

# AGENDA ORDINARY COUNCIL MEETING

# Tuesday, 11 November 2025

**Time** 3.00pm

**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

General Manager Mayor Jonathan Harmey Wayne Johnston **Governance Officer Deputy Mayor** Anthea Rooney Stephanie Cameron Councillor Kevin House Councillor Christine Cronshaw Councillor Anne-Marie Loader Councillor Ben Dudman Councillor Councillor John Temple Daniel Smedley Councillor Rodney Synfield **Council Officers Public Gallery** 

# 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 <code>ogm@mvc.tas.gov.au</code> 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.

Jonathan Harmey General Manager

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# 1. Opening of Meeting and Apologies

# 2. Acknowledgment of Country

# 3. Statement of Attendance

Local Government (Meeting Procedures) Regulations 2025: Regulation 8

Mayor Wayne Johnston 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 14 October 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)

#### **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

#### Topics Discussed – 28 October 2025

#### Planning Applications for November Council Meeting

Councillors received a review of Planning Applications to be presented to the November Council Meeting.

#### External Presentation – Northern Tasmanian Development Corporation

Councillors received an update and provided feedback.

#### **Council Office Requirements**

Councillors discussed options relating to achieving additional office space and facility improvements.

#### Local Government Association of Tasmania Meeting Discussions

Councillors provided input into motions to be raised at the upcoming General Meeting.

#### Tasmanian Government Local Government Legislation Reform

Councillors considered the position paper regarding proposed reforms to the Local Government Act 1993.

#### Panorama Road, Blackstone Heights – Grant Variation

Councillors were provided with an update on the project and discussed budget allocations.

#### Westbury Streetscape – Status Update

Councillors were provided with an update on the status of the project.

#### Review of Policy No. 83: Fraud and Corruption

Councillors reviewed and provided feedback on proposed changes to Policy No. 83: Fraud and Corruption Control and the associated Fraud and Corruption Control Plan.

#### Mayor and Councillors' Reports

Councillors discussed current reports which are included in Council Agendas.

# 7. Mayor and Councillors' Reports

#### Councillors' Official Activities and Engagements Since Last Meeting

#### **Mayor Wayne Johnston**

Attended or participated in the following events:

- 29 October 2025 TasWater General Meeting
- 6 November 2025 Northern Tasmanian Development Corporation Member's Representative Group Meeting and Annual General Meeting

#### **Deputy Mayor Stephanie Cameron**

Attended or participated in the following events:

- 17 October 2025 Northern Tasmania Regional Land Use Steering Committee Meeting
- 24 October 2025 Opening of the Meander Valley Art Award Exhibition

#### **Councillor Ben Dudman**

Attended or participated in the following events:

- 14 October 2025 Development and Assessment Group Meeting
- 24 October 2025 Opening of the Meander Valley Art Award Exhibition
- 29 October 2025 Community Bank Deloraine and Districts Grant Presentation Evening

#### **Councillor Anne-Marie Loader**

Attended or participated in the following events:

- 14 October 2025 Carrick Hall Committee Annual General Meeting
- 20 October 2025 Local Government Association of Tasmania Online Councillor Information Session – Reforms to Councillor Allowances and Numbers
- 24 October 2025 Opening of the Meander Valley Art Award Exhibition
- 27 October 2025 Hadspen Creates
- 29 October 2025 Community Bank Deloraine and Districts Grant Presentation Evening

#### Councillors' Announcements and Acknowledgements

### 8. Petitions

No 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).

#### Question

Steve Gregory – Westbury Men's Shed – asked at the Council Meeting held on 14 October 2025.

1. Will the Council's Works Depot be available for use by the Westbury Men's Shed operations until at least April 2026?

Matthew Millwood (Director Works) advises that the Westbury Men's Shed has a lease arrangement with the Council which allows occupancy of shed space at the Works Depot, 140-142 King Street, Westbury. This lease has previously been extended and allows for further month-by-month extensions. The requested lease extension, to approximately April 2026, aligns with the Council's future planning at the site and, therefore, is supported.

#### **Question**

Kerin Booth – Property Purchase – submitted via email on 28 October 2025

The property abutting the Council's land (18 Lyall Street, Westbury), is a large lot with a significant backyard.

1. Has the Council considered acquiring that property or the vacant part of it (as it did the tennis court) to build a new Council Office building?

Jonathan Harmey (General Manager) advises that the Council has considered the potential acquisition of 18 Lyall Street, Westbury in its review into administrative and governance needs. This option has been discounted at this time, primarily on the basis that the property was not for sale and that there are alternative lower cost options that meets the Council's requirements. This does not remove the Council considering the acquisition of this property in the future.

2. If not, why not?

Refer to the response in Question 1.

#### Question

Linda Poulton – Repurposing of the Town Hall and Supper Room – submitted via email on 28 October 2025

The Council advised, in an email to me dated 19 October 2025, that a decision had not been made and a number of options for accommodating the Council's needs were still being considered including the status quo being maintained. If the above is the case, then:

- 1. Why has the Westbury Garden Club been told it cannot hold the Westbury Flower Show in the Hall in 2026?
  - Jonathan Harmey (General Manager) advises that the Council has accepted the Westbury Garden Club's request to book the Westbury Town Hall and Westbury Supper Room for their February 2026 flower show.
- 2. Why was Heather Donaldson informed by a Council staff member on 23 October 2025, that the Supper Room could not be reserved for meetings beyond November 2025?

Jonathan Harmey (General Manager) advises Councillors are currently considering options for the future use of the Westbury Supper Room and Town Hall facilities and receiving feedback from the Meander Valley community. The Facilites Team has advised that when a request for booking was made by Heather Donaldson, she was advised that the venue could not be reserved beyond 2025 on the basis that the facility may have renovations being undertaken, subject to a decision of Council.

#### Question

Peter Wileman – Parking for the Council – submitted via email on 29 October 2025

There is an old tennis court which now forms part of the Council's land in Lyall Street (CT 187725/1) that is the equivalent area of the Town Hall, which, I understand is earmarked for parking.

1. When and through what process was this tennis court land acquired?

Jonathan Harmey (General Manager) advises that Council approved the purchase of the tennis court land on 10 October 2023 which is referred to in the question above. The Council was notified by the Tasmanian Land Titles Office on 8 August 2025 that their processes were completed to affect the required changes for the acquisition.

2. Could the Council implement a parking plan or policy for its staff so as to alleviate any overparking on Lyall Street (eg. implementing two-hour parking limits on Lyall Street)?

Jonathan Harmey (General Manager) advises that once a decision is made on the options and development of 26 Lyall Street, Westbury, the Council will implement changes to the employee parking areas. This will not include a twohour parking limit on Lyall Street. Reducing the amount of vehicles on Lyall Street was the primary reason for the purchase of the land referred to in Question 1.

#### Question

Peter Mackenzie – Repurposing of the Town Hall and Supper Room – received via email on 30 October 2025

- 1. Why has the Council not consulted widely with the people of Westbury and other ratepayers about the proposed plan to repurpose the Town Hall and Supper Room before making a decision, given these are valuable and historic public assets?
  - **Jonathan Harmey (General Manager)** advises that a decision of Council has not been formed and the Council commenced receiving feedback from the Meander Valley community on this project in the week starting Monday, 3 November 2025.
- 2. If the Council is proposing a repurposing which still allows public access to the Town Hall and Supper Room, will the Council provide the detail of this proposal to the community and seek feedback before making a decision about it?
  - **Jonathan Harmey (General Manager)** advises that a decision of Council has not been formed. The Council has provided details of this proposed option to the Meander Valley community and is currently receiving feedback on the options proposed.

#### **Ouestion**

Karen Mackenzie – Working Conditions at the Council – received via email on 30 October 2025

- 1. I sympathise with staff working in cramped conditions, but in a modern workforce with advanced technology it is not essential for all employees to be co-located, so has the Council considered locating more of its employees to the new works depot at Valley Central?
  - Jonathan Harmey (General Manager) advises that Council has considered the option suggested.
- 2. The Tasmanian State Government encourages flexible work practices including working from home. Does the Council currently allow any employees to work from home and if so, how many?
  - Craig Davies (Director Corporate Services) advises that the Council has flexible working arrangements, in accordance with the *Fair Work Act 2009* (Cth) and the Meander Valley Council's Enterprise Agreement 2022, including work from home arrangements. These arrangements are currently regularly utilised by 13% of the Council's office-based employees who have an agreement in place to work at an alternate location for some portion of the working week.

#### **Question**

David Pyke – Working Conditions at the Council – received via email on 30 October 2025

- 1. What has been the increase in the Council's staff numbers since the 1 January 2023 that has resulted in the now urgent need to expand office space?
  - Craig Davies (Director Corporate Services) advises that the approved full time equivalent employees (FTE) in the budget as at 1 January 2023 was 90; the current FTE in the budget is 106. The Council is embarking on IT upgrades to continue to provide its services to the community. These include the Finance Software (first installed 1997), Records Management Software (first installed 1999), Property Software (first installed 2004) and this is influencing the urgency of the requirements.

2. The need for office space for staff is apparently urgent, yet the Council put out a tender for the new Works Depot at Valley Central which closed as recently as February 2024. Did the Council not anticipate the potential increase and need to locate staff in that facility and, if not, why not?

Matthew Millwood (Director Works) advises that the depot facility at the Valley Central industrial area will be the workplace for the Works Department employees, their heavy plant and equipment. This is the civil construction, parks and urban amenities functions of the Council. The new facility will cater for the current needs of the Works Department. The design for the new Works Depot allows for further building development if the Council elects to pursue this option in the future.

#### Question

Helen Lennard – Repurposing of the Town Hall and Supper Room – received via email on 1 November 2025

- 1. Would any options for repurposing the Town Hall be able to accommodate a similar, successful live performance to that of the Tasmanian Symphony Orchestra in 2024?
  - **Jonathan Harmey (General Manager)** advises that there are options available that would accommodate an event such as that listed in the question.
- 2. If not, what other public venue in Westbury, does the Council propose would be suitable for such a performance?

Jonathan Harmey (General Manager) advises that, from a review of the Tasmanian Symphony Orchestra website, the majority of their events are hosted in Hobart and the majority are held at the Federation Concert Hall. Other venues include Woolmers Estate, St David's Cathedral, St John's Anglican Church, Burnie Arts Centre, Albert Hall, Latrobe Memorial Hall and the University of Tasmania. Similar venues in Westbury, other than the Westbury Town Hall, could include St Andrew's Anglican Church and Holy Trinity Catholic Church. Other similar venues in Meander Valley could include the Village Green, many of the larger churches, larger sized venues such as the Meander Valley Performing Arts Centre, Deloraine Auditorium and public halls such as Chudleigh, Mole Creek and Carrick.

#### 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

Local Government (Meeting Procedures) Regulations 2025 Regulations 19 and 20

No Notices of Motion have been received as part of this Agenda

# **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\25\0057 - 25 Sorell Street and 1519 Mole Creek Road, Chudleigh

**Proposal** Subdivision (6 lots to 2 lots)

**Report Author** Nooshin Varikodan

Town Planner

**Authorised By** Krista Palfreyman

Director Development and Regulatory Services

**Decision Due** 12 November 2025

**Decision Sought** It is recommended that the Planning Authority approves this

application.

See section titled Planner's Recommendation for further details.

#### **Applicant's Proposal**

**Applicant** JDA Planning Pty Ltd

Property 25 Sorell Street, Chudleigh and 1519 Mole Creek Road,

Chudleigh (CTs 228692/1, 232437/1, 214221/1, 229672/1,

229645/1 and 150260/1).

**Description** The applicant is described as a subdivision (6 lots to 2 lots) and

involves the:

1. consolidation of five existing titles: CTs 228692/1, 232437/1, 214221/1, 229672/1 and 229645/1, having a

property address as 25 Sorell Street, Chudleigh; and

2. reorganisation of the title boundary between 25 Sorell Street, Chudleigh (CT 232437/1) and 1519 Mole Creek Road, Chudleigh (CT 150260/1) by transferring 812m<sup>2</sup> of land from 1519 Mole Creek Road to 25 Sorell Street,

Chudleigh.

Documents submitted by the Applicant are attached, titled Application Documents.



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

#### Planner's Report

Planning Scheme Tasmanian Planning Scheme – Meander Valley (the Planning

Scheme)

**Zoning** Agriculture Zone & Village Zone

Applicable Overlay Waterway and Coastal Protection Area, Scenic Road Corridor,

Bushfire-Prone Area and Low Sensitivity Karst Area

**Existing Land Use** Residential and Resource development

#### Summary of Planner's Assessment

Generally, subdivision and consolidation of lots between zone boundaries is classed as discretionary in this zone (Agriculture and Village).

#### Discretions

For this application, three 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
12.5.3	P2	Services (Not connected to reticulated sewerage)
12.5.3	P3	Services (Not connected to public stormwater)
21.5.1	P1	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**

Three 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, Reference: THC Works Ref: #8726.

See Attachment titled Tasmanian Heritage Council – Notice of No Interest

#### Internal Referrals

#### Infrastructure Services

The proposed development is for the consolidation of and reorganisation of titles. The existing vehicle accesses are not proposed to be altered as a result of the proposal and the development will not result in an intensification in the use of the existing vehicle accesses. No conditions or notes are recommended.

#### Environmental Health

The proposed consolidation will result in an increase in the area available for on-site wastewater disposal for 25 Sorell Street. Future development on the lots may require an on-site wastewater assessment report to be completed by a suitably qualified person. No conditions or notes are recommended.

#### 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 Pty Ltd, for a Subdivision (6 lots to 2 lots), on land located at 25 Sorell Street, Chudleigh and 1519 Mole Creek Road, Chudleigh (CTs 228692/1, 232437/1, 214221/1, 229672/1, 229645/1 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: 25/7/2025; Project no: 54891; Drawing no: 01.
- b. Scott Livingston, Livingston Natural Resource Services; Dated: 23 August 2025; Bushfire Hazard Management Report: Subdivision; Version: 1; Pages: Coversheet, 1-13.

#### **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.

#### **Permit Notes**

1. The existing use of the subject lots is not altered under this planning permit. Any future change of use of the existing development will require a separate planning permit from the Council. Please contact the Council's Planning Team on 6393 5320 or via <a href="mailto:planning@mvc.tas.gov.au">planning@mvc.tas.gov.au</a> to discuss.

- 2. Any other proposed development or use (including amendments to this proposal) may require separate planning approval. For further information, contact the Council.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. 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.
- 7. 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 4 pages]
- 2. Representation 1 J Hawkins [13.1.2 19 pages]
- 3. Representation 2 R Hawkins [13.1.3 2 pages]
- 4. Representation 3 A Ricketts [13.1.4 5 pages]
- 5. Planner's Advice Applicable Standards [13.1.5 22 pages]
- 6. Planner's Advice Performance Criteria [13.1.6 7 pages]
- 7. Application Documents [13.1.7 54 pages]
- 8. Tasmanian Heritage Council Notice of No Interest [13.1.8 1 page]
- 9. Response to Representations by Applicant [13.1.9 2 pages]

#### **Public Response**

#### **Summary of Representations**

A summary of concerns raised by the public about this planning application is provided below. Three 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 Hawkins Representation 1

Concern		Planner's Response
a)	a) Use of the property as "Visitor accommodation"  'The claim of an existing Use of 'Visitor Accommodation' is	The current application before Council is solely for the proposed Subdivision of 6 existing lots into 2 lots at 25 Sorell Street & 1519 Mole Creek Road Chudleigh.
	incorrect and untrue. This has the potential to disadvantage my use of the building, which I am currently leasing up until January 2027, as storage for my antiques business.'	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 property.
		As such, the existing use of the site remains unaffected by this subdivision proposal.
		Any future development on the newly created lots (if approved) such as construction of dwellings, outbuildings, or changes of use will require a separate planning application assessed against the Use class, Applicable Zone Standards and Code overlay requirements under the Planning Scheme.
b)	Consultation with the lessees  'Bentley and the VDL Barn was sold and transferred from Hawkins to Chatsworth Enterprises with the sale proceeds received on 20 January 2022 and the Final Settlement	This application was advertised for a 14 day period in accordance with the statutory public notification process. Adjoining property owners and occupiers of the subject property were notified as required under the provisions of the Land Use Planning and Approvals Act 1993 (the

Statement dated 24 January 2022.

The 5 year lease is included and registered on title. The term of our lease in the name of JB & RA Hawkins, regarding the Bentley Homestead and the VDL Barn, is 5 years. This lease and the sale contract was initially signed on the 20th December 2021.

That means, currently my wife and I remain the lessees of the VDL Barn. We have not been consulted over this Planning Application, despite being the lessees of the aforementioned buildings, hence this letter.' Act). There are no requirements under the Act for the owner to consult with a lessee.

c) Heritage aspects of the property

'The VDL Barn is listed on the Tasmania Heritage Register and was on the register of the National Estate. This is an important heritage property.

I suspect this section of the Tasmanian Planning Scheme, may represent the reason Chatsworth Enterprises chose to erroneously claim a lawful Existing Use for VDL Barn of 'Visitor Accommodation'.'

The heritage significance of Certificate of Title 228692/1, forming part of 25 Sorell Street, Chudleigh that includes the barn is recognised. The property is listed on the Tasmanian Heritage Register. In accordance with the *Historic Cultural* Heritage Act 1995, the application was referred to the Heritage Council. The Tasmanian Heritage Council issued a "Notice of No Interest" confirming that the Tasmanian Heritage Council did involvement in not require the determination of the proposal.

Under Clause 7.10 of the Planning Scheme, an application for a subdivision that does not require classification into a use class may be approved at the discretion of the planning authority. The existing use of the property is therefore not under consideration as part of this application. The current proposal does not alter the use or heritage fabric of the existing buildings on the site.

