its heritage significance.</i> 	
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

W Oakman

Representation 5

	Concern	Response
a)	The representor is the author of the Conservation Plan for Bentley and the co-author for the heritage listing and considers the <i>'...application</i>	Whilst the detail and overview of the heritage and cultural landscape values contained in the representation are appreciated, there are no heritage considerations in the Planning Scheme that are applicable to the assessment of the

13.2.1 Public Response Summary Of Representations

<p><i>completely destroys all the tenets of these listings, and is contrary to the Tasmanian Historic Cultural Heritage Act 1995 (revised January 2025).'</i></p> <p>The representation considers the heritage values of the property and its contribution to the cultural landscape values of the Chudleigh Valley. It outlines the historic significance Chudleigh and the Bentley property and its heritage listing.</p> <p>The representation explains the development and enhancement of the Cultural Heritage Landscape through the creation of the total landscape at Bentley.</p> <p><i>'This has involved the restoration and in-planting of missing sections of hawthorn hedging, dry stone walling, addition to the reduced title of land, to both redefine / restore the original Bentley landscape extent. With additional plantings of native and introduced species to enhance and refine view lines to the broader Chudleigh Valley, access roads / paths, and the natural features, engaging with the whole extended visual landscape. The process is two-fold – to protect and develop the sustainability of the farm via lakes from existing watercourses, drought proofing the place, and providing additional layers of meaning / beauty and public pleasure via the creation of a work of landscape art. With the house and attendant structures</i></p>	<p>application. The proposed subdivision does not propose any works, other than boundary fencing, which is typically post and wire fences in agricultural areas. This fencing is not considered to dominate the landscape and maintains view beyond the fenceline. Further no vegetation is proposed to be removed. It is considered that when viewed from beyond the property, the reconfiguration of the titles will be indiscernible especially because the use of the land is not likely to change as a result of the proposal.</p> <p>The application was referred to the Tasmanian Heritage Council. The Tasmanian Heritage Council considered the application and issued a Notice of No Interest.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

13.2.1 Public Response Summary Of Representations

	<p><i>as both ornament and focus to the whole. They are not mutually exclusive. They are one.'</i></p> <p><i>'Bentley in its totality is of equal importance to your municipality, and the whole of Tasmania. It can be demonstrated that this application will destroy the integrity of this listing. The circularity of that process and argument should help to provide your Council to frame a suitable response. I would ask in the strongest possible terms that you reject this application.</i></p>	
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Note: The planning application was advertised in the Examiner Newspaper and on Council's website for a statutory period of 14 days from 8 November 2025 to 24 November 2025. A planning notice was also placed on the property.

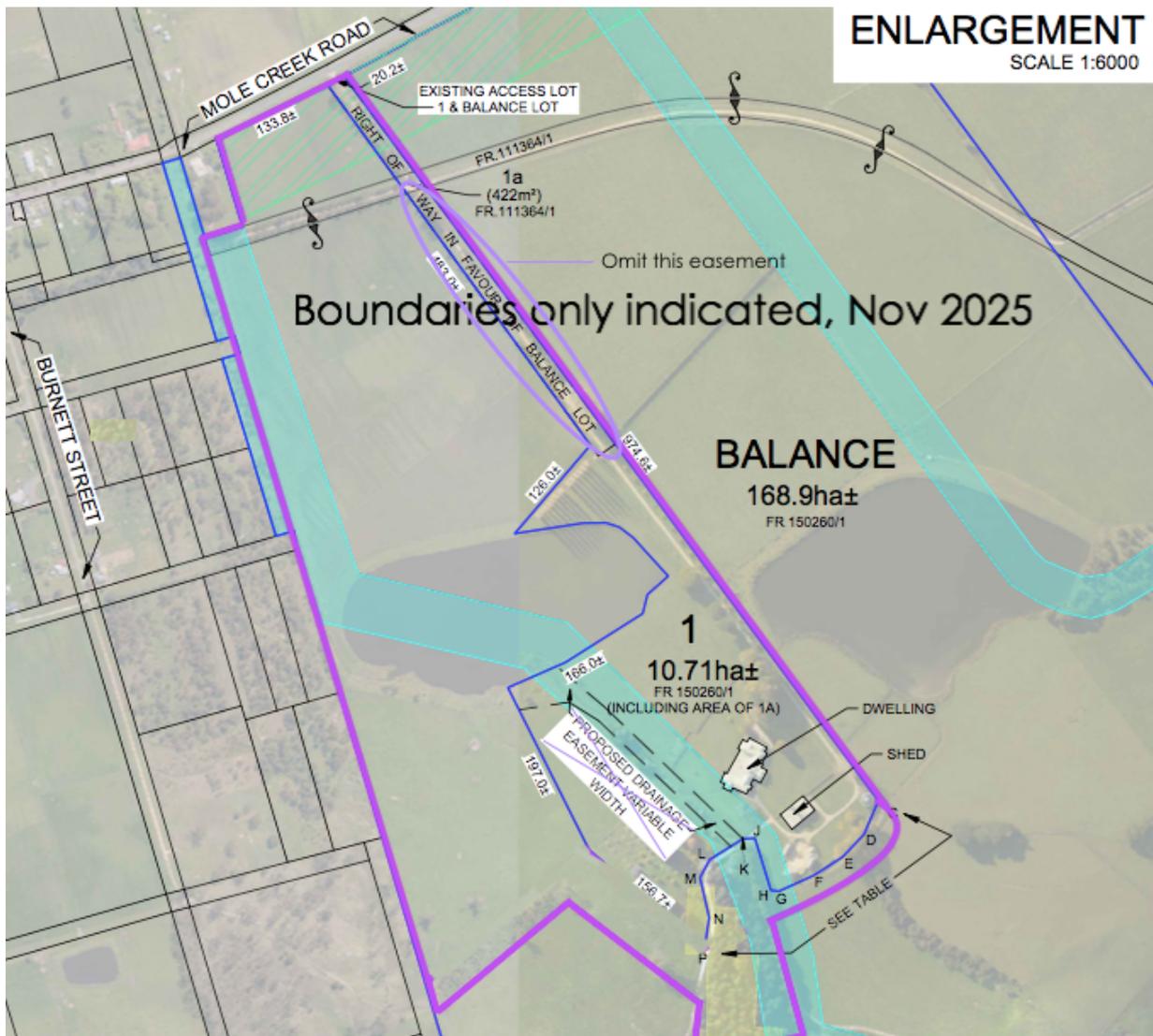
13.2.2 Representation 1 - M Hiscock

Natasha Whiteley

From: martin hiscock [REDACTED]
Sent: Wednesday, 19 November 2025 7:37 PM
To: Planning - Meander Valley Council
Subject: 1519 Mole Creek Rd, Chudleigh subdivision
Attachments: thumbnail_image-2.png; thumbnail_IMG_3133.jpg; thumbnail_IMG_5817.jpg



13.2.2 Representation 1 - M Hiscock



Dear Sir or Madam,

I am an interested purchaser of what remains of the Bentley Estate and have been in convivial conversations with the applicant.

Having looked at the proposed application, I find the current PDA subdivision of Lot 1 (23.86 ha) unacceptable for a number of reasons and I think an alternate subdivision plan should be made.

I think there will be benefits of an alternate solution (see pink boundaries in attachment) which better considers the cultural heritage landscape and amenity of the Bentley homestead.

My intention as a new owner would be that Bentley remains a working farm.

As it stands, the subdivision is a very odd one in excluding the lake in front of the house, robbing the Estate of a major asset (see attachment). Unsightly new fencing in view of the house would also detract significantly from the view. The applicant could easily include the entire dam to the north of the house in a revised subdivision whilst maintaining water rights to it for agriculture.

Crucially, the current subdivision removes all water resources from the ownership of the Lot 1. Currently, there is no right to any water, even for domestic purposes. This would make Lot 1 unsaleable I should think.

13.2.2 Representation 1 - M Hiscock

Any prospective purchaser of Bentley would need the existing potable water supply, gravity-fed via pipes from the spring behind the house (see attached). In other words, a water pipeline and storage tank easement, along with a protective covenant for the area around the natural spring itself and for the protected, fenced riparian area.

Any new owner of Bentley should also have management rights over the unnamed creek that runs for most of the year to the west of the Bentley dwelling on Lot 1. This would require removal of the "proposed drainage easement variable width" as shown in the attachment. This creek can flood in times of heavy rain.

An easement only where the existing east/west road crosses the drive to the north of the main gates should be in place. That proposed all the way up to the main gates as a "right of way in favour of balance lot", should be removed. The beautiful long drive to the Heritage property (see attached) must be protected and mixing of a domestic driveway with livestock and heavy machinery is a recipe for erosion and unwanted and unnecessary conflict.

There is currently no protection from farming influences on the adjoining land to the proposed subdivision which is concerning. My understanding is that a 200 m setback is mandatory for all dwellings from farmland boundaries. Inclusion of the treed area in the proposed subdivision (marked with a star in the attached aerial view) is a simple boundary adjustment that alleviates this problem to some extent. Otherwise, the boundary comes to within a stone's throw from the Bentley homestead. The linking dirt road (marked with an arrow) could remain with the existing owner and applicant.

The changes I have suggested are minor and they will maintain the beauty of one of Tasmania's most important landscapes and Heritage properties. Please consider them seriously.

Yours sincerely,

A/Prof. Martin Hiscock

██████████

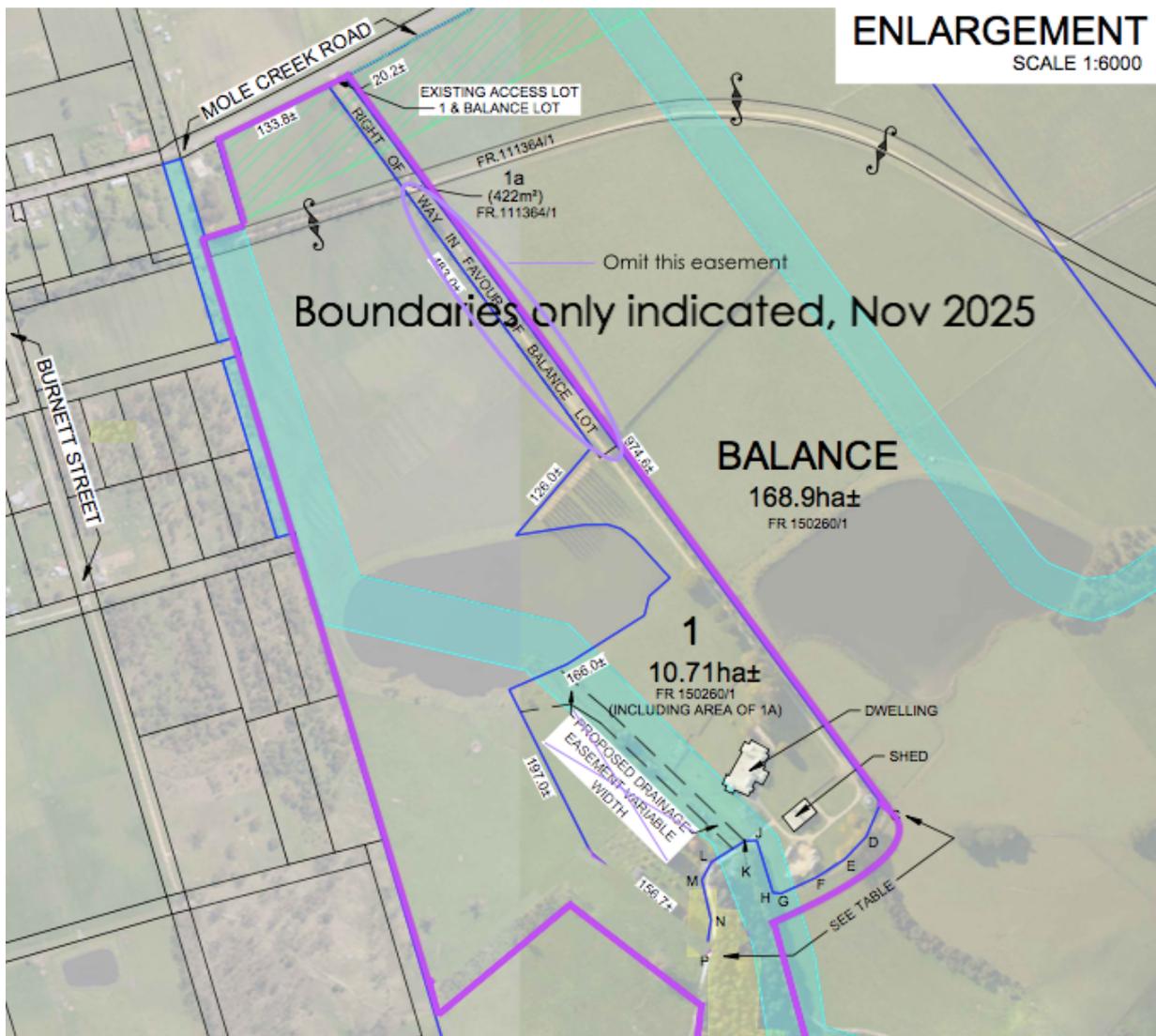
13.2.3 Representation 1 - M Hiscock Additional Information

Natasha Whiteley

From: martin hiscock [REDACTED]
Sent: Thursday, 20 November 2025 10:29 AM
To: Planning - Meander Valley Council
Subject: 1519 Mole Creek Rd, Chudleigh subdivision

Just confirming this is an OBJECTION

Best,
Martin



13.2.3 Representation 1 - M Hiscock Additional Information



Dear Sir or Madam,

I am an interested purchaser of what remains of the Bentley Estate and have been in convivial conversations with the applicant.

Having looked at the proposed application, I find the current PDA subdivision of Lot 1 (23.86 ha) unacceptable for a number of reasons and I think an alternate subdivision plan should be made.

I think there will be benefits of an alternate solution (see pink boundaries in attachment) which better considers the cultural heritage landscape and amenity of the Bentley homestead.

My intention as a new owner would be that Bentley remains a working farm.

As it stands, the subdivision is a very odd one in excluding the lake in front of the house, robbing the Estate of a major asset (see attachment). Unsightly new fencing in view of the house would also detract significantly from the view. The applicant could easily include the entire dam to the north of the house in a revised subdivision whilst maintaining water rights to it for agriculture.

Crucially, the current subdivision removes all water resources from the ownership of Lot 1. Currently, there is no right to any water, even for domestic purposes. This would make Lot 1 unsaleable I should think.

13.2.3 Representation 1 - M Hiscock Additional Information

Any prospective purchaser of Bentley would need the existing potable water supply, gravity-fed via pipes from the spring behind the house (see attached). In other words, a water pipeline and storage tank easement, along with a protective covenant for the area around the natural spring itself and for the protected, fenced riparian area.

Any new owner of Bentley should also have management rights over the unnamed creek that runs for most of the year to the west of the Bentley dwelling on Lot 1. This would require removal of the "proposed drainage easement variable width" as shown in the attachment. This creek can flood in times of heavy rain.

An easement only where the existing east/west road crosses the drive to the north of the main gates should be in place. That proposed all the way up to the main gates as a "right of way in favour of balance lot", should be removed. The beautiful long drive to the Heritage property (see attached) must be protected and mixing of a domestic driveway with livestock and heavy machinery is a recipe for erosion and unwanted and unnecessary conflict.

There is currently no protection from farming influences on the adjoining land to the proposed subdivision which is concerning. My understanding is that a 200 m setback is mandatory for all dwellings from farmland boundaries. Inclusion of the treed area in the proposed subdivision (marked with a star in the attached aerial view) is a simple boundary adjustment that alleviates this problem to some extent. Otherwise, the boundary comes to within a stone's throw from the Bentley homestead. The linking dirt road (marked with an arrow) could remain with the existing owner and applicant.

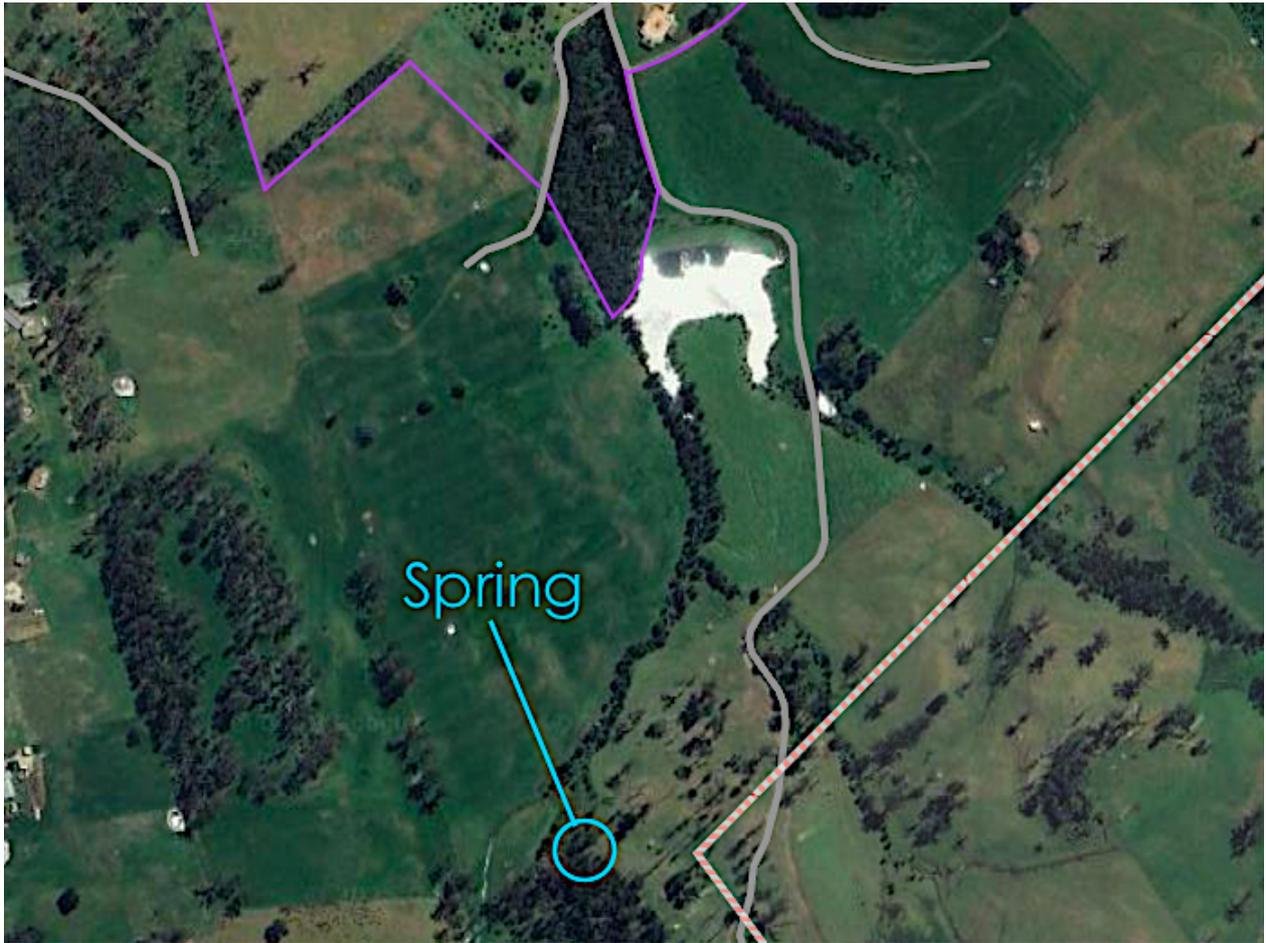
The changes I have suggested are minor and they will maintain the beauty of one of Tasmania's most important landscapes and Heritage properties. Please consider them seriously.

Yours sincerely,

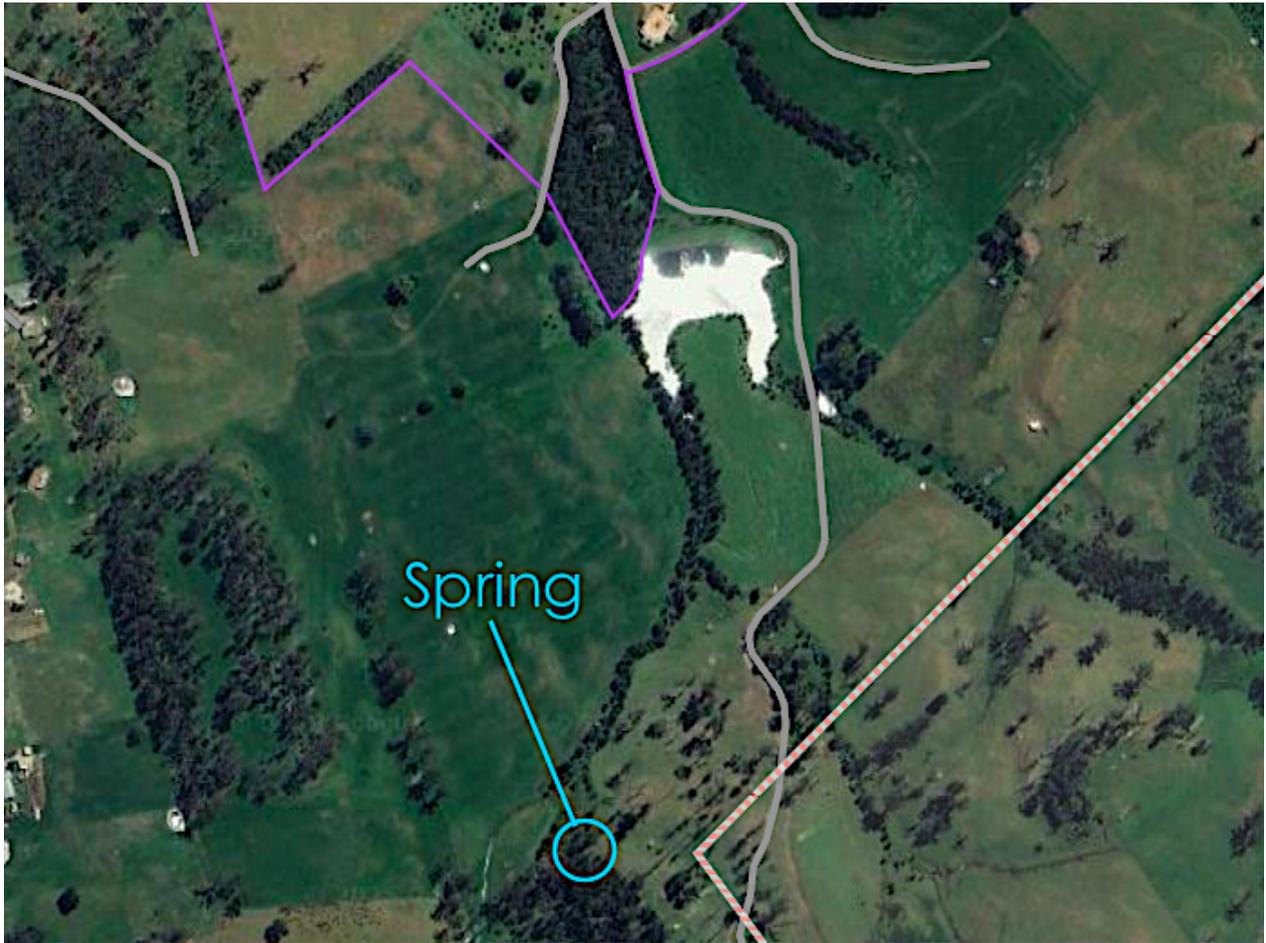
A/Prof. Martin Hiscock

██████████

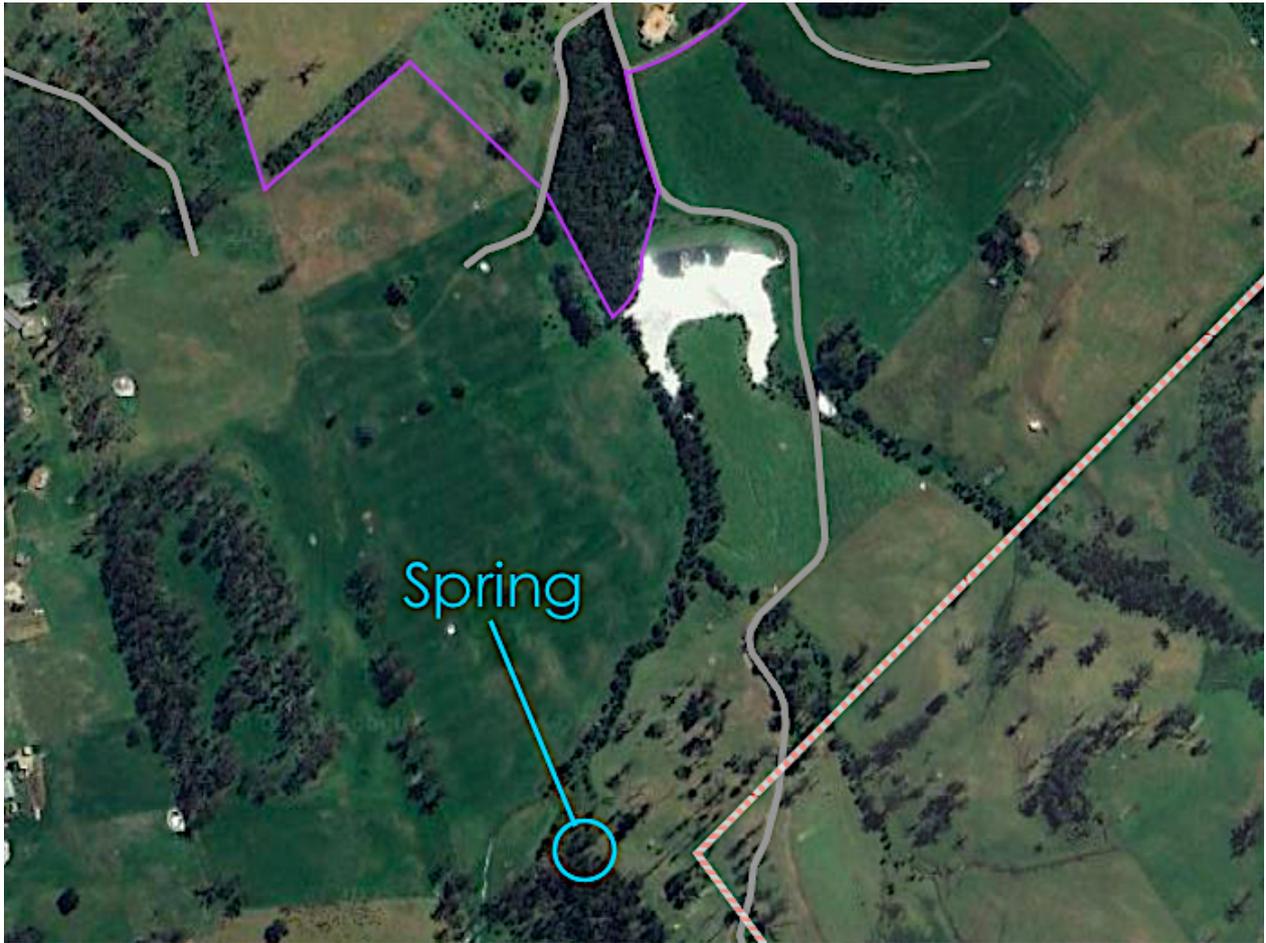
13.2.3 Representation 1 - M Hiscock Additional Information



13.2.3 Representation 1 - M Hiscock Additional Information



13.2.3 Representation 1 - M Hiscock Additional Information



13.2.4 Representation 2 - J Hawkins

Natasha Whiteley

From: John Hawkins [REDACTED]
Sent: Monday, 24 November 2025 1:42 PM
To: Jonathan Harmey
Cc: Planning - Meander Valley Council
Subject: Objection and Representation Regarding the 2025 Subdivision of Heritage Listed Bentley
Attachments: JB Hawkins Objection re Bentley Subdivision PA 26.0103 24 November 2025.pdf; Letter - J Hawkins.pdf; Bentley 200m circles.pdf; 5025-01 DA-1-1.jpg; 5025-01 DA-1.pdf

Good afternoon Mr Harmey,

Please find attached Objection re Bentley Subdivision and four (4) enclosures, please can you confirm receipt of this email.