R Hawkins Representation 2

Concern		Planner's Response
a)	Use of the property as "Visitor accommodation"  'The claim by JDA Planning Pty Ltd, obo Chatsworth Enterprises	The current application before Council is solely for the proposed Subdivision of 6 existing lots into 2 lots at 25 Sorell Street & 1519 Mole Creek Road Chudleigh.
	Pty Ltd of an existing Use of Visitor Accommodation cannot be supported or agreed.'	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 property.
		As such, the existing use of the site remains unaffected by this subdivision proposal.
		As previously mentioned, any change in use class for the existing building will require a separate planning application.
b)	b) Health Hazard  'I wish to advise there is the potential for a serious health hazard, at 25 Sorell Street Chudleigh, with existing unsuitable septic tank'	The current planning application does not propose any changes to the existing use of the property, and the existing use is not assessed as part of this application.
		The proposal relates to the consolidation of 5 lots (CTs: 228692/1, 232437/1, 214221/1, 229672/1, 229645/1) under 25 Sorell Street Chudleigh together with a portion of 1519 Mole Creek Road Chudleigh (CT 150260/1). The consolidation will result in an increased lot size, thereby increasing the area available for an onsite wastewater system.
		Concerns regarding the suitability of the existing septic tank are not matters that can be considered in determining this application. If there are concerns regarding a septic tank, they should be raised with Council's Environmental Health Officers.

A Ricketts Representation 3

Concern		Planner's Response
a)	Use of the property as "Visitor accommodation"  'This application PA\26\0057 focuses upon the VDL Store at 25 Sorell Street, a part of the Bentley Estate and incorrectly, indeed falsely claims an existing use of Visitor Accommodation.'	The current application before Council is solely for the proposed Subdivision of 6 existing lots into 2 lots at 25 Sorell Street & 1519 Mole Creek Road Chudleigh.  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 property.
		As such, the existing use of the site remains unaffected by this subdivision proposal.
b)	Heritage aspects of the property 'In thinking about this matter and because of the importance of this outstanding, 1830s to 1850s rural Heritage Building and because too of the negligent way in which Council repeatedly deals with Heritage, including the absence of a Local List, the ignore of the Davies Report which it funded with public funds and numerous other incidents which have disadvantaged heritage in the Meander Valley, I have decided to include Heritage Tasmania over this representation.'	The heritage significance of Certificate of Title 228692/1, forming part of 25 Sorell Street, Chudleigh that includes the barn is recognised. The property is listed on the Tasmanian Heritage Register. In accordance with the <i>Historic Cultural Heritage Act 1995</i> , the application was referred to the Heritage Council. The Tasmanian Heritage Council issued a "Notice of No Interest" confirming that the Tasmanian Heritage Council did not require involvement in the determination of the proposal.  Under Clause 7.10 of the Planning Scheme, an application for a subdivision that does not require classification into a use class may be approved at the discretion of the planning authority. The current proposal does not alter the use or heritage fabric of the existing buildings on the site.

**Note:** The planning application was advertised in the Examiner Newspaper and on Council's website for a statutory period of 14 days from 4 October 2025 to 21 October 2025. A planning notice was also placed on the properties.





John B. Hawkins

12th October 2025

Mr Craig Davies Acting General Manager Meander Valley Council 26 Lyall Street Westbury 7303

Delivered by email to: <a href="mailto:craig.davies@mvc.tas.gov.au">craig.davies@mvc.tas.gov.au</a>
Delivered by email to: <a href="mailto:planning@mvc.tas.gov.au">planning@mvc.tas.gov.au</a>

CC: Ian Boersma, Works Manager, Heritage Tasmania Delivered by email C/O: Heritage Enquiries Enquiries.Heritage@heritage.tas.gov.au

Representation and Objection Regarding Planning Application PA\26\0057 lodged by JDA OBO Chatsworth Enterprises re 25 Sorell Street Chudleigh

Dear Mr Davies,

I write to provide a representation and objection to the Planning Application PA\26\0057 which was lodged by JDA Planning Pty Ltd, OBO Chatsworth Enterprises Pty Ltd regarding the VDL Barn at 25 Sorell Street Chudleigh and the surrounding land on Bentley at 1519 Mole Creek Road, Chudleigh.

I am writing this objection, seeking to also appraise Heritage Tasmania, as well as to object to the Planning Application to Meander Valley Council.

Page 1 of 13

I call upon Meander Valley Council to refuse the Planning Application, which contains crucial errors and which I claim has incorrectly misdirected Meander Valley Council, leading to an unsuitable and unsustainable Use, including the potential for a serious health hazard and the potential avoidance of proper heritage processes under Heritage Tasmania, regarding the State Listed Heritage building, at 25 Sorell Street Chudleigh, being the VDL Barn on Bentley, known as Kalingal and the claim by JDA Planning Pty Ltd, OBO Chatsworth Enterprises Pty Ltd.

The claim of an existing Use of 'Visitor Accommodation' is incorrect and untrue. This has the potential to disadvantage my use of the building, which I am currently leasing up until January 2027, as storage for my antiques business.

Together with my wife, I am the former owner of Bentley at 1519 Mole Creek Road, Chudleigh, Tasmania and the VDL Barn (Kalingal) at 25 Sorell Street, Chudleigh in Tasmania.

When we sold the whole of Bentley in January 2022 to Chatsworth Enterprises Pty Ltd., we took out a 5 year Lease over the Bentley homestead, and its outbuildings to include the VDL Barn, known as Kalingal.

The Bentley homestead, the surrounding landscape and the VDL Barn 'Kalingal' are all listed with Heritage Tasmania.

Indeed, given that this Subdivision also covers the surrounding landscape, as much of Bentley is also Heritage Listed via a CPR Plan, CPR 11103, (enclosed) the matter should have been referred to Heritage Tasmania.

I am cognisant that for some inexplicable reason Meander Valley Council has over a long period, avoided heritage. This is strongly criticised and considered unsustainable behaviour. The Meander Valley has an extraordinary Heritage legacy and yet its protection is avoided over and over to the area's detriment. That however is not the main reason for my objection.

I write this Objection (A representation) to Chatsworth Enterprises' Development, regarding PA\26\0057 (which is seeking a title consolidation, a subdivision, over the titles including the VDL Barn on Bentley and which, in error, claims an Existing Use of 'Visitor Accommodation' regarding the VDL Barn.

Regarding the VDL Barn on Bentley, which Chatsworth Enterprises Pty Ltd has seemingly misdirected Council, claiming the Heritage VDL Barn is currently being used as 'Visitor Accommodation' and indeed suggesting that this Use is ongoing and imputing a long Use, when it patently is not so, I wish to refer Council to our 2003 MVC Planning Permit, DA 129/2003.

It notes that our (JB and RA Hawkins) 2003 Planning Permit, DA 129/2003 regarding the VDL Barn at 25 Sorell Street, makes it clear that no other use than as a house is allowed. I quote from JB and RA Hawkins 2003 Planning Permit, DA 129/2003:

- "1. No approval is given as part of this application for:
  - a) the new driveway access to Bentley constructed as part of the works.
  - b) Future reroofing of the building
  - c) painting of previously un-painted brick or stone work.
  - d) any commercial use other than associated with the buildings residential use and for which no approval is required.

Further Council approval will be required should the above works be proposed in a future stage."

Therefore Chatsworth Enterprises Pty Ltd must apply for a Change of Use should a development of 'Visitor Accommodation' be pursued or planned.

JB and RA Hawkins have never applied for a Permit to use the VDL Barn as Visitor Accommodation.

Please Note: We did not apply for any such Permit between 2003 and 2022 and have not claimed otherwise for the VDL Barn (Kalingal). There is no existing Use as Visitor Accommodation.

This is not the whole of my concerns regarding the Planning Application PA\26\0057 but one of the major issues which simply must cause the rejection of the Planning Application, which clearly has not involved Heritage Tasmania, because of the misdirection of Council.

Bentley and the VDL Barn was sold and transferred from Hawkins to Chatsworth Enterprises with the sale proceeds received on 20 January 2022 and the Final Settlement Statement dated 24 January 2022. The 5 year lease is included and registered on title.

The term of our lease in the name of JB & RA Hawkins, regarding the Bentley Homestead and the VDL Barn, is 5 years. This lease and the sale contract was initially signed on the 20<sup>th</sup> December 2021.

That means, currently my wife and I remain the lessees of the VDL Barn. We have not been consulted over this Planning Application, despite being the lessees of the aforementioned buildings, hence this letter.

Please Note: The lease of the Bentley Homestead includes the VDL Barn at 25 Sorell Street.

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I regard the current Planning Application PA\26\0057 as potentially interfering with my free use of the VDL Barn. This objection explains the reasons.

For the past 22 years I have used the VDL Barn as a store and show space for my antiques, together with Bentley since purchase. I have operated my antiques business, which in 2003 I relocated from the Southern Highlands of NSW to Bentley in Chudleigh in Tasmania.

The VDL Barn was purchased in 2003 by my wife and I from Peter Ashton who owned it separately from Bentley.

The lawful Existing Use of the VDL Barn at the time was a house.

Please Note: Neither my wife nor I have ever operated or used the VDL Barn as a 'Visitor Accommodation'.

Regarding the VDL Barn, Chatsworth Enterprises in its Planning Application via JDA (PA\26\0057) claims there is an existing 'Use' of 'Visitor Accommodation', which is a term in the Tasmanian Planning Scheme, a term which did not exist when we purchased Bentley and the VDL Barn in 2003. At that time the local government planning in Meander Valley was under the 1995 Meander Valley Planning Scheme.

This newer term, 'Visitor Accommodation', is now a 'Permitted Use' in the Village Zone, (which affects Chudleigh), assuming services are provided and not considering the Heritage Aspects or a compliance with the Karst Management Area Specific Area Plan, which are discussed further on.

However 'Services' are not provided at Chudleigh and furthermore, I wish to claim, based on over 22 years of ownership, the VDL Barn is not currently suited to being used as 'Visitor Accommodation' at least at present. For example this building does not even have a supply of potable water.

I explain the unsuitability later in my representation but suffice to say that as one of the owners for some 22 years and then the co-lessee up to the current date, I have never used the building for 'Visitor Accommodation' and further I have never made an application to Council to use the VDL Barn (Kalingal) at 25 Sorell Street Chudleigh as 'Visitor Accommodation'.

'Visitor Accommodation' is described in the current planning scheme (the Tasmanian Planning Scheme) in Table 6.2 under 6.2 Categorising Use or Development as:

"Visitor Accommodation: use of land for providing short or mediumterm accommodation for persons away from their normal place of residence on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel,

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camping and caravan park, holiday cabin, motel, overnight camping area, residential hotel and serviced apartment complex."

The Planning Scheme now attributes a Use designation to almost everything we humans might develop across Tasmania, including the VDL Barn.

For the VDL Barn under the Planning Application PA\26\0057, regarding the claim by the developer of an existing Use of 'Visitor Accommodation', this is clearly an erroneous claim by Chatsworth Enterprises because of the absence of any existing 'Use' of "Visitor Accommodation".

This erroneous claim by Chatsworth Enterprises has possibly misdirected Meander Valley Council and especially possibly caused the matter to not be referred to the Heritage Tasmania organisation by Chatsworth Enterprises. This now becomes a serious matter.

I wish to categorically state that as the current lease holder, the current usage is not Visitor Accommodation but rather a house with an ancillary use of a storeroom and showroom in a Heritage building. There are important reasons for not using the VDL Barn as a residence on a full time basis, even though that Use occurred in the past and is allowed.

On rare occasions when the whole family is visiting it is used as the overflow from Bentley when all my three children and 9 grandchildren do not fit into Bentley. This may be once or twice a year.

Our Purchase of the VDL Barn was at Settlement on the 30 April 2003 and the VDL Barn (Kalingal) at 25 Sorell Street, Chudleigh, at that time was being used as a Private House and the owner was Peter Ashton who used it as his residence.

However, after purchase I then restored the VDL Barn, without removing its residential features. NB The barn did not lose its utility as a full time permanent residence, apart from the problems briefly discussed in this representation.

House Use and for a Dwelling in the 1995 Scheme at 2004 states:

"House: a dwelling on its own lot including any outbuilding(s) ordinarily appurtenant thereto."

"Dwelling: a building or portion of a building used as a selfcontained unit for cooking, eating, sleeping, washing and other domestic purposes, and occupied by one household."

Dwelling in the current Tasmanian Planning Scheme is:

"Dwelling: means a building, or part of a building, used as a selfcontained residence and which includes food preparation facilities, a

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bath or shower, laundry facilities, a toilet and sink, and any outbuilding and works normally forming part of a dwelling."

Home-Based Business in the current Tasmanian Planning Scheme is:

"home-based business: means use of part of a dwelling by a resident for non-residential purposes if:

- (a) the person conducting the business normally uses the dwelling as their principal place of residence;
- (b) it does not involve employment of more than 2 workers on-site who do not reside at the dwelling;
- (c) any load on a utility is no more than for a domestic use;
- (d) there is no activity that causes electrical interference to use on other land;
- (e) there is no storage of hazardous material on site;
- (f) the display of goods for sale are not visible from any road or public open space adjoining the site;
- (g) there is, on the site, no advertising of the business other than 1 sign (non-illuminated) not exceeding 0.2m2 in area;
- (h) there is, on the site, no refuelling, servicing, detailing or repair of vehicles not owned by a resident;
- (i) no more than 2 commercial vehicles are on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and
- (j) all vehicles used by the business are parked on the site."

'Residential Use' in the current Tasmanian Planning Scheme is:

"Residential: Use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village and single or multiple dwellings."

After our 2003 purchase, the VDL Barn's predominant use as a dwelling, once the renovations were completed, was an ancillary one, as a Store for my home-based antiques business operated out of Bentley: JB Hawkins Antiques. See my website: https://www.jbhawkinsantiques.com/

If so required, I will be able to substantiate the claim the VDL Barn was and remains to this day primarily a store and a space for displaying my

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antiques by way of anecdotal observations by others, who if required can write representations over this unfortunate planning application.

In writing this objection and indeed years prior, I have considered whether the VDL Barn could be used now in 2025 as a dwelling and have concluded that it would be an emphatic no, without the sewage disposal matter being successfully addressed.

The building is a large one and could have capacity to house several people however it does not have a sufficiently functional septic waste system.

Peter Ashton lived there alone and I have no idea how he used the septic especially in the wetter months. Since 2003 this difficult matter has unfortunately not been resolved.

I had explicitly ensured there was planning permission to Use the Barn as a dwelling and hence its ancillary use as a store for my antiques business.

I never sought to use the VDL Barn full time as a residence and certainly never as 'Visitor Accommodation'.

The failure of the septic system at the VDL Barn in wet periods in my view rules out such uses as 'Visitor Accommodation' and indeed even full time residential use, because it becomes a health hazard at certain times of the year.

Storage is a Use in the current Tasmanian Planning Scheme:

"Storage: Use of land for storage or wholesale of goods, and may incorporate distribution. Examples include boat and caravan storage, self storage, contractors yard, freezing and cool storage, liquid fuel depot, solid fuel depot, vehicle storage, warehouse and woodyard."

A 'Storage' Use, were it the current 'Use' rather than Residential is not a 'Sensitive Use' as under the PAL aspects, and so the very important 200 metre setback to Agriculture would not apply.

If however Chatsworth Enterprises wished to claim and apply for a new Use of 'Visitor Accommodation' at the VDL Barn, several things would need to be resolved and must considered by Meander Valley Council and by the new owner Chatsworth Enterprises in my view.

Chatsworth Enterprises purchased Bentley and the VDL Barn seeking a very, very short settlement period. No vendor disclosure was requested and there was no time allowed in any case for such matters.

This 'Visitor Accommodation' matter, in the case of the current PA\26\0057, should clearly and absolutely be regarded by Meander Valley Council as requiring a 'Change of Use'.

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Further for a Heritage property such as the VDL Barn, the Section 7.4 of the current Scheme should be applied and yet the current planning application by Chatsworth Enterprises fails to enliven this section.

The VDL Barn was occasionally used to house our guests; friends but mostly family came to stay and very rarely business associates, as a part of my homes based antiques business. That use occurred less than 5 times a year and always for very short periods and was entirely non-commercial.

I wish to emphatically state that between 2003 and 2022, I had never applied to Meander Valley Council or to Heritage Tasmania to use the VDL Barn as Visitor Accommodation. I had certainly never used the VDL Barn as 'Visitor Accommodation' in any commercial sense between 2003 and 2022.

I cannot understand how Chatsworth Enterprises drew the conclusion that the Barn was being used for 'Visitor Accommodation'. I had in fact told Chatsworth Enterprises' Mr Cameron that we occasionally used it for family guests when the house was full at Bentley.

I never represented the VDL Barn to Chatsworth Enterprises as having either the existing Use or the potential for a Use of 'Visitor Accommodation'. That is, not in the sense of paid accommodation and advertised as such.

If Chatsworth Enterprises proceeded, say with an amended Planning Application, perhaps resubmitting PA\26\0057, it may also mean Chatsworth Enterprises would have to seek planning permission for a new Sensitive Use such as Visitor Accommodation, even though it is in the Village Zone and while such a Development is Permitted in that zone, otherwise the setback of Sensitive Use to Agriculture is less than 200 metres. There would be other requirements too including the Heritage ones, as the VDL Barn is a significant heritage property and on the State List.

More importantly Heritage Tasmania must be made aware that between 2003 and 2022 and then via lease up until the current date, I have been using the VDL Barn as Storage and as a space for my home based antiques business. A copy of this email is being sent to Ian Boersma, Works Manager, Heritage Tasmania

Now there is an erroneous claim of Use as 'Visitor Accommodation', by Chatsworth Enterprises. Despite no evidence it has in the past or indeed currently been lawfully or illegitimately used as 'Visitor Accommodation', as such. Such erroneous misdirection of Meander Valley Council and Heritage Tasmania has now become an issue.

The reason I continue to use the VDL Barn post 2022, as an ancillary use to my home-based antiques business for storage, is simply because it was

# 13.1.2 Representation 1 - J Hawkins

always used for a such a purpose and remains well suited and designed for this Use.