Regards,

John Hawkins

13.2.4 Representation 2 - J Hawkins



BENTLEY
Mole Creek Road
Chudleigh
Tasmania 7304

John B. Hawkins
[REDACTED]

24th November 2025

The General Manager
Jonathan Harmey
Meander Valley Council.
Lyll Street
Westbury
By email to: Jonathan Harmey jonathan.harmey@mvc.tas.gov.au
'planning@mvc.tas.gov.au' planning@mvc.tas.gov.au

AND TO:
Heritage Tasmania
By email to: Enquiries.Heritage@heritage.tas.gov.au

**Objection and Representation Regarding the 2025 Subdivision of
Heritage Listed Bentley by JDA Planning OBO Chatsworth Enterprises,
Regarding the current Planning Application PA\26\0103
At 1519 Mole Creek Road CHUDLEIGH**

I write as the ongoing and current leaseholder of Bentley. I, with my wife, Robyn, also own the adjoining property to the west. There has been no communication from the new owner with his lessee over this proposed development.

I am also one of the two former owners who sold the heritage estate Bentley to Chatsworth Enterprises in 2022, after spending 20 years consolidating and renovating Bentley to its former glory.

13.2.4 Representation 2 - J Hawkins

Page 2 of 26

There is a significant number of issues and serious problems regarding the Planning Application, PA\26\0103 at 1519 Mole Creek Road CHUDLEIGH (CT150260/1 & 47523/1) by JDA Planning OBO Chatsworth Enterprises. The Planning Application should not be approved, as it stands.

I wish to discuss briefly as well and show the connection with, the recently approved Planning Application, PA\26\0057, at 25 Sorell Street Chudleigh and 1519 Mole Creek Road, again being done by JDA for Chatsworth Enterprises overlapping the same land, over which I am yet to receive a notice for appeal.

I wish to note:

- This further Planning Application PA\26\0103 seeking a subdivision development was advertised on the 8th November 2025.
- The development is advertised and open for public comment and objection up until Monday the 24th November 2025.
- I am thus making this representation and objection within the advertised time-frame.

This representation includes all the enclosed documents listed at the end of the representation. It also includes the photographs and the surveyor's plans and diagrams and the heritage consultant's report.



The wrought iron front gates to Bentley, looking south to the homestead in the landscape with the Tiers beyond.

Overview

The property, Bentley at 1519 Mole Creek Road CHUDLEIGH, is one of Tasmania's finest heritage listed country houses with a magnificent

13.2.4 Representation 2 - J Hawkins

Page 3 of 26

homestead set in recently restored landscape of laid hedges and dry stone walls, in the Chudleigh valley. The Heritage Register reference is THR ID 4759.

Bentley is on the register of the National Estate. It was and remains of National Significance to Australia for its Heritage values.

I claim both the landscape and the Bentley heritage homestead would be adversely impacted by this insensitive proposed carve-up under Planning Application PA\26\0103. This is a public interest issue to the residents of the Chudleigh Valley.

I have long advocated for the protection of the Chudleigh landscape, as Meander Valley Council well knows. This resulted in my successful appeal against the Meander Valley Council Planning Scheme and their proposal of a new Village: Chudleigh North on the highly visible Mersey Hill. The TPC scrapped the MVC proposed Rural Living area on the premise that it would destroy an idyllic landscape.

Why should my wife and I have to fight our local council to protect our beautiful valley?



Looking North down the driveway at the heritage trees and hawthorn hedges to Mersey Hill and The Gog Range.

Councillors, I ask that you cherish what my wife and I have achieved and enable the Bentley Estate homestead to live on with a proper curtilage under respectful new owners who will cherish our beautiful valley.

Councillors, you have considerable power, which should be exercised thoughtfully and wisely for the common good.

In advertising this second stage of the proposed carve-up of Bentley, Council identifies the issue as: "Lot Design" in the advertised current Planning Application PA\26\0103. That in their mind would appear to have caused the Discretion. However there are several more issues of great concern, including the fatal, fundamental flaws of this faulty application itself.

The two-part Planning application can be found here:

- <https://www.meander.tas.gov.au/assets/docs/Planning-Applications/Advertised/PA.26.0103-Website-Display-Part-1.pdf>
- <https://www.meander.tas.gov.au/assets/docs/Planning-Applications/Advertised/PA.26.0103-Website-Display-Part-2.pdf>

"Lot Design" is the only issue MVC's Planning Department has identified as requiring the development to be advertised. This is disputed and the fallacy of the claim exposed in this representation.

It is thus claimed that Meander Valley Council (MVC) has not adequately identified all the issues of concern in the Planning Application PA\26\0103. This of itself is a major failing and a misdirection of the public.

This subdivision matter under Planning Application PA\26\0103 should clearly be subject to objections and appeals. This Planning Application is so faulty that it should either be re-advertised or, preferably, abandoned.

The boundary of the proposed subdivision in Planning Application PA\26\0103 has serious flaws and deficiencies and these have obviously misdirected Meander Valley Council, normally the captive bureaucracy of the developer. There appear to be at least 3 different subdivision Lot Designs in this application. Which one will they choose?

The Application's Lot Design Inconsistencies Changes and Errors

I claim the Planning Application PA\26\0103 is absolutely riddled with errors and inconsistencies and is therefore irretrievably faulty.

I write now to identify the erroneous plans done by JDA Planning Pty Ltd - regarding PA\26\0103 at 1519 Mole Creek Road CHUDLEIGH (CT150260/1 & 47523/1). This is the subdivision, which is currently advertised at MVC. It is a Subdivision (2 lots to 2 lots) - lot design.

The various plans throughout the Planning Application PA\26\0103 are not consistent in their areas. Various Lots sizes in the text and in plans exist throughout the application. These are detailed below.

The Planning Application PA\26\0103 cover sheet provided by the applicant states under Land Area: "*177.7 and 38.83 Ha*".

However, then under the Planning Application PA\26\0103: On a page by PDA (again no number but just after the title plans) within Part 1, the plan for Lot 1 is shown as 23.86 Ha and Balance Lot is 192.67 Ha.

13.2.4 Representation 2 - J Hawkins

Page 5 of 26

Then under the Planning Application PA\26\0103, in the executive summary of the Pinion Report by Jason Lynch (version Final V5) and dated 2nd October 2025, it refers to (on their page 6) *“lot 1 block covering 23.86 Ha”* and *“Balance block, covering 192.67 Ha”*.

Pinion in their report mentions the proposed development under their section 4 where they state again: *“Lot 1 block ... Covering 23.86 Ha”* and *“The Balance block, covering 192.67 Ha.”*

The Pinion report then talks about a full plan in Appendix A, (image 18). Image 18 again refers to Lot 1, is shown as 23.86 Ha and Balance Lot 192.67 Ha.

I remind you that under the Planning Application PA\26\0103 cover sheet states under Land Area: *“177.7 and 38.83 Ha”*.

We now, under the Planning Application PA\26\0103, turn to the Bushfire Hazard Management Report by Scott Livingston for JDA and dated 14th October 2025. Livingston states *“Lot 1 will be 23.86 Ha”* and *“Balance Lot will be 192.67Ha”*.

Now to Part 2 of the Planning Application PA\26\0103: Again Figure 3 is misleading. This is not the existing lot. Figure 2 claiming also to be the existing lot is not the same as Figure 3.

The PDA Figure 5 proposed subdivision plan remains wrong that is: Lot 1 is shown as 23.86 Ha and Balance Lot 192.67 Ha.

On page 3 of the JDA Planning report under the Planning Application PA\26\0103, it again relies on the PDA Plan of 29-7-2025 and that again shows the Lot 1 is shown as 23.86 Ha and Balance Lot 192.67 Ha. This is also repeated in the text of the Executive Summary by PDA.

Now under the Planning Application PA\26\0103, Figure 17 shows an entirely different subdivision Lot 1 to the above areas. This has the Balance lot extending down below the dam below the homestead an area for the Lot 1 (the homestead) is shown on Figure 17 of only 10.4 Ha and no balance lot is given.

The 200-metre setback area for Sensitive Use setback is shown as 16 Ha. This, by the way, is disputed and I refer you to surveyor DJ McCulloch's enclosed: Sensitive Use setback plan.

I have not had the time to capture all the errors.

However, I repeat the Planning Application PA\26\0103 cover sheet states: under Land Area to be: *“177.7 and 38.83 Ha”*.

All this is intensely confusing, indicating to me that the subdivision matter over this iconic Tasmanian property was not and still is not ready to go before Council and should be discarded and rethought.

It is immensely obvious Planning Application PA\26\0103 is faulty and deficient and should not be approved.

No Precise Subdivision Plan upon which Council and Heritage Tasmania can rely has been proposed in over 110 pages of Planning Application.

The Planning Application PA\26\0103 cover sheet states under Land Area to be: "177.7 and 38.83 Ha". But there is no precise plan, which shows the boundaries of the Lots in a way in which Council and Heritage Tasmania can rely. I am left wondering how these Application Lot areas were resolved and finalised.

All the detailed professionally drafted plans are included but they show other, different and inconsistent Lot areas.

This situation where at least three different subdivision Lot sizes have been included in the one application to Council by the one applicant is appalling, faulty and must be rejected by Meander Valley Councillors who are ostensibly acting in the best interests of the people they represent. Complete and utter failure!

Sensitive Use Setback Failure and Developer's Planning Deception

I am especially aggrieved over the failure to meet the Sensitive Use Setback standards of the Tasmanian Planning Scheme because I am still leasing Bentley's homestead.

The first of those significant flaws relate to the mapping by JDA of the 200-metre setback, intended to protect what the planning scheme terms: Sensitive Use.

So, my understanding is that the very important 200-metre Sensitive Use setback to Agriculture Use must apply in this subdivision under PA\26\0103 but in the JDA Application it does not meet such standards in any way, in any direction.

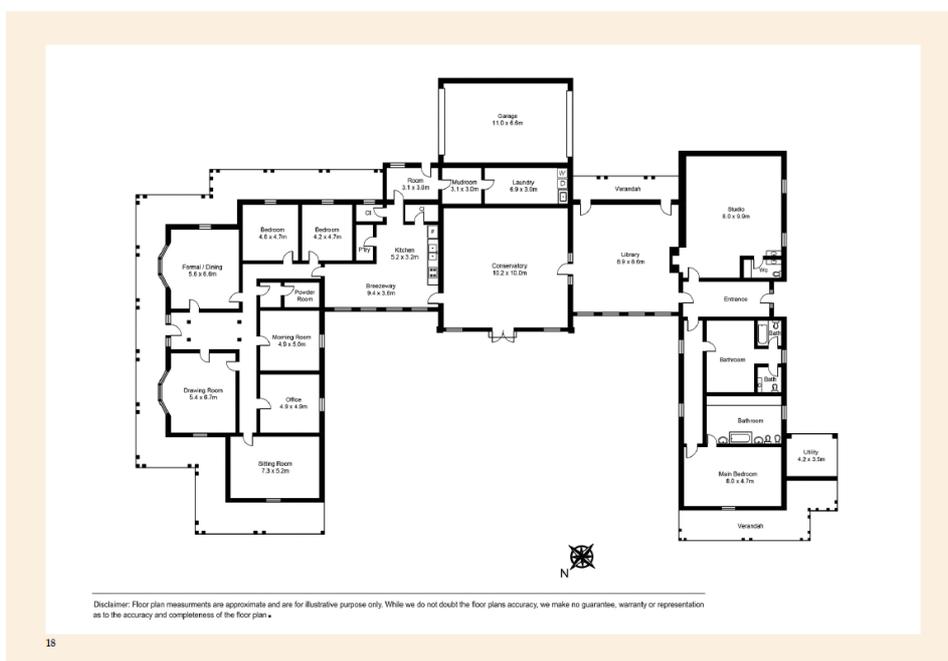
I also maintain the domestic and farm buildings within the curtilage must be properly considered to be included in the setback for Sensitive Use under the current planning scheme.

This is a part of the scheme, which ostensibly protects Agricultural Land and Use from fettering by Sensitive Use under The State Policy for the Protection of Agricultural Land (PAL).

Here at Bentley the subdivision deliberately potentially causes a conflict situation through the owner's poor Lot Design.

The current plan/map with aerial overlay at page 18, Figure 17, in Part 2 of The Application draws a 200-metre circle from the centre of the homestead, not the perimeter.

Bentley homestead is a large sprawling country house, set back a long way from the road. It was designed as the centre of its farming land and the curtilage is extensive.



The Floor Plan of Bentley

This inadequate mapping of Sensitive Use under PA\26\0103 is indicative of dishonesty and cheating to gain a planning objective. The 200-metres setback must be measured from the outside perimeter of each of the structure/s, not the mythical centre of only the main residence, I maintain.

For this 'Sensitive Use' setback failure reason alone, the development under PA\26\0103 does not meet planning standards and it should cause the refusal of the Application PA\26\0103 by MVC's planners now. It should not have even been advertised.

The proposed current subdivision boundaries under PA\26\0103 do not provide Agriculture a 200-metre setback from the house or from the other buildings in the curtilage used for daily domestic purposes, which is being separated from the estate exactly 200 years after the land was first granted as an entity. The three 1826 land grant estates in the Valley still have vestiges of their original integrity.

Indeed, it is noted there is already a newly constructed dairy lane within the 200-metre setback distance. This was entirely developed by the new owner without any consultation with Heritage Tasmania, with fence lines that interrupt the view to east over the lake, nor, indeed, with myself the current lessee.

'Sensitive Use' is defined in Section 3 Interpretation on page 12 of the Tasmanian Planning Scheme –State Planning Provisions.

“means a residential use or a use involving the presence of people for extended periods except in the course of their employment such as a caravan park, childcare centre, dwelling, hospital or school.”

13.2.4 Representation 2 - J Hawkins

Page 8 of 26

To my thinking, that should apply, rendering all the buildings within the homestead curtilage eligible to be protected from impacts by way of the setback, not just the main house and certainly not trying it on via using just the centre point of the main house as the starting point for the setback. In particular a 'Sensitive Use' setback should apply as follows:

There are the following 4 buildings at Bentley, which should have had 200m circles from their perimeter:

- The Homestead
- The Orangery (a stately greenhouse) at the end of the drive. This is an octagonal edifice of 15.15 metres across.
- The Office and Farm Shed (The building with the clock tower)
- The Three Horse-Arena Buildings which include a Worker's Accommodation Facility are considered as a whole. (Three buildings set around a walled lunging yard).

This setback requirement is relevant to this development proposal without fail.



The Office and Farm Building with clock tower, looking south.

The Scheme states:

21.0 Agriculture Zone: 7

A2

Buildings for a sensitive use must have a setback from all boundaries of:

(a) not less than 200m;

P2

Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use, having regard to:

(a) the size, shape and topography of the site;

13.2.4 Representation 2 - J Hawkins

Page 9 of 26

- (b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties;*
- (c) the location of existing buildings on the site;*
- (d) the existing and potential use of adjoining properties;*
- (e) any proposed attenuation measures; and*
- (f) any buffers created by natural or other features.*

When the 200-metre Setback for Sensitive Use is not reached for existing buildings in such subdivision situations with existing houses and homestead curtilages, as in this case, the subdivision should fail. That is clear. This Failure to meet the planning provision should have caused MVC planners to reject rather than advertise this plan, as the plan drafted by the surveyors PDA for the application is erroneous.



An oblique aerial view, looking north Bentley Homestead in the cultural heritage landscape of the Chudleigh valley.

People have a right to be protected from the adjacent industrial agriculture. That Setback for Sensitive Use is a purpose of the scheme from a public interest aspect.

This subdivision application has not even identified all the existing domestic buildings within the mapped homestead curtilage. The omission of certain domestic buildings from the Setback for Sensitive Use mapping has, I suggest, been entirely deliberate by JDA Planning in an effort to misdirect Council.

The multiple Setbacks for Sensitive Use omissions in the application allows the 200-metre setback to not consider the full array of existing buildings within the curtilage of the Bentley Homestead.

13.2.4 Representation 2 - J Hawkins

Page 10 of 26

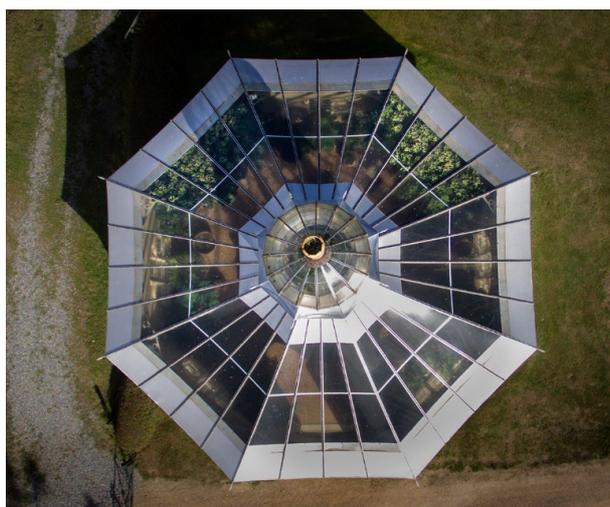
These buildings were restored and developed by my wife and I as the former owners, in conjunction with Heritage Tasmania. We took great care to ensure that renovations were of a high quality and commensurate and in keeping with the existing heritage structures.



The lunging yard and carriage house with worker accommodation, restored riparian area behind.

This 200-metre setback for sensitive use was never a design consideration because not only did it not exist, but we had no plans to destroy our creation, rather to maintain the Bentley Homestead's collection of buildings as the logical centre of the farming property and the cultural heritage landscape.

In particular, I wish to note the fraudulent omission of the Orangery, a substantial octagonal traditional greenhouse type structure designed for warm climate plants, complete with stainless framed translucent roof, which was lovingly built for Mrs Hawkins.



The roof of the octagonal Orangery from above.

13.2.4 Representation 2 - J Hawkins

Page 11 of 26

This building in particular, under the JDA Application has been deliberately blurred down so that planners and Council are deceived and misdirected over its existence.



Orangery interior showing the stainless roof members

Yet the Orangery which requires regular attendance is a fine and very substantial structure that deserves to be included in the Homestead plans and importantly also deserves a 200-metre setback associated with its valid use for domestic purposes.



The Orangery exterior looking South.

Bentley is a large property. There is thus ample room to ensure the 'Sensitive Use' 200-metre setback, mandated by the planning scheme (see above), could be unambiguously achieved but in this case the mandated standard has not been achieved with this unsustainable Lot Design under PA\26\0103.

This failure is entirely deliberate and the attempt to mislead is again, I claim, deliberate and indeed obviously pre-meditated.

I am so strongly aggrieved by JDA's incompetent mapping of the 200-metre setback, I have instructed my surveyor, D J McCulloch of Riverside to produce a new plan showing the proper 200-metre setback which must be achieved. The plan by surveyor McCulloch forms a part of my representation and objection and is enclosed.



200 metre setbacks at Bentley - Plan drafted by Surveyor Dallas McCulloch.

Heritage and Cultural Heritage Landscape Aspects

It is claimed that the Planning Application PA\26\0103, should it be approved, will cause detriment to the cultural heritage landscape of Bentley, contrary to the developer's claim in JDA Planning's report.

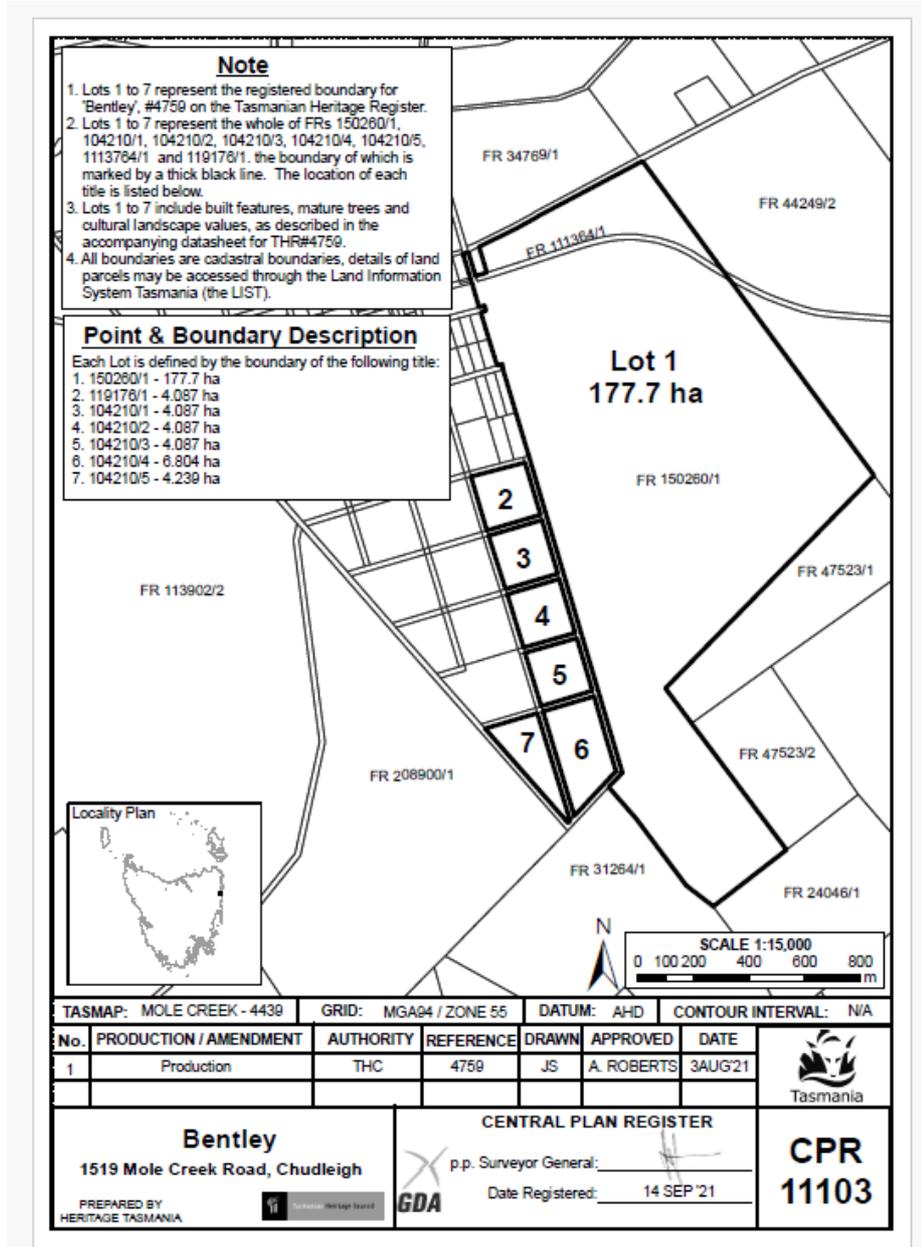
The Heritage Register reference for Bentley is THR ID 4759.

However, there is also within that THR ID 4759, reference to a CPR Plan over a significant part of the original Bentley Estate property, greater than the current subdivision Planning Application PA\26\0103 area.

Bentley as a property is significant, not just for its lovely 19th century homestead but also for its special place in the landscape. There is even a landscape plan filed in the Central Plan Registry CPR 11103.

JDA Planning does not even mention the CPR Plan 11103. The CPR Plan 11103, is however a relevant consideration for both Council and Heritage Tasmania, showing that the whole of the cultural landscape at Bentley is important. See the attached CPR plan.

Cultural Heritage landscapes can so easily be destroyed and degraded.