There have been no and there are no Chatsworth Enterprises advertisements for the VDL Barn as any sort of 'Visitor Accommodation' at any time from 2022 to 2025 anywhere, such as in the local Chudleigh shop or on the internet.

The Use which the VDL Barn experienced since 2022 by the writer is as a furniture store and showroom.

I have not observed the VDL Barn being used as 'Visitor Accommodation', since I sold it to Chatsworth Enterprises and since I leased it back from Chatsworth Enterprises has had no opportunity to use it in such a way.

Therefore I consider Chatsworth Enterprises has said things about the VDL Barn which they actually know to not be true.

We are left with no option but to refute Chatsworth Enterprises erroneous claims.

# Unsuitability of VDL Barn for either Residential Use or for Visitor Accommodation.

This is an important section and issue.

I am providing Council with some information about both the nature and the extent of the unsuitability.

I am advising the Meander Valley Council that the septic system is dysfunctional at certain times of the year and hence would be entirely unsuitable for Visitor Accommodation in a business sense.

This is particularly important as Chudleigh sits within the Mole Creek Karst and the Karst Management Area Specific Area Plan should be applied. This applies in addition to the Village Zone for the Village of Chudleigh.

The application which should include a Change of Use, would therefore also need to consider the Karst provisions of the Scheme within Section MEA-S5.0 of the Meander Valley Local Provisions Schedule.

It is important Meander Valley Council understands this matter of the waste septic tank system and its failure in wet weather conditions, is so severe as to be a health hazard and one of the reasons my wife long ago dismissed the potential Use of the VDL Barn as a 'Visitor Accommodation' in any sort of year-round commercial or business sense.

# 13.1.2 Representation 1 - J Hawkins

The inadequately designed septic system only works in dry times, during warm months but during wet weather this failure is a severe pollution matter when the ground-water level is above the tank, flooding the effluent.

During wet weather, effluent flows across the back yard with attendant destruction of amenity and hence the VDL Barn is not used for residential purpose in winter and at wet times of the year. The septic system sits within 7 metres of the building.

The photograph below of the backyard of the VDL Barn, taken recently by myself, illustrates the typical winter/wet period water table problem in the vicinity of the septic system.



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# Heritage Aspects of the VDL Barn and Bentley

The CPR Plan for Bentley, CPR 11103 (enclosed) does not extend to the VDL Barn, however it does apply to the Balance Lot of the subdivision being the subject of the planning application.

So the VDL Barn is unencumbered by way of visual issues and impacts other than its own Heritage listing and the visual heritage landscape of the town.

Within the general provisions of the Tasmanian Planning Scheme, under section 7, section 7.4, which is titled: "Change of Use of a place listed on the Tasmanian Heritage register or a local Heritage Place", applies.

The VDL Barn is listed on the Tasmania Heritage Register and was on the register of the National Estate. This is an important heritage property. I won an award for the restoration despite the best efforts of the Council and the National Trust to defeat me.

I suspect this section of the Tasmanian Planning Scheme, may represent the reason Chatsworth Enterprises chose to erroneously claim a lawful Existing Use for VDL Barn of 'Visitor Accommodation'.

There are several factors which Council must consider over any Change of Use regarding a Heritage property. I simply quote from the current planning scheme:

7.4.3 In determining an application the planning authority must have regard to:

- (a) any statement of historic cultural heritage significance for the place, as described in the Tasmanian Heritage Register;
- (b) any statement of local historic heritage significance and historic heritage values, as described in the Local Historic Heritage Code;
- (c) any heritage impact statement prepared by a suitably qualified person setting out the effect of the proposed use and any associated development on:
  - (i) the local historic heritage significance of the local heritage place or local heritage precinct; and
  - (ii) the historic cultural heritage significance of the place as described in the Tasmanian Heritage Register;
- (d) any conservation plan prepared by a suitably qualified person in accordance with The Conservation Plan: A guide to the preparation

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# 13.1.2 Representation 1 - J Hawkins

of conservation plans for places of Europe and cultural significance 7th edition, 2013;

- (e) the degree to which the restoration, conservation and future maintenance of the heritage significance of the place is dependent upon the establishment of the proposed use;
- (f) the likely impact of the proposed use on the amenity, or operation, of surrounding uses;
- (g) any Heritage Agreement that may be in place, in accordance with the provisions contained in the Historic Cultural Heritage Act 1995;
- (h) the purpose and provisions of the applicable zone; and
- (i) the purpose and provisions of any applicable code.

This section of the scheme simply does not apply with an Existing Use. So this problem is an important one.

I have seen no up to date Conservation Plan for the VDL Barn as a part of the Planning Application. There is one from our ownership done by Warwick Oakman but it is now over 22 years old. The restoration we performed was done under the auspices of the Heritage Council.

### Concluding Statements

I make no apology for this representation and objection, against those to whom my wife and I sold Bentley Estate. It has been necessary in order to attempt to address the facts which have been ignored or have not been realised by enquiry or common courtesy by Chatsworth Enterprises.

It is very hard to conceive that the current Planning Application represents a satisfactory sustainable development and it clearly does not meet the Schedule 1 objectives of The Act.

I call upon Meander Valley Council to refuse the current Planning Application PA\26\0057 lodged by JDA OBO Chatsworth Enterprises re 25 Sorell Street Chudleigh which contains crucial errors and which I claim has obviously misdirected Meander Valley Council, leading to an unsuitable Use and a potential health hazard and as well the potential avoidance of proper heritage process under Heritage Tasmania regarding the Heritage building, being the VDL Barn at 25 Sorell Street on Bentley and which potentially would cause material disadvantage against my use of the building which I am currently leasing, being the VDL Barn known as Kalingal.

# 13.1.2 Representation 1 - J Hawkins

Please consider this my representation and objection carefully.

Yours sincerely,

John Hawkins

# **Enclosed Documents List**

Name of Document	File Name	
CPR 11103 Plan	CPR_Bentley.pdf	
Planning Permit, DA 129/2003	Planning Permit for VDL Barn-1.pdf	



# MEANDER VALLEY COUNCIL

P.O. BOX 102 WESTBURY TASMANIA 7303

TELEPHONE (03) 6393 5320 FACSIMILE (03) 6393 1474

# PLANNING PERMIT

PLANNING APPLICATION NO: DA 129/2003

LOCATION: "K

"Kalingal", 25 Sorrell Street, Chudleigh

**APPLICANT:** 

**RA & JB Hawkins** 

PROPOSAL:

Reconstruction of heritage listed building

In accordance with Section 57 of the Land Use Planning and Approvals Act 1993, you are advised that the application for reconstruction of a heritage listed building, by RA & JB Hawkins, for land at "Kalingal", 25 Sorrell Street, Chudleigh is <u>APPROVED</u> generally in accordance with the endorsed Conservation Plan and subject to the following conditions:

1. The <u>development</u> as shown on the endorsed plans must not be altered or modified except with the written consent of the Council.

### Note:

- 1. No approval is given as part of this application for
  - a) The new driveway access to Bentley constructed as part of the works.
  - b) Future re-roofing of the building
  - c) Painting of previously unpainted brick or stonework
  - d) Any commercial use other than associated with the buildings residential use and for which no approval is required.

Further Council approval will be required should the above works be proposed in a future stage

- 2. This permit is granted pursuant to the *Land Use Planning and Approvals Act 1993* and does not constitute any other approval required under any other Act or Regulation.
- 3. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced.
- 4. Where any other approvals under this Act or any other Act are required for the proposed use or development to which this permit relates, the permit does not take effect until those approvals have been granted.
- 5. This permit takes effect 14 days after the date of Council's notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

- 6. A planning permit requiring an agreement to be entered into pursuant to Part V of the Land Use Planning and Approvals Act 1993 does not take effect until the day the agreement is executed.
- 7. Where a planning permit incorporates conditions relating to on-site wastewater disposal, it should be noted that site suitability for particular wastewater disposal methods is based on the accepted understanding that may factors affect the successful operation of a wastewater disposal system. Following initial installation, it may be necessary that additional work will require to be done on the system to maintain it in an operational condition and free of nuisance. This is the responsibility of the owner.

DATED AT WESTBURY THIS 12th DAY OF AUGUST 2003

RICHARD JAMIESON TOWN PLANNER

# Kalingal

The Van Diemen's Land Co. Store Mole Creek Rd, Chudleigh, Tasmania 7304



# Conservation Plan

Prepared for: Mr & Mrs J.B. Hawkins.

by W. OAKMAN B. Des (Hons) Architectural Historianie is the endom

'Kalingal" Conservation Plan. W. Oakman B. Des. (Hons). Architectural Historian © July 2003.

MEANDER VALLEY COUNCIL

OF PRINTS IS the endorsed plan referred to in the PLANNING PERMIT No. DR 129 2003
2003. Approval subject to the conditions of this Permit.

12853

Date

Plan No. 1 of 55

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- (a) it is important in demonstrating the evolution or pattern of Tasmania's history;
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- (d) it is important as a representative in demonstrating the characteristics of a broader class of cultural places;
- (e) it is important in demonstrating a high degree of creative or technical achievement;
- (f) it has strong or special meaning for any group or community because of social, cultural or spiritual associations;
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'Kalingal" Conservation Plan..W.Oakman B. Des. (Hons). Architectural Historian © July 2003.

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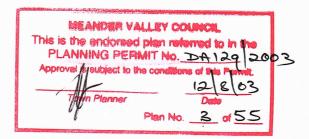
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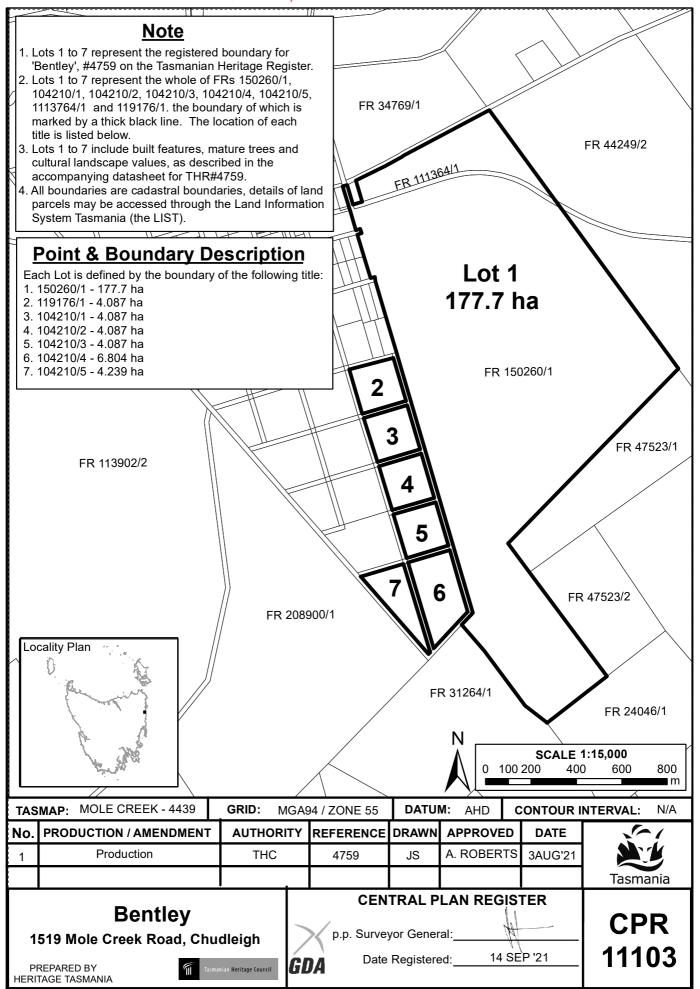
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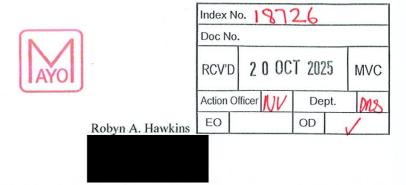
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'Kalingal" Conservation Plan. W. Oakman B. Des. (Hons). Architectural Historian © July 2003.





13 October 2025

Mr Craig Davies Acting General Manager Meander Valley Council 26 Lyall Street Westbury 7303

Delivered by email to: <a href="mailto:craig.davies@mvc.tas.gov.au">craig.davies@mvc.tas.gov.au</a>
Delivered by email to: <a href="mailto:planning@mvc.tas.gov.au">planning@mvc.tas.gov.au</a>

# Representation Regarding Planning Application PA\26\0057 lodged by JDA Planning obo Chatsworth Enterprises re 25 Sorell Street Chudleigh

Dear Mr Davies,

I write to provide a representation to the Planning Application PA\26\0057 lodged by JDA Planning Pty Ltd, OBO Chatsworth Enterprises Pty Ltd regarding the VDL Barn and the surrounding land on Bentley at 1519 Mole Creek Road, Chudleigh.

I am a former owner of the VDL Barn at 25 Sorell Street Chudleigh, known as Kalingal.

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

I claim JDA Planning Pty Ltd in drafting PA\26\0057 has, perhaps inadvertently, led astray Meander Valley Council.

I wish to advise there is the potential for a serious health hazard, at 25 Sorell Street Chudleigh, being the VDL Barn on Bentley, known as Kalingal.

My family have never used the VDL Barn for paid or commercial scale Visitor Accommodation due to the existing sceptic tank being entirely unsuitable for more than the occasional visitor during dry periods.

The claim by JDA Planning Pty Ltd, obo Chatsworth Enterprises Pty Ltd of an existing Use of Visitor Accommodation cannot be supported or agreed.

I advise that the original well to the east of the building, probably dug in the mid-1830 provides the water for washing and bathing and the general non-drinking use. Importantly there is no sanitary drinking water in the building whatsoever.

We use bottled water for drinking. Any guests (which is a rare occurrence) are advised accordingly.

There is no other water supply to the VDL Barn building other than the 1830's well. The VDL barn hence meets no standards for the most basic of services.

Chudleigh is renowned for its high water table and the sceptic tank at 25 Sorell Street is below the water table level for most of the winter.

These matters must be addressed if Chatsworth Enterprises Pty Ltd are contemplating a new permit for Visitor Accommodation.

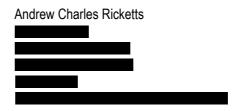
1

As it is, Chatsworth Enterprises have applied for Visitor Accommodation by wrongly claiming an Existing Use and have therefore avoided critical compliance issues.

Yours Sincerely

Robyn A Hawkins

Rolyn a Mawhiis



19th October 2025.

Mr Jonathan Harmey. General Manager, Meander Valley Council PO Box 102, Westbury, 7303

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

And to: planning@mvc.tas.gov.au

And to: Heritage Tasmania, The Registration Manager. By email to: john.stephenson@heritage.tas.gov.au

# Representation over Planning Application PA\26\0057 at 25 Sorell Street Chudleigh and 1519 Mole Creek Road. For Chatsworth Enterprises.

Dear Mr Harmey,

This Planning Application PA\26\0057 was advertised with an erroneous date on Council's website of the 27<sup>th</sup> September 2025, during your absence, although with a completion date of 21<sup>st</sup> October.

The heading on Council's website said re the application: JDA Planning Pty Ltd obo Chatsworth Enterprises Pty Ltd - PA\26\0057, was put onto the MVC website shown as being on the 27th September.

The application of: JDA Planning Pty Ltd obo Chatsworth Enterprises Pty Ltd - PA\26\0057 has multiple faults. I do not go into all of them in this representation but rather focus on my main concerns. I have long had an interest in Heritage matters.

This entry on Council's website was at some stage changed to the 4th October 2025.

Under Project Description and on the PDA Plan it states "Development Applications" on the PDA Plan dated 29<sup>th</sup> July 2025. NB: the reference to the plural. I believe this may be the first of a number of planning applications over this important heritage property, known as Bentley. Traditionally, if one wishes to maximise the land speculation, one carves it up.

2

Whilst the current application is pursuing a boundary consolidation of titles Chatsworth Enterprises Pty Ltd would seem to associate with the VDL Store at 25 Sorell Street that is not the underlying reason for the Planning application, in my view.

This application PA\26\0057 focuses upon the VDL Store at 25 Sorell Street, a part of the Bentley Estate and incorrectly, indeed falsely claims an existing use of Visitor Accommodation.

This PA\26\0057 almost certainly does not meet the provisions of the current planning scheme, were it not for this existing use claim. However I suspect this planning application has been crafted to overcome what would otherwise be its shortcomings and failings.

The VDL Store building in the main street of Chudleigh is known as Kalingal and is a State Listed Heritage building, No 4763 on the Tasmanian Heritage Register.

Kalingal is an important building not only for the municipality and not just for the State of Tasmania but also Listed on the Register of the National Estate, thus it is probably of National Significance.

In about 2003/4, Kalingal was restored by the then new owner, JB and RA Hawkins. I remember the change to the building was dramatic and substantial at the time. This is a lesson of the power of an authentic restoration effort and I believe was one which benefited the public interest and should stand the test of intergenerational equity.

I have a copy of the July 2003, Conservation Plan of Warwick Oakman, titled: 'Kalingal, The Van Dieman's Land Co Store, Mole Creek Rd. Chudleigh, Tasmania – Conservation Plan', which deals comprehensively with the Heritage aspects of 25 Sorell Street. Oakman is on Heritage Tasmania's list of practitioners.

This Conservation Plan document is some 55 pages in length. My copy happens to be the one with a Meander Valley Council stamp in red on every one of all 55 pages, all dated 12<sup>th</sup> August 2003 and all mentioning the Planning Permit number DA 129/2003.

The stamp forms an indelible part of the Planning Permit DA 129/2003, drafted by Council's Town Planner, Richard Jamieson, and approved though Council of course. The last 3 pages of the Oakman's report are bigger than A4 and folded in.

If anything the heritage significance may have been under estimated by Oakman, perhaps due to the poor existing state of the building including the pre 2003 "mutilations" as Oakman puts it. Oakman, an Architectural Historian has provided a most authentic and comprehensive plan.

At the time, the 1995 Meander Valley Planning Scheme was in place and Heritage was managed within The Scheme by way of reference to the Burra Charter as well as via the Tasmanian Heritage Council. Oakman's Conservation Plan reflects those facts.

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The 2003 Conservation Plan does not mention or endorse Visitor Accommodation at all but does mention a combination of residential and storage uses.

This 2003 Conservation Plan is a relevant consideration in any consideration of the current 2025 Planning Application: PA\26\0057 by Council because especially Visitor Accommodation was not sought by the Hawkins and was certainly not countenanced by Oakman, so no Existing Use can reasonably be claimed by JDA Planning Pty Ltd obo Chatsworth Enterprises Pty Ltd now.

This 2003 Conservation Plan was written by Oakman as a long term plan. The Planning Application itself is somewhat unique titled: "Reconstruction of heritage listed building."

One of the conditions of the Planning Permit DA 129/2003 was: "No approval is given as part of this application for: (d) Any commercial use other than associated with the building's residential use and for which no approval is required."

If Council cannot find a copy of any of these associated two documents or if Heritage Tasmania cannot find a copy either and if either organisation requires a copy, I do make the offer to have it copied. I consider this is still a critical document.

I can see The Conservation Plan has not been used by the applicant, JDA Planning Pty Ltd obo Chatsworth Enterprises Pty Ltd in the current 2025 Planning Application: PA\26\0057. Perhaps they did not have access to it.

I seek to ascertain whether Council's records have retained the Conservation Plan of Warwick Oakman, titled: 'Kalingal, The Van Dieman's Land Co Store, Mole Creek Rd. Chudleigh, Tasmania – Conservation Plan.' And whether it remains adhered to the 2003 Planning Permit DA 129/2003.

In thinking about this matter and because of the importance of this outstanding, 1830s to 1850s rural Heritage Building and because too of the negligent way in which Council repeatedly deals with Heritage, including the absence of a Local List, the ignore of the Davies Report which it funded with public funds and numerous other incidents which have disadvantaged heritage in the Meander Valley, I have decided to include Heritage Tasmania over this representation.

The claim made by JDA Planning Pty Ltd obo Chatsworth Enterprises Pty Ltd., in the current 2025 Planning Application: PA\26\0057 of any existing use of Visitor Accommodation within Kalingal, The Van Dieman's Land Co Store, 25 Sorell Street, Chudleigh, Tasmania, is strongly disputed and is not credible.

I have over the years visited the 'Kalingal property, The Van Dieman's Land Co Store, at Chudleigh, in Tasmania on several occasions including visits to the interior, both upstairs and down, indeed during and after the renovation.

I can attest to the fact The Van Dieman's Land Co Store at 25 Sorell Street Chudleigh in Tasmania was, since 2003, never used or occupied as Visitor Accommodation and further

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that more often it was stuffed full of antique furniture. I visited it more than once to view some furniture and to look at the heritage restoration works, about which the Hawkins were rightly proud.

The claim by JDA Planning Pty Ltd obo Chatsworth Enterprises Pty Ltd, regarding an existing Use of 'Visitor Accommodation' in the current 2025 Planning Application: PA\26\0057 is considered by the writer to be both fictitious and false.

The Bushfire Hazard Management Report by Scott Livingston in the current 2025 Planning Application: PA\26\0057 was seemingly written for this fictitious use (thus avoiding a change of Use) and even places the building in the wrong Zone. Along with this Planning Application, this document too, should be discarded by Council.

The correct zone of Kalingal, The Van Dieman's Land Co. Store at 25 Sorell Street, Chudleigh is the Village Zone. The balance Lot, Bentley is within the Agriculture Zone.

The Kalingal building does not have any modern bushfire infrastructure. I recall that post 2003, the old green plastic/fibreglass water tanks were removed (as per the Conservation Plan and from my own observation). NB: I have not seen any new water tank, such as for bushfire purposes. I am sure there is no bushfire water tank.

I am otherwise not familiar with the building's water infrastructure, nor any other infrastructure matter. For bushfire hazard management, a change of use would surely mean an entirely different report and that should consider too the heritage values.

A change of Use to 'Visitor Accommodation' would be one considered to be a Sensitive Use under the current planning scheme, 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).

It is a right to farm type provision designed to diminish the value of properties nearby to agriculture, unfairly in my view but given this building is clearly being proposed to be used as Visitor Accommodation, were Chatsworth Enterprises Pty Ltd, to apply fairly and squarely for a change of use, I think the current setback to Agriculture for Sensitive Use is something in the range of 200 metres.

This subdivision, were it claiming a new Use of Visitor Accommodation, (as it really must do via a new planning application), would need to find the 200 metres setback from the Balance Lot (being the main Bentley title) or otherwise find some way of mitigating the fettering issue. A different subdivision boundary would be needed, I suspect. This fettering is a big issue, with the increasing industrialisation of the agricultural landscape and the weakness of Heritage protections.

Whilst the Conservation Plan of Warwick Oakman, titled: 'Kalingal, The Van Dieman's Land Co Store, Mole Creek Rd. Chudleigh, Tasmania – Conservation Plan.' appears excellent it is now some 22 years old and many of the objectives within it have, it seems, been realised and from my observation an excellent job of restoration has been achieved. But, that work

should be reviewed and the plan updated, now especially, and especially with a new owner, Chatsworth Enterprises Pty Ltd.

Now with a new owner and it seems with new aspirations (Visitor Accommodation) for the Heritage VDL Store, there is obviously a mandate for a new Heritage Conservation Plan and under the Planning Scheme, it would seem this should have been requested of Chatsworth Enterprises Pty Ltd before now. Ah I forgot, the Use issue in PA\26\0057, has been misrepresented to Meander Valley Council by JDA Planning Pty Ltd obo Chatsworth Enterprises Pty Ltd and thus it has been misled.

So, if my contention is accepted and it is immensely obvious that the VDL Store is not being used for Visitor Accommodation, then a new planning application, which argues for a Change of Use must surely be required for this important Heritage (on the State List) rural building.

In looking at the PDA Plan and in thinking about important Sensitive Use setback issues I cannot understand why Chatsworth Enterprises Pty Ltd has not added Lot 1A (formerly a part of Burgess Street) onto the consolidated Kalingal, The Van Dieman's Land Co Store title, Lot 1 rather than onto the Balance Lot. This would ease but not eliminate Sensitive Use risks and issues.

I like the idea of consolidating a few of the many Bentley titles via a subdivision. It is a shame the idea got sabotaged. I can see why Chatsworth Enterprises Pty Ltd might indeed wish to capitalise on Visitor Accommodation but who knows whether this wonderful 19<sup>th</sup> century heritage barn is suitable today for Visitor Accommodation.

As you can see this is a faulty and wrong Planning Application by JDA Planning Pty Ltd obo Chatsworth Enterprises Pty Ltd - PA\26\0057, based on an erroneous and false existing Use assertion, which has potentially misled Council's planning staff and as a result it should be withdrawn.

If PA\26\0057 was not withdrawn by the applicant, it should go to a general monthly meeting of Council. I would urge Councillors to vote it down, refusing the application for a Permit.

Yours sincerely,

Andrew Ricketts

# Background

An application has been received for the development of land located at 25 Sorell Street, Chudleigh & 1519 Mole Creek Road, Chudleigh ('the site' - refer to Figure 1 & 2).

The application is described as a Subdivision (6 lots to 2 lots) and involves the:

- 1. Consolidation of five existing titles: CT's 228692/1, 232437/1, 214221/1, 229672/1, 229645/1, having a property address as 25 Sorell Street, Chudleigh; and
- 2. Reorganisation of the title boundary between 25 Sorell Street, Chudleigh (CT 232437/1) and 1519 Mole Creek Road, Chudleigh (CT 150260/1) by transferring 812m<sup>2</sup> of land from 1519 Mole Creek Road to 25 Sorell Street, Chudleigh.

The titles have the following characteristics:

Property	Title Reference	Lot size	Features
25 Sorell Street, Chudleigh	CT 228692/1	3976.63m <sup>2</sup>	Existing building. Listed on the Tasmanian Heritage Register. Frontage to Sorell Street.
	CT 232437/1	3701.39m <sup>2</sup>	Vacant. Frontage to Sorell Street.
	CT 214221/1	414.58m <sup>2</sup>	Vacant - Former Railway Corridor. No road frontage.
	CT 229672/1	2833m <sup>2</sup>	Vacant - Former Railway Corridor. No road frontage.
	CT 229645/1	809m <sup>2</sup>	Vacant - Former Railway Corridor Frontage to Burnett Street.
1519 Mole Creek Road, Chudleigh	CT 150260/1	181.3ha	Existing buildings. Listed on the Tasmanian Heritage Register. Frontage to Mole Creek Road

Certificate of Title 228692/1 under 25 Sorell Street, Chudleigh contains an existing building. The use associated with this building is not clear, however, its use is not required to be considered as part of this subdivision application. This title is listed on the Tasmanian Heritage Register. Certificate of Title 150260/1 under 1519 Mole Creek Road, Chudleigh contains a single dwelling, associated residential outbuildings and agricultural buildings. This title is also listed on the Tasmanian Heritage Register. No other titles subject to this application are heritage listed properties.



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

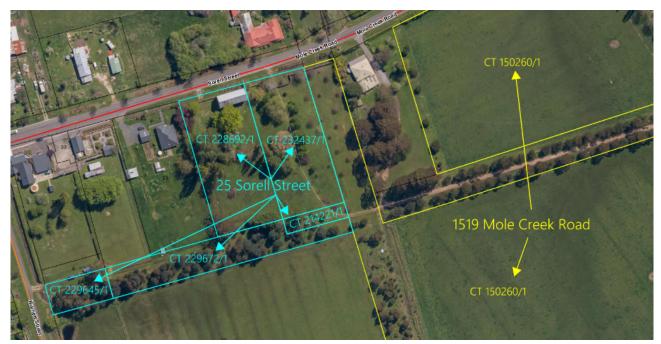


Figure 2: Aerial image showing the location of the site (enlarged) (Source: Spectrum Spatial).

The land slopes gently from the north-northwest towards the south-southwest. 25 Sorell Street exhibits an approximate gradient of 1:100, indicating a subtle decline across the site. 1519 Mole Creek Road demonstrates a slightly steeper profile, with a fall of 1:80 towards the northwest portion of the site, increasing in gradient to approximately 1:50 towards the rear portion of the site.

The titles identified as 25 Sorell Street are allocated to the Village Zone whilst the title identified as 1519 Mole Creek Road is allocated to the Agricultural Zone. Land adjoining the development is within the Village Zone, Agriculture Zone, Rural Living Zone and Open Space Zone. Sorell Street and Mole Creek Road which facilitates frontage to both the properties are within the Utilities Zone. Figure 3 demonstrates the zoning of the subject sites and adjoining land.

The use and development on adjoining land to the subject titles is varied and reflects the transitional character at the eastern edge of the Village Zone. Single dwelling developments are established to the north and northwest, contributing to the residential streetscape and reinforcing 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, showing the shift from a settled village context to larger parcels. While adjoining lots on the western side are currently vacant, they exhibit a range of lot sizes, suggesting potential for future development depending on the demand.

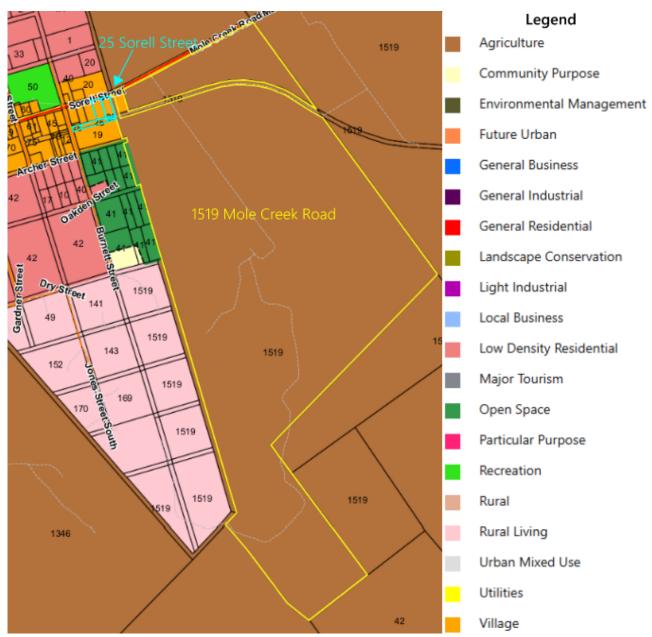


Figure 3: Zone map illustrating the zoning of the site, adjoining lots and adjacent lots (source: Spectrum Spatial).

# **Proposed Use and Development**

The proposed development is for a Subdivision, 6 lots to 2 lots, which includes the:

- 1. Consolidation of five existing titles: CT's 228692/1, 232437/1, 214221/1, 229672/1, 229645/1, having a property address as 25 Sorell Street, Chudleigh; and
- 2. Reorganisation of the title boundary between 25 Sorell Street, Chudleigh (CT 232437/1) and 1519 Mole Creek Road, Chudleigh (CT 150260/1) by transferring 812m<sup>2</sup> of land from 1519 Mole Creek Road to 25 Sorell Street, Chudleigh.

The table below demonstrate the resulting lot sizes.

Property	Title Reference	Existing Lot size	Proposed Lot size	
25 Sorell Street, Chudleigh	CT 228692/1	3976.63m <sup>2</sup>	Lot 1: 1.35ha, including	
* Shown as Lot 1 on Plan of Subdivision	CT 232437/1	3701.39m <sup>2</sup>	Lot 1A which is 812m <sup>2</sup> .	
	CT 214221/1	414.58m <sup>2</sup>	*Lot 1A to be transferred	
	CT 229672/1	2833m <sup>2</sup>	from CT 150260/1	
	CT 229645/1	809m <sup>2</sup>		
1519 Mole Creek Road, Chudleigh	CT 150260/1	181.3ha	Balance: 180.41ha (Does not include Lot 1A).	
* Shown as Balance & Lot 1A on Plan of Subdivision				

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. 25 Sorell Street will be accessed from Sorell Street. 1519 Mole Creek Road will be accessed from Mole Creek Road.

The Plan of subdivision is illustrated in Figure 4. Figure 5 demonstrates the resulting Lot 1 showing the boundary adjustment and the consolidation of the title boundaries. Figure 6-9 are photos taken from Sorell Street of 25 Sorell Street, Chudleigh.

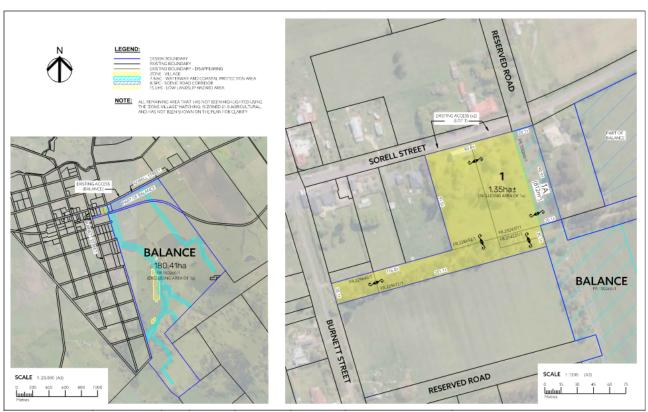


Figure 4: Plan of subdivision (Source: Application documents).



Figure 5: Aerial image showing proposed Lot 1 for 25 Sorell Street with the red line. The blue lines reflect the existing title boundaries (Source: Spectrum Spatial).



Figure 6: Site photo showing the access to 25 Sorell Street, Chudleigh.



Figure 7: Site photo showing the existing building at 25 Sorell Street, Chudleigh.



Figure 8: Site photo showing the existing access at 25 Sorell Street, Chudleigh.



Figure 9: Site photo showing existing access at 25 Sorell Street, Chudleigh.

# 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). Subclause 6.8.2 applies to the proposal as the application relies on the Performance Criteria of two 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 <i>Land Use Planning and Approvals Act 1993</i> . The discretion of the planning authority has been exercised.	
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.

# Scheme Standard

# Planner's Assessment

The proposed subdivision has been assessed under the development standards for subdivision of the Village Zone and the Agriculture Zone. Each lot proposed in the plan of subdivision achieves compliance with the applicable standards by complying with the relevant Acceptable Solutions or satisfying the Performance Criteria. Therefore, the proposed lots are consistent with the objectives of the relevant standard. The proposed subdivision meets the requirements of the Lot Design standards particularly regarding their minimum lot size and frontage requirements in both Village Zone and Agriculture Zone.

The proposed subdivision will not have an unreasonable detrimental impact on in adjoining uses or the amenity of the surrounding area.

- 7.10.3 In exercising its discretion under sub-clauses 7.10.1 and 7.10.2 of this planning scheme, the planning authority must have regard to:
  - a) the purpose of the applicable zone;
  - b) the purpose of any applicable code;
  - c) any relevant local area objectives; and
  - d) the purpose of any applicable specific area plan.
  - a) the purpose of the applicable zone

The purpose of the Village Zone is:

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

The 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.

# Scheme Standard

# Planner's Assessment

The proposed consolidation of 5 lots within the Village Zone, together with a small portion of a lot from the Agriculture Zone, supports the purposes of both zones under the Planning Scheme.

For the Village Zone, the consolidation facilitates a more efficient arrangement of the land, which is already being used together, for future development that can better accommodate a mix of residential, community and commercial activities, while also improving the amenity for residents in line with the mixed use character intended for the zone. The subject titles are not connected to reticulated services and, therefore, larger size lots are required to facilitate onsite services. The proposed subdivision creates a larger lot with the potential to provide for future residential use and development, with wastewater and stormwater managed on site.

For the Agriculture Zone, only a small part of the agriculture land is affected by the consolidation, and the proposal does not introduce additional non-agricultural use over that area. The balance of the agricultural lot remains available for resource development and primary agriculture production consistent with zoning objectives. The consolidation will not result in land use conflict or unreasonably diminish the potential for agricultural activities, thereby ensuring ongoing protection and support for agricultural uses while allowing for the practical adjustment of boundaries adjacent to the Village Zone.