CPR Plan 11103 for Bentley, 1519 Mole Creek Road Chudleigh

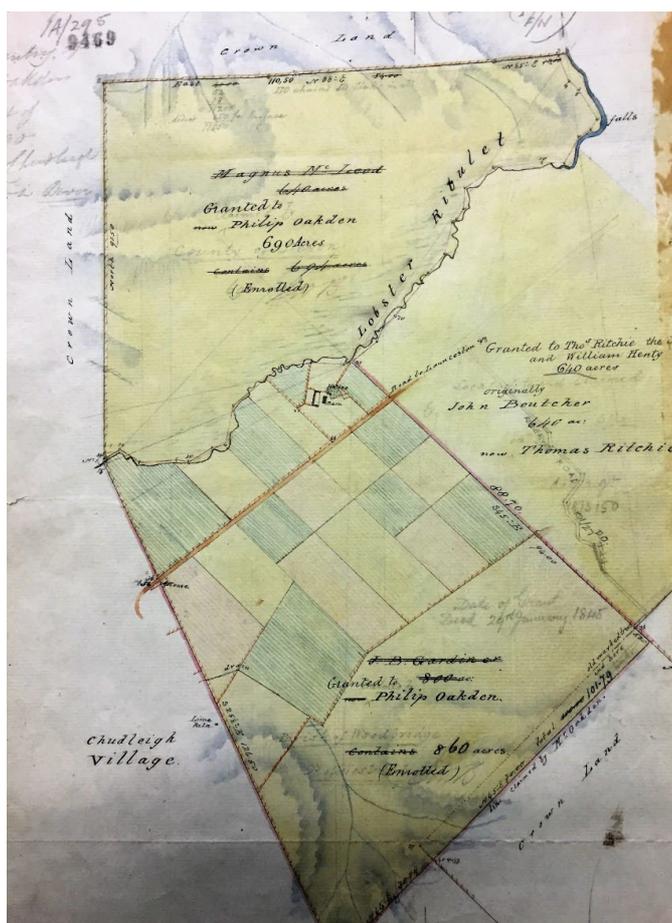
This CPR plan directs Heritage Tasmania to consider the heritage aspects of the landscape for this property and this is particularly important when it comes to Lot Design, such as in this case. The THR repeatedly mentions the important landscape, including particular features.

13.2.4 Representation 2 - J Hawkins

Page 14 of 26

I note from this the CPR Plan 11103, produced by/for Heritage Tasmania at its request, signifies the importance of the cultural heritage landscape this must be considered by the applicant.

Bentley is on the register of the National Estate. It was and remains of National Significance to Australia. Its heritage has long been established.



Plan of original grant to Phillip Oakden

When we purchased Bentley Estate in 2003, it needed a lot of work and reconsolidation, because the original land holding had been gradually eroded and subdivided. My wife and I spent some 20 years rebuilding and re-establishing the Bentley Estate as one of Tasmania's great historic estates.

In this situation the 'Lot Design' currently proposed in Planning Application PA\26\0103 has substantial deleterious landscape implications, however the applicant, JDA Planning, states it has contacted Heritage Tasmania, indeed JDA is saying Heritage Tasmania is supportive of the subdivision, or so it seems.

We note no supporting document from Heritage Tasmania was supplied by the applicant in the current subdivision proposal.

13.2.4 Representation 2 - J Hawkins

Page 15 of 26

I wish to note there is nothing (no document) in the Planning Application from Heritage Tasmania and for this reason alone the Planning Application must be rejected by Council.

I wish to remind both Meander Valley Council and Heritage Tasmania that the THR ID Register Datasheet for 4759 (Bentley) states:

“Heritage approval is required for work that will result in changes to the nature or appearance of the fabric of a heritage place, both internal and external.”

This statement on the Heritage Datasheet is underpinned by heritage legislation. It would be an undeniable absence of justice, were that to not be a part of the application itself. Indeed it would be malfeasance.

It is noted The Heritage Council has not had a meeting since October, and at that time this important matter was not raised.

I draw your attention to the parlous state of the Heritage Council including the absence of a Chair and no TFGA representative.

My understanding is that Bentley is the only estate listed Cultural Heritage landscape.

In general, across Tasmania and especially in Meander Valley Council area, there is often ignore of Heritage and this is resulting in a gradual diminution of heritage, a process of a death of 1,000 cuts.

In cultural heritage landscape terms, I, as one of the former owners of Bentley, went to considerable lengths to enhance the cultural heritage landscape of the Chudleigh valley.



View to South West of the Lake over to Western Bluff

13.2.4 Representation 2 - J Hawkins

Page 16 of 26

Can you imagine a boundary fence erected through the foreground of the above scene? That is exactly what is being proposed in this subdivision.

Part of that landscape included the lake below the Bentley heritage homestead, which was restored and enlarged. This lake forms a foreground to the view from the house when looking out to the Gog Range, which rises in the background. It is an astoundingly beautiful view. Hence I draw your attention to the innately destructive Lot boundary, which is so unfortunately proposed in this part of the subject land.

The Lot design of the JDA application, on behalf of Chatsworth Enterprises, places a boundary between the two lots removing the lake, which is to the north of the homestead, from the ownership of the Bentley Homestead itself. The boundary is a convoluted affair, devoid of a single straight line and immensely difficult to maintain in my view.



A view of Bentley homestead from the far side of the lake.

Can you imagine a boundary fence erected through the middle of this scene? That is exactly what is in essence being proposed in this subdivision.

This places a Lot boundary, which would be permissible to fence and, indeed would be subject to the Boundary Fences Act, in a highly visible place above the lake, between the lake and the Bentley Homestead. Such a fence would inevitably be highly visible, scarring the view from the heritage building. It would be a view-destroying fence across the middle of a bucolic landscape. What an absolutely gormless idea.

This gormless, ugly idea, proposed in the Planning Application, would destroy the aforementioned cultural heritage view and diminish the heritage values of the Bentley Homestead.

It is suggested, contrary to the Planning Application, the lake which is in front of (to the north of) the homestead should logically and for almost every other reason be included in the lot with the homestead for several goals including the landscape one.

The current plan, and the lot design is beyond pathetic.

It cannot be reliably ascertained, whether the ancient and Significant Heritage European trees, which are obviously of cultural landscape significance, especially the ones to the west of the Bentley Homestead on the small hill above the stream, would be included with the Bentley Homestead under the Lot Design proposal. The reason for our uncertainty is very simply that the presumed final subdivision map is very, very poor in quality. It should be discarded and one done by a professional.

These significant trees on Bentley are not being protected by Meander Valley Council's planning scheme because it has failed to institute any significant tree protection in the scheme. It's a philosophical and pathological problem, for Meander Valley, which is completely devoid of any cultural sustainability and which doesn't meet community expectations.

The unsustainable attitude over all heritage matters has been ingrained in a backward Meander Valley Council for a considerable length of time, since at least the Davey Heritage Report over 20 years ago. As a rate-payer it is very disappointing.

Likewise, as the applicant simply states, there is no local Heritage list under the MVC Local Provisions Schedule. This unsatisfactory, unsustainable situation should be fixed but of course Bentley is State Listed Heritage.

I am strongly critical therefore, as contrary to the advice Council has received from such professional heritage experts, it continues to fail to conserve our built heritage, regardless indeed of whether it is State or Local or indeed Nationally Listed.

This deliberate avoidance too is criticised strongly and is clearly against the Schedule One objectives of the Land Use Planning System of Tasmania.

Meander Valley Council continues to fail its residents and this planning application is a perfect example of why greater protection for cultural heritage landscapes, would result in better planning outcomes.

There is currently no Heritage Assessment for the Planning Application PA\26\0103 by a heritage consultant, or any expert in cultural heritage landscapes. That in itself is a tragedy and a disgrace and potentially could allow for the thoughtless breaking up of a beautiful place.

In Heritage terms the following concerns about the Heritage property, Bentley, THR ID 4759, at 1519 Mole Creek Rd Chudleigh remain.

Whether Heritage Tasmania have an officer who is expert in cultural heritage landscapes who could conduct some expert assessment of the landscape impacts of the proposal.

13.2.4 Representation 2 - J Hawkins

Page 18 of 26

Whether there is already on file with Heritage Tasmania, a Heritage Impact Statement for this subdivision development of Bentley at Chudleigh, as per PA\26\0103 (which is now advertised on MVC's website).

I seek a Heritage Impact Statement be performed for this development now. If there is not already a Heritage Impact Statement, from the proponent, I seek Heritage Tasmania request one from the developer and advise Meander Valley Council it has done so without delay.



A view of Bentley and heritage significant trees.

The Planning Application PA\26\0103 by JDA Planning blithely dismisses heritage without a mention of the cultural heritage landscape, but the Lot Design is patently woeful, impacting the heritage landscape and the Planning Application is grossly faulty.

I consider that Heritage Tasmania should scrutinise PA\26\0103. I seek to be advised whether Heritage Tasmania realise the potential dire impacts of the proposed development?

I seek to be advised whether there is an existing Conservation Management Plan (CMP) for Bentley developed by or for the developer by PDA Planning. If there is a CMP, I seek a copy of it. I believe in fact none exists.

If there is an existing Conservation Management Plan for Bentley, I seek to be appraised whether this Planning Application has met those prescriptions?

If there is not a Conservation Management Plan for Bentley, now is the time for Heritage Tasmania to insist one is created.

Bentley is a property of National Significance, which has a fine cultural landscape and a fine colonial heritage homestead, which is in the process of being destroyed as the house would have no purpose.

I have sought to be advised whether there is going to be or has ever been a Heritage Assessment by a heritage consultant, expert in cultural heritage

landscapes over Bentley and including the impacts of this proposed subdivisional carve-up.

An avoidance of a Heritage Assessment for this subdivision development would be a tragedy and a disgrace and an abrogation of Heritage Tasmania's duty.

It concerns me greatly there is not a better and more transparent process that allows the public to deal with such unfortunately harmful developments through Heritage Tasmania. After all Heritage Tasmania is operating under legislation within the RMPS Objectives, which commits to Heritage protection.

Proposed Subdivision against the Protection of Agricultural Land Policy

I seek to argue that the proposed carve-up of the Bentley estate represents a reduction in agricultural potential and therefore is also against the Protection of Agricultural Land State Policy.

The Pinion Report included in the Planning Application PA\26\0103, does not include the whole of the Bentley property and as a result fails Bentley. The adequacy of this agricultural report is therefore questioned. The previous agricultural study covered the whole of the Bentley Estate property.

Water Nightmare Issues

The Lot boundary of PA\26\0103 proposes to create new 2 lots, one of 177.7 Ha and one of 38.83 Ha out of the existing 2 lots. The purpose of this subdivision seems to aim to achieve an excision of the Heritage House from its cultural heritage landscape and especially to alienate the house from its water resources. Hence I have called it a proposal to create the Bentley Desert.

The Lot size of 38.83 Ha containing the heritage Bentley homestead is almost 100 acres and it includes class 4 Agricultural land, regarded as significant farm land, if not quite Prime Agricultural Land Yet the proposition is no water for the Bentley desert. That surely cannot be good, holistic design!

The JDA (Chatsworth Enterprises) subdivision plan, basically is formulated firstly with a regard to a grasping retention and withholding of all water resources, including even the existing Domestic Water infrastructure for the Bentley Homestead, which is deliberately captured and would be achieved by the Planning Application PA\26\0103 subdivision's Lot Design, should it gain approval.

This 'Lot Design' clearly shows the new owner's pre-eminent, indeed pathological agricultural business interest, which would, if approved in its current form, probably cause detriment to the Heritage values and to the Sensitive Uses of the Heritage Homestead. No precautionary approach is being taken under Planning Application PA\26\0103.

From a water perspective this Lot Design pursuant to Planning Application PA\26\0103 would turn the Bentley Homestead into the Bentley Desert, with virtually no apparent rights to the stream flowing directly past the house. Bentley Homestead is a Riparian User and that aspect is being unsustainably destroyed under Planning Application PA\26\0103.

The failure of the PDA Subdivision's Lot Design to protect the domestic water for the Sensitive Use of the Bentley Homestead is considered to be an unsustainable aspect of the development under Planning Application PA\26\0103.

Water and access to water is a human right. Water has long been a part of the fine colonial heritage homestead known as Bentley.

This PA\26\0103 trashes Bentley's water, both for domestic purposes and for the paddocks, which would remain available for agriculture being retaining under Planning Application PA\26\0103, depending on which of the three plan versions Council chose, of course. Yet the amount of water on hand surrounding the Bentley homestead is vast.

It is not only offensive but also unsustainable for a landowner to deprive future landowners of Bentley of all water.



A view of Bentley across the lake with heritage trees.

Can you imagine a boundary fence erected above the lake through the middle of this scene? That is exactly what is being proposed in this subdivision.

Septic Tank Omission and Error

Under Planning Application PA\26\0103 there is a response to a S54 request (without a page number) but while Figure 1 ostensibly shows Location of existing septic tanks Bentley Homestead, this plan with aerial overlay is

incorrect. It shows only the two of the septic tanks and in truth they are in the wrong place on the applicant's mapping.

I wish to advise Council that there is a third septic tank, the original tank and associated French drain, which has been on site at Bentley for a very long time. This infrastructure is not mentioned or even mapped by the applicant. This septic system has always served the original 1879 house bathrooms, toilets and wash-basins. It is sited south of the house and drains under the driveway to a French drain, which under the Planning Application PA\26\0103's subdivision, would be in the proposed adjacent 177.7 Ha Lot. This is a further failure of sustainable land use planning.

It seems this is a land use planning application where the new owner apparently does not even know the location of his septic tanks and nor does our local government.

This is just another reason for rejecting this Planning Application PA\26\0103. One cannot have the effluent system sitting as it currently does on the balance lot. The Lot Design manifestly needs to be revised.

The Proposed Bentley Heritage Estate Carve-Up and Multiple Planning Applications.

I have engaged as my advisor, the leading Tasmanian Heritage Consultant, Brad Williams' who spent some 10 years on the Heritage Commission. His work is strongly endorsed and recommended to both Heritage Tasmania and Meander Valley Council for proper consideration.

If I have to fight this matter through various appeals rather than the current advertised exposure and representation/objection one run by Council, he will be my advisor and I would be seeking costs from the Council, should I succeed.

The Bentley Estate is now in the process of being carved-up by the new owner, Chatsworth Enterprises, since acquisition in 2022.

I objected to the previous Planning Application decided by Council on the 11th November 2025 and consider I had good reason. It is all the one carve-up!

It is vital to understand this proposed carve-up is not just in relation to the current Planning Application PA\26\0103 at 1519 Mole Creek Road, rather the carve-up started earlier in 2025, dealing with the VDL Barn (Kalingal), under Planning Application PA\26\0057, at 25 Sorell Street Chudleigh and the balance lot at 1519 Mole Creek Road, being the land on which the Bentley Homestead stands.

The VDL Barn (Kalingal), subdivision has also been prepared by JDA for Chatsworth Enterprises; being another heritage listed property, recently waived through by Meander Valley Council, in November 2025, despite three valid detailed objections, and despite being a part of the Bentley Estate PID.

The Bentley PID is now in the process of being significantly diminished by the Kalingal subdivision PA\26\0057 and would be further diminished if this second Planning Application PA\26\0103 goes ahead. I believe Council's planners are complicit in what I see as blatant corruption and misdirection of the planning system.

In writing about the current Bentley subdivision under Planning Application PA\26\0103, I have come to firmly realise the crucial aspects of the VDL Barn boundary consolidation and subdivision under Planning Application PA\26\0057. It should be realised title consolidations are subdivisions and this one mostly overlaps the current one.

In summary the previous Planning Application PA\26\0057 over the VDL Barn has created a second access to Bentley beside the Heritage listed, VDL Barn (Kalingal), allowing the Bentley subdivision under the Planning Application PA\26\0103 to nominally meet access standards, site distances aside.

This is un-transparent and seemingly the timing of the two separate planning applications was to ensure a new access for the Bentley homestead could be separated from the surrounding agricultural activity, leaving both the land and the historic home languishing out of context.

The new access off Mole Creek Rd goes down beside the VDL Barn and would mean heavy agricultural truck traffic would be operating near the VDL heritage barn.

That access (not yet a road) then crosses a small patch of Crown land or land owned by the defunct railway company, which as a part of the Mole Creek branch line. In any case this means Chatsworth Enterprises does not yet truly have a second access, but on the plan under the Planning Application PA\26\0057 it looks like they do. I am thus advising Council that the previous application is faulty and because this application is predicated upon the previous one being successful, it will fail too.

Now under Planning Application PA\26\0103 the assumption is that a second access is in existence when it is not so at all, as the decision by Council could be challenged.

An appeal against the Council decision over the VDL subdivision under Planning Application PA\26\0057, decided by Council on 11 November, might argue such matters. The fact is that not all the land is in the ownership of Chatsworth.

The first subdivision (re VDL Barn) Planning Application PA\26\0057 enables the second one (re Bentley) the Planning Application PA\26\0103 but for the same reason appealing the first also stops the second, as they both cover the same land, Bentley.

When objectors receive the planning appeal notice from MVC, over the VDL Barn (Kalingal), challenging Council's decision regarding Planning Application PA\26\0057, they have 2 weeks to lodge an appeal.

Should there be no appeals against PA\26\0057, that development will be approved facilitating the second subdivision.

Combined, these two Planning Applications have the effect of a diminution of agriculture, a diminution of heritage, including the cultural heritage landscape and a grasping of all the water resources. The Planning Applications are being done purely so the property can be broken up and sold off.

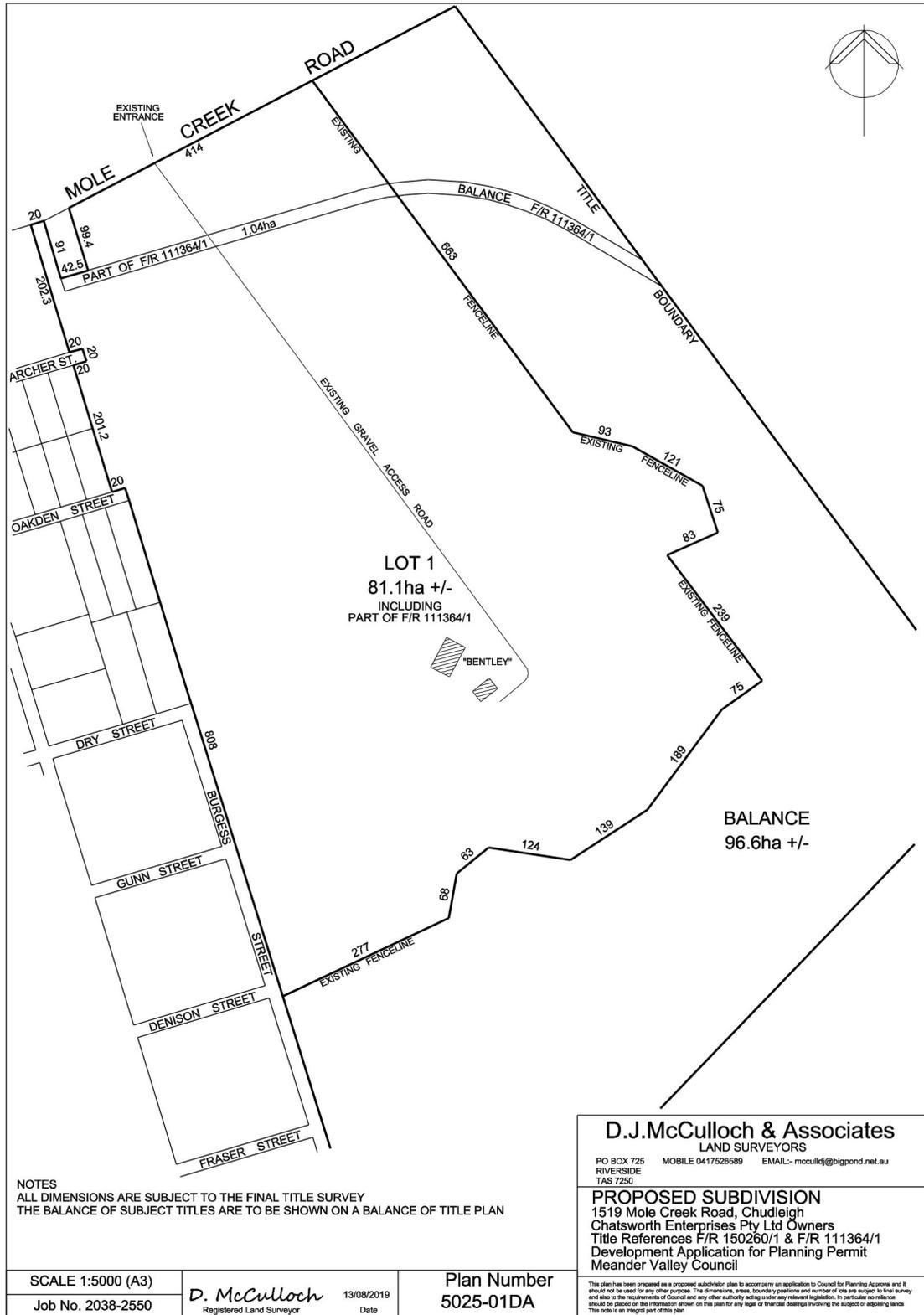
Alternate Subdivision Plan

I am so strongly aggrieved by JDA's poor quality of subdivisional Lot Design that I have asked my surveyor to produce a more satisfactory plan. It is enclosed and reproduced below.

Under this proposal plan (below), what I call the McCulloch Plan, Lot 1 would be 81.1 Ha in area and the Balance 96.6 Ha in area.

If Council and the developer were to adopt this McCulloch Plan (below) and my other concerns addressed, I will consider dropping my opposition. I am confident that the alternate plan, this McCulloch Plan, would result in a more saleable and more valuable property for the developer.

13.2.4 Representation 2 - J Hawkins



Plan of alternate subdivision proposed by JB Hawkins and drafted by McCulloch surveyor.

Bentley is Featured in the Following Publications.

Bentley and the retention of this estate is a public interest matter. The following shows the published interest in Bentley.

- Anne and Robin Bailey, *An early Tasmanian story: with the Oakdens*, Toorak, Victoria, Blenallen Press, 2004.
- Alice Bennett and Georgia Warner, *Country houses of Tasmania: behind the closed doors of our finest private colonial estates*, Allen & Unwin, 2009.
- Caroline L. Cameron, 'Cameron, Donald Norman (1851–1931)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/cameron-donald-norman-5475/text9305>, published first in hardcopy 1979.
- John Hawkins, *A history of the Chudleigh Valley*, 'Blue Gum', newsletter of the Australian Garden History Society, Tasmanian Branch, no. 89, July 2006.
- Holly Kerr-Forsyth, *Gardens of Eden: among the world's most beautiful gardens*, Carlton, Victoria,
- The Miegunyah Press, 2009. The quotation at the head of this article appears in this book.
- Isabella J. Mead, 'Oakden, Philip (1784-1851)' *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/oakden-philip-2512/text3395>, published first in hardcopy 1967.
- Gwenda Sheridan, *The Launceston Horticultural Society: a history*, Hobart, Tasmania Artemis Publishing, 2013.
- Published in *Architectural Digest France*, October 2018

Conclusion

When one considers the considerable length and complexity of planning applications, such as the current multiple applications by JDA Planning obo Chatsworth Enterprises over the Bentley Estate, one cannot be certain that all the salient issues of concern have been addressed. This document has been produced at short notice with tight timeframes and has been done with the very best of intentions.

The Planning Application PA\26\0103 cover sheet provided by the applicant states under Land Area: "177.7 and 38.83 Ha". This Lot Design is not supported and indeed is not supportable.

The multiple various other Lot Designs, within Planning Application PA\26\0103, which are documented and mentioned throughout the Planning Application, are also not supportable. It remains for another Lot Design to be proposed.

13.2.4 Representation 2 - J Hawkins

Page 26 of 26

The Bentley estate is a significant property of National Significance. The protection of Bentley's cultural heritage landscape at Chudleigh is clearly a public interest issue.

Bentley does not deserve to be carved-up simply because the new owner has little empathy and perhaps little understanding of the cultural heritage and landscape value of Bentley, despite his family being the original builders of the original 1879 homestead.

Yours sincerely,



John B. Hawkins

<u>Enclosure</u>	<u>Document</u>	<u>File Name</u>
Enclosed PDF:	CPR Plan on Bentley, Prepared by Heritage Tasmania.	CPR_Bentley.pdf
Enclosed PDF:	200-Metre Sensitive Use Setback Plan. By surveyor, D J McCulloch of Riverside.	Bentley 200m circles.pdf
Enclosed PDF:	Alternate Subdivision Plan. By surveyor, D J McCulloch of Riverside.	5025-01 DA-1.pdf
Enclosed PDF:	<u>Heritage Report re: Proposed boundary rearrangement PA\26\0103 1519 Mole Creek Road Chudleigh, by Brad Williams, Principal Consultant of Praxis Environment (Praxis Synergy Pty Ltd)</u>	<u>Letter - J Hawkins.pdf</u>

END

Mr. John Hawkins

Bentley

CHUDLEIGH TASMANIA

Via email – jbhawkins@bigpond.com

19th November 2025

Dear Mr. Hawkins.

Re – Proposed boundary rearrangement, PA/26/0103 1519 Mole Creek Road, Chudleigh.

With regard to the above proposed boundary rearrangement, I provide the following comments in support of your representation to Meander Valley Council. Note that I limit my comments to the likely effect of the Historic Cultural Heritage Act 1995 (HCHA) as the Local Historic Heritage Code of the Tasmanian Planning Scheme – Meander Valley (the *Scheme*) is not populated, and even if so by virtue of Clause 6.2.2 the code would not apply to the subject site as it is included on the Tasmanian Heritage Register. I have however turned my mind to the zoning provisions of the Agriculture Zone and the General Exemptions of the Scheme as relevant – and make comment accordingly.

Statutory heritage listing of the place

Bentley is Permanently Registered on the Tasmanian Heritage Register (THR - ID 4759). This includes Certificates of Title (C/T) 104210-1 to 5 and C/T's 111364/1, 119176/1 and 150260/1. The area affected by the registration is defined on Central Plan Register (CPR) 11103 (registered 14/9/21).

Lot 1 of that registration includes the *Bentley* homestead, outbuildings and surrounds and comprises 177.1 hectares. At this stage, I limit my commentary to that lot (i.e. C/T's 150260/1 and 111631/1, being the main title and the road respectively). I hereinafter refer to that area as *the homestead lot*.