Overall, the proposal shows an appropriate balance between providing for the ongoing use and development of both Village and Agriculture zoned land, while maintaining the purpose of each zone as intended by Planning Scheme.

b) the purpose of any applicable code;

The purpose of the <u>Parking and Sustainable Transport Code</u> 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.

# Scheme Standard

# Planner's Assessment

C2.1.6 To provide for parking precincts and pedestrian priority streets.

The proposal is for subdivision only, creating 2 lots from 6 lots. The proposed lots comprise an existing residential development with all associated infrastructure contained within the new lot boundaries. The proposed lot sizes comprise sufficient useable area to provide for access, parking, manoeuvring and circulation areas for future development, within Village Zone and Agriculture Zone.

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 and Sorell Street is a Department of State Growth road. The proposed lots utilise the existing vehicle accesses to the public road. The proposed lots do not intensify the existing use of the vehicular accesses.

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 sealevel 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. The portion of land subjected to consolidation is within the overlay. The proposed subdivision provides for sufficient building area entirely outside the overlay. The proposed subdivision does not impact on the water quality or the natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses. Future

# Scheme Standard

# Planner's Assessment

development will be subject to the use and development standards of the Code (if applicable).

The purpose of the <u>Scenic Protection Code</u> is:

C8.1.1 To recognise and protect landscapes that are identified as important for their scenic values.

The purpose of the code is noted. The proposed development does not include any work 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:

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 the there is no increase in risk to either of the habitable buildings. The proposed subdivision is considered exempt from the Bushfire Prone Area Code under C13.4.1(a).

c) any relevant local area objectives; and

There are no local area objectives applicable for the subject lots.

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 proposed development does not involve any physical works, new development or changes to existing land use that would impact groundwater dependent ecosystems. The consolidation of the titles creates a larger lot, more suitable for development, while at the same time maintaining and preserving any sensitive karst features. Management of the land post-consolidation

# 7.0 General Provisions

# Scheme Standard

# Planner's Assessment

remains subject to applicable standards under the Specific Area Plan, further ensuring that adverse impacts on karst features and the broader karst system are avoided.

12.0 Village Zone			
Scheme Standard	Planner's Assessment	Assessed Outcome	
12.3.1	All non-residential uses		
A1 – A4	Proposal is for a subdivision. 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	Not Applicable	
12.3.2	Visitor Accommodation		
A1 – A2	The proposal is for subdivision only.	Not Applicable	
12.4	Development Standards for Buildings and Works	;	
	The proposal is for subdivision only.	Not Applicable	
12.5.1	Lot design		
A1	<ul> <li>(a) The proposed Lot 1 is more than 600m² in area. The proposed lot size is 1.35ha.</li> <li>(i) Can contain a minimum area of 10m x 15m, with a gradient of not more than 1 in 5, clear of: <ul> <li>a. all setbacks required by clause 12.4.3 A1 and A2; and</li> <li>b. easements or other title restrictions that limit or restrict development; and</li> </ul> </li> <li>(ii) The setback of the existing building on Lot 1 to the proposed new boundary complies with the setback requirements.</li> </ul>	Complies with Acceptable Solution	
A2	Lot 1 on the proposed plan of subdivision has frontage of more than 10m being 103.9m.	Complies with Acceptable Solution	
A3	The proposed Lot 1 at 25 Sorell Street Chudleigh has an existing access from Sorrell Street. No changes are proposed for the existing vehicle accesses as a result of the subdivision.	Complies with Acceptable Solution	

# 12.5.2 Roads

12.0 Village Zone			
Scheme Standard	Planner's Assessment	Assessed Outcome	
A1	The proposed subdivision does not include the construction of a new road.	Complies with Acceptable Solution	
12.5.3	Services		
A1	Chudleigh is not serviced by reticulated water.	Complies with Acceptable Solution	
A2	Chudleigh is not serviced by reticulated sewerage system. Proposed Lot 1 will rely on on-site wastewater disposal.	Relies on Performance Criteria	
A3	There is no public stormwater system available in the vicinity of the site. Proposed Lot 1 will rely on on-site stormwater disposal.	Relies on Performance Criteria	

	21.0 Agricultural Zone	
Scheme Standard	Planner's Assessment	Assessed Outcome
21.3.1	Discretionary uses	
A1 – A4	Proposal is for a subdivision. 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	Not Applicable
21.4	Development Standards for Buildings and Works	
	The proposal is for subdivision only.	Not Applicable
21.5.1	Lot design	
A1	The proposal involves reorganisation of the boundary between 1519 Mole Creek Road & 25 Sorell Street, Chudleigh. This will result in 812m <sup>2</sup> of agricultural zoned land being transferred to 25 Sorell Street. The proposed subdivision does not comply with Acceptable Solutions (a) to (c) as it is:	Relies on Performance Criteria
	<ul><li>(a) Not required for public use by the Crown, a council or a State authority;</li><li>(b) Not required for the provision of Utilities or irrigation infrastructure; or</li><li>(c) Not for the consolidation of a lot with another lot provided both lots are within the same zone.</li></ul>	
A2	The Balance Lot will maintain the existing access from 1519 Mole Creek Road. The portion of land to be transferred to for part of Lot 1 will be accessed via the existing accesses to Lot 1 which are in the Village zone.	Complies with Acceptable Solution

C2.0 Parking and Sustainable Transport Code			
Scheme Standard	Planner's Assessment	Assessed Outcome	
C2.5	Use Standards		
	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. There are no applicable use standards.	Not Applicable	
C2.6.1	Construction of parking areas		
A1	There are no access or parking area developments proposed.	Not Applicable	
C2.6.2	Design and layout of parking areas		
A1.1	There are no access or parking area developments proposed.	Not Applicable	
A1.2	Not applicable		
C2.6.3	Number of accesses for vehicles		
A1	Each proposed lot under the application has an existing vehicular access from a road.	Complies with Acceptable Solution	
A2	Not within the Central Business zone or a pedestrian priority street.	Not Applicable	
C2.6.8	Siting of parking and turning areas		
A1	Proposed Lot 1, within the Village Zone, has its parking spaces and vehicle turning areas behind the existing building line.	Complies with Acceptable Solution	
A2	The subject Properties are within Village Zone and Agriculture Zone.	Not Applicable	

# 13.1.5 Planner's Advice - Applicable Standards

C3.0 Road and Railway Assets Code			
Scheme Standard	Planner's Assessment	Assessed Outcome	
C3.5.1	Traffic generation at a vehicle crossing, level crossing or new junction		
A1.1	Sorell Street and Mole Creek Road are not Category 1 or limited access roads.	Complies with Acceptable Solution	
A1.2	No new junction, vehicle crossing, or level crossing is proposed. No modification of existing vehicle crossing.		
A1.3	No rail network is present.		
A1.4	Proposal is for a subdivision, and does not increase the vehicular movement on the existing vehicle crossing.		
A1.5	Sorell Street and Mole Creek Road are not major roads.		
C3.7.1	Subdivision for sensitive uses within a road or ra	nilway attenuation area	
A1	The proposed lots are not subject to a road or railway attenuation area.	Not Applicable	

C7.0 Natural Assets Code			
Scheme Standard	Planner's Assessment	Assessed Outcome	
C7.6.1	Buildings and works within a waterway and co future coastal refugia area	astal protection area or a	
A1- A5	There are no buildings or works proposed. The proposal is for subdivision only.	Not Applicable	
C7.6.2	Clearance within a priority vegetation area		
A1	Subject lots are not within priority vegetation area	Not Applicable	
C7.7.1	Subdivision within a waterway and coastal pr coastal refugia area	otection area or a future	
A1	The property at 1519 Mole Creek Road Chudleigh has areas mapped within waterway protection area. The proposed subdivision does not include any works on the area mapped within the waterway protection area. Complies with Clause C7.7.1 A1(e)	Complies with Acceptable Solution	
C7.7.2	Subdivision within a priority vegetation area		
A1	The subject lots are not within priority vegetation area.	Not Applicable	

# 13.1.5 Planner's Advice - Applicable Standards

C8.0 Scenic Protection Code				
Scheme Standard	Planner's Assessment Assessed Outcom			
C8.6.1	Development within a scenic protection area			
A1	The proposal does not include any building, works or destruction of vegetation	Not Applicable		
C8.6.2	Development within a scenic road corridor			
A1	The proposal does not include any removal of exotic trees.	Not Applicable		
A2	The proposal does not include any building or works within the scenic road corridor.	Not Applicable		

# C13.0 Bushfire-Prone Areas Code

# Scheme Standard

#### Planner's Assessment

# **Assessed Outcome**

# C13.4 Development exempt from this Code

A bushfire hazard management report was submitted as part of the subdivision application which concludes that the there is no increase in risk to either of the habitable buildings and the proposed subdivision is considered exempt from Bushfire Prone Area Code under C13.4.1(a).

Not Applicable

#### **BAL AND RISK ASSESSMENT**

The land is mapped as Bushfire Prone in Planning Scheme Overlays. Lot 1 existing building gains additional land to manage any threat. The balance lot reduces slightly, the changed boundary is 800m from the existing balance lot dwelling. There is no increase in risk to either habitable building and the proposed subdivision is considered exempt from Bushfire Prone Areas Code under C13.4.1(a).

# MEA -S5.0 Karst Management Area Specific Area Plan

Scheme
Standard

#### Planner's Assessment

#### **Assessed Outcome**

# MEA-5.8 Development Standards for Subdivision

This clause is not used in this specific area plan.

Not Applicable

# 12.0 Village Zone

Planning Scheme Provision

# 12.5.3 Services

# Objective

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

#### Performance Criteria P2

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.

# Summary of Planner's Advice

The proposed 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
12.5.3 Performance Criteria P2	Proposed Lot 1 which is mostly contained within the Village zone will not be connected to a reticulated sewerage system. As such, the lot will require an on-site wastewater treatment system and therefore relies upon the performance criteria. Whilst there may be an existing wastewater system on-site, the consolidation of the titles will enhance the area available for wastewater water disposal. The resulting lot size of 1.35ha will have sufficient area to accommodate an on-site wastewater treatment system. It is noted that any future use or development on the land may require an on-site wastewater management system report, completed by a suitably qualified person, to consider the existing system (if applicable) or recommend a suitable system for the use and development.
12.5.3 Performance Criteria P2 Conclusion	Proposed Lot 1 will have a sufficient area that is capable of accommodating an on-site wastewater treatment system suitable for its intended future use and development, consistent with the objectives of the Planning Scheme.

# 12.0 Village Zone

# 12.5.3 Services Objective That the subdivision of land provides services for the future use and development of the land. Planning Scheme Provision Performance Criteria P3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to: the size of the lot; (a) (b) topography of the site; soil conditions; (c) (d) any existing buildings on the site; any area of the site covered by impervious surfaces; and (e) *(f)* any watercourse on the land.

# Summary of Planner's Advice

The proposed development for 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
12.5.3 Performance Criteria P3	Proposed Lot 1 is not shown to be connected to the public stormwater system and will require the on-site disposal of stormwater. As such, the performance criteria is replied upon.
	The increase in lot size to 1.35ha compared to the existing smaller lots enhances the ability of the lot to accommodate an on-site stormwater management systems adequate for any future use and development.
12.5.3 Performance Criteria P3(a)	Proposed Lot 1 will have a lot size of 1.35ha. This will provide sufficient area for appropriate stormwater collection, detention, and dispersal structures to be installed and managed within the property boundaries.

# 13.1.6 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
12.5.3 Performance Criteria P3(b)	The topography of the lots, characterised by gentle slopes, supports the effective on-site management of stormwater runoff, reducing risk of erosion. The proposed development does not alter the natural flow of the stormwater.
12.5.3 Performance Criteria P3(c)	The proposal does not include any work or development which would alter the natural existing soil condition. The natural gradient of the land facilitates the stormwater drainage flow.
12.5.3 Performance Criteria P3(d)	The existing building on proposed Lot 1 is located towards the front of the site. This provides sufficient area for the management of on-site stormwater throughout the remaining area of the lot. Given the location of the existing building, there is minimal impervious surfaces, and the proposed subdivision does not alter the existing building or increase the impervious areas. The subdivision will not affect the current stormwater management capacity.
12.5.3 Performance Criteria P3(e)	Existing impervious surfaces are limited, and the proposed lot sizes are adequate to manage the stormwater within its boundaries.
12.5.3 Performance Criteria P3(f)	There are no watercourses identified on the titles contained within the Village zone. The watercourse along the boundary follows the natural gradient of the land.
12.5.3 Performance Criteria P3 Conclusion	Proposed Lot 1 is capable of containing the stormwater within its boundaries for a future use and development, consistent with the objectives of the Planning Scheme.

# 21.0 Agricultural Zone

# 21.5.1 Lot design

# Objective

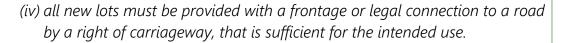
To provide for subdivision that:

- (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;
  - (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



# Summary of Planner's Advice

The development is assessed as satisfying Performance Criteria P1(b) and is consistent with the objective. The proposal involves a minor boundary adjustment to excise a narrow portion of land from an agricultural lot for consolidation with adjoining lots in the Village Zone. The change will not affect agricultural productivity or irrigation potential and will maintain adequate access, lot sizes, and does not create additional lots.

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

Scheme Provision	Planner's Assessment
21.5.1 Performance Criteria P1(b)	The proposal seeks to subdivide a portion of land from the lot within the Agriculture Zone to consolidate it with 5 lots in the Village Zone. The portion of land is a narrow part of the lot measuring approximately, 20m x 90.9m, on the northwest corner. This adjustment is considered to be for a reorganisation of titles provided for in Clause 21.5.1 P1(b).
21.5.1 Performance Criteria P1(b)(i)	The 812m² portion of land identified as Lot 1A on the plan of subdivision does not currently support agricultural use. It comprises a narrow strip that could potentially provide access to the remainder of the agricultural lot; however, the existing title already benefits from a substantial frontage of approximately 666m to Mole Creek Road, including an established access point. As a result, this section of land is not utilised in conjunction with the broader agricultural operations. Instead, it functions as part of a garden area associated with the adjoining lots within the Village Zone, which the application seeks to formally consolidate. The loss of 812m² of land from 1519 Mole Creek Road will not impact the operation of the agricultural use of the site.
21.5.1 Performance Criteria P1(b)(i)a	The proposal will not materially diminish the agricultural productivity of the lot. The portion of land to be subdivided and consolidated (Lot 1A) is a narrow strip measuring approximately 20m x 90.9m, located at the northwest corner of the existing agricultural lot. This area does not currently contribute to agricultural operations and its excision will not impact ongoing or potential agricultural use on the balance lot.

# 13.1.6 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
21.5.1 Performance Criteria P1(b)(i)b	The new lot configuration will maintain the capacity for productive agricultural use on the remaining agricultural land. The balance of the lot retains extensive area, access, and suitable characteristics for continued agricultural use.
21.5.1 Performance Criteria P1(b)(i)c	The portion of land to be subdivided is topographically constrained for agricultural purposes due to its narrow shape and location adjacent to existing lots in the Village Zone. The balance land remains suitable for agricultural use without loss of access or usability.
21.5.1 Performance Criteria P1(b)(i)d	The portion of land (Lot 1A) does not form part of the current irrigation practices on the lot and does not contain any infrastructure associated with potential or existing irrigation. The proposed boundary adjustment therefore does not limit the irrigation potential of the agricultural lot.
21.5.1 Performance Criteria P1(b)(ii)	The new proposed lots are more than 1 ha. The proposed new lot under 25 Sorell Street Chudleigh is approximately 1.35ha and the balance lot under 1519 Mole Creek Road Chudleigh is approximately 180.41ha in area.
21.5.1 Performance Criteria P1(b)(iii)	The existing single dwelling at 1519 Mole Creek Road, Chudleigh, supports the agricultural use of the property. The setbacks of existing buildings on this title will not be impacted by the proposed adjustment. For the new lot under 25 Sorell Street (Lot 1A), the proposed subdivision and consolidation will align the adjoining lots with the title containing the existing building. This reorganisation will increase the building's setback from the residual agricultural lot boundary, favouring the setback requirements under clauses 21.4.2 A1 and A2.
21.5.1 Performance Criteria P1(b)(iv)	The balance agricultural lot retains a wide frontage of approximately 666m and an existing access to Mole Creek Road, which is sufficient for continued agricultural purposes. The land to be consolidated with the 5 lots has existing road frontage to Sorell Street and access consistent with the existing development.

# 13.1.6 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
21.5.1 Performance Criteria P1(b)(v)	The proposal constitutes a boundary adjustment and consolidation only. No additional lots will be created as a result of this subdivision.
21.5.1 Performance Criteria P1(b) Conclusion	In conclusion, the proposed boundary adjustment to excise and consolidate the narrow portion of land from the agriculture lot with the adjoining lots in Village Zone satisfies the performance criteria under Clause 21.5.1 P1(b). The adjustment will not compromise the agriculture productivity, potential for irrigation, or functional use of the remaining agricultural land. The new boundary arrangement maintains compliance with minimum lot size, ensures adequate road frontage for both the proposed lots and increases the building setback from the agriculture land. The proposal does not create any additional lots and represents minor reorganisation of boundaries that supports and does not impact the ongoing and effective use of both lots.