13.2.4 Representation 2 - J Hawkins

Inclusion of features in the statutory heritage listing

Insofar as the inclusion on the THR, the notes on the CPR plan indicate that the registration includes the whole of these titles, and that all lots *include built features, mature trees and cultural landscape values, as described in the accompanying datasheet for THR#4759.*

In the description provided on the datasheet, the following is noted:

Approximately six miles of hawthorn hedges also feature on the Bentley estate.

The cultural landscape of Bentley is notable, including specimen exotic trees and hawthorn hedges.

That datasheet includes the following statements of significance against the criteria as prescribed by the HCHA:

d) The place is important in demonstrating the principal characteristics of a class of place in Tasmania's history.

Bentley is of historic heritage significance because of its ability to demonstrate the principal characteristics of a single storey Victorian rural homestead with outbuildings set in a fine cultural landscape. These characteristics are found in the external form, construction methods and the detailing, both externally and internally.

f) The place has a strong or special association with a particular community or cultural group for social or spiritual reasons.

The rural property of Bentley contributes significantly to the cultural landscape values of the Chudleigh Valley.

Although poorly defined in the THR entry (e.g. in terms of particular constituent elements, extent etc.), the cultural landscape of *Bentley* is therefore explicitly included in that entry.¹

¹ Note that the THR entry has the following disclaimer:

This data sheet is intended to provide sufficient information and justification for listing the place on the Heritage Register. Under the legislation, only one of the criteria needs to be met. The data sheet is not intended to be a comprehensive inventory of the heritage values of the place, there may be other heritage values of interest to the Heritage Council not currently acknowledged.

Therefore the THC has the ability to consider previously unrecognised or poorly articulated values in the course of their assessment of any application.

13.2.4 Representation 2 - J Hawkins

Setting and curtilage of *Bentley* as a large rural landholding

The THR datasheet provides a brief history of *Bentley*, notably from that history it narrates the fluctuations in the size of the rural holding (with some added information from my own research – note that land areas are approximate only for means of general explanation):

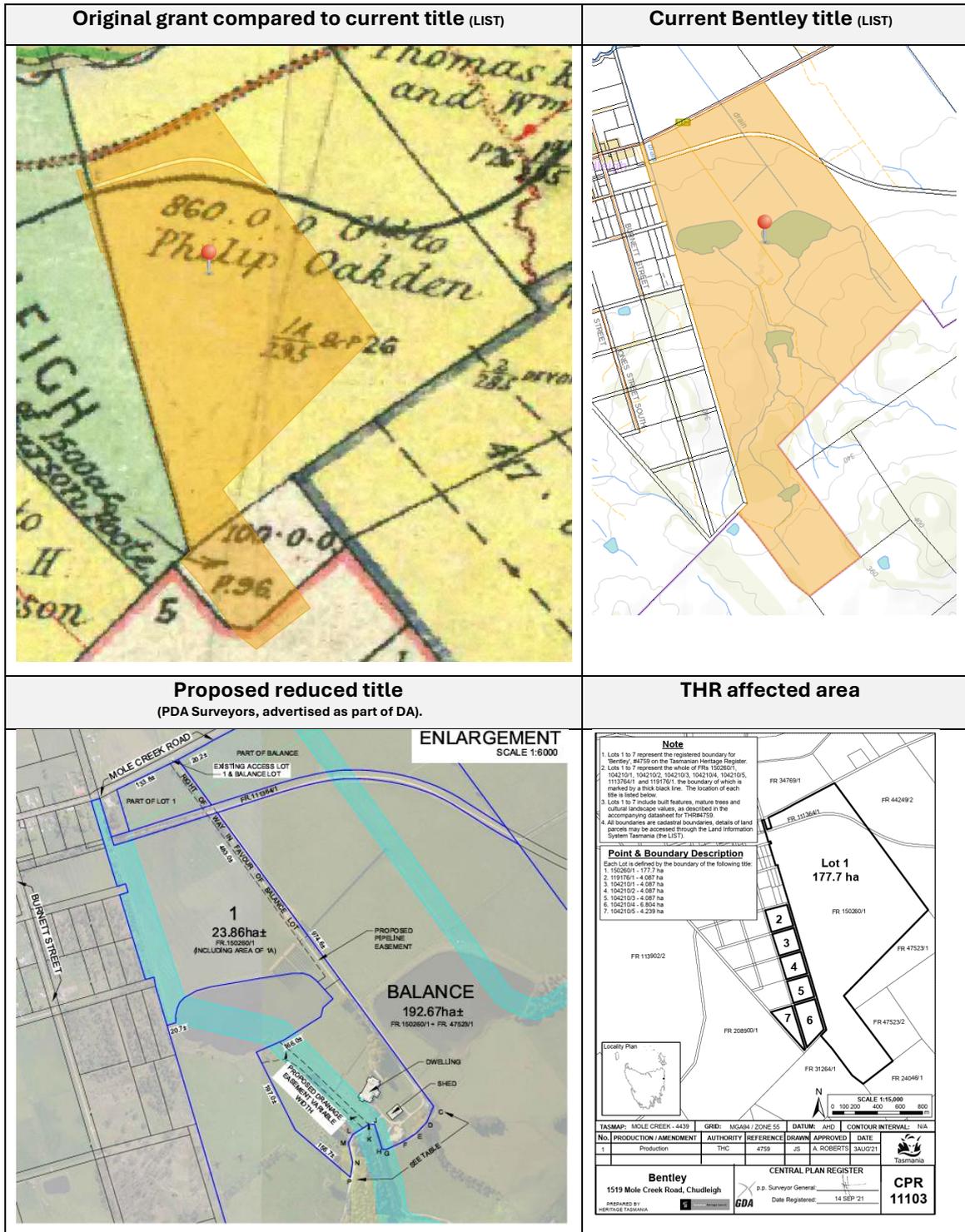
- The original grant of 324 hectares.
- Expansion of the estate by c1843 to 1214 hectares.
 - o During which period the homestead was built in 1879.
- Subdivision of that 1214 hectares from 1951.
- The homestead lot was 176.9 hectares at the time it was purchased by yourself and your wife in 2002.
- Adhesion of additional titles since 2002 to form over 300 hectares, effectively reinstating the original holding (although smaller than the time that the homestead was built).

The title upon which the *Bentley* homestead and outbuildings is now located upon, comprises almost 178 hectares – noting that land surrounding remains in common ownership.

The THR entry includes around 205 hectares (including the entire homestead lot).

The proposed subdivision, if approved, would reduce the homestead lot to just under 24 hectares.

13.2.4 Representation 2 - J Hawkins



Note that the adjacent parcels of land (C/T's 44249/2 and 47523/1) remain in common ownership with the Bentley homestead block – therefore although on three titles, the original grant configuration remains in common ownership.

13.2.4 Representation 2 - J Hawkins

The cultural landscape of *Bentley*

The common ownership of the original *Bentley* grant was unified by yourself and your wife from 2004. This effectively restored the diminution of the holding resulting from 1950s-onwards subdivision and sale (although remaining on multiple titles). I understand that you and your wife have preserved and undertaken an extensive restoration of the cultural landscape surrounding *Bentley* since that time. This has been recognised by the THR registration - noting that the affected area does not include the entire area of the original grant and wider landscape that would have been associated with the later (pre-1843) expansion with which the homestead (1879) is contemporary.

Although still in common ownership with the homestead, regulation (from a heritage perspective) of the other two titles comprising the original grant (i.e. C/T's 44249/2 and 47523/1), and other titles that comprised the estate contemporary with the homestead cannot occur as they are not affected by the THR registration (i.e. those not explicitly listed on the THR datasheet and associated CPR entry).

It is therefore accepted that regulation of the place under the provisions of the HCHA is limited to the titles on the THR, which includes the homestead block, currently almost 178 hectares.

I have been unable to (as yet) form a view as to whether that is sufficient curtilage for the place and to provide for a sufficient setting for the place – however at face-value this appears to be a suitable *minimum* area for such. I have not yet had the benefit of visiting the site, however I refer to statements such as that included in the recent sale advertisements and associated news articles which state that:

- The main residence is set between three large lakes and possesses one of the finest man-made landscapes in Australia.²
- *Arguably one of Tasmania's finest examples of our rich agricultural history, preserved & developed with magnificent natural landscape & vista.*³
- *It's hard to believe that something man-made could enhance the natural beauty of the surrounding valley.*⁴
- *The only man-made structures visible from the house are its own outbuildings*⁵

² <https://www.examiner.com.au/story/7722384/chudleigh-property-sold-for-high-price-as-farmland-values-skyrocket/>

³ <https://farmbuy.com/chudleigh-tas-7304-262769>

⁴ <https://www.realcommercial.com.au/news/historic-estate-with-395ha-hits-the-market>

⁵ <https://www.domain.com.au/news/tasmanias-colonial-homestead-bentley-at-chudleigh-listed-by-antique-dealers-for-15m-1072429/>

13.2.4 Representation 2 - J Hawkins

Possible impact of subdivision

It is accepted that the homestead block is on a separate title and could potentially be sold from common ownership at any time, therefore decaying the value of that common ownership. In the absence of a voluntary adhesion by the owner, this cannot be prescribed. However the homestead block retains an area of almost 178 hectares which *may* provide a satisfactory curtilage within the ownership of that block. The proposed subdivision reduces the homestead block to around 24 hectares – which is the matter of concern discussed below.

Regardless of common ownership, the THR listing remains applicable to that which is defined on the CPR. Any works/development to the registered place must gain the approval of the THC.

Section 3 of the HCHA defines development and works as:

development includes –

- (a) the construction, exterior alteration or exterior decoration of a building; and*
- (b) the demolition or removal of a building; and*
- (c) the subdivision or consolidation of land, including buildings or airspace; and*
- (d) the placing or relocating of a building; and*
- (e) the construction, or putting up for display, of signs or hoardings;*

works includes –

- (a) any development; and*
- (b) any physical intervention, excavation or action which may result in a change to the nature or appearance of the fabric of a place; and*
- (c) any change to the natural or existing condition or topography of land; and*
- (d)*
- (e) any removal of vegetation or topsoil;*

Regardless of whether works or development require a development application under the Scheme any works or development would require either a Minor Works Approval from the THC, or otherwise a discretionary Development Application to Council, as Planning Authority, (who must refer the application to the THC). That is, Section 33 of the HCHA states that the provisions of Part 6 (Heritage Works) prevail over the Planning Act and any planning Scheme etc. For example (of relevance to the matter-at-hand), the following clauses of the Scheme:

13.2.4 Representation 2 - J Hawkins

- Clauses 4.3.8-4.3.9 exempts certain outbuildings, agricultural buildings and works in the Agriculture Zone from requiring planning approval.
- Clause 7.3.1 Permits boundary adjustments (with certain preconditions).

The HCHA takes precedence over these Clauses therefore an application must be discretionary and referred to the THC (unless a Minor Works Approval is granted from the THC – which requires an assessment).

Section 2 (*Rural activities including farming*) of the THC's Works Guidelines (Version 2, October 2025) provides scenarios for possible works that may be approved, both under *Minor Works Approvals* and *Discretionary Development Application* categories. That document provides a series of *Appropriate Outcomes* which guide the way that the THC will assess any applications (whether minor or otherwise). These outcomes are intended to protect identified heritage values in those assessments. For example:

- *Infrastructure should be sited and screened so that impacts on identifiable heritage values are mitigated.*
- *Fence types i.e. material, form and height, and their alignment / placement, should be determined with the aim of minimising impacts on identifiable heritage values.*
- *Areas containing heritage fabric and known to have archaeological potential should be excluded from cultivation.*
- *Where proposed infrastructure will have an adverse impact on heritage values, alternatives that have lower impact should be thoroughly examined and it be demonstrated that what is proposed is necessary and the only feasible and prudent option.*

Further, Section 5 – *Subdivision or Boundary Adjustment* (which is the matter-at-hand) of the guidelines provide the following *Appropriate Outcomes* where subdivision requires a discretionary permit application:

Subdivisions or boundary adjustments that are likely to result in a detrimental impact on this or an adjoining place's: - setting, or - cohesion as a collection of related heritage elements i.e. separate but related buildings, plantings or other features, or - historic lot curtilage i.e. title boundaries that are of historical importance.

13.2.4 Representation 2 - J Hawkins

Advice for appropriate outcomes: Reconfigured boundaries should ensure that an adequate setting or context is provided for the registered place. The adequacy of this setting will vary from place to place and will depend on several factors such as:

- the size of the property, and whether the proposed lots with heritage buildings are of a size and configuration likely to provide them with a sustainable future,
- the existence of elements such as outbuildings, gardens, landscape features, or areas known to have archaeological potential, and
- the need to retain significant views to and from the place.

Retain all the main structures or significant elements associated with the place on a single title or, where that is not feasible and prudent, on adjoining titles with a 'nobuild' zone between. If a place has a significant historic lot curtilage, then any changes to the boundaries should aim to retain the integrity of the original boundaries.

Note: All the areas affected by the subdivision will remain entered in the Tasmanian Heritage Register as part of the original entry for the site and works to the new lots will require approval from the Tasmanian Heritage Council.

The guidelines also include sections for other relevant development, such as outdoor spaces, built landscapes, gardens etc.

As noted above, the THR datasheet for *Bentley* mentions the significance of the cultural landscape. It however is not explicit. It does not articulate precisely what constitutes that significance and how it manifests in the cultural landscape (hence how to apply the protection afforded by the registration under the HCHA). Whilst it is my view that the legislative protection afforded by the THR registration is sufficient as it will prevail regardless of any subdivision, I am concerned that the THR datasheet does not adequately and explicitly articulate that significance therefore the assessment of any future applications may be subject to deficient baseline information as to why the place is significant, and that lack of information may be subject to challenge.

I am also concerned that Section 38 of the HCHA allows the THC to notify the Planning Authority that they have no interest in permit application. The timing of that notification precedes public advertising and the THC do not therefore take any representations into consideration in their potential

13.2.4 Representation 2 - J Hawkins

determination of 'no interest'. Further, if the THC notifies the Planning Authority of 'no interest' under Section 38, there are no appeal rights for any representor (in fact the application may be withdrawn and deemed as No Permit Required unless other discretions under the Scheme require the Development Application (including public advertising)⁶. The THC's consideration of 'no interest' in my view relies on a thorough understanding of values, which I have raised concern above may not be the case in this instance.

It is my view that the proposed substantial diminishment of the homestead lot of *Bentley* fails to demonstrate an acceptable heritage impact. As per the discussion above *Bentley* has traditionally been a large rural holding – which is in my view a critical part of its significance. This has already been diminished by the fact that the homestead block now only comprises of 177.1 hectares. The impact of that diminishment has been 'softened' by the common ownership of the homestead blocks with the surroundings – however as stated above the ownership of separate titles is not something that can be regulated – however a lot of that size clearly provides a substantial curtilage around the buildings.

Even if it can be accepted that the setting and curtilage of the homestead lot can be maintained with a smaller holding, the proposed boundary makes no reference to the traditional settlement patterns of the area, which in itself I conclude has an adverse heritage impact. The proposed boundary in my view is completely nonsensical in terms of a response to the buildings, cultural landscape setting and a response to traditional development patterns of the area (i.e. the overall heritage values of the place and context), and appears to simply be driven by agricultural desires, access to infrastructure and a misunderstanding that isolating the buildings in the back corner of the new lot is a suitable means of preserving them and their associations.

The further diminishment through boundary adjustment to reduce the size of the homestead block can be regulated. It requires assessment by the Tasmanian Heritage Council to determine whether that subdivision has an unacceptable heritage impact upon the values of the registered place. Specifically, I take the scenario of the proposed subdivision and make comment against the points in the works guidelines (as quoted above):

⁶ Note that in the current case it is my view that the proposed boundary realignment requires a Discretionary application as it does not qualify as Permitted under Clause 7.3.1(b) as in my view it is not a *minor change to the relative size, shape and orientation of the existing lots*.

13.2.4 Representation 2 - J Hawkins

<p><i>Reconfigured boundaries should ensure that an adequate setting or context is provided for the registered place. The adequacy of this setting will vary from place to place and will depend on several factors such as:</i></p> <ul style="list-style-type: none"> • <i>the size of the property, and whether the proposed lots with heritage buildings are of a size and configuration likely to provide them with a sustainable future,</i> • <i>the existence of elements such as outbuildings, gardens, landscape features, or areas known to have archaeological potential, and</i> • <i>the need to retain significant views to and from the place.</i> 	<p>This is difficult to test, as the notion of a ‘sustainable future’ is an extremely grey zone and relies on a raft of (likely non-heritage) circumstances. How the THC would measure this is unclear. I do however make some comments below in regard to this matter.</p> <p>The proposed subdivision would separate the buildings and gardens from what the THC recognise as a significant cultural landscape – albeit this is not clearly articulated on the THR datasheet (e.g. in terms of component elements, extent etc.). Even though not clearly articulated, the substantial reduction from (approx.) 177 hectares to 24 hectares certainly has a face-value impact. Noting also that the proposed boundary would come within only several metres of some buildings.</p> <p>The act of boundary adjustment does not change significant views to and from the place – however future development of the area excised from the homestead block would require future consideration of such as per the discussion above. Again, the concern that the cultural landscape values as per the THR datasheet are not explicit and therefore open to challenge.</p>
<p><i>Retain all the main structures or significant elements associated with the place on a single title or, where that is not feasible and prudent, on adjoining titles with a ‘nobuild’ zone between</i></p>	<p>The THC datasheet recognises the cultural landscape of <i>Bentley</i> as having significance – as per the comment above.</p> <p>There has been no discussion on feasible/prudent alternatives that I am aware of (in terms of</p>

13.2.4 Representation 2 - J Hawkins

	<p>heritage) – I note that the JDA planning report discusses alternatives for the subdivision, however these are not driven by heritage issues – and respond to other issues required by Clause 21.5.1 of the Scheme, with no consideration of heritage.</p>
<p><i>If a place has a significant historic lot curtilage, then any changes to the boundaries should aim to retain the integrity of the original boundaries.</i></p>	<p>The current boundaries of the homestead lot are not original, and not significant – however the large size of the lot (in any configuration) is the point of discussion here. The proposed boundary makes no attempt to respond to the traditional land settlement patterns of the area and is merely a response to agricultural aspirations at the expense of providing any respectful title configuration for the homestead lot. Regardless of if/how the landscape values as alluded to in the THR datasheet and CPR entry are managed, this point in itself requires further scrutiny.</p>

Will the proposed subdivision provide *Bentley* with a sustainable future?

This question is explicit in the THC’s works guidelines. As mentioned above, this is a difficult question, yet it is a question often posed where it is proposed to subdivide (for instance) a homestead complex from its traditional landholding. Whilst I have stated above that any excision of land originally associated with such a homestead has some impact, I acknowledge that in many cases this is acceptable as a means of preserving such buildings which are surplus to agricultural requirements. Whilst a case-by-case basis, I do not wholly oppose the concept of subdivision/boundary realignments as a means to providing a heritage building with a sustainable future.⁷

The notion of subdivision/boundary realignment as considered by the Scheme (insofar as development) in the Agriculture Zone is driven wholly by tests upon the possible impact upon

⁷ This is recognised by Clause 7.4 Change of Use of a Place listed on the Tasmanian Heritage Register or a Local Heritage Place. However this is concerned with *Use* rather than *Development* and is not the primary consideration in the current matter.

13.2.4 Representation 2 - J Hawkins

agriculture. Heritage values and possible impact is not a consideration under the Scheme. It is however an explicit consideration of the THC works guidelines.

Whilst I cannot foreshadow what the current or future owners may intend for the diminished homestead block (if approved), and with the comments above in-mind that the THR registration will remain unaltered, the fact is that the homestead lot could be sold out of common ownership with the wider holding at any time (as it can now). I pose the following questions in the scenario of a substantially smaller homestead lot (as proposed):

- I have concluded that the proposed boundaries are inappropriate in demonstrating any semblance of traditional land use patterns.
- I have concluded that the proposed boundaries provide insufficient curtilage for the homestead.
- Whilst outside my area of expertise, is there the potential for land use conflict between agricultural uses and any possible future use of the homestead/outbuildings/gardens?
- Whatever size the *Bentley* homestead block is, it remains in the Agriculture Zone. This limits the Permitted and Discretionary uses possible under the Scheme. For instance, if in future it is proposed that the homestead/outbuildings are not desired for a purely residential (or visitor accommodation use) – there are a number of uses for which the place may be conducive that are Prohibited in that zone (for example as a function centre). Clause 7.4 of the Scheme is intended to allow ordinarily prohibited uses if it can be demonstrated that such would result in a positive heritage outcome for the place (e.g. to facilitate its ongoing use and maintenance). However, the utilisation of that clause relies on the demonstration of both positive heritage outcomes, but also the provisions of applicable Zones and Codes. Any demonstrated conflict with agricultural uses *could* limit the ability to use the place for a sustainable purpose – and with boundaries so close to the buildings this heightens the potential for such conflict and potentially limits the future sustainable use of the buildings/site.
- Regardless of potential future uses (and acknowledging that I cannot assume sale), would the proposed boundary be appealing to a potential buyer? Noting the sales history of the place, it is likely that any such future buyer would be discerning and it is my view that such an awkward boundary alignment which has been driven purely by agricultural desires and with such narrow curtilage to the buildings, that this would not be an appealing prospect.

Whilst the above points are largely conjectural at this stage, the THC has explicitly (in their works guidelines) stated that they are to consider *the size of the property, and whether the proposed lots with heritage buildings are of a size and configuration likely to provide them with a sustainable future.*

13.2.4 Representation 2 - J Hawkins

Please contact me if you have any questions or require further information. Please feel free to utilise this letter as part of any representation relating to the subdivision, or for any other use as you may see fit. As a representor you will have appeal rights should you be dissatisfied with the outcome of this application and I offer my services as an Expert Witness should this matter result in an appeal through the Tasmanian Civil and Administrative Tribunal.

Regards



Brad Williams - Principal Consultant

praxisenvironment

heritage | conservation planning | archaeology

a division of praxis synergy pty. ltd.

129 Albert Road

MOONAH TAS 7009

0418 303184

info@prax.com.au

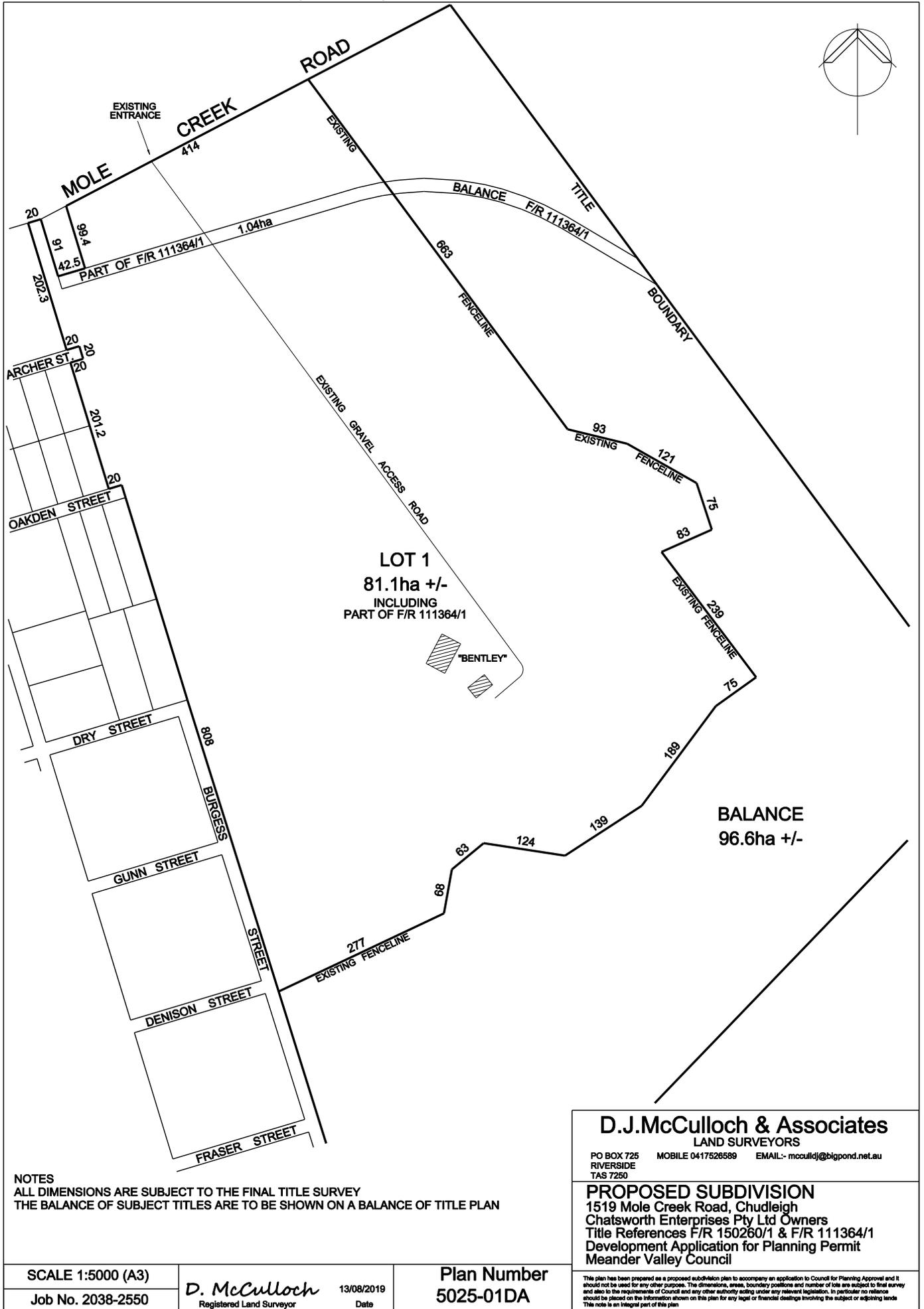
13.2.4 Representation 2 - J Hawkins

Agricultural Zone Sensitive Use Setbacks
Bentley Homestead Buildings
200 metre radius circles



D.J. McCulloch
Registered Land Surveyor

13.2.4 Representation 2 - J Hawkins



D.J. McCulloch & Associates
LAND SURVEYORS

PO BOX 725 MOBILE 0417526589 EMAIL:- mcculldj@bigpond.net.au
RIVERSIDE
TAS 7250

PROPOSED SUBDIVISION
1519 Mole Creek Road, Chudleigh
Chatsworth Enterprises Pty Ltd Owners
Title References F/R 150260/1 & F/R 111364/1
Development Application for Planning Permit
Meander Valley Council

This plan has been prepared as a proposed subdivision plan to accompany an application to Council for Planning Approval and it should not be used for any other purpose. The dimensions, areas, boundary positions and number of lots are subject to final survey and also to the requirements of Council and any other authority acting under any relevant legislation. In particular no reliance should be placed on the information shown on this plan for any legal or financial dealings involving the subject or adjoining lands. This note is an integral part of this plan.

SCALE 1:5000 (A3)
Job No. 2038-2550

D. McCulloch
Registered Land Surveyor
13/08/2019
Date

Plan Number
5025-01DA

13.2.5 Representation 3 - R Hawkins

Natasha Whiteley

From: [REDACTED]
Sent: Monday, 24 November 2025 2:14 PM
To: Jonathan Harmey
Cc: Planning - Meander Valley Council
Subject: Representation Regarding Proposed boundary rearrangement, PA/26/0103
Attachments: Robyn Mayo to MVC subdivision Bentley 24 November 2025.pdf

Good afternoon Mr Harmey,

Please find attached Objection re Bentley Subdivision and four (4) enclosures, please can you confirm receipt of this email.

Regards,

Robyn Hawkins

13.2.5 Representation 3 - R Hawkins



BENTLEY
Mole Creek Road
Chudleigh
Tasmania 7304

Monday, 24 November 2025

The General Manager
Meander Valley Council
26 Lyall Street
Westbury 7303

Delivered by email to: jonathan.harmey@mvc.tas.gov.au

cc: planning@mvc.tas.gov.au

cc: Enquiries.Heritage@heritage.tas.gov.au

Representation Regarding Proposed boundary rearrangement, PA/26/0103 1519 Mole Creek Road, Chudleigh lodged by JDA Planning obo Chatsworth Enterprises

I wish to formerly object to the Planning Application **PA/26/0103** lodged by JDA Planning Pty Ltd, OBO Chatsworth Enterprises Pty Ltd regarding the proposed subdivision of the Bentley Heritage listed landscape at 1519 Mole Creek Road, Chudleigh.

I call upon Meander Valley Council to refuse the Planning Application, which contains significant errors.

The destruction of the curtilage to the homestead lot is not in the best interests of those who live in this beautiful valley.

Bentley is Permanently Registered on the Tasmanian Heritage Register (THR - ID 4759). This includes Certificates of Title (C/T) 104210-1 to 5 and C/T's 111364/1, 119176/1 and 150260/1. The area affected by the registration is defined on Central Plan Register (CPR) 11103 (registered 14/9/21).

Lot 1 of that registration includes the *Bentley* homestead, outbuildings and surrounds and comprises 177.1 hectares.

The place is important in demonstrating the principal characteristics of a class of place in Tasmania's history.

Bentley is of historic heritage significance because of its ability to demonstrate the principal characteristics of a single storey Victorian rural homestead with outbuildings set in a fine cultural landscape. These characteristics are found in the external form, construction methods and the detailing, both externally and internally.

The place has a strong or special association with a particular community or cultural group for social or spiritual reasons.

The rural property of Bentley contributes significantly to the cultural landscape values of the Chudleigh Valley.

Doubtless you will bear this in mind when the Councillors make their decision over this matter

Yours Sincerely

Robyn Hawkins

13.2.6 Representation 3 - R Hawkins Additional Information

Natasha Whiteley

From: [REDACTED]
Sent: Monday, 24 November 2025 2:24 PM
To: Jonathan Harmey
Cc: Planning - Meander Valley Council
Subject: Representation Regarding Proposed boundary rearrangement, PA/26/0103
Attachments: Robyn Mayo to MVC subdivision Bentley 24 November 2025.pdf

Good afternoon,

My apologies, please note there are no enclosures to my message below.

Regards,

Robyn Hawkins

From: [REDACTED]
Sent: Monday, 24 November 2025 2:14 PM
To: 'jonathan.harmey@mvc.tas.gov.au'
Cc: 'planning@mvc.tas.gov.au'
Subject: Representation Regarding Proposed boundary rearrangement, PA/26/0103

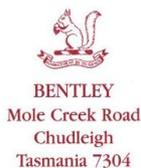
Good afternoon Mr Harmey,

Please find attached Objection re Bentley Subdivision and ~~four (4) enclosures~~, please can you confirm receipt of this email.

Regards,

Robyn Hawkins

13.2.6 Representation 3 - R Hawkins Additional Information



Monday, 24 November 2025
The General Manager
Meander Valley Council
26 Lyall Street
Westbury 7303
Delivered by email to: jonathan.harmey@mvc.tas.gov.au
[cc: planning@mvc.tas.gov.au](mailto:planning@mvc.tas.gov.au)
[cc: Enquiries.Heritage@heritage.tas.gov.au](mailto:Enquiries.Heritage@heritage.tas.gov.au)

Representation Regarding Proposed boundary rearrangement, PA/26/0103 1519 Mole Creek Road, Chudleigh lodged by JDA Planning obo Chatsworth Enterprises

I wish to formerly object to the Planning Application **PA/26/0103** lodged by JDA Planning Pty Ltd, OBO Chatsworth Enterprises Pty Ltd regarding the proposed subdivision of the Bentley Heritage listed landscape at 1519 Mole Creek Road, Chudleigh.

I call upon Meander Valley Council to refuse the Planning Application, which contains significant errors.

The destruction of the curtilage to the homestead lot is not in the best interests of those who live in this beautiful valley.

Bentley is Permanently Registered on the Tasmanian Heritage Register (THR - ID 4759). This includes Certificates of Title (C/T) 104210-1 to 5 and C/T's 111364/1, 119176/1 and 150260/1. The area affected by the registration is defined on Central Plan Register (CPR) 11103 (registered 14/9/21).

Lot 1 of that registration includes the *Bentley* homestead, outbuildings and surrounds and comprises 177.1 hectares.

The place is important in demonstrating the principal characteristics of a class of place in Tasmania's history.

Bentley is of historic heritage significance because of its ability to demonstrate the principal characteristics of a single storey Victorian rural homestead with outbuildings set in a fine cultural landscape. These characteristics are found in the external form, construction methods and the detailing, both externally and internally.

The place has a strong or special association with a particular community or cultural group for social or spiritual reasons.

The rural property of Bentley contributes significantly to the cultural landscape values of the Chudleigh Valley.

Doubtless you will bear this in mind when the Councillors make their decision over this matter

Yours Sincerely

Robyn Hawkins

Natasha Whiteley

From: AGHS Tasmania Secretary [REDACTED]
Sent: Monday, 24 November 2025 4:24 PM
To: Meander Valley Council Email
Subject: Development Application Bentley property Chudleigh

To General Manager Meander Valley Council

Please pass the following communication to the Councillors for Meander Valley for their consideration. Thank you.

Dear Councillors,

Re PLANNING APPLICATION PA/26/0103 (Parts 1 and 2)

As members of the Australian Garden History Society, which promotes conservation of significant gardens and cultural landscapes, the Committee of AGHS Tasmania wishes to make representation regarding the above planning application relating to the subdivision of the Bentley estate, Chudleigh.

Bentley is listed on the Tasmanian Heritage Register, and according to the Tasmanian Heritage Register's Datasheet, *"the rural property of Bentley contributes significantly to the cultural landscape values of the Chudleigh Valley"*, *"the setting contributes significant layers to the historic landscape"* and *"the cultural landscape of Bentley is notable, including specimen exotic trees and hawthorn hedges."*

During Bentley's previous ownership, land was repurchased to enable the Bentley estate to encompass 860 acres of the original 1829 Gardiner land grant. Under this previous ownership, the property was developed and managed to form a distinct and significant landscape.

The notable cultural landscape of Bentley includes extensive hawthorn hedges, specimen trees, avenues of trees, and two lakes, one with an adjacent large scale stone sculpture framing views to the distant mountain range to the north.

We are concerned that the proposed subdivision will diminish the property's value as a significant cultural landscape. Some of our concerns are:

- The connection to the historic Gardiner land grant will be reduced.
- The relationship between the Bentley estate and the broader landscape context will be reduced.
- The relationships between the elements within the significant cultural landscape of Bentley will be reduced.
- The proposed title boundaries will separate the two lakes, one with the large sculpture, from the other elements of the existing Bentley cultural landscape.
- The lakes, referred to as *"irrigation infrastructure"*, in the planning application are likely to be managed as such and have their landscape value diminished.
- Potentially, the land in the title named *"balance lot"*, being managed solely for agricultural use, may be developed in a purely utilitarian manner, without regard to its heritage significance.

13.2.7 Representation 4 - Australian Garden History Society

We hope Councillors will appreciate the importance of conserving the significant cultural landscape of Bentley in making their decision on this subdivision application.

Kind regards,
Ann Stark

Ann Stark
Mail to: [REDACTED]
Chair, AGHS Tasmania



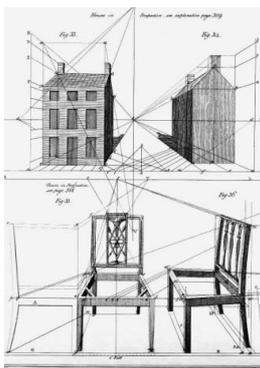
13.2.8 Representation 5 - W Oakman

Natasha Whiteley

From: warwicoakman [REDACTED]
Sent: Monday, 24 November 2025 4:32 PM
To: Planning - Meander Valley Council
Subject: Representation Regarding Proposed boundary rearrangement, PA/26/0103 1519 Mole Creek Road, Chudleigh by Warwick Oakman
Attachments: Bentley subdivision representation Warwick Oakman PA 26 0103 1519 Mole Creek Road Chudleigh.pdf

Dear Mr Harmey,
Please find attached my PDF Representation Regarding Proposed boundary rearrangement, PA/26/[0103 1519](#) Mole Creek Road, Chudleigh. If you could please provide receipt of this.
Yours sincerely
Warwick

Warwick Oakman B. Des. (Hons) Architectural Historian
[REDACTED]
[REDACTED]
[REDACTED]



WARWICK OAKMAN B. Des. (Hons)
architectural historian

For the attention of The General Manager, Mr Jonathan Harmey,

Meander Valley Council

26 Lyall Street, Westbury 7303

johnathan.harmey@mvc.tas.gov.au

Representation Regarding Proposed boundary rearrangement, PA/26/0103 1519 Mole Creek Road, Chudleigh lodged by JDA Planning obo Chatsworth Enterprises re 25 Sorell Street Chudleigh

Dear Sir,

The following is my objection to the Planning Application **PA/26/0103** lodged by JDA Planning Pty Ltd, OBO Chatsworth Enterprises Pty Ltd regarding the proposed subdivision of the Bentley Heritage listed landscape at 1519 Mole Creek Road, Chudleigh.

As the author of the Conservation Plan for Bentley (2004/5) , Conservation Plan for Van Diemen's Land Co Store Buildings (2005) & co-author (with heritage architect Graeme Corney) of the Tasmanian Heritage Council's *Heritage Register* listing for these places, the JDA application completely destroys all the tenets of these listings, and is contrary to the Tasmanian Historic Cultural Heritage Act 1995 (revised January 2025).

Bentley is Permanently Registered on the Tasmanian Heritage Register (THR - ID 4759). This includes Certificates of Title (C/T) 104210-1 to 5 and C/T's 111364/1, 119176/1 and 150260/1. The area affected by the registration is defined on Central Plan Register (CPR) 11103 (registered 14/9/21).

Lot 1 of that registration includes the *Bentley* homestead, outbuildings and surrounds and comprises 177.1 hectares.

The place is important in demonstrating the principal characteristics of a class of place in Tasmania's history.

Bentley is of historic heritage significance because of its ability to demonstrate the principal characteristics of a single storey Victorian rural homestead with outbuildings set in a fine cultural landscape. These characteristics are found in the external form, construction methods and the detailing, both externally and internally.

13.2.8 Representation 5 - W Oakman

The place has a strong or special association with a particular community or cultural group for social or spiritual reasons.

The rural property of Bentley contributes significantly to the cultural landscape values of the Chudleigh Valley.

Bentley is subject to the Tasmanian Historic Cultural Heritage Act, guided by principles set out in the Burra Charter, and Australian ICOMOS. Cultural Heritage Landscapes and gardens are protected by the *Florence Charter (1982)*, which deals with landscapes and gardens, adopted by Australian ICOMOS. These are widely understood and legally upheld concepts.

The area known as Chudleigh contains considerable evidence of First People's use over thousands of years by the Pallitorre people, the valley floor fire farmed, with the first estimated populations at the time of European arrival at about 200 persons. European use / domination of the land begins formally with the crossing by the Van Diemen's Land Company access road in the early 1820s, with stock runs by Thomas Simpson in 1825, John Badcock Gardiner (1829) and Lieutenant Travers Hartey Vaughan (1830) et al, thence converted to grants. And further evidenced by the Van Diemen's Land Company Co Store building.

Early European use of the land survives in the extensive latticing of the farmlands with hawthorn hedges, from the 1830s to the present today, contemporaneous dwellings and rural structures, and specimen tree plantings. During 1831 the area was the site of The Black Line, with conflict and massacre of the Pallitorre people. The survival of all layers of evidence has been developed and enhanced with the creating of the Bentley landscape by John & Robyn Hawkins from 2002 – 2024, thence attendant listing with the Tasmanian Heritage Council.

The author is witness to the development and enhancement of this Cultural Heritage Landscape by the creation of the total landscape at Bentley, as a large scale, rural, landscape work of art. This has involved the restoration and in-planting of missing sections of hawthorn hedging, dry stone walling, addition to the reduced title of land, to both redefine / restore the original Bentley landscape extent. With additional plantings of native and introduced species to enhance and refine view lines to the broader Chudleigh Valley, access roads / paths, and the natural features, engaging with the whole extended visual landscape. The process is two-fold – to protect and develop the sustainability of the farm via lakes from existing watercourses, drought proofing the place, and providing additional layers of meaning / beauty and public pleasure via the creation of a work of landscape art. With the house and attendant structures as both ornament and focus to the whole.

They are not mutually exclusive. They are one.

Chudleigh has been witness to this extraordinary transformation of landscape, with the creation and fruition of the Bentley estate in the last 23 years, with this whole cultural heritage landscape exercise. Which is why the whole was listed (I would encourage you to read ICOMOS the Florence Charter (1982) for a good understanding of this). Which confers a much greater significance to the whole valley, and municipality into the future.

History does not stop in the 19th century. This is a perfect example that significant landscape and cultural layers can continue to be added to places now. Landscapes, especially gardens, take many years to reach maturity, their destruction is irreversible. They physically represent the hands of those that planted & designed them at that given moment. We do not have a sufficient window of time to on the one hand list Bentley, with its attendant understanding, thence remove this by subdivision and reduction of title so soon after.

13.2.8 Representation 5 - W Oakman

There is no difficulty understanding the significance of the cultural heritage landscape of say, Panshanger (Northern Midlands Council, THR # 5057), as ornamental farm – a total work of landscape, man made structures, art and function over time, listed on the THC register as such. Or the John Glover art / landscape at Patterdale (Northern Midlands Council, THR #4988) a new, total, cultural heritage landscape listing of 4000 hectares, of both built and natural heritage values.

Bentley in its totality is of equal importance to your municipality, and the whole of Tasmania. It can be demonstrated that this application will destroy the integrity of this listing. The circularity of that process and argument should help to provide your Council to frame a suitable response.

I would ask in the strongest possible terms that you reject this application.

Yours Sincerely,

Warwick Oakman

A handwritten signature in black ink, appearing to read "Warwick Oakman". The signature is written in a cursive style with a large initial 'W'.

17 December 2025

Ref: PA\26\0103

General Manager
Meander Valley Council
mail@mvc.tas.gov.au
planning@mvc.tas.gov.au

Attention Nooshin Varikodan, Town Planner

Dear Nooshin

**PA\26\0103 - BOUNDARY REORGANISATION 1519 MOLE CREEK ROAD CHUDLEIGH;
CHATSWORTH ENTERPRISES PTY LTD – RESPONSE TO REPRESENTATIONS**

I thank you for a copy of the redacted version of representations lodged with respect to the application.

I write on behalf of Chatsworth Enterprises both to respond to them and to summarise and give clarity to the issues raised and detail why they should not be concerns.

EXECUTIVE SUMMARY

In summary

1. Alleged Errors – there are none – see section 1 below.
2. Corrections required – there are no corrections required to the application as there are no errors – see section 2 below.
3. Curtilage and sensitive use setback – the application complies with the Planning Scheme – see section 3 below.
4. Site Buildings and Septic Tank location – all buildings are contained within the boundary. The applicants are not aware of the third drain referred to as no information was provided by the primary representor when asked – see section 4 below.
5. Heritage –
 - (a) the application was provided to the Tasmania Heritage Council for review and analysis prior to lodgement and they have responded that they have no interest in the matter – see section 5 below;
 - (b) the cultural and landscape heritage will in no way be affected as the site will remain registered – see section 5 below.
6. Protection of Agricultural Land – the plans are prepared to preserve the agricultural use of the land in accordance with the Planning Scheme as is supported by consultant's reports – see section 6 below.

7. Alternate Plans – as with any subdivision, alternate plans can always be considered. The alternate plans put forward diminish the agricultural use of the land and as such would not comply with the Planning Scheme– see section 7 below.
8. Community benefit – the plan once approved will benefit the Chudleigh Community – see section 8.3 below.

BACKGROUND

- The existing title boundaries are simply reorganised to achieve lots capable of agricultural use in compliance with the *Tasmanian Planning Scheme – Meander Valley, clause 21.5.1 P1(a)*, and which reflect the present land use arrangements rather than historical boundaries. Thus, the Bentley Homestead and associated outbuildings and orchard which have no functional relationship to the present and ongoing farming operation are to be included within Lot 1 and the operational farming areas in Lot 2.
- The proposed boundaries will not change the visual relationship of the homestead curtilage to the wider agricultural property of Bentley which will be indiscernible from viewpoints external to the property, and importantly do not result in any change to the existing farming operations.
- The concerns related to the cultural heritage landscape are not real - the application is particular in its approach to ensure that the proposal responds to the heritage principles and particular elements identified within the National Estate registration.
- The **Executive Summary** to the development application provides a succinct and factual outline of the proposal, its key elements, existing title details, and proposed boundary adjustments. The layout design has been informed by detailed discussion with the Heritage Council advisors to ensure that the heritage values are unaffected and is most relevantly underpinned by analysis of agricultural use potential of the property. A copy of that Executive Summary is attached as **Annexure A** to this letter for ease of reference.

Responding specifically to the key issues raised by representors, we submit.

1. ALLEGED ERRORS

There are no errors in the plan or the application. The primary representor has misread the plans and in particular overlooked the earlier consolidation of the land occupied by the VDL barn.

2. NO CORRECTIONS REQUIRED

- 2.1 Title areas are confirmed at **Appendix 'A'** to the planning submission – CT 150260/1 being 177.7ha, and CT 47523/1 being 38.83ha.
- 2.2 The subdivision adjusts the boundaries of the existing titles – Lot 1, 23.86ha and Balance Lot 192.67ha (including the amalgamation of title CT 47523/1).
- 2.3 There is no correction to the document required (the representor has badly misread the plans), the existing and proposed title areas are correctly and consistently referenced within the application.

3. SENSITIVE USE SETBACK

- 3.1 The planning scheme at *cl. 21.5.1. P1(a)* does not insist on a 200m setback from the existing residential use and the new boundary proposed. The planning scheme allows the existing setback as contained in the application which places the dwelling no closer to the new boundary and the present farming activity. This reflects the existing farm operation on the property in relation to which the Bentley homestead and curtilage have no working relationship.
- 3.2 The planning submission at **section 2** and at **Figure 8** illustrates the physical relationship between the Bentley Homestead and the farming operation including the existing dams and the internal road network servicing the farm. This will not change in any way from the current use. They are and have for some time been operating separately and independently.

4. SITE BUILDINGS and SEPTIC TANK LOCATION

- 4.1 All buildings within the curtilage of the Bentley homestead area are contained within the boundary of proposed Lot 1.
- 4.2 The approximate location of the existing septic tanks and drainage was provided based on information received from the previous owner (the primary representor). The applicants were asked by Council to demonstrate the position of the septic tanks relative to the boundary realignment.
- 4.3 The existence of a third septic tank is unknown to the applicant, who is unaware as to its location.
- 4.4 Notwithstanding, if it does exist, the Council will require that all existing septic tank infrastructure, including associated drainage be positioned within the boundaries of the new Lot 1 and the applicants will do this.

5 HERITAGE

- 5.1 The planning submission at **Appendix E** includes the relevant heritage registration details including Central Plan Registry Plan 11103.
- 5.2 As a part of the prelodgment process the applicants consulted the Heritage Council about the proposal and the boundary rearrangement now advanced.
- 5.3 Council as a part of its process under the *Land Use Planning and Approvals Act 1993* is obliged to refer the application to the Heritage Council for review and analysis.
- 5.4 The Heritage Council have responded advising that they have no interest in the proposed boundary realignment.
- 5.5 The applicant's submission to Council notes that other than for an adjustment to the boundaries, the proposal has no impact upon the cultural heritage landscape, which will neither be *destroyed nor degraded* by the proposal. Registration will remain in place and as enforceable as it is pre realignment.

5.6 Importantly the key heritage plantings defining the existing driveway to the Bentley homestead and the orchard plantings south of the homestead curtilage are retained within Lot 1 and are unaffected by the proposal.

5.7 That the Heritage Council do not call for a heritage assessment relative to this proposal and have officially advised that they have no interest in the matter – leads to the conclusion the Heritage Council raise no objection to the proposal.

6. PROTECTION OF AGRICULTURAL LAND POLICY

6.1 The boundary realignment is prepared having specific regard to and is in compliance with the *Protection of Agricultural Land Policy (PAL)* and the *Tasmanian Planning Scheme-Meander Valley*.

6.2 **Appendix D** of the planning submission includes the report from Pinion Advisory which addresses all relevant elements of the *Protection of Agricultural Land Policy (PAL)* and the *Tasmanian Planning Scheme-Meander Valley*. This includes current and future use, water distribution, irrigation management, and sensitivity to adjacent land use activity.

6.3 The planning submission demonstrates compliance with *cl.21.5.1 P1(a)* of the *Agriculture Zone*.

7. ALTERNATE SUBDIVISION DESIGN

7.1 The alternate plans put forward by the primary representor and a prospective purchaser are simply that and we do not believe these are practical both given the topography of the land and the importance of maintaining the viability of agricultural use. It is stressed that the application plans do no more than reflect the existing separation between the homestead and the farming operation. Our considered view based upon expert analysis is that these alternate layouts will not meet the requirements of the Planning Scheme.

7.2 The present design layout has been prepared in consultation with the Heritage Council and Council and has been developed having regard to the requirements of the *Tasmanian Planning Scheme (TPS)-Meander Valley*, and the PAL.

7.3 The application is supported by a detailed agricultural assessment which demonstrates compliance with the planning scheme provisions. The agricultural consultant has reviewed various alternative plans (including those put forward by the above representor/s) and formed the view that they are not as consistent with the PAL and Planning Scheme as the plan proposed.

7.4 Importantly, the application reflects and reinforces the current agricultural use of the property which from a cultural heritage perspective will remain unchanged and imperceptible to the casual observer. The application and proposed boundary changes do no harm in the context of the present heritage registration, nor that of the community's understanding of the property's role in the historical development of the area.

8. COMMUNITY BENEFIT

8.1 If approved, the plan will do no more than reflect existing usage and occupation.

8.2 The landscape and cultural heritage is unaffected by the proposal as is demonstrated by the notification from the Heritage Council that it has no interest in the proposed boundary realignment.

- 8.3 The community will benefit from the plan:
- (a) the agricultural potential of the farmland can be maximised without the impediment of running a large house and outbuildings which currently have no working relationship to the farming operations; and
 - (b) the house can be owned, used and maintained by others which circumvents the need to redirect funding capital from the farming operation as occurs at present, maximising investment in the agricultural enterprise associated with the main title areas.

Regards,



John Ayers
Director/Principal Planner
JDA PLANNING PTY LTD
M: 0408 123 770
john@jdaPlanning.com

Attachment

ANNEXURE 'A'

*Planning Submission-Subdivision-Boundary Adjustment- 'Bentley'-1519 Mole Creek Road Chudleigh, **Executive Summary**, pp 3-5; JDA Planning, October 2025.*

ANNEXURE 'A'

SUBDIVISION - BOUNDARY REORGANISATION - 1519 MOLE CREEK ROAD CHUDLEIGH

EXECUTIVE SUMMARY

The application proposes a reorganisation of title boundaries which will place the Bentley Homestead and its immediate curtilage on one title (Lot 1 – 23.86ha) and add the title CT 47532/1 to the balance of the property. The purpose of the proposal is the creation of titles for rural purposes with the new balance title increasing in area to approx. 192.67ha.

The subdivision proposal will reorganise boundaries and does not create an additional lot. **Figure 1** below shows main title CT 150260/1 and the proposed Lot 1, with the balance area of 192.67ha. The subdivision also gives effect to the existing long-term lease registered against the titles and materially does no more than reflect the existing usage, but ensures that lot 1 is of sufficient area to enable agricultural use.

It should be noted that the house and associated outbuildings (which are subject to the existing long-term registered lease), are not in any way associated with the agricultural enterprise conducted on the balance area - as existing title boundaries reflect historical arrangements which are no longer appropriate.

The property heritage registration is *THRID Number 4759* which includes the existing homestead, adjacent buildings and the property title CT 150260/1, the details of which are included with the application. As such the Local Historic Heritage Code C6.0 does not apply to the proposal.