# **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.

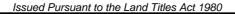
			OFFICE USE ONLY
Property No:		Assessment No:	
DA\	PA	\	PC\
<ul> <li>Is your application the result of an illegal building work?</li> <li>Have you already received a Planning Review for this proposal?</li> <li>Is a new vehicle access or crossover required?</li> <li>Yes</li> <li>No</li> <li>Yes</li> <li>No</li> <li>Yes</li> <li>No</li> </ul>			
PROPERTY DET	AILS:		
Address:	25 Sorell Stre	eet	Certificate of Title: 214221-1; 228692-1; 229645-1; 229672-1; 242347-1; 150260-1
Suburb:	Chudleigh	730	4 Lot No: 1
Land area:	1.35ha Subo	division & Adhesion	$m^2$ / ha
Present use of land/building:	Residential -	Visitor accommodation	- VDL Store (vacant, residential, rural, industrial, commercial or forestry)
<ul><li>Does the applica</li><li>Heritage Listed F</li></ul>		Land or Private access via a	Crown Access Licence: Yes No
DETAILS OF US	E OR DEVELOP	MENT:	
Indicate by ✓ box	<ul><li>■ Building work</li><li>■ Forestry</li></ul>	☐ Change of use☐ Other	Subdivision Demolition
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:	n	n <sup>2</sup> New building heigh	nt: m
Materials:	External walls:		Colour:
	Roof cladding:		Colour:





# **RESULT OF SEARCH**

**RECORDER OF TITLES** 





#### SEARCH OF TORRENS TITLE

VOLUME	FOLIO
228692	1
EDITION	DATE OF ISSUE
6	04-Apr-2022

SEARCH DATE : 29-Jul-2025 SEARCH TIME : 12.41 PM

# DESCRIPTION OF LAND

Town of CHUDLEIGH Lot 1 on Plan 228692

Derivation: Parts of Lolts 1 and 2 Sec B Gtd to J E Williams

Prior CT 2956/58

# 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  $$\tt M943248$  MORTGAGE to Rabobank Australia Limited Registered  $\tt 04-Apr-2022$  at 12.01 PM

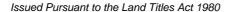
#### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



# **FOLIO PLAN**

#### RECORDER OF TITLES





· ORIGINAL - NOT TO BE REMOVED FROM TITLES OFFICE

TASMANIA

REAL PROPERTY ACT, 1862, as amended

NOTE: RUGISTERED FOR OFFICE CONVEY EXCE TO REPLACE

Cert. of Title Vol. 920 Fol. 38

CERTIFICATE OF TITLE

Register Book

Vol. Fol.

2956 58

CANCELLED

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.

Recorder of Titles.

.....

DESCRIPTION OF LAND

TOWN OF CHUDLEIGH THREE ROODS THIRTY FIVE PERCHES AND FOUR TENTHS OF A PERCH on the Plan hereon

FIRST SCHEDULE (continued overleaf)

DORA JANE LEHNER of Campbell Town, Married Woman

SECOND SCHEDULE (continued overleaf)

NIL.

Lot 1 of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register.

NO LONGER SUBSISTING.

RECORDER OF TITLES ARE

228692



Parts of Lots 1 and 2. Sec.B. Gtd. to J.E. Williams. Meas. in Links. FIRST Edition. Registered 25 Feb. 1377

Derived from C.T. Vol. 920 Fol. 38. Transfer A101654 - T. Warren & anor. 18

Search Date: 29 Jul 2025

Search Time: 12:41 PM

Volume Number: 228692

Revision Number: 01



# **RESULT OF SEARCH**

**RECORDER OF TITLES** 





#### SEARCH OF TORRENS TITLE

VOLUME	FOLIO
232437	1
EDITION	DATE OF ISSUE
5	04-Apr-2022

SEARCH DATE : 29-Jul-2025 SEARCH TIME : 12.28 PM

# DESCRIPTION OF LAND

Town of CHUDLEIGH Lot 1 on Plan 232437

Derivation: Part of 10 Acres Gtd. to J.W. Williams.

Prior CT 3192/13

# 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  $$\tt M943248$  MORTGAGE to Rabobank Australia Limited Registered  $\tt 04-Apr-2022$  at 12.01 PM

#### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



1

NO LONGER SUBSISTING.

ARE

TITLES

CORDER OF

# **FOLIO PLAN**

#### **RECORDER OF TITLES**





ORIGINAL NOT TO BE REMOVED FROM TITLES OFFICE

TASMANIA

REAL PROPERTY ACT, 1862, as amended

CERTIFICATE OF TITLE

Register Book

Vol. Fol.

3192 13

Cert. of Title Vol. 212 Fol. 36

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.





DESCRIPTION OF LAND

TOWN OF CHUDLEIGH THREE ROODS TWENTY FOUR PERCHES on the Plan hereon

FIRST SCHEDULE (continued overleaf)

JOHN LANCELOT SKIPPER of Chudleigh, Storekeeper.

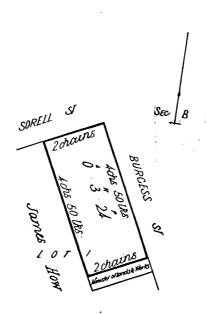
18h Land Star

SECOND SCHEDULE (continued overleaf)

NIL.

Lot 1 of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register

REGISTERED NUMBER



Part of 10 acs. Gtd.to J.W.Williams.Meas.are in chains and links.

FIRST Edition. Registered

Derived from

C.T. Vol. 212 Fol. 36 - Application 10599 R.P.

Search Date: 29 Jul 2025

Search Time: 12:28 PM

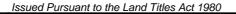
Volume Number: 232437

Revision Number: 01



# **RESULT OF SEARCH**

RECORDER OF TITLES





#### SEARCH OF TORRENS TITLE

VOLUME	FOLIO
214221	1
EDITION 7	DATE OF ISSUE 04-Apr-2022

SEARCH DATE : 29-Jul-2025 SEARCH TIME : 12.26 PM

# DESCRIPTION OF LAND

Town of CHUDLEIGH Lot 1 on Plan 214221

Derivation : part of lot 1 saction B gtd to J.E.Williams

Prior CT 2610/10

# 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

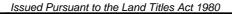
#### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



# **FOLIO PLAN**

#### RECORDER OF TITLES





#### ORIGINAL - NOT TO BE REMOVED FROM TITLES OFFICE

R.P. 1469 TASMANIA

REAL PROPERTY ACT, 1862, as amended

NOTE—REGISTERED FOR OFFICE CONVENIENCE TO REPLACE

CERTIFICATE OF TITLE

Register Book

Vol.

2610 10

Cert.of Title Vol.69 Fol.163.

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.



DESCRIPTION OF LAND

TOWN OF CHUDLEIGH SIXTEEN PERCHES

on the Plan hereon

FIRST SCHEDULE (continued overleaf)

THE MINISTER OF LANDS AND WORKS.

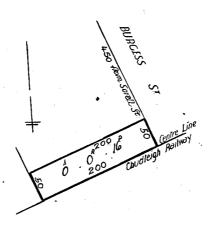
SECOND SCHEDULE (continued overleaf)

NIL.

CANCELLED

THE RECORDER OF TITLES ARE NO LONGER SUBSISTING.

REGISTERED



Part of Lot 1 Section B - Gtd. to J.E.Williams. Meas. in Links.

FIRST Edition. Registered 20 MAR 1970 Derived from C.T.Vol.69 Fol.163.

Transfer 9751 M.J.Young. 3

Search Date: 29 Jul 2025

Search Time: 12:26 PM

Volume Number: 214221

Revision Number: 01



# **RESULT OF SEARCH**

**RECORDER OF TITLES** 



Issued Pursuant to the Land Titles Act 1980

#### SEARCH OF TORRENS TITLE

VOLUME	FOLIO
229672	1
EDITION 7	DATE OF ISSUE 04-Apr-2022

SEARCH DATE : 29-Jul-2025 SEARCH TIME : 12.24 PM

# DESCRIPTION OF LAND

Town of CHUDLEIGH Lot 1 on Plan 229672

Derivation: Part of Lots 1, 2 & 3 (Section B) Gtd to J E

Williams

Prior CT 2619/33

# 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

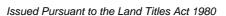
# UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



# **FOLIO PLAN**

#### RECORDER OF TITLES





#### ORIGINAL - NOT TO BE REMOVED FROM TITLES OFFICE

R.P. 1469 TASMANIA

REAL PROPERTY ACT, 1862, as amended

NOTE—REGISTERED FOR OFFICE CONVENIENCE TO REPLACE



CERTIFICATE OF TITLE

Register Book

Vol. Fo

2619 33

Cert.of Title Vol.74 Fol.36.

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.



Recorder of Titles.



DESCRIPTION OF LAND

TOWN OF CHUDLEIGH

TWO ROODS THIRTY TWO PERCHES on the Plan hereon.

FIRST SCHEDULE (continued overleaf)

THE MINISTER OF LANDS AND WORKS.

SECOND SCHEDULE (.continued overleaf)

NIL.

street

Lot 1 of this plan consistator all the land comprised in the above-mentione comprised folloof the Register.

ARE NO LONGER SUBSISTING.

EB

29672

VOTE.—El

REGISTERED NUMBER

AMENDED PURSUANT TO SECTION 139 OF THE LAND TITLES ACT 1980

25/11/1994

Sorell Go Street Street

Part of Lots 1,2, & 3 Section B - Gtd. to J.E.Williams. Meas. in Links.

FIRSTEdition. Registered -7 AFR 1970

Derived from C.T.Vol.74 Fol.36. Transfer 10586 M.Pickett.

Search Date: 29 Jul 2025

Search Time: 12:24 PM

Volume Number: 229672

Revision Number: 01



# **RESULT OF SEARCH**

RECORDER OF TITLES





#### SEARCH OF TORRENS TITLE

VOLUME	FOLIO
229645	1
EDITION	DATE OF ISSUE
7	04-Apr-2022

SEARCH DATE : 29-Jul-2025 SEARCH TIME : 12.19 PM

# DESCRIPTION OF LAND

Town of CHUDLEIGH Lot 1 on Plan 229645

Derivation: Part of 10 Acres (Section B) Gtd to J E Williams

Prior CT 2594/90

# 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

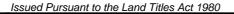
#### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



# **FOLIO PLAN**

#### RECORDER OF TITLES





#### ORIGINAL-NOT TO BE REMOVED FROM TITLES OFFICE

TASMANIA

REAL PROPERTY ACT, 1862, as amended

NOTE—REGISTERED FOR OFFICE CONVENIENCE TO REPLACE



CERTIFICATE OF TITLE

Register Book

Fol. Vol.

90 2594

Cert. of Title. Vol. 65. Fol. 27.

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.



DESCRIPTION OF LAND

TOWN OF CHUDLEIGH THIRTY TWO PERCHES on the Plan hereon

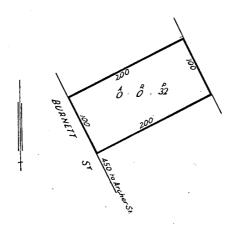
FIRST SCHEDULE (continued overleaf)

THE MINISTER OF LANDS AND WORKS

SECOND SCHEDULE (continued overleaf) NIL.

TITLES ARE NO LONGER SUBSISTING. P Lot 1 of this plan consists of all the • land comprised in the above-mentione cancelled folio of the Register.

REGISTERED NUMBER



Part of 10 Acres. Sec. B. - Gtd. to J.E. Williams - Meas. in Links. FIRST Edition. Registered 5 FED 197**0** 

Derived from C.T. Vol. 65. Fol. 27. Transfer 8707 S. Chamley.

Search Date: 29 Jul 2025

Search Time: 12:19 PM

Volume Number: 229645

Revision Number: 01





# **RESULT OF SEARCH**

RECORDER OF TITLES





#### SEARCH OF TORRENS TITLE

VOLUME	FOLIO
150260	1
EDITION	DATE OF ISSUE
2	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



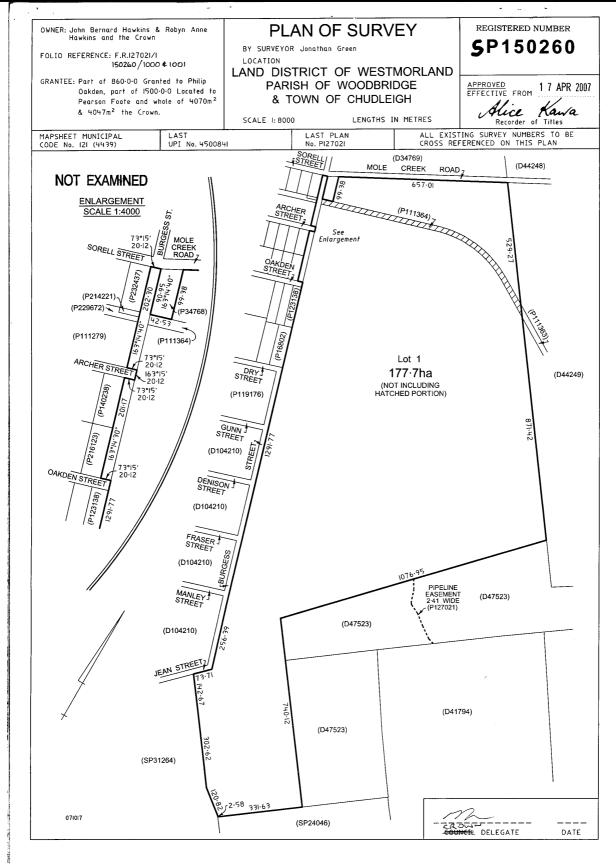


# **FOLIO PLAN**

**RECORDER OF TITLES** 



Issued Pursuant to the Land Titles Act 1980



Search Date: 16 Dec 2024

Search Time: 05:43 PM

Volume Number: 150260

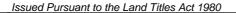
Revision Number: 01





# SCHEDULE OF EASEMENTS

ASSISTANT RECORDER OF TITLES





# SCHEDULE OF EASEMENTS

THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.

Registered Number

SP 15 0 2 6 n

PAGE 1 OF 1 PAGE/S

# **EASEMENTS AND PROFITS**

Each lot on the plan is together with:-

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

any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

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

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

being and as a Munger Crow Land Sers ) prescribed in Statutory Rule No. 187 of 2001 and ) pursuant to an Instrument of Delegation dated the ) 25th November 2004 in the presence of:-)

ハん

Name of witness: Teresa Farano Din Signature of witness: Teresa Farano Din Occupation: Public Scryant 134 Maguarie St Hobart

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: JB & RA HAWKINS & THE CROWN FOLIO REF: 127021/1 , 150260/1000 £1001

DATE:

SOLICITOR

& REFERENCE: CROWN SOLICITOR

REF NO.

PLAN SEALED BY:

Council Delegate

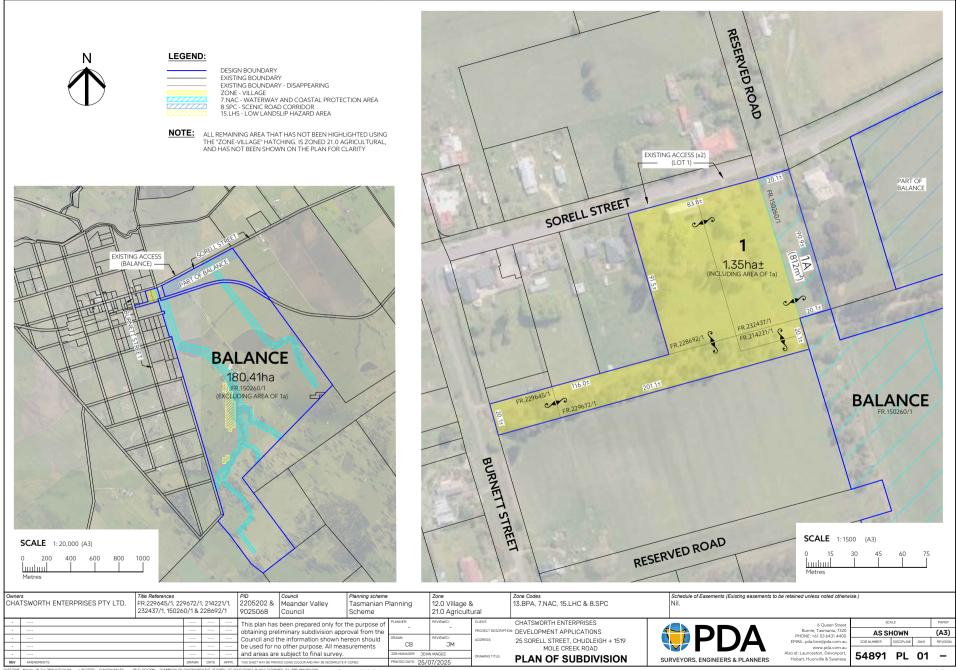
NOTE: The Council Delegate must sign the Certificate for the purposes of identification.

Search Date: 01 Oct 2025

Search Time: 02:00 PM

Volume Number: 150260

Revision Number: 01



# **Bushfire Hazard Management Report: Subdivision**

Report for: JDA Planning

**Property Location: 25 Sorell Street, Chudleigh** 

Prepared by: Scott Livingston

Livingston Natural Resource Services

**Date:** 23<sup>rd</sup> August 2025

Version: 1



**Summary** 

Client: Chatsworth Enterprises

**Property** 25 Sorell Street, Chudleigh, **identification:** 150260/1 PID 9025068.

214221/1, 228692/1, 229645/1, 229672/1, 232437/1, PID 2205202

Current zoning: Agriculture, Tasmanian Planning Scheme- Meander

Valley

**Proposal:** A lot amalgamation and boundary reconfiguration (subdivision) to

create 2 lots is proposed from 6 existing titles at 25 Sorell Street,

Chudleigh.

Assessment by:

Scott Livingston,

Master Environmental Management,

& Lungs

Natural Resource Management Consultant.

Accredited Person under part 4A of the Fire Service Act 1979:

Accreditation # BFP-105.

Version	Date	Notes
1	23/8/2025	

# **Contents**

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Conclusions	
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Figure 4: aerial image, balance dwelling	<i>6</i>
Figure 5: Proposed Subdivision Plan	
Figure 6: Lot 1 building (Google Street view)	9
Figure 7: existing access balance lot	

# **LIMITATIONS**

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

#### **DESCRIPTION**

A 6 lot amalgamation and boundary reconfiguration (subdivision) to create 2 lots is proposed from 6 existing titles at 25 Sorell Street, Chudleigh. The area is mapped as bushfire prone in planning scheme overlays.