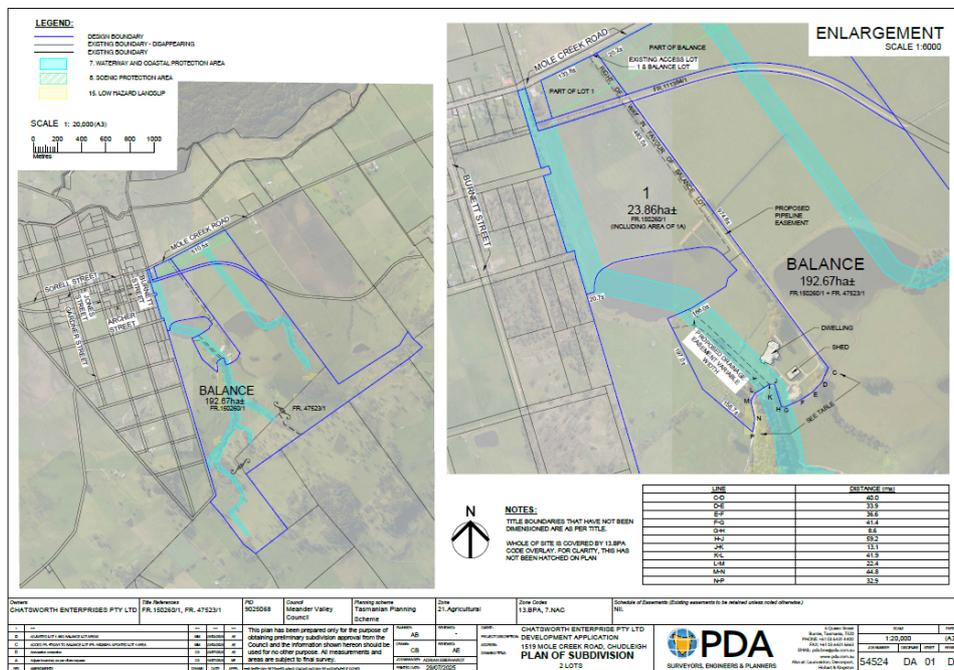


Figure 1 - Proposal Plan. Source: PDA Surveyors

The proposal is considered compliant with clause 21.5.1 P1(a)(i)-(iv) of the *Tasmanian Planning Scheme - Meander Valley 2021*, a view which draws upon the analysis of the agricultural land assessment prepared by consultancy group *Pinion Advisory*.

The assessment by *Pinion Advisory* concludes that the boundary reorganisation can be undertaken without expectation of creating conflict with and/or limiting the current and future agricultural land use of the subject property, nor on adjacent and nearby agricultural land. Refer sections 5.3 of the report.

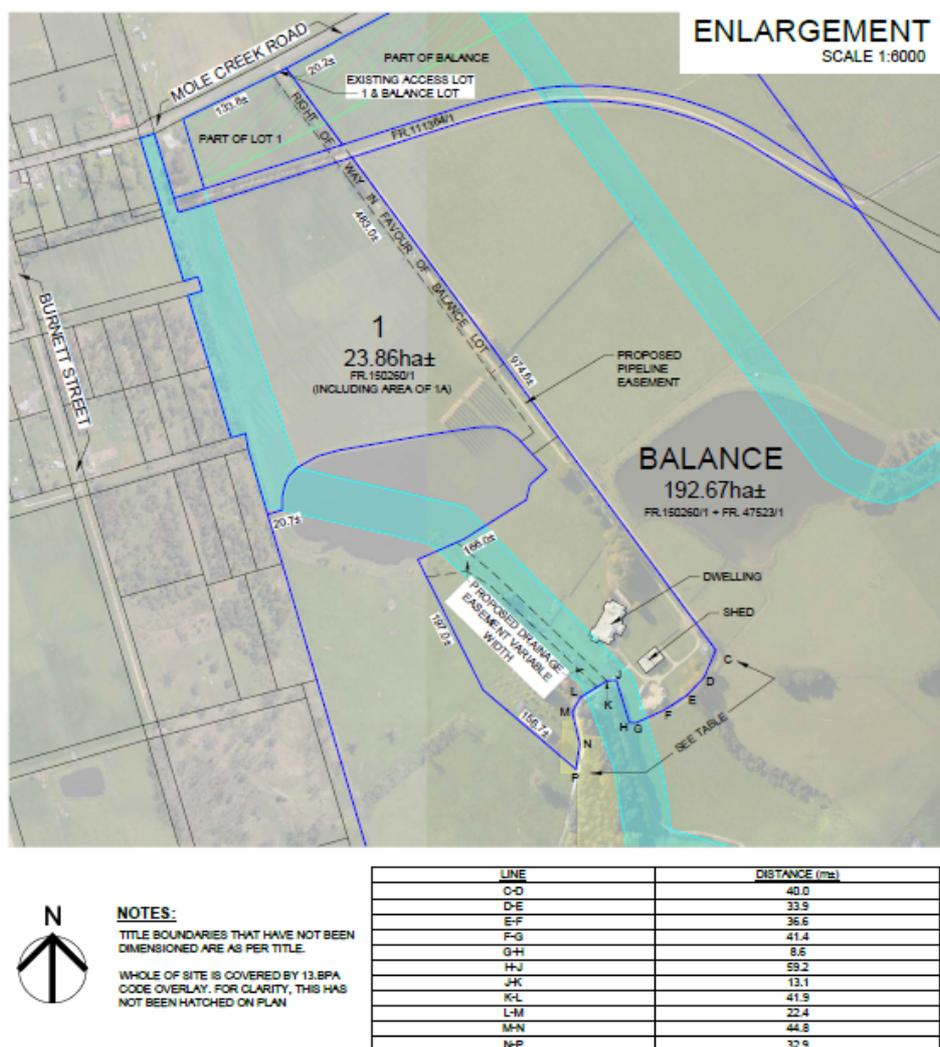


Figure 2 - Proposal Plan enlargement Lot 1 - 1519 Mole Creek Road CHUDLEIGH - Source: PDA Surveyors

Pinion Advisory observe that proposed Lot 1 including the land and all buildings present are not used for, do not support and do not contribute to the operation and/or management of the agricultural land activity conducted on the area identified as balance, nor that of the wider Bentley property.

The boundary reorganisation will also allow the separation of the heritage registered homestead together with the associated structures on a title which will include agricultural use, and achieve consolidation of the agricultural balance of the property to include retention of the 2 main dams which

provide water to the agricultural enterprise. Rights to use water from the dam will be provided to Lot 1.

Whilst not directly relevant to consideration under cl.21.5.1 P1(a) of the scheme, *Pinion* further concludes that the irrigation dams to the north and east and substantial gardens, an orchard and screening vegetation combine to form a significant buffer to the surrounding agricultural use of the balance allotment and wider Bentley property. This they suggest allows a conclusion that the likelihood of land use conflict resulting from of the boundary reorganisation is negligible.

Pre lodgement consultation with Heritage Tasmania to understand the relationship of the proposed development to the heritage characteristics of the registration has underpinned the current design addressing the broader property title and its relevance to the early history of farming within the district. The present proposal plan was referred to Heritage Tasmania by the proponent, in relation to which the preliminary response indicated that the proposal does not impact the heritage values of the place.

From the perspective of the broader landscape, the rearrangement of the Bentley title boundaries will be indiscernible and will not affect the landscape in any way.

In summary, the proposal meets the standards of cl.21.5.1 P1 (a)(i) to (iv) in that:

- (a) the subdivision and boundary adjustment provides for agricultural use on both lots and
 - (i) by virtue of the title rearrangements does not materially diminish agricultural productivity;
 - (ii) the capacity of the new lots for productive agricultural use is maintained;
 - (iii) there are no topographical constraints impacting the proposal; and
 - (iv) the current irrigation practices will not change, ensuring potential irrigation for both titles is maintained.

Planner's Advice: Applicable Standards

Background

An application has been received for the development of land located at 1519 Mole Creek Road, Mole Creek ('the site' - refer to Figure 1).

The application involves a Subdivision (2 lots to 2 lots) that includes the reconfiguration of the title boundaries between CT's 47523/1 and 150260/1.



Figure 1: Aerial image showing the location and spatial extent of the subject titles. (Source: Spectrum Spatial).

1519 Mole Creek Road, Chudleigh comprises 13 titles, covering an area of 393.336ha and contains two dwellings, residential outbuildings, agricultural buildings and farm improvements. This application involves the reconfiguration of two titles, referred to as CT 47523/1 being 38.83ha and CT 150260/1 being 177.7ha as identified in Figure 1.

The subject titles have the following characteristics:

13.2.10 Planner's Advice - Applicable Standards

Title Reference	Lot size (ha)	Features	Frontage	Use
47523/1	38.83	Vacant land. Pipeline Easement 2.4m wide.	Nil. No legal access.	Resource development.
150260/1	177.7	Single dwelling, residential outbuildings and agricultural buildings. Listed on the Tasmanian Heritage Register.	677m to Mole Creek Road.	Residential and Resource development.

The land increases in elevation from Mole Creek Road at the north towards the south of the site. The northern sections of CT 150260/1 exhibit a gentle increase in elevation to the location of the dwelling where the land becomes steeper and more undulating. CT 47523/1 is undulating with various degrees of steepness. Figure 2 shows the 10m contours of the land across the site.

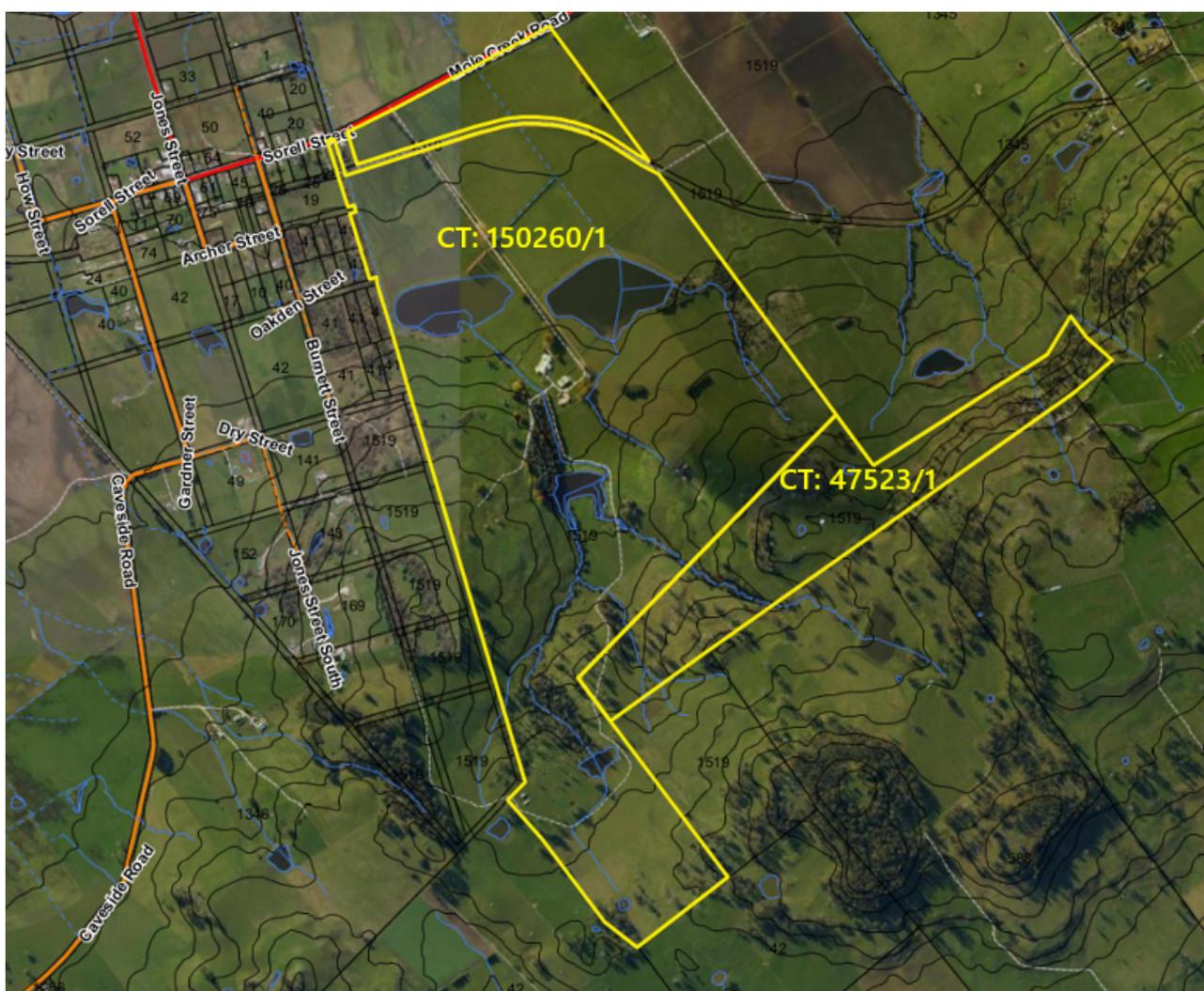


Figure 2: Aerial image of the site showing the 10m contours. (Source: Spectrum Spatial).

13.2.10 Planner's Advice - Applicable Standards

The subject titles (CT's 45723/1 and 150260/1) are allocated to the Agricultural Zone. Land adjoining the development site is allocated to the Agricultural Zone to the north, east and south, and Rural Living Zone, Open Space Zone and Village Zone to the west. Mole Creek Road is allocated to the Utilities Zone. Figure 3 demonstrates the zoning of the subject site and adjoining land.

The use and development on the land surrounding the subject titles is varied. Single dwelling developments are established to the north and northwest, contributing to the residential streetscape which reinforces the intended use of the Village Zone. There are also some retail businesses established along Sorell Street to the west of the site. To the east and south, the adjoining properties form part of the Agriculture Zone and is predominantly used for resource development. The adjoining lots to the west are currently vacant.

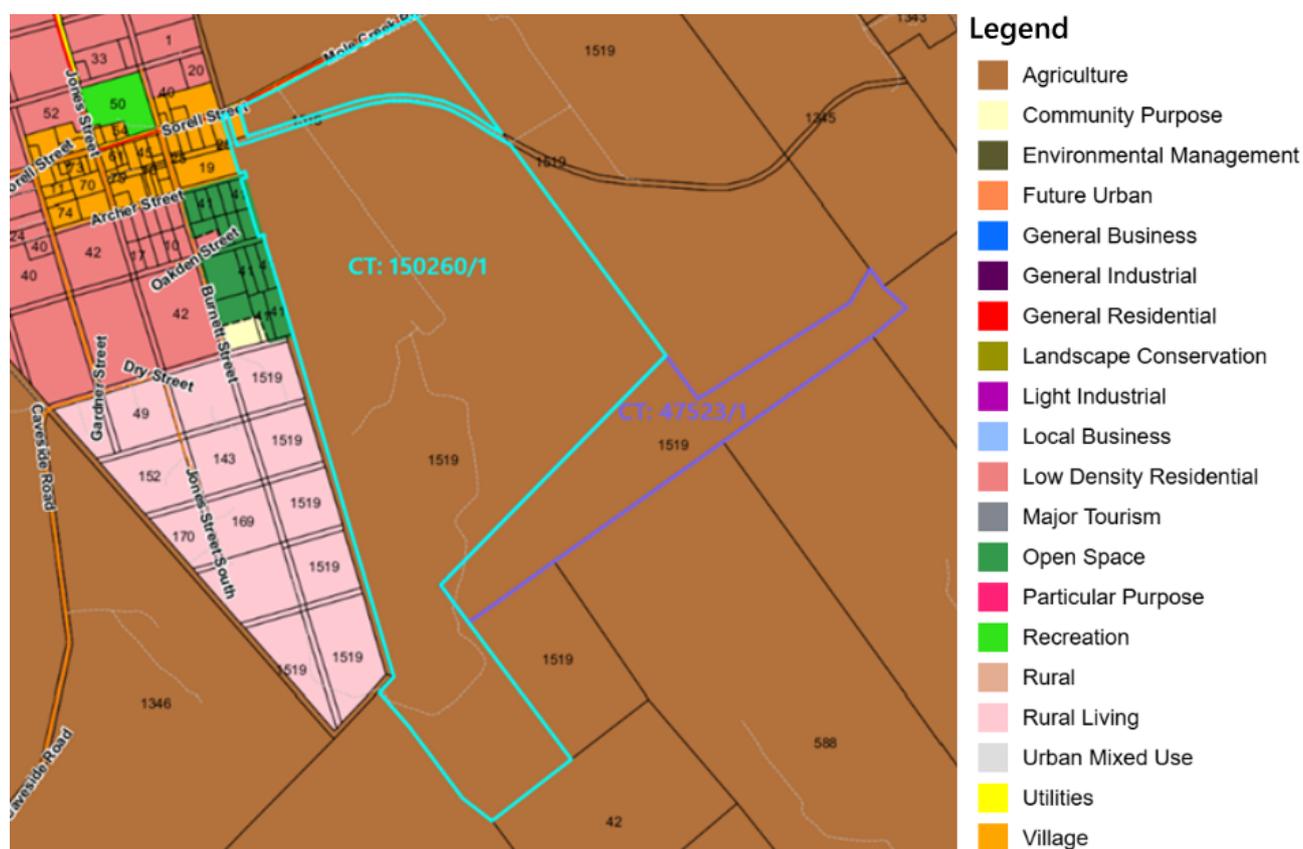


Figure 3: Zoning map of subject site and adjoining land. (Source: Spectrum Spatial).

The land is subject to mapped overlays which are shown in Figure 4 and include:

1. Waterway Protection Area (C7.0 Natural Assets Code);
2. Scenic Road Corridor (C8.0 Scenic Protection Code);
3. Bushfire-Prone Areas (C13.0 Bushfire Prone Areas Code);
4. Low Landslip Hazard Band (C15.0 Landslip Hazard Code); and
5. Low and High Sensitivity Karst Areas (MEA-S5.0 Karst Management Area Specific Area Plan).

13.2.10 Planner's Advice - Applicable Standards

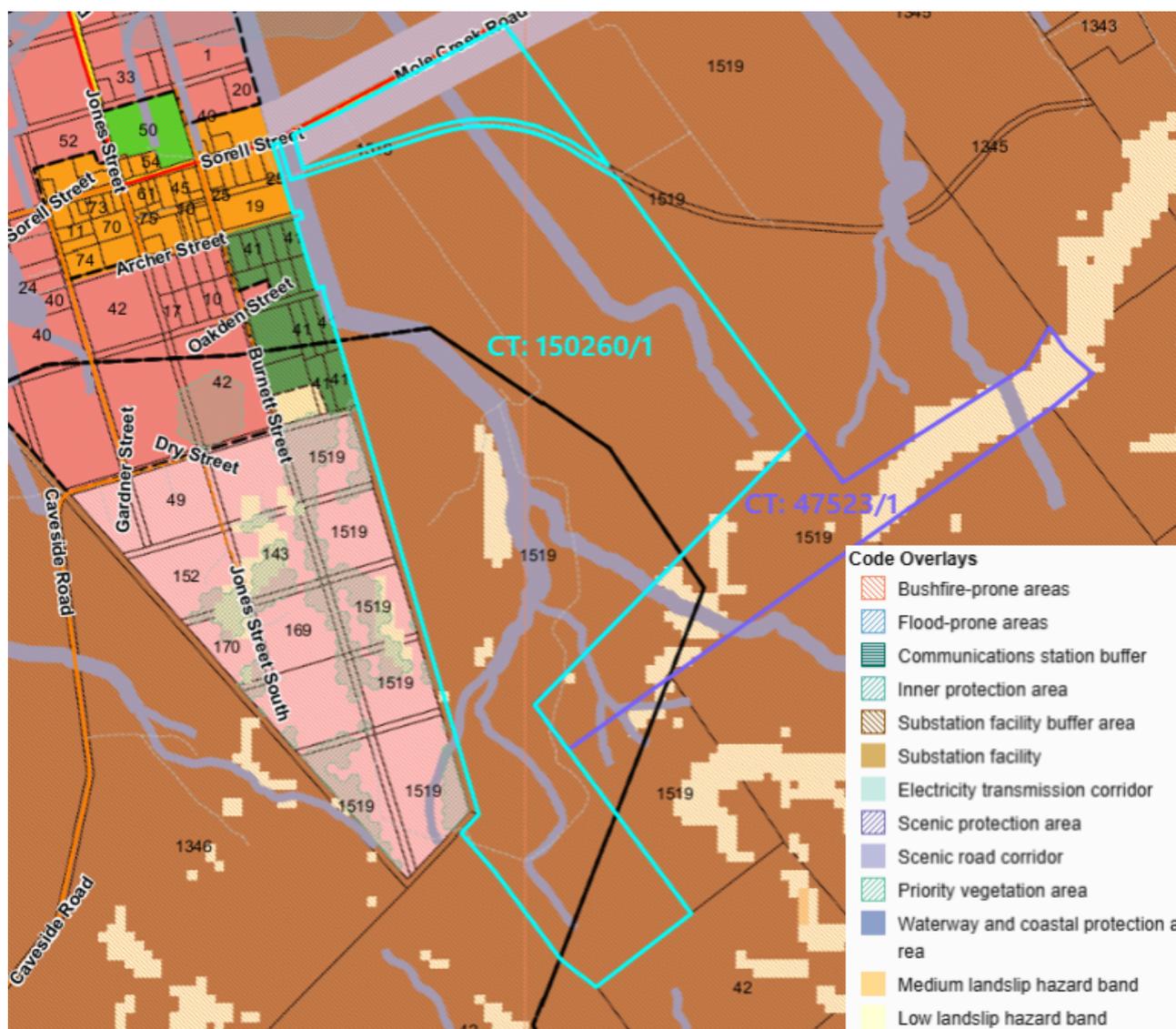


Figure 4: Zoning map of the subject site showing the code overlays. (Source: Spectrum Spatial).

Proposed Use and Development

The proposed development is for a subdivision (2 lots to 2 lots) and includes the reconfiguration of two existing titles, CT 47523/1 & CT 150260/1. The table below demonstrates the resulting lots sizes.

Lot	Lot size (ha)	Features	Frontage	Use
1	23.86	Single dwelling, residential outbuildings and agricultural buildings. Proposed burdening right of carriageway in favour of the Balance Lot.	Existing vehicle access to Mole Creek Road. Frontage width 133.8m.	Residential and Resource development.

13.2.10 Planner's Advice - Applicable Standards

		Proposed pipeline easement. Proposed drainage easement.		
Balance	192.67	Vacant. Existing Pipeline easement. Benefiting right of carriageway. Benefiting pipeline easement. Benefiting drainage easement.	510.5m of frontage to Mole Creek Road.	Resource development.

Under Clause 6.2.6 of the Planning Scheme, a proposal for a subdivision is not required to be categorised into one of the use classes. Accordingly, this application does not seek approval for, nor does it alter, the existing use of the site. The proposed subdivision will not change the existing vehicle access configuration. Both lots will be accessed from Mole Creek Road, using the existing access. A right of carriageway is proposed on Lot 1 in favour of the Balance Lot. This will provide legal access for the Balance Lot to access Mole Creek Road.

The Plan of subdivision is illustrated in Figure 5. Figure 6-14 are photos taken of proposed Lot 1 and the proposed boundary location around the curtilage of the buildings and Figure 15 shows an aerial photo of the existing buildings to be retained on Lot 1.

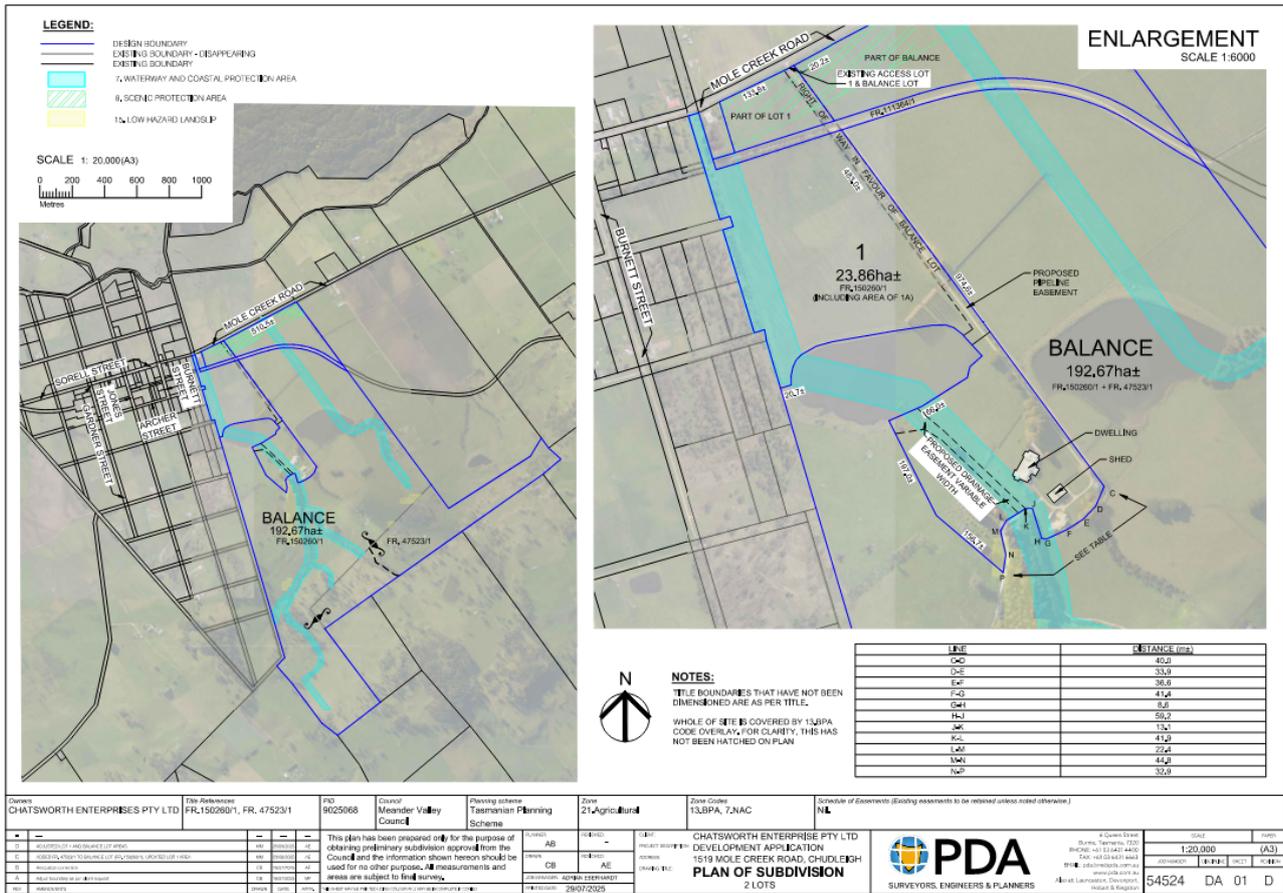


Figure 5: Plan of Subdivision. (Source: Application documents).

13.2.10 Planner's Advice - Applicable Standards



Figure 6: Photo of the pastureland of Lot 1 adjacent to Mole Creek Road, looking west from the existing access.



Figure 7: Photo of the pastureland of Lot 1 looking west from the existing access.

13.2.10 Planner's Advice - Applicable Standards



Figure 8: Photo of the existing internal access, looking southeast from near Mole Creek Road.



Figure 9: Photo taken from CT 111364/1 looking south across proposed Lot 1.

13.2.10 Planner's Advice - Applicable Standards



Figure 10: Photo showing the main gates to the Bentley homestead. The right of way will terminate here.



Figure 11: Existing internal access on the Balance Lot, looking north towards Mole Creek Road.

13.2.10 Planner's Advice - Applicable Standards



Figure 12: Existing building to be wholly located within Lot 1, looking north.



Figure 13: Proposed southern boundary of Lot 1, looking east.

13.2.10 Planner's Advice - Applicable Standards



Figure 14: Proposed boundary of Lot 1 looking north.



Figure 15: Aerial image showing the existing buildings on Lot 1. (Source: theList.tas.gov.au).

13.2.10 Planner's Advice - Applicable Standards

CT 150260/1 is listed on the Tasmanian Heritage Register. As such the application was referred to the Tasmanian Heritage Council in accordance with section 36(2) of the *Historic Cultural Heritage Act 1995*. In accordance with section 36(3) the Tasmanian Heritage Council advised that they have No Interest in the permit application and provided a Notice of No Interest on 20 October 2025.

Summary of Planner's Advice

This application was assessed against General Provisions Standards, as well as the Applicable Standards for this Zone and any relevant Codes.

All Standards applied in this assessment are taken from the Planning Scheme.

This application is assessed as compliant with the relevant Acceptable Solutions, except where "Relies on Performance Criteria" is indicated (see tables below).

Council has discretion to approve or refuse the application based on its assessment of the Performance Criteria, where they apply. Before exercising discretion, Council must consider the relevant Performance Criteria, as set out in the Planning Scheme.

For the purposes of clause 6.2 of the Planning Scheme, under Clause 6.2.6 the proposed development, which is for a subdivision, does not need to be categorised into one of the Use Classes. The General Provision clause 7.10 has been assessed below.

For a more detailed discussion of any aspects of this application reliant on Performance Criteria, see the attachment titled "Planner's Advice - Performance Criteria".

7.0 General Provisions

Scheme Standard **Planner's Assessment**

7.10 *Development Not Required to be Categorised into a Use Class*

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

The application is not required to be categorised into a Use Class under subclause 6.2.6 (sub-clause 6.2.6 states that development which is for subdivision does not need to be categorised into one of the use Classes). Sub-clause 6.8.2 applies to the proposal as the application relies on the Performance Criteria of one or more applicable standards. In accordance with sub-clause 6.8.2, the planning authority has discretion under clause 7.10 to refuse or permit a development that is not required to be categorised under sub-clause 6.2.6. The proposal has been assessed as a discretionary planning application in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993*. The discretion of the planning authority has been exercised.

7.0 General Provisions

Scheme Standard

Planner's Assessment

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

The proposed reconfiguration of the title boundaries is not considered to have an unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area. The adjustment of the boundary will have no discernible impact on the adjoining uses. The proposed lot sizes are sufficient to maintain the resource development uses on the land. As such, there will be no significant change in use that will be perceivable from the adjoining uses. The main dwelling is located a minimum of 349 metres from the closest adjoining title that is not subject to this application, providing adequate separation distances to adjoining properties. Whilst fencing will be required to define the new title boundaries, this is not considered significant or likely to impact the amenity of the surrounding area. The existing vegetation and hedgerows minimise views into the site from adjoining land and public places, and as a result the reconfiguration of the boundaries will not unreasonably impact the amenity of the surrounding area.

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

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

a) the purpose of the applicable zone

The purpose of the Agriculture Zone is:

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

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

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

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

7.0 General Provisions

Scheme Standard

Planner's Assessment

The reconfiguration of the two title boundaries will result in both lots being capable of supporting agricultural use. Proposed Lot 1 will contain the existing dwelling and associated buildings and will have an area of 23.86 ha, while the Balance Lot will comprise 192.67 ha. These resulting lot sizes are considered appropriate to provide for and support agricultural activity, consistent with the purpose of the zone.

While Lot 1 will accommodate a residential and resource development use, the location of the new title boundary provides a suitable setback to minimise any potential conflict between the dwelling and agricultural operations. Existing buffers, including irrigation dams to the north and east of Lot 1, established gardens, an orchard, and screening vegetation, will further reduce the potential for land-use conflict by separating the residential use from surrounding agricultural activities.

The proposed boundary layout reflects the current pattern of use on the land. Separate access is already provided to the dwelling, with farm access located parallel to the residential driveway. Proposed Lot 1 will contain approximately 13 ha of pastureland, while the Balance Lot will contain 192.67 ha of pastureland and two irrigation dams. The land is currently used for grazing.

b) the purpose of any applicable code;

The purpose of the Parking and Sustainable Transport Code is:

C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.

C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.

C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.

C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.

C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.

C2.1.6 To provide for parking precincts and pedestrian priority streets.

The proposal is for subdivision only, reconfiguring the title boundaries between two lots. The existing dwelling and associated residential and agricultural buildings will be contained within Lot 1. The proposed lot sizes comprise sufficient useable area to provide for access, parking, manoeuvring and circulation areas for existing and future development, within the Agriculture

7.0 General Provisions

Scheme Standard

Planner's Assessment

Zone. No changes are proposed to the existing established parking and access ways.

The purpose of the Road and Railway Assets Code is:

C3.1.1 To protect the safety and efficiency of the road and railway networks; and

C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

Mole Creek Road is administered by the Department of State Growth. The proposed lots utilise the existing vehicle access to the public road. The proposed lots do not intensify the existing use of the vehicular access.

The purpose of the Natural Assets Code is:

C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.

C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.

C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.

C7.1.4 To minimise impacts on identified priority vegetation.

C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

The property at 1519 Mole Creek Road Chudleigh is subjected to the waterway and coastal protection overlay. There are no works associated with the proposed subdivision, other than fencing, which minimises impact of the water quality and the natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses. Future development will be subject to the use and development standards of the Code (if applicable).

The purpose of the Scenic Protection Code is:

C8.1.1 To recognise and protect landscapes that are identified as important for their scenic values.

The proposed development does not include any work, other than fencing, in the scenic corridor area and does not diminish any existing scenic value of the subject property.

The purpose of the Bushfire-Prone Areas Code is:

7.0 General Provisions

Scheme Standard

Planner's Assessment

C13.1.1 To ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

A bushfire hazard management report was submitted as part of the subdivision application. It concludes that as a result of the proposed title reconfiguration, there is no significant increase in risk to Lot 1 whilst a Bushfire Hazard Management Plan has been prepared for the Balance Lot.

The purpose of the Landslip Hazard Code is:

C15.1.1 To ensure that a tolerable risk can be achieved and maintained for the type, scale and intensity and intended life of use or development on land within a landslip hazard area.

The proposal is for the reconfiguration of the title boundaries. There is no use or development proposed within the low hazard band landslip area. If the balance land were to be developed in the future, there is a large area of land that is not within the mapped landslip area.

c) any relevant local area objectives; and

There are no local area objectives.

d) the purpose of any applicable specific area plan.

The purpose of the Karst Management Area Specific Area Plan is:

MEA-S5.1.1 To minimise adverse impacts of development on groundwater dependent ecosystems.

MEA-S5.1.2 To provide for appropriate protection of sensitive karst features.

MEA-S5.1.3 To manage erosion of sediments within the karst area to minimise adverse impacts on karst features and the karst system.

The proposal is for the reconfiguration of the title boundaries of two lots. Other than fencing no further use and development is proposed. The Karst Management Area Specific Area Plan does not have any applicable standards for subdivision. The proposed subdivision will not have any impact on the karst system.

21.0 Agricultural Zone

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
21.3.1	<i>Discretionary uses</i>	
A1-A4	The proposal is for subdivision. In accordance with Clause 6.2.6 of the Planning Scheme, a proposal for a subdivision is not required to be categorised into one of the use classes.	Not Applicable
21.4	<i>Development Standards for Buildings and Works</i>	
	The proposal is for subdivision only.	Not Applicable
21.5.1	<i>Lot design</i>	
A1	<p>The subdivision proposes the reconfiguration of two titles. It is not required for:</p> <ul style="list-style-type: none"> a) public use by the Crown, a council or a State authority; b) the provision of Utilities or irrigation infrastructure; or c) the consolidation of a lot with another lot provided both lots are within the same zone. <p>It is proposed that each lot in the plan of subdivision will provide for the operation of an agricultural use, and will be assessed against P1(a).</p>	Relies on Performance Criteria
A2	<p>The existing vehicular access to Mole Creek Road will be retained on Lot 1.</p> <p>The Balance Lot proposes to use the existing vehicular access serving Lot 1 through the creation of a right of carriageway. A separate vehicular access to Mole Creek Road is not proposed for the Balance Lot.</p>	Relies on Performance Criteria

C2.0 Parking and Sustainable Transport Code

<i>Scheme Standard</i>	<i>Planner's Assessment</i>	<i>Assessed Outcome</i>
C2.5.1	<i>Car parking numbers</i>	
A1	<p>The existing dwelling located on Lot 1 will have sufficient area on site for car parking. No changes are proposed to the existing parking and access arrangements.</p> <p>Under Clause 6.2.6 of the Planning Scheme, a proposal for a subdivision is not required to be categorised into one of the use classes. The existing access and car parking arrangements for the proposed lots are not impacted by the proposed subdivision.</p>	Not Applicable
C2.6.1	<i>Construction of parking areas</i>	
A1	There are no changes proposed to the existing access and parking provided on the lots.	Not Applicable
C2.6.2	<i>Design and layout of parking areas</i>	
A1.1	There are no changes proposed to the existing access and parking provided on the lots.	Not Applicable
A1.2	No parking spaces proposed for use by a person with a disability.	
C2.6.3	<i>Number of accesses for vehicles</i>	
A1	No new vehicle accesses are proposed. Lot 1 will incorporate the existing access to Mole Creek Road. A right of carriageway will be created on Lot 1 to benefit and provide vehicle access for the Balance Lot.	Not Applicable
A2	Not within the Central Business Zone or a pedestrian priority street.	Not Applicable

C3.0 Road and Railway Assets Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
C3.5.1	<i>Traffic generation at a vehicle crossing, level crossing or new junction</i>	
A1.1	Not a category 1 or limited access road.	Complies with Acceptable Solution
A1.2	No new vehicle crossing proposed.	
A1.3	Not within the railway network.	
A1.4	The existing vehicle crossing will serve both Lot 1 and the Balance Lot. This will not intensify the existing use of the crossing, as the existing crossing currently serves the two titles that are proposed to be reconfigured.	
A1.5	Not a major road.	

C7.0 Natural Assets Code

<i>Scheme Standard</i>	<i>Planner's Assessment</i>	<i>Assessed Outcome</i>
C7.6.1	<i>Buildings and works within a waterway and coastal protection area or a future coastal refugia area</i>	
A1 – A5	No works are proposed within the waterway protection area.	Not Applicable
C7.6.2	<i>Clearance within a priority vegetation area</i>	
A1	The land is not subject to the priority vegetation area overlay.	Not Applicable
C7.7.1	<i>Subdivision within a waterway and coastal protection area or a future coastal refugia area</i>	
A1	<p>The proposed subdivision is for the reconfiguration of the title boundaries and includes areas that are within the watercourse protection area. Each lot in a plan of subdivision:</p> <ul style="list-style-type: none"> a) is not for the creation of separate lots for existing buildings; b) is not required for public use by the Crown, a council or a State authority; c) is not required for the provision of Utilities; d) is not for the consolidation of a lot; or e) does not include any works (excluding boundary fencing), building areas, services, bushfire hazard management area or vehicular access within a waterway protection area. <p>The nominated bushfire hazard management area for the Balance Lot is located outside the waterway protection area.</p> <p>The proposal complies with A1 e).</p>	Complies with Acceptable Solution

C7.0 Natural Assets Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
C7.7.2	<i>Subdivision within a priority vegetation area</i>	
A1	The land is not subject to the priority vegetation area overlay.	Not Applicable

C8.0 Scenic Protection Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
C8.4.1	<i>Use or Development Exempt from this Code</i>	
(d)	<p>The subdivision does not involve any works and is therefore in compliance with exemption C8.4.1(d) which states:</p> <p><i>The following development is exempt from this code:</i></p> <p><i>(d) Subdivision not involving any works.</i></p>	Exempt

C13.0 Bushfire-Prone Areas Code

Scheme Standard

Planner's Assessment

Assessed Outcome

C13.6.1 Provision of hazard management areas

A1 A Bushfire Hazard Management Report: Subdivision by Scott Livingston of Livingston Natural Resources, who is an accredited person, has been submitted with the application.

Complies with Acceptable Solution

This report demonstrates that:

- a) There is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision in regard to Lot 1.
- b) The plan of subdivision specifically for the Balance Lot shows all lots within the bushfire-prone area; shows a building area for the Balance Lot; shows hazard management areas for the building area that have dimensions greater than the separation distances required for BAL 19; and is accompanied by a bushfire hazard management plan that addresses the individual lots and is certified by an accredited person, showing hazard management areas equal to or greater than the separation distances required for BAL 19.

C13.6.2 Public and fire fighting access

A1 The Bushfire Hazard Management Report: Subdivision completed by an accredited person demonstrates that:

Complies with Acceptable Solution

- a) There is an insufficient increase in risk from bushfire to warrant measures for public access in the subdivision for the purposes of fire fighting in regard to Lot 1.
 - b) The plan of subdivision specifically for the Balance Lot shows the layout of roads and the location of property access to building
-

C13.0 Bushfire-Prone Areas Code

Scheme Standard

Planner's Assessment

Assessed Outcome

areas is included in a bushfire hazard management plan that demonstrates proposed property access will comply with Table C13.2 and is certified by an accredited person.

C13.6.3 Provision of water supply for fire fighting purposes

A1	Not within an area serviced by reticulated water.	Not Applicable
A2	<p>The subdivision is in an area that is not serviced by reticulated water.</p> <p>The Bushfire Hazard Management Report: Subdivision completed by an accredited person demonstrates that:</p> <ul style="list-style-type: none"> a) There is an insufficient increase in risk from bushfire to warrant provision of a water supply for firefighting purposes in regard to Lot 1 as certified by an accredited person. b) The plan of subdivision demonstrates that a static water supply, dedicated to fire fighting will be provided and located compliant with Table C13.5 as certified by an accredited person. 	Complies with Acceptable Solution

C15.0 Landslip Hazard Code

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
C15.4.1	<i>Use or Development Exempt from this Code</i>	
(d)	<p>The subdivision does not involve any works and therefore complies with exemption C15.4.1(d)(b) which states:</p> <p><i>The following development is exempt from this code:</i></p> <p><i>(d) development (including subdivision) on land:</i></p> <p><i>b. works if it does not involve significant works.</i></p>	Exempt

MEA -S5.0 Karst Management Area Specific Area Plan

<i>Scheme Standard</i>	Planner's Assessment	Assessed Outcome
MEA-5.8	<i>Development Standards for Subdivision</i>	
	This clause is not used in this specific area plan.	Not Applicable

21.0 Agricultural Zone

21.5.1 Lot design

Objective

To provide for subdivision that:

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

Performance Criteria P1

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

- (a) provide for the operation of an agricultural use, having regard to:
 - (i) not materially diminishing the agricultural productivity of the land;
 - (ii) the capacity of the new lots for productive agricultural use;
 - (iii) any topographical constraints to agricultural use; and
 - (iv) current irrigation practices and the potential for irrigation;
- (b) be for the reorganisation of lot boundaries that satisfies all of the following:
 - (i) provides for the operation of an agricultural use, having regard to:
 - a. not materially diminishing the agricultural productivity of the land;
 - b. the capacity of the new lots for productive agricultural use;
 - c. any topographical constraints to agricultural use; and
 - d. current irrigation practices and the potential for irrigation;
 - (ii) all new lots must be not less than 1ha in area;
 - (iii) existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2;
 - (iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use; and
 - (v) it does not create any additional lots; or
- (c) be for the excision of a use or development existing at the effective date that satisfies all of the following:
 - (i) the balance lot provides for the operation of an agricultural use, having regard to:
 - a. not materially diminishing the agricultural productivity of the land;
 - b. the capacity of the balance lot for productive agricultural use;
 - c. any topographical constraints to agricultural use; and
 - d. current irrigation practices and the potential for irrigation;
 - (ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot;

13.2.11 Planner's Advice - Performance Criteria

- (iii) any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and
- (iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use.

Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P1, and is consistent with the objective.

Details of the planner's assessment against the provision are set out below.

Scheme Provision	Planner's Assessment
<p>21.5.1 Performance Criteria P1</p>	<p>The subdivision (2 lots to 2 lots) proposes to reconfigure the title boundaries between two lots, CT 150260/1 and CT 47523/1. CT 150260/1 is currently 177.7ha in area and is proposed to be reduced in area to 23.86ha, whilst the remaining area will be consolidated with CT 47523/1 which is currently 38.83ha. This will create the Balance Lot which will have an area of 192.67ha.</p> <p>Lot 1 will retain the existing dwelling, outbuildings and agricultural buildings and access to Mole Creek Road. The Balance Lot is vacant and will gain access to Mole Creek Road via the proposed right of carriageway over Lot 1. A pipeline easement is also proposed over Lot 1 enabling direct access over Lot 1 to access the western dam. A drainage easement is also proposed over the watercourse that dissects Lot 1, that leads to the western dam. This drainage easement will enable the owners of the balance lot to enter Lot 1 for the purposes of maintenance of that drain to ensure that the water level of the western dam is maintained. The existing internal farm access roads that are located around the curtilage of the existing buildings will form the approximate location of the boundary between Lot 1 and the Balance Lot to the east and south the existing buildings. The farm access roads will be retained to the Balance Lot. The western dam is also proposed to be retained on the Balance Lot.</p> <p>It is noted that the property 1519 Mole Creek Road comprises 13 titles of varying sizes that has a total area of 393.336ha and is used in conjunction with each other with the exception of the house and existing buildings. This area is subject to a five-year lease and therefore is used independent of the rest of the property. The agricultural land is currently used to graze dairy replacement livestock.</p> <p>The application documentation demonstrates that each lot proposed in the plan of subdivision provides for the operation of an agricultural uses and addresses the requirements under P1(a). The reorganisation of the lot</p>

13.2.11 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment												
	<p>boundaries (b) and an excision of a use or development (c) has not been proposed. It is noted that if assessing (b) the reorganisation of the titles would require a 200m setback around the existing dwelling which would diminish the agricultural productivity of the Balance Lot. Lot 1 is also considered too large to be considered as an excision. The proposed lot configuration is considered to provide an agricultural use as currently provided for (grazing) whilst enlarging the balance lot which secures the productive agricultural potential primarily through the resulting lot size.</p>												
<p>21.5.1 Performance Criteria P1(a)</p>	<p>The planning application has been submitted by JDA Planning who completed a Planning Submission Report that provides a response to the relevant provisions of the Planning Scheme. An Agricultural Assessment Report by Pinion Advisory was also submitted with the application. The conclusions drawn by the planning and agricultural consultants is that both lots will provide for the operation of an agricultural use and therefore relies on P1(a), which will be further considered below.</p> <p>The existing lot and proposed lot sizes are outlined in the table below. CT 150260/1 is currently 177.7ha in area and comprises the existing dwelling and associated buildings, dams, and pastureland. The dwelling is currently leased for a 5 year period, and is not used in conjunction with the agricultural land within this title. CT 47526/1 is 38.83ha and is located on elevated ground that is subject to undulations. Effectively, the land that contains the dwelling will decrease in area to 23.86ha, whilst the majority of the agricultural land is consolidated into one title.</p> <p>The table below compares the existing sizes of the titles subject to the proposal and the proposed lot sizes.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Title</th> <th style="text-align: center;">Existing</th> <th style="text-align: center;">Lot</th> <th style="text-align: center;">Proposed</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">150260/1</td> <td style="text-align: center;">177.7ha</td> <td style="text-align: center;">Lot 1</td> <td style="text-align: center;">23.86ha</td> </tr> <tr> <td style="text-align: center;">47526/1</td> <td style="text-align: center;">38.83ha</td> <td style="text-align: center;">Balance Lot</td> <td style="text-align: center;">192.67ha</td> </tr> </tbody> </table> <p>To consider if each lot provides for the operation of an agricultural use, regard must be had to the following:</p> <ul style="list-style-type: none"> (i) Not materially diminishing the agricultural productivity of the land; The land is currently used for grazing livestock and no grazing pasture land will be lost as a result of the proposed development. Whilst 13 hectares will be retained with the existing dwelling, 165ha of grazing land will be provided for on the Balance Lot. Of the entire Bentley property (13 	Title	Existing	Lot	Proposed	150260/1	177.7ha	Lot 1	23.86ha	47526/1	38.83ha	Balance Lot	192.67ha
Title	Existing	Lot	Proposed										
150260/1	177.7ha	Lot 1	23.86ha										
47526/1	38.83ha	Balance Lot	192.67ha										

13.2.11 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	<p>titles covering 360ha), Lot 1 will contain '3.6% of the total grazing area and 4% of the total carrying capacity' whilst the Balance Lot will contain '45.8% of the total grazing area and 51% of the total carrying capacity' (Pinion Advisory 2025:30). The agricultural report states 'The development associated with the proposed Lot 1 could be undertaken with a negligible impact and no material bearing on the current and future scale, intensity, operation and management of livestock production activities which can and could be undertaken on the balance lot nor that of the overall Bentley property' (Pinion Advisory 2025:31). It is noted that 'the proposed Lot 1, including the land and all buildings present, are not used for, do not support and do not contribute to the operation and/or management of the agricultural land use activity conducted on the balance block nor that of the wider Bentley property' (Pinion Advisory 2025:39). For these reasons, it is considered that the proposed subdivision will not materially diminish the agricultural productivity of the land.</p> <p>(ii) The capacity of the new lots for productive agricultural use;</p> <p>The agricultural report considers that Lot 1 will have 'approximately 13 hectares of pasture land which would have a potential carrying capacity of approximately 260DSE' (Pinion Advisory 2025:30). There is an additional 4ha of grassed area, however this is likely to be used in association with the dwelling and not likely for grazing purposes. '260DSE would allow for running roughly 24 dairy replacement heifers on an annual basis' (Pinion Advisory 2025:30). 'The proposed Lot 1 has potentially 13 hectares of land which could be theoretically cropped, and this could still occur subsequent to the proposed development' (Pinion Advisory 2025:31). Lot 1 will include pasture land that has a land capability of class 4 with limitations from the soil conditions and erosion from surface water movement (Pinion Advisory 2025:16). Lot 1 provides for 'undertaking productive agricultural land use activity, as per based on livestock production' (Pinion Advisory 2025:29). This is likely to be for grazing livestock.</p> <p>The Balance Lot will have approximately 165 hectares of pastureland 'which would have a potential carrying capacity of approximately 3,300 DSE ... 3,300 DSE would allow for running roughly 307 dairy replacement heifers on an annual basis' (Pinion Advisory 2025:30). The land, with the dams as water resource as explained below, also has the potential to be used for cropping (dryland or irrigated). The Balance Lot has a land capability of class 4 and 5 (Pinion Advisory 2025:16). The balance lot is of an appropriate size for undertaking productive agricultural land use and</p>

13.2.11 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment												
	<p>will continue with the existing grazing activities. The Balance Lot is likely to be used with the broader Bentley property. The Balance Lot will result in a larger lot for the purpose of agriculture.</p> <p>Both lots are demonstrated to provide for the operation of an agricultural use and have a capacity to undertake a productive agricultural use.</p> <p>(iii) Any topographical constraints to agricultural use; and</p> <p>The land is flat towards the northern portion near Mole Creek Road and gently rises in elevation to the south near the dwelling. The slope increases towards the southern portions of the land, where it experiences moderate slope and undulating terrain near the plateaux. It is noted that the flatter land is proposed to be retained with the dwelling on Lot 1. However, the Balance Lot maintains the established driveway and water (dams) infrastructure. Although the balance retains the slopes, this land can still be used for grazing, and the land capability assessment classifies this area as class 4 and 5. There are no topographical constraints to agricultural use presented on the land.</p> <p>(iv) Current irrigation practices and the potential for irrigation;</p> <p>The land is within the mapped irrigation district; however, the lots are not connected to an irrigation scheme. There are three existing dams that will be retained to the Balance Lot which could be used for irrigation. The details of which are (obtained from theList):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Dam ID</th> <th style="text-align: center;">Storage Capacity (ML)</th> <th style="text-align: center;">Usage</th> </tr> </thead> <tbody> <tr> <td>7197 (western dam)</td> <td style="text-align: center;">80</td> <td>Irrigation</td> </tr> <tr> <td>10243 (eastern dam)</td> <td style="text-align: center;">100</td> <td>Irrigation</td> </tr> <tr> <td>7645 (southern dam)</td> <td style="text-align: center;">30</td> <td>Irrigation</td> </tr> </tbody> </table> <p>Therefore, 210ML of water is available for irrigation on the Balance land. The agricultural reports considered that with the '210ML of irrigation water, this could be used to fully irrigate up to 52.5hectares of pasture on an annual basis' (Pinion Advisory 2025: 30). '...the current and future opportunity to undertake irrigated pasture production would not be restricted as a result of the proposed development' (Pinion Advisory 2025:30). The areas of class 4 land could be suitable for 'seasonal cropping including cereals, potatoes and poppies, although the actual</p>	Dam ID	Storage Capacity (ML)	Usage	7197 (western dam)	80	Irrigation	10243 (eastern dam)	100	Irrigation	7645 (southern dam)	30	Irrigation
Dam ID	Storage Capacity (ML)	Usage											
7197 (western dam)	80	Irrigation											
10243 (eastern dam)	100	Irrigation											
7645 (southern dam)	30	Irrigation											

13.2.11 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	<p>crops which could be grown will vary based in the soil type present, seasonal conditions and market circumstances' (Pinion Advisory 2025:31).</p> <p>The irrigation water resource 'could support a considerable amount of irrigated cropping such as approximately up to a maximum of 50 hectares of potatoes (4ML/ha) or 105 hectares of poppies (2ML/ha) in one single year' (Pinion Advisory 2025:31).</p> <p>'The proposed Lot 1 has potentially 13 hectares of land which could be theoretically cropped, and this could still occur subsequent to the proposed development' (Pinion Advisory 2025:31).</p> <p>The planning submission states that water rights will be made available to Lot 1 for domestic use.</p> <p>The agricultural report submitted with the application demonstrates that each lot is of a sufficient area for an agricultural use.</p>
<p>21.5.1 Performance Criteria P1(b)</p>	<p>Not applicable to the assessment of this application. The proposal is being assessed against P1(a).</p>
<p>21.5.1 Performance Criteria P1(c)</p>	<p>Not applicable to the assessment of this application. The proposal is being assessed against P1(a).</p>
<p>21.5.1 Performance Criteria P1 Conclusion</p>	<p>The proposed subdivision as considered above will provide for the operation of an agricultural use. The proposed subdivision will protect the long term productive capacity of agricultural land by consolidating and increasing the land retained on the Balance Lot and the broader Bentley property for agriculture, but provides a sufficient area of land with the dwelling to provide for an agricultural use, likely grazing activities. The proposal is considered to satisfy the Performance Criteria (P1(a)) and is in keeping with the objective.</p>

21.0 Agricultural Zone

Planning Scheme Provision	21.5.1 Lot design
	<p>Objective</p> <p>To provide for subdivision that:</p> <p>(a) relates to public use, irrigation infrastructure or Utilities; and</p> <p>(b) protects the long term productive capacity of agricultural land.</p>
	<p>Performance Criteria P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the distance between the lot or building area and the carriageway;</p> <p>(c) the nature of the road and the traffic, including pedestrians; and</p> <p>(d) the pattern of development existing on established properties in the area.</p>

Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P2, and is consistent with the objective.