Existing titles 214221/1, 228692/1, 229645/1, 229672/1, 232437/1 and a portion of 150260/1 will be amalgamated to form lot 1. Lot 1 contains an existing building "VDL Store" currently used as accommodation. The Balance lot contains an existing building and outbuildings. Surrounding land is pasture and occasional forest patches, residential areas of Chudleigh are to the northwest. The area is not serviced by a reticulated water supply. The lots have frontage to Sorell Street / Mole Creek Road and Lot 1 Burnett Street.

See Appendix 1 for maps and site plan, and appendix 2 for photographs.

exempt from Bushfire Prone Areas Code under C13.4.1(a).

#### **BAL AND RISK ASSESSMENT**

The land is mapped as Bushfire Prone in Planning Scheme Overlays.

Lot 1 existing building gains additional land to manage any threat. The balance lot reduces slightly, the changed boundary is 800m from the existing balance lot dwelling. There is no increase in risk to either habitable building and the proposed subdivision is considered

#### **CONCLUSIONS**

A 6 lot amalgamation and boundary reconfiguration (subdivision) to create 2 lots is proposed from 6 existing titles at 25 Sorell Street, Chudleigh. The area is mapped as bushfire prone in planning scheme overlays.

The proposed subdivision is considered exempt from Bushfire Prone Areas Code under C13.4.1(a).

# **REFERENCES**

Australian Building Codes Board. (2015). National Construction Code - Volume 2. ABCB.

Department of Justice (Tasmania). (2017). Determination - Requirements for building in bushfire prone areas 2017.

Department of Premier and Cabinet (Tasmania). (2017). Building Act 2016.

Department of Premier and Cabinet (Tasmania). (2017). Building Regulations 2016.

Standards Australia Limited. (2018). AS 3959-2018 Construction of buildings in bushfire prone areas

Tasmanian Planning Commission. Tasmanian Planning Scheme- Meander Valley

# APPENDIX 1 - MAPS



Figure 1: Location



Figure 2: aerial image lot 1



Figure 3: aerial image, balance dwelling

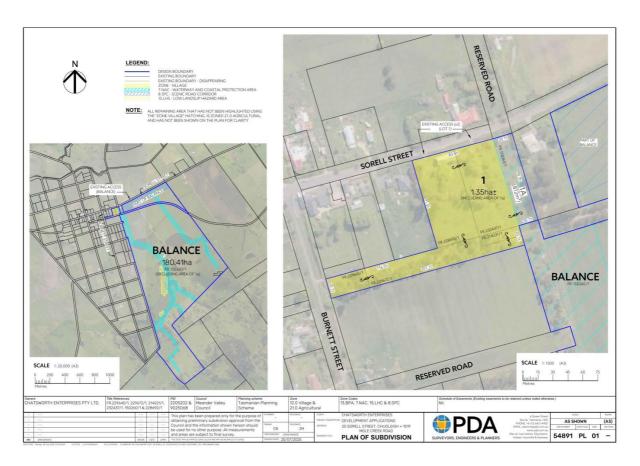


Figure 4: Proposed Subdivision Plan

# APPENDIX 2 - PHOTO



Figure 5: Lot 1 building (Google Street view)



Figure 6: existing access balance lot

#### **BUSHFIRE-PRONE AREAS CODE**

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

#### 1. Land to which certificate applies

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

Street address: 25 Sorell Street, Chudleigh

Certificate of Title / PID: 150260/1, PID 9025068

#### 2. Proposed Use or Development

Description of proposed Use and Development:

Subdivision, 2 lots from1 lot

Applicable Planning Scheme: Tasmanian Planning Scheme -Meander Valley

## 3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Hazard Management Report 25 Sorell Street, Chudleigh	Scott Livingston	23/8/2025	1
Plan of Subdivision	PDA Surveyors	25/7/2025	PL 01

#### 4. Nature of Certificate

The following requirements are applicable to the proposed use and development:

$\boxtimes$	E1.4 / C13.4 – Use or development exempt from this Code	
	Compliance test	Compliance Requirement

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

Planning Certificate from a Bushfire Hazard Practitioner v5.0

Page 10

$\boxtimes$	E1.4(a) / C13.4.1(a)	Insufficient increase in risk		
П	E1.5.1 / C13.5.1 – Vulnerable Uses			
	Acceptable Solution	Compliance Requirement		
	E1.5.1 P1 / C13.5.1 P1	Planning authority discretion required. A proposal cannot be certified as compliant with P1.		
	E1.5.1 A2 / C13.5.1 A2	Emergency management strategy		
	E1.5.1 A3 / C13.5.1 A2	Bushfire hazard management plan		
	E1.5.2 / C13.5.2 – Hazardous Uses			
	Acceptable Solution	Compliance Requirement		
	E1.5.2 P1 / C13.5.2 P1	Planning authority discretion required. A proposal cannot be certified as compliant with P1.		
	E1.5.2 A2 / C13.5.2 A2	Emergency management strategy		
	E1.5.2 A3 / C13.5.2 A3	Bushfire hazard management plan		
	E1 ( 1 / C12 ( 1 Cmb division . Durania	an afternal management areas		
$\boxtimes$	E1.6.1 / C13.6.1 Subdivision: Provisi	on of nazard management areas		
		Compliance Requirement		
	Acceptable Solution E1.6.1 P1 / C13.6.1 P1	Compliance Requirement  Planning authority discretion required. A proposal cannot be certified as compliant with P1.		
	Acceptable Solution	Planning authority discretion required. A proposal		
	Acceptable Solution E1.6.1 P1 / C13.6.1 P1	Planning authority discretion required. A proposal cannot be certified as compliant with P1.		
	Acceptable Solution E1.6.1 P1 / C13.6.1 P1 E1.6.1 A1 (a) / C13.6.1 A1(a)	Planning authority discretion required. A proposal cannot be certified as compliant with P1.  Insufficient increase in risk  Provides BAL-19 for all lots (including any lot		
	Acceptable Solution  E1.6.1 P1 / C13.6.1 P1  E1.6.1 A1 (a) / C13.6.1 A1(a)  E1.6.1 A1 (b) / C13.6.1 A1(b)  E1.6.1 A1(c) / C13.6.1 A1(c)	Planning authority discretion required. A proposal cannot be certified as compliant with P1.  Insufficient increase in risk  Provides BAL-19 for all lots (including any lot designated as 'balance')  Consent for Part 5 Agreement		
	Acceptable Solution  E1.6.1 P1 / C13.6.1 P1  E1.6.1 A1 (a) / C13.6.1 A1(a)  E1.6.1 A1 (b) / C13.6.1 A1(b)  E1.6.1 A1(c) / C13.6.1 A1(c)  E1.6.2 / C13.6.2 Subdivision: Public	Planning authority discretion required. A proposal cannot be certified as compliant with P1.  Insufficient increase in risk  Provides BAL-19 for all lots (including any lot designated as 'balance')  Consent for Part 5 Agreement  and fire fighting access		
	Acceptable Solution  E1.6.1 P1 / C13.6.1 P1  E1.6.1 A1 (a) / C13.6.1 A1(a)  E1.6.1 A1 (b) / C13.6.1 A1(b)  E1.6.1 A1(c) / C13.6.1 A1(c)	Planning authority discretion required. A proposal cannot be certified as compliant with P1.  Insufficient increase in risk  Provides BAL-19 for all lots (including any lot designated as 'balance')  Consent for Part 5 Agreement		
	Acceptable Solution  E1.6.1 P1 / C13.6.1 P1  E1.6.1 A1 (a) / C13.6.1 A1(a)  E1.6.1 A1 (b) / C13.6.1 A1(b)  E1.6.1 A1(c) / C13.6.1 A1(c)  E1.6.2 / C13.6.2 Subdivision: Public	Planning authority discretion required. A proposal cannot be certified as compliant with P1.  Insufficient increase in risk  Provides BAL-19 for all lots (including any lot designated as 'balance')  Consent for Part 5 Agreement  and fire fighting access		

Planning Certificate from a Bushfire Hazard Practitioner v5.0

E1.6.2 A1 (b) / C13.6.2 A1 (b)	Access complies with relevant Tables			
☐ E1.6.3 / C13.1.6.3 Subdivision: Provision of water supply for fire fighting purposes				
Acceptable Solution	Compliance Requirement			
E1.6.3 A1 (a) / C13.6.3 A1 (a)	Insufficient increase in risk			
E1.6.3 A1 (b) / C13.6.3 A1 (b)	Reticulated water supply complies with relevant Table			
E1.6.3 A1 (c) / C13.6.3 A1 (c)	Water supply consistent with the objective,			
E1.6.3 A2 (a) / C13.6.3 A2 (a)	Insufficient increase in risk			
E1.6.3 A2 (b) / C13.6.3 A2 (b)	Static water supply complies with relevant Table			
E1.6.3 A2 (c) / C13.6.3 A2 (c)	Static water supply consistent with the objective			

5. Bu	ıshfire H	azard Practitioner			
Name:	Scott Liv	vingston	]	Phone No:	0438 951 021
Postal Address:	PO Box	x 178, Orford, 7190		Email Address:	scottlivingston.lnrs@gmail.com
Accreditati	on No:	BFP – 105		Scope:	1, 2, 3A, 3B, 3C
6. C	ertification	on .			
I certify the developm		rdance with the authority giv	ven under Part 4.	A of the $F_i$	ire Service Act 1979 that the pro
$\boxtimes$	Is exempt from the requirement Bushfire-Prone Areas Code because, having regard to the objective of all applicable standards in the Code, there is considered to be an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures, or				
The Bushfire Hazard Management Plan/s identified in Section 3 of this certificate is/are in accordance with the Chief Officer's requirements and compliant with the relevant <b>Acceptable Solutions</b> identified in Section 4 of this Certificate.					
Signed: certifier		A Lungst			
Name:		Scott Livingston	Date:	23/8/2025	5
			Certificate Number:	SRL25/	/50E

(for Practitioner Use only)

# **Tasmanian Heritage Register Datasheet**



134 Macquarie Street (GPO Box 618) Hobart Tasmania 7001 Phone: 1300 850 332 (local call cost) Email: enquiries@heritage.tas.gov.au Web: www.heritage.tas.gov.au

Name: Kalingal

Permanently Registered Status:

Tier:

**Location Addresses** 

25 SORELL ST, CHUDLEIGH 7304 TAS

THR ID Number: 4763

Municipality: Meander Valley Council

**Boundary:** Whole of Title

> **Title References Property Id** 228692/1 2205202



Untitled No copyright on file



Untitled No copyright on file

#### Statement of Significance: (non-statutory summary)

No Statement is provided for places listed prior to 2007

#### Why is it significant?:

The Heritage Council may enter a place in the Heritage Register if it meets one or more of the following criteria from the Historic Cultural Heritage Act 1995:

- The place is important to the course or pattern of Tasmania's history. a)
- b) The place possesses uncommon or rare aspects of Tasmania's history.
- c) The place has the potential to yield information that will contribute to an understanding of Tasmania's history.
- d) The place is important in demonstrating the principal characteristics of a class of place in Tasmania's history.

This building is of historic heritage significance because of its ability to demonstrate the principal characteristics of a two storey brick Old Colonial Georgian store.

The place is important in demonstrating a high degree of creative or technical achievement.

Report Date: Friday, January 10, 2025 Page 1 of 2

- f) The place has a strong or special association with a particular community or cultural group for social or spiritual reasons.
  - This place has strong meaning for the community because it demonstrates aspects of colonial civilisation and contributes, in conjunction with its neighbours, to a relatively intact nineteenth century streetscape.
- g) The place has a special association with the life or works of a person, or group of persons, of importance in Tasmania's history.
- h) The place is important in exhibiting particular aesthetic characteristics.

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.

Please refer to the Heritage Council's Works Guidelines (<a href="www.heritage.tas.gov.au">www.heritage.tas.gov.au</a>) for information about the level of approval required and appropriate outcomes. Heritage Advisors are also available to answer questions and provide guidance on <a href="mailto:enquiries@heritage.tas.gov.au">enquiries@heritage.tas.gov.au</a> or Tel 1300850332

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.

#### Setting:

This building is a significant element in the streetscape.

#### **Description:**

This is a two storey building with a steeply pitched gabled roof clad in corrugated iron and closed eaves. There are two bay windows in the front which are later additions after the store was converted to a residence. The windows are small paned casements with segmental arches in the brickwork above.

#### History:

This building was constructed as a store for the Van Diemen's Land Co. in c1830.





Tasmanian Planning Scheme - *Meander Valley* 2021

12.5 Development Standards for Subdivision

cl.12.5.1 - 12.5.3

**PLANNING SUBMISSION** 

# **Subdivision and Adhesion - VDL Store property - 25 Sorell Street CHUDLEIGH**

0408 123 770 john@jdaplanning.com

August 2025

JDA Planning obo Chatsworth Enterprises Pty Ltd

# JDA PLANNING

EXEC	ITIVE SUMMARY	1
	Figure 1 - Subject Titles Areas. Source: the LIST	2
	Figure 2 - Proposal Plan enlargement Lot 1 - 25 Sorell Street CHUDLEIGH - Source: PDA Surveyors	2
	Figure 3 - Heritage overlay Source: the LIST	3
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	Figure 4 - VDL Store - Source: Photograph from Sorell Street JDA Planning	4
	Figure 5 - Adjoining property to the east FR.232437/1 - Entry gate and dry-stone walls Source: Photograph Sorell Street JDA Planning	
2.0	SITE DESCRIPTION	5
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#### SUBDIVISION and ADHESION - 25 SORELL STREET CHUDLEIGH

#### **EXECUTIVE SUMMARY**

The application proposes the subdivision and adhesion of property at 25 Sorell Street Chudleigh to consolidate land use associated with the heritage listed VDL Store currently used as visitor accommodation.

The heritage registered property is described in title reference CT 228692/1 and the adjoining title CT 232437/1 (Lot 1a) is a vacant allotment historically used together with the VDL Store being a part of the site curtilage.

Titles FR.229645/1, FR.229672/1, and FR.214221/1 refer **Figure 1**, comprise a fee simple strip of land 20m wide running from east to west behind and immediately adjacent the property at 25 Sorell Street.

The area shown as Lot 1a is to be subdivided from the Balance of the Bentley title (CT 150260/1) to comprise the new lot boundaries establishing an area of 1.35ha.

For approximately the last 25 years these three parcels of land have all been used as part of the VDL Store and associated grounds.

The property has frontage and its formal access via Sorell Street. This will be the sole entry point following issue of the new title. Entry would also be possible via Burnett Street.

The subdivision consolidates those areas traditionally associated with the VDL Store, which since its renovation has been used for visitor accommodation.



Figure 1 - Subject Titles Areas. Source: the LIST

The property heritage registration is *THR ID Number 4763*. As such the Local Historic Heritage Code C6.0 does not apply to the proposal.

The proposal is considered compliant with *clause 12.5 of* the *Tasmanian Planning Scheme - Meander Valley 2021.* 



Figure 2 - Proposal Plan enlargement Lot 1 - 25 Sorell Street CHUDLEIGH - Source: PDA Surveyors



Figure 3 - Heritage overlay Source: the LIST

#### 1.0 INTRODUCTION

The application proposes the subdivision and adhesion of property at 25 Sorell Street Chudleigh to consolidate land use associated with the heritage listed VDL Store currently used as visitor accommodation.

The heritage registered property is described in title reference CT 228692/1 and the adjoining title CT 232437/1 (Lot 1a) is a vacant allotment historically used together with the VDL Store and is part of the site curtilage.

Titles FR.229645/1, FR.229672/1, and FR.214221/1 refer **Figure 1**, comprise a fee simple strip of land 20m wide running from east to west behind and immediately adjacent the property at 25 Sorell Street and currently (strangely) forms part of the title to the much larger title to the Bentley agricultural land.



Figure 4 - VDL Store - Source: Photograph from Sorell Street JDA Planning



Figure 5 - Adjoining property to the east FR.232437/1 - Entry gate and dry-stone walls Source: Photograph from Sorell Street JDA Planning

#### 2.0 SITE DESCRIPTION

#### 2.1 Location

The property address is 25 Sorell Street Chudleigh, the title area of which totals 3,950m<sup>2</sup>. The property has direct frontage to Sorell Street and the VDL Store building has been redeveloped for visitor accommodation.

The building sits among vegetation plantings and expansive gardens which dominate much of the title area whilst the stone wall fences have been established on the building line of the frontage approximately 3m from Sorell Street Road reserve.

The depth of the block is approximately 90m to the title areas to the south which it is proposed be added to consolidate with the title at no.25. The aerial image below shows these title areas to the south and east forming part of the proposal. They are characterised by strong vegetation plantings which dominate the southern area of the property.



Figure 6 - Proposal boundary - aerial showing site vegetation. Source: the LIST

#### 2.2 Land Use

The converted VDL Store has operated as visitor accommodation for some years since the building's restoration. The titles surrounding the building are undeveloped landscaped areas comprising extensive gardens the frontage of which features dry-stone walls which mark the front building line and extend through to the property to the east CT150260/1, a part of the Bentley property.

These titles are not used in connection with the agricultural operation of the Bentley farm area and by virtue of their dimensions are not practical for redevelopment as separate entities.

#### 3.0 DEVELOPMENT PROPOSAL - Subdivision and Adhesion

The development proposes the subdivision and adhesion of property to 25 Sorell Street Chudleigh to consolidate land use associated with the heritage listed VDL Store currently used as visitor accommodation.

The heritage registered property is described in title reference CT 228692/1 and the adjoining title CT 232437/1 is a vacant allotment historically used together with the VDL Store and remains a part of the site curtilage. The section of land shown on the proposal plan as 1A part of CT 150260/1 is (strangely) a part of the much larger Bentley farming title but has never been used for a particular purpose associated with the Bentley property.