Details of the planner's assessment against the provision are set out below.

Scheme Provision	Planner's Assessment
21.5.1 Performance Criteria P2	The proposed balance lot will not be provided with a vehicular access from the frontage of the lot to Mole Creek Road. Instead, it is proposed that the balance lot will have legal access to the vehicular access that serves Lot 1 via the creation of a right of carriageway. As such, the application relies on the assessment of the Performance Criteria.
21.5.1 Performance Criteria P2(a)	<p>The topography of the proposed balance lot rises gently from the boundary with Mole Creek Road, to the south. The road verge between Mole Creek Road and the boundary does fall away from the road, and there appears to be an open drain but otherwise, the verge, would be suitable for the installation of a vehicular access, if a new access were proposed to be constructed.</p> <p>The existing vehicular access that will serve Lot 1 and the Balance Lot (via the creation of a right of carriageway), is constructed of gravel, with a culvert</p>

13.2.11 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
	through the open drain. This access is tree lined and is relatively flat. This gravel driveway extends to the dwelling and outbuildings.
<p>21.5.1 Performance Criteria P2(b)</p>	The proposed balance lot has direct frontage to Mole Creek Road, and will extend over 2km south from Mole Creek Road. The dwelling located on proposed Lot 1 is located greater than 650m from Mole Creek Road.
<p>21.5.1 Performance Criteria P2(c)</p>	Mole Creek Road is a road administered by the Department of State Growth. It is identified as a category 4 road under the Department of State Growth's State Road Hierarchy. Mole Creek Road provides connection for local commercial interaction, local freight movement, local passenger vehicle movement and tourists and tourist destinations. There are no cycling or pedestrian paths provided for in the road reservation.
<p>21.5.1 Performance Criteria P2(d)</p>	Generally, each property that has frontage to Mole Creek Road is provided with a vehicular access to that property. Agricultural properties may be provided with more than one access. Typically these agricultural properties have long internal driveways for movement within the property. The subdivision does not propose to install a new vehicular access and therefore there will be no change to the pattern of development existing on established properties in the area.
<p>21.5.1 Performance Criteria P2 Conclusion</p>	The balance lot will be provided with vehicular access to Mole Creek Road through the creation of a right of carriageway over proposed Lot 1, which uses the existing vehicular access. However, if proposed in the future, the balance lot has sufficient frontage to Mole Creek Road for a separate vehicular access and vehicle crossing to be installed, subject to the relevant approvals (Road Authority – Department of State Growth and Planning) being obtained. Therefore, it is considered that the balance lot is capable of being provided with reasonable vehicle access from the boundary of the lot to Mole Creek Road.



Meander Valley Council
Working Together

APPLICATION FORM

PLANNING PERMIT

Land Use Planning and Approvals Act 1993

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

OFFICE USE ONLY

Property No:	<input type="text"/>	Assessment No:	<input type="text"/>	-	<input type="text"/>	-	<input type="text"/>
DA\	<input type="text"/>	PA\	<input type="text"/>	PC\	<input type="text"/>		

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

PROPERTY DETAILS:

Address:	<input type="text" value="1519 Mole Creek Road"/>	Certificate of Title:	<input type="text" value="FR150260/1; FR47523/1"/>
Suburb:	<input type="text" value="Chudleigh"/>	Lot No:	<input type="text"/>
Land area:	<input type="text" value="177.7ha and 38.83ha"/>		<i>m² / ha</i>
Present use of land/building:	<input type="text" value="Residential and agriculture"/>		<i>(vacant, residential, rural, industrial, commercial or forestry)</i>

- 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: Refer attached planning submission

Indicate by ✓ box

<input type="checkbox"/> Building work	<input type="checkbox"/> Change of use	<input checked="" type="checkbox"/> Subdivision	<input type="checkbox"/> Demolition
<input type="checkbox"/> Forestry	<input type="checkbox"/> 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: m² New building height: m

Materials:

External walls:	<input type="text"/>	Colour:	<input type="text"/>
Roof cladding:	<input type="text"/>	Colour:	<input type="text"/>

**RESULT OF SEARCH**

ASSISTANT RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 47523	FOLIO 1
EDITION 3	DATE OF ISSUE 04-Apr-2022

SEARCH DATE : 23-Sep-2025

SEARCH TIME : 09.24 AM

DESCRIPTION OF LAND

Parish of WOODBRIDGE, Land District of WESTMORLAND
 Lot 1 on Diagram [47523](#)
 Being the land Firstly described in Conveyance No. 66/5586
 Derivation : Part of 860 Acres Gtd to P Oakden and 1500 Acres
 Located to P Foote
 Prior CT [4742/71](#)

SCHEDULE 1

[M940766](#) TRANSFER to CHATSWORTH ENTERPRISES PTY LTD
 Registered 04-Apr-2022 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
[50/1636](#) INDENTURE: BURDENING EASEMENT: Right to use the
 Pipeline for the owners of portion of the balance of
 the eight hundred and sixty acres originally granted
 to Phillip Oakden over the Pipeline Easement shown on
 D [47523](#) as passing through the said land within
 described
[M943248](#) MORTGAGE to Rabobank Australia Limited Registered
 04-Apr-2022 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RESULT OF SEARCH

RECORDER OF TITLES
 Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 150260	FOLIO 1
EDITION 2	DATE OF ISSUE 04-Apr-2022

SEARCH DATE : 16-Dec-2024
 SEARCH TIME : 05.43 PM

DESCRIPTION OF LAND

Parish of WOODBRIDGE Land District of WESTMORLAND
 Town of CHUDLEIGH
 Lot 1 on Sealed Plan 150260
 Derivation : Part of 860 Acres Granted to Philip Oakden, Part
 of 1500 Acres Located to Pearson Foote and Whole of Lot 1000
 (4070m2) The Crown and Whole of Lot 1001 (4047m2) The Crown
 Prior CTs 127021/1, 150260/1000 and 150260/1001

SCHEDULE 1

M940766 TRANSFER to CHATSWORTH ENTERPRISES PTY LTD
 Registered 04-Apr-2022 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP150260 EASEMENTS in Schedule of Easements
 C750702 FENCING PROVISION in Transfer
 M943248 MORTGAGE to Rabobank Australia Limited Registered
 04-Apr-2022 at 12.01 PM
 M940936 LEASE to JOHN BARNARD HAWKINS and ROBYN ANNE HAWKINS
 of a leasehold estate for the term of 5 years from
 14-Jan-2022 (of that part of the land on page 18 and
 the hatched area (72m2) on page 19 on the plans
 attached to the said lease) Registered 04-Apr-2022
 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

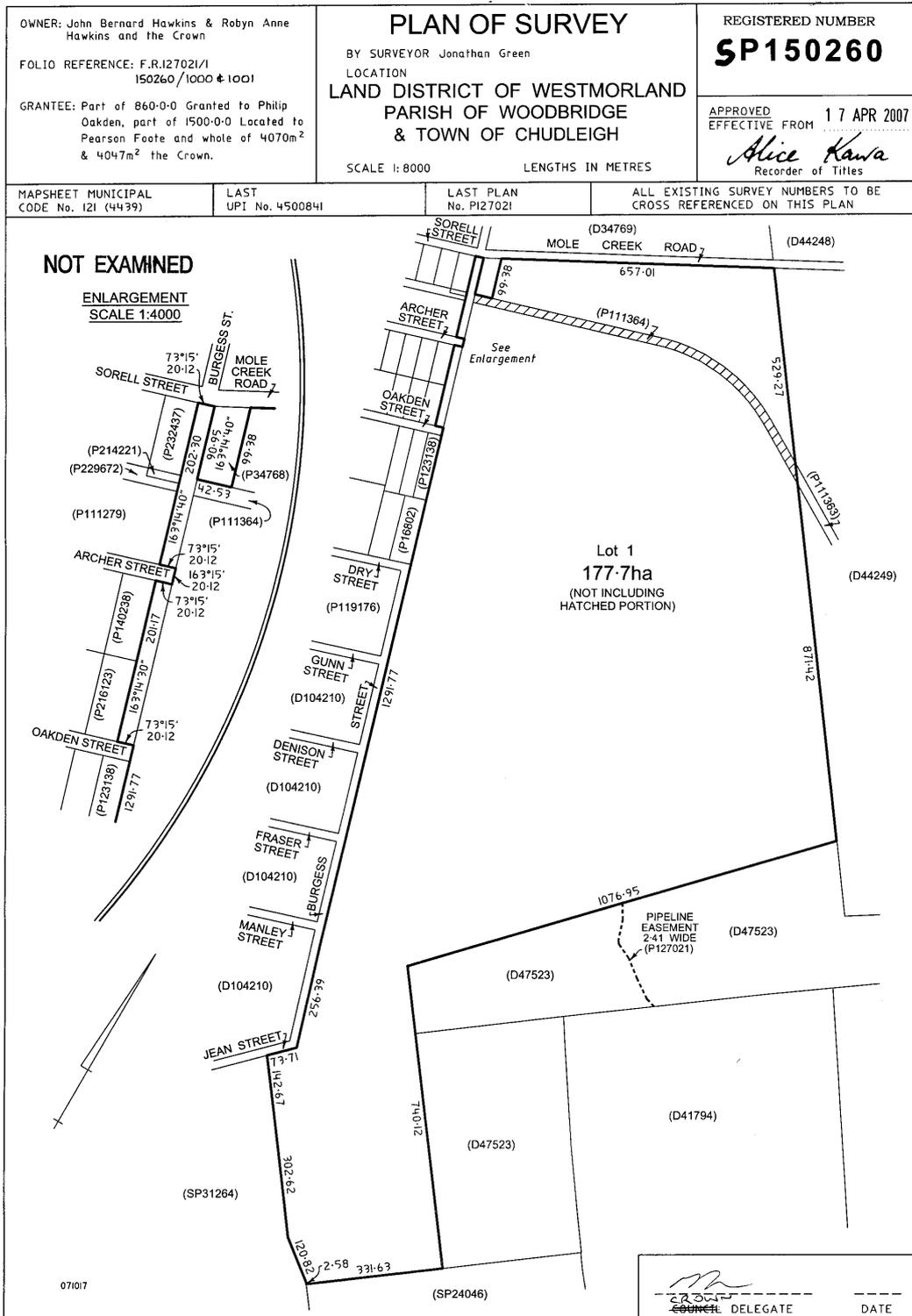
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p align="center">SCHEDULE OF EASEMENTS</p> <p>NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.</p>	<p align="center">Registered Number</p> <p align="center" style="font-size: 24px;">SP 150 260</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------

PAGE 1 OF 1 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown 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 a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown 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 a prendre described hereunder.

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

That portion of Lot 1 on the Plan formerly comprised in Lot 1 on Plan 127021 ~~LOT 1 on the Plan~~ is TOGETHER WITH a right to carry water through the pipeline running through the strip of land marked "Pipeline Easement 2.41 wide" on ~~Plan No. 127021~~ together with the right to enter upon the said strip of land to inspect, renew or repair the said pipeline, as created by 59/0665

SIGNED by *Michael David Jones*)
 being and as a *Manager, Crown Lands*)
 prescribed in Statutory Rule No. 187 of 2001 and)
 pursuant to an Instrument of Delegation dated the)
25th November 2024 in the presence of:-)

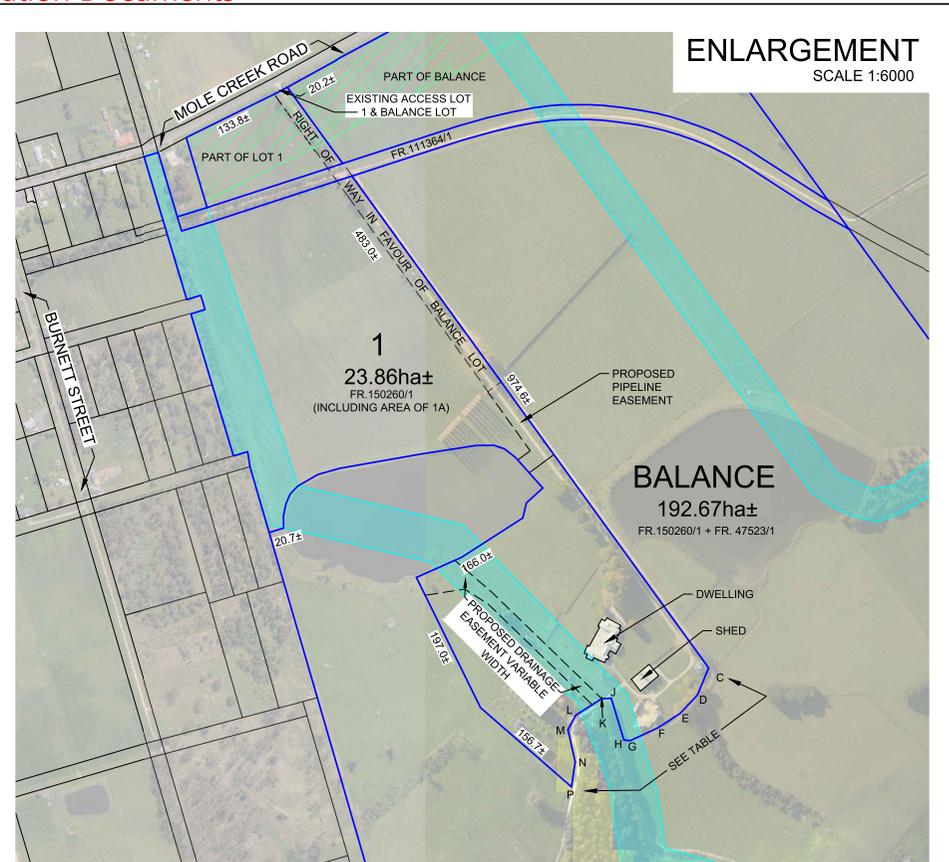
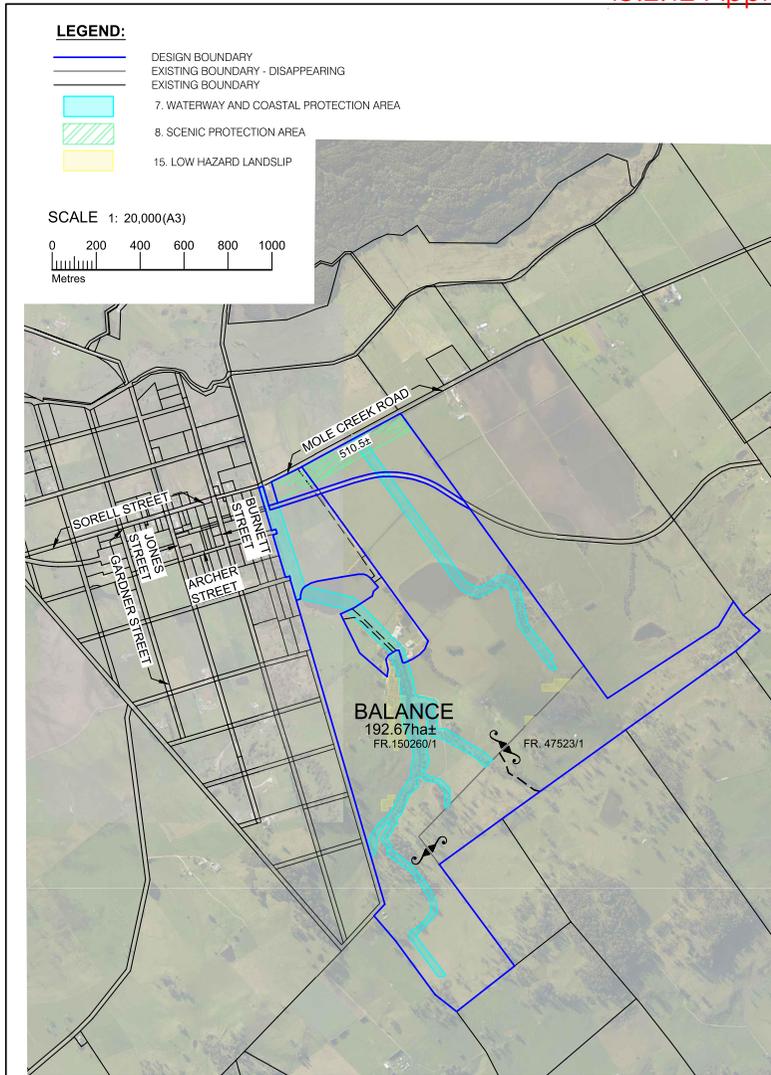


Name of witness: *T. Ferraro-Quin*
 Signature of witness: *Teresa Ferraro-Quin*
 Occupation: *Public Servant*
 Address: *134 Maquarie St Hobart*

(USE ANNEXURE PAGES FOR CONTINUATION)

<p>SUBDIVIDER: J B & RA HAWKINS & THE CROWN</p> <p>FOLIO REF: 127021/1 , 150260/1000 & 1001</p> <p>SOLICITOR & REFERENCE: CROWN SOLICITOR</p>	<p>PLAN SEALED BY:</p> <p>DATE:</p> <p>..... REF NO. Council Delegate</p>
<p>NOTE: The Council Delegate must sign the Certificate for the purposes of identification.</p>	

13.2.12 Application Documents



NOTES:
TITLE BOUNDARIES THAT HAVE NOT BEEN DIMENSIONED ARE AS PER TITLE.
WHOLE OF SITE IS COVERED BY 13.BPA CODE OVERLAY. FOR CLARITY, THIS HAS NOT BEEN HATCHED ON PLAN

LINE	DISTANCE (m±)
C-D	40.0
D-E	33.9
E-F	36.6
F-G	41.4
G-H	8.6
H-J	59.2
J-K	13.1
K-L	41.9
L-M	22.4
M-N	44.8
N-P	32.9

Owners CHATSWORTH ENTERPRISES PTY LTD	Title References FR.150260/1, FR. 47523/1	PID 9025068	Council Meander Valley Council	Planning scheme Tasmanian Planning Scheme	Zone 21.Agricultural	Zone Codes 13.BPA, 7.NAC	Schedule of Easements (Existing easements to be retained unless noted otherwise.) Nil.																																																	
<table border="1"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>DATE</th> <th>APPROVAL</th> </tr> </thead> <tbody> <tr> <td>-</td> <td>---</td> <td>---</td> <td>---</td> </tr> <tr> <td>D</td> <td>ADJUSTED LOT 1 AND BALANCE LOT AREAS</td> <td>20/06/2025</td> <td>AE</td> </tr> <tr> <td>C</td> <td>ADDED FR. 47523/1 TO BALANCE LOT (FR. 150260/1) UPDATED LOT 1 AREA</td> <td>20/06/2025</td> <td>AE</td> </tr> <tr> <td>B</td> <td>Recreation correction</td> <td>20/07/2025</td> <td>AE</td> </tr> <tr> <td>A</td> <td>Adjust boundary as per client request</td> <td>16/07/2025</td> <td>MF</td> </tr> <tr> <td>REV</td> <td>AMENDMENTS</td> <td>DATE</td> <td>APPROVAL</td> </tr> </tbody> </table>		REV	DESCRIPTION	DATE	APPROVAL	-	---	---	---	D	ADJUSTED LOT 1 AND BALANCE LOT AREAS	20/06/2025	AE	C	ADDED FR. 47523/1 TO BALANCE LOT (FR. 150260/1) UPDATED LOT 1 AREA	20/06/2025	AE	B	Recreation correction	20/07/2025	AE	A	Adjust boundary as per client request	16/07/2025	MF	REV	AMENDMENTS	DATE	APPROVAL	<p>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.</p>		<table border="1"> <tr> <td>PLANNER</td> <td>AB</td> <td>REVIEWED</td> <td>-</td> </tr> <tr> <td>DRAWN</td> <td>CB</td> <td>REVIEWED</td> <td>AE</td> </tr> <tr> <td>JOB MANAGER</td> <td>ADRIAN EBERHARDT</td> <td>PRINTED DATE</td> <td>29/07/2025</td> </tr> </table>	PLANNER	AB	REVIEWED	-	DRAWN	CB	REVIEWED	AE	JOB MANAGER	ADRIAN EBERHARDT	PRINTED DATE	29/07/2025	<p>CLIENT: CHATSWORTH ENTERPRISE PTY LTD DEVELOPMENT APPLICATION 1519 MOLE CREEK ROAD, CHUDLEIGH PLAN OF SUBDIVISION 2 LOTS</p>		<p>6 Queen Street Burnie, Tasmania 7320 PHONE: +61 03 6431 4400 FAX: +61 03 6431 6643 EMAIL: pda.bne@pda.com.au www.pda.com.au</p> <p>Also at: Launceston, Devonport, Hobart & Kingston</p>	<table border="1"> <tr> <td>SCALE</td> <td>1:20,000</td> <td>PAPER</td> <td>(A3)</td> </tr> <tr> <td>JOB NUMBER</td> <td>54524</td> <td>DRAWING SHEET</td> <td>DA 01 D</td> </tr> </table>	SCALE	1:20,000	PAPER	(A3)	JOB NUMBER	54524	DRAWING SHEET	DA 01 D
REV	DESCRIPTION	DATE	APPROVAL																																																					
-	---	---	---																																																					
D	ADJUSTED LOT 1 AND BALANCE LOT AREAS	20/06/2025	AE																																																					
C	ADDED FR. 47523/1 TO BALANCE LOT (FR. 150260/1) UPDATED LOT 1 AREA	20/06/2025	AE																																																					
B	Recreation correction	20/07/2025	AE																																																					
A	Adjust boundary as per client request	16/07/2025	MF																																																					
REV	AMENDMENTS	DATE	APPROVAL																																																					
PLANNER	AB	REVIEWED	-																																																					
DRAWN	CB	REVIEWED	AE																																																					
JOB MANAGER	ADRIAN EBERHARDT	PRINTED DATE	29/07/2025																																																					
SCALE	1:20,000	PAPER	(A3)																																																					
JOB NUMBER	54524	DRAWING SHEET	DA 01 D																																																					



Existing Septic Tanks

31 October 2025

Ref: PA\26\0103

General Manager
Meander Valley Council
mail@mvc.tas.gov.au
planning@mvc.tas.gov.au

Dear Sir

1519 MOLE CREEK ROAD CHUDLEIGH – SUBDIVISION 2 LOTS – S.54 REQUEST 30/10/2025

I refer to the s.54 request for additional information and in response provide the attached aerial image shown at Figure 1, demonstrating the position of the existing septic tanks relative to the Bentley Homestead, each being well within the boundaries of the proposed new lot.

I trust this assists and clarifies the issue.



Figure 1 Location existing septic tanks - Bentley Homestead

Regards,



John Ayers
Director/Principal Planner
JDA PLANNING PTY LTD
M: 0408 123 770
john@jdaPlanning.com

PO Box 347
Prospect 7250 Tasmania

Response s.54 Request 1519 Mole Creek Road CHUDLEIGH – 30/10/2025 PA\26\0103: 19356