Titles FR.229645/1, FR.229672/1, and FR.214221/1 refer **Figure 1**, comprise a fee simple strip of land 20m wide running from east to west behind and immediately adjacent the property at 25 Sorell Street. These titles have little effective purpose and it is logical given their situation that these be added to the VDL Store title, given its use for visitor accommodation.

The amalgamation of the title areas will yield Lot 1 as shown, 1.35ha in area.

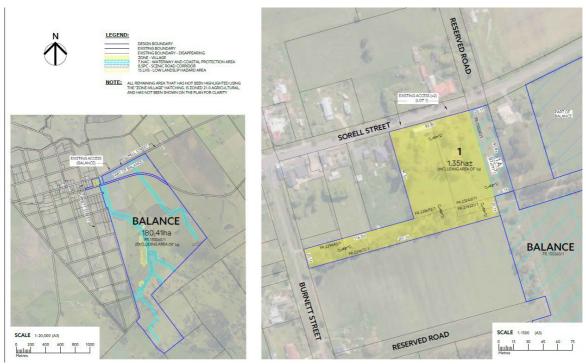


Figure 7 - Proposal Plan. Source: PDA Surveyors

#### 4.0 PLANNING SCHEME ASSESSMENT

The proposal site 25 Sorell Street and references FR. FR.229645/1, FR.229672/1, and FR.214221/1 are zoned Village, and CT.150260/1 (Lot 1a) - Agriculture under the provisions of the *Tasmanian Planning Scheme - Meander Valley*.

The Meander Valley Local Provisions Schedule Applies the following Specific Area Plans: MEA-S5.0 Karst Management Area Specific Area Plan MEA-S6.0 Chudleigh Specific Area Plan

#### 4.1 Zone Mapping

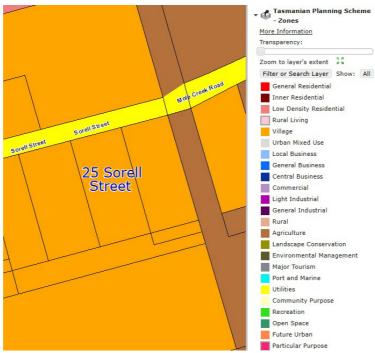


Figure 8 - TPS-Meander Valley - Zone map & Table: Source: LIST

#### 4.2 MEA-5.0 Karst Management Specific Area Plan Low Sensitivity Area

The area is impacted by the plan and specifically the area of low sensitivity. As there are no buildings or works proposed, the provisions do not apply to this subdivision development.

### 4.2.1 MEA-5.8 Development standards for Subdivision

This clause is not used in the specific area plan.

Response: Assessment against the standards of the Specific Area Plan is not required.

#### 4.3 MEA-6.0 Chudleigh Specific Area Plan

#### 4.3.1 MEA-6.8 Development Standards for Subdivision

**Response:** The standards are in substitution for the standards within the Low Density Zone clause 10.6.1 Lot design A1 and P1. The development standards for subdivision do not apply to property within the Village Zone.

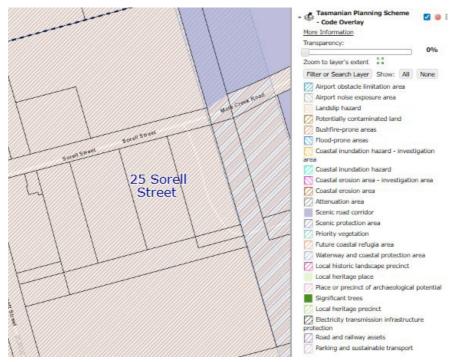


Figure 9 - Code Overlays Source: the LIST

# 4.4 Clause 12.0 Village Zone Zone Purpose

The purpose of the Agricultural Zone is:

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

**RESPONSE:** Complies.

#### 12.4 Development Standards for Buildings and Works

#### 12.4.3 Setback

Objective:	That building setback is compatible with the streetscape and does not result in an unreasonable impact on amenity of adjoining properties	
Acceptable Solutions		Performance Criteria
A1		P1
Buildings mu of:	st have a setback from a frontage	Buildings must be sited to be compatible with the streetscape and character of development existing on established properties in the area,
(a) not le	ss than 4.5m;	having regard to:
(b) not le	ess than existing buildings on the	
site; or		(a) the topography of the site;

- (c) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties
- (b) the setbacks of buildings on adjoining properties;
- (c) the height, bulk and form of existing and proposed buildings;
- (d) the appearance of proposed buildings when viewed from roads and public places adjoining the site; and
- (e) the safety of road users

#### Α2

Buildings must have a setback from side and rear boundaries of not less than:

- (a) 3m; or
- (b) half the wall height of the building, whichever is the greater

#### **P2**

Buildings must be sited so that there is no unreasonable loss of amenity to adjoining properties, having regard to:

- (a) the topography of the site;
- (b) the size, shape and orientation of the site:
- (c) the setbacks of surrounding buildings;
- (d) the height, bulk and form of existing and proposed buildings;
- (e) the existing buildings and private open space areas on the site;
- sunlight to private open space and windows of habitable rooms on adjoining properties; and
- (g) the character of development existing on established properties in the area

Response: Complies with A2(a)

The existing building setback is greater than 3m.

#### Α3

Air extraction, pumping, refrigeration systems, compressors or generators, excluding Residential, Visitor Accommodation, Natural and Cultural Values Management, Passive Recreation and Utilities, must have a setback from a property containing a sensitive use of not less than 10m

#### **P3**

Air conditioning, air extraction, pumping, heating or refrigeration systems, compressors or generators, excluding Residential, Visitor Accommodation, Natural and Cultural Values Management, Passive Recreation and Utilities, within 10m of a property containing a sensitive use must be designed, located, baffled or insulated to not cause an unreasonable loss of amenity, having regard to:

- (a) the characteristics and frequency of any emissions generated;
- (b) the nature of the proposed use;

	(c) the topography of the site and location of the sensitive use; and (d) any mitigation measures proposed.
RESPONSE: Not applicable.	

## **12.4.5 Fencing**

Objective	That the height and transparency of frontage fences:  (a) allows the potential for mutual passive surveillance between the road and the dwelling; and (b) provides reasonably consistent height and transparency.	
Acceptable S	olution	Performance Criteria
A1 No Acceptable Solution  P1 A fence ( 4.5m of a  (a) prov allov roac (b) be co trans havi (i)		A fence (including a free-standing wall) within 4.5m of a frontage must:      (a) provide for security and privacy, while allowing for passive surveillance of the road; and
Response: Complies with P2  The dry-stone walls are features of the heritage registered property and have no impact upon the traffic travelling along Sorell Street.		

# 12.4.6 Outdoor Storage

Objective:	That outdoor storage areas for non-residential use do not detract from the appearance of the site or surrounding area	
Acceptable S	olutions	Performance Criteria
excluding for the	ge areas for non-residential uses, ne display of goods for sale, must from any road or public open g the site.	Outdoor storage areas for non-residential uses, excluding any goods for sale, must be located, treated or screened to not cause an unreasonable loss of the visual amenity of the area, having regard to:

(a)	the nature of the use;
(b)	the type of goods, materials or waste to be stored;
(c)	the topography of the site; and
(d)	any screening proposed.

Response: Complies with A1.

Outdoor storage areas are occluded from Sorell Street.

#### 12.5 Development Standards for Subdivision

## 12.5.1 Lot Design

Objective	That each lot:
	<ul> <li>(a) has an area and dimensions appropriate for use and development in the zone; and</li> <li>(b) is provided with appropriate access to a road</li> </ul>

**RESPONSE:** Complies with (a) and (b).

The increased area of the new Lot 1 is appropriate given its present use for Visitor Accommodation and the site has appropriate existing access to Sorell Street.

Performance Criteria				
P1				
Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to:  (a) the relevant requirements for development of existing buildings on the lots;  (b) the intended location of buildings on the lots;				
(c) the topography of the site;				
(d) the presence of any natural hazards;				

- (ii) existing buildings are consistent with the setback required by clause 12.4.3 A1 and A2;
- (b) be required for public use by the Crown, a council or a State authority:
- (c) be required for the provision of Utilities; or
- (d) be for the consolidation of a lot with another lot provided each lot is within the same zone
- (e) adequate provision of private open space; and
- (f) the pattern of development existing on established properties in the area

**Response:** Complies with P1(a) (i),(ii), and (d)

The increased lot area provides more than adequate useable area associated with the existing purpose.

The proposal whilst substantially increasing the area of the existing allotment incorporates areas which form a part of the curtilage of the Heritage registered building which will be enhanced with the addition of the titles located adjacent the southern boundary.

The irregular shape of the titles adjacent the southern boundary of 25 Sorell Street restricts their future use within the zone in reference to which the proposal to adhere them achieves their highest and best use.

#### **A2**

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 10m

#### **P2**

Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:

- (a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;
- (b) the topography of the site;
- (c) the functionality and useability of the frontage;
- (d) the anticipated nature of vehicles likely to access the site;
- (e) the ability to manoeuvre vehicles on the site;
- (f) the ability for emergency services to access the site; and

Response: Complies with A2

The resultant frontage to Sorell Street is 100m. The shape and dimensions of the lot is reflective of the existing irregular pattern of development within the town, in which the depth to frontage ratios vary representing the historical development of the settlement.

### A3 P3

Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:

- (a) the topography of the site;
- (b) the distance between the lot or building area and the carriageway;
- (c) the nature of the road and the traffic; and
- (d) the pattern of development existing on established properties in the area

**RESPONSE:** Complies with A3.

Lot 1 retains the existing vehicular access to Sorell Street. The current traffic volumes entering and exiting the site from Sorell Street are not expected to vary significantly given the existing scale of site development.

#### 12.5.2 Roads

Objective:	(a) safe, convenient and emobility of the community (b) adequate accommodation transport traffic; and	roads within a subdivision provides:  efficient connections to assist accessibility and y; on of vehicular, pedestrian, cycling and public ubdivision of the entirety of the land and of
Acceptable So	lutions	Performance Criteria
A1		P1

#### The subdivision incudes no new roads

The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, pedestrians and cyclists, having regard to:

- (a) any relevant road network plan adopted by council;
- (b) the existing and proposed road hierarchy;
- (c) the need for connecting roads and pedestrian paths to common boundaries with adjoining land to facilitate future subdivision potential;
- (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;
- (e) access to public transport;
- (f) the topography of the site; and
- (g) the future subdivision potential of any balance lots on adjoining or adjacent land

Response: Complies with A4

The development does not introduce a new road.

#### 5.0 PLANNING SCHEME CODES

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

The report prepared by Livingston Natural Resources concludes that Lot 1 is exempt under clause C13.4.1(a) and no mandatory requirements apply for access, water supply.

#### The assessment notes:

Lot existing building gains additional land to manage any threat. The balance lot reduces slightly; the changed boundary is 800m from the existing balance lot building. There is no increase in risk to either habitable building and the proposed subdivision is considered exempt from the Bushfire Prone Sreas Code under C13.4.1(a).

#### C13.1 Purpose of the Bushfire-Prone Areas Code

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.

#### C13.2 Application of this Code

C13.2.1 This code applies to:

- (a) subdivision of land that is located within, or partially within, a bushfire-prone area; and
- (b) a use, on land that is located within, or partially within a bushfire-prone area, that is a vulnerable use or hazardous use

#### C13.4 Use or Development Exempt from this Code

The following use or development is exempt from this code:

- (a) any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this code, certifies there is insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures; and
- (b) adjustment of a boundary in accordance with clause 9.3 of the planning scheme.

#### C13.6 Development Standards

# C13.6.1 Subdivision: Provision of hazard management areas

#### Objective

That subdivision provides for hazard management areas that:

- (a) facilitate an integrated approach between subdivision and subsequent building on a lot;
- (b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and
- (c) provide protection for lots at any stage of a staged subdivision.

#### **RESPONSE:** Complies

There is no increase in risk to either habitable building and the proposed subdivision is considered exempt from the Bushfire Prone Sreas Code under C13.4.1(a).

#### 6. CONCLUSION

The development proposes the subdivision and adhesion of property to 25 Sorell Street Chudleigh to consolidate land use associated with the heritage listed VDL Store currently used as visitor accommodation.

The proposal whilst substantially increasing the area of the existing allotment incorporates areas which form a part of the curtilage of the Heritage registered building and which will be enhanced with the addition of the titles located adjacent the southern boundary.

Once approved and registered the new title will do no more than reflect the current and past footprint of the VDL Store.

It is submitted given the irregular shape of the titles adjacent the southern boundary of 25 Sorell Street, the proposal to adhere these properties achieves the highest and best use.

The proposal therefore complies with the provisions of the *Tasmanian Planning Scheme - Meander Valley, clause 12.5* and can be approved.

## **JDA PLANNING**

#### **APPENDICES**

**Appendix A Subject Property Titles** 

Appendix B Proposal Plan

**Appendix C Bushfire Hazard Assessment** 

**Appendix D** Heritage Registration Documentation

2 October 2025 Ref: PA\26\0057 - 18726

Nooshin Varikodan Town Planner Meander Valley Council mail@mvc.tas.gov.au; planning@mvc.tas.gov.au

Dear Nooshin

# Response s.54 Request - 25 Sorell Street and 1519 Mole Creek Road, CHUDLEIGH TPS-MV CI 21.5.1 P1(b)

I provide an analysis against the provision of *cl.21.5.1 P1(b)* as this relates to the proposal to adhere the area of land which is within the Agriculture zone. This response is to be read in conjunction with the submissions previously made in support of the development application.



Figure 1 - Aerial image and title extract of site - 25 Sorell Street part of CT 150260/1

Clause 21.0 Agriculture Zone

Clause 21.5 Development Standards for Subdivision

#### cl.21.5.1 Lot Design

**Objective** To provide for subdivision that:

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

**Response:** Consistent with (b). The proposal does not compromise the long term productive capacity of the agricultural land.

Boundary reorganisation/adhesion 25 Sorell Street & 1519 Mole Creek Road - Response cl.21.5.1 P1(b)

a <u>road</u> by a right of carriageway, that is sufficient for the intended use; and

(v) it does not create any additional lots;

#### **Acceptable Solutions Performance Criteria A1** P1 Each <u>lot</u>, or a <u>lot</u> proposed in a plan Each <u>lot</u>, or a <u>lot</u> proposed in a plan of subdivision, must: of subdivision, must: (a) be required for public use by the Crown, b) be for the reorganisation of lot boundaries a council or a State authority; that satisfies all of the following: (i) provides for the operation of (b) be required for the provision of Utilities or an agricultural use, having regard to: irrigation infrastructure; or a. not materially diminishing the (c) be for the consolidation of a lot with agricultural productivity of another lot provided both lots are within the same zone 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

#### **RESPONSE**: Complies with P1 (b) as follows:

- (i) The proposal does not create an additional lot, but will reduce the area of the title CT 150260/1 marginally by 812m², a factor of .00041%. The 812m² area will be added to the adjoining title and have no material impact upon the productive agricultural use of the land having regard to:
  - a. the productivity of the title CT150260/1 is not materially diminished as a result, noting that the 812m² has no practical relationship with the farmed areas;
  - b. the reorganisation of the title boundary does not impact the productive agricultural use of the land;
  - c. there are no topographical constraints impacting the land;
  - d. present irrigation arrangements are unaffected, as both dams on the property remain within the adjusted boundaries of the title CT 150260/1;
- (ii) the area of the new lot/s is greater than 1ha;

Boundary reorganisation/adhesion 25 Sorell Street & 1519 Mole Creek Road - Response cl.21.5.1 P1(b)

- (iii) the existing buildings are consistent with the setback required by cl.21.4.2. A1 and A2, and are unaffected by the proposed boundary adjustment;
- (iv) the adjusted lot retains a significant road frontage to Mole Creek Road; and
- (v) there are no additional lots created.

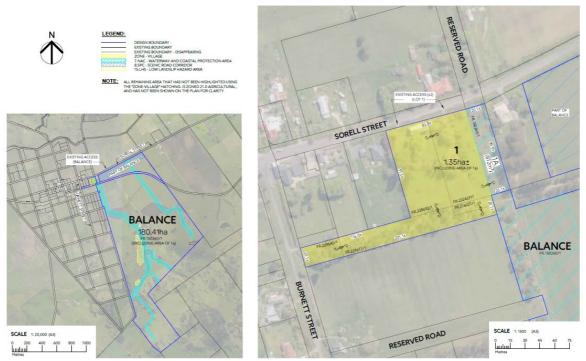


Figure 2 Proposal Plan - 25 Sorell Street & 1519 Mole Creek Road Chudleigh. Source: PDA Surveyors

#### Regards,

An

John Ayers Director JDA PLANNING PTY LTD M: 0408 123 770 john@jdaplanning.com

PO Box 347 **Prospect** 7250 Tasmania

Boundary reorganisation/adhesion 25 Sorell Street & 1519 Mole Creek Road - Response cl.21.5.1 P1(b)

## 13.1.8 Tasmanian Heritage Council - Notice Of No Interest



Tasmanian Heritage Council GPO Box 618 Hobart Tasmania 7000 Tel: 1300 850 332 enquiries@heritage.tas.gov.au www.heritage.tas.gov.au

PLANNING REF: PA\26\0057 THC WORKS REF: #8726 REGISTERED PLACE NO: #4763

APPLICANT: JDA Planning Pty Ltd
DATE THC RECEIVED: 28 August 2025
DATE OF THIS NOTICE: I September 2025

#### **NOTICE OF NO INTEREST**

(Historic Cultural Heritage Act 1995)

The Place: 'Kalingal', 25 Sorell Street, Chudleigh.

'Bentley', 1519 Mole Creek Road, Chudleigh (CPR11103).

Proposed Works: Subdivision and adhesion of land.

Under s36(3)(a) of the *Historic Cultural Heritage Act 1995* the Tasmanian Heritage Council provides notice that it has <u>no interest</u> in the discretionary permit application because the proposed heritage works are consistent with what is eligible for a Minor Works Approval under Sections 5.1 & 5.2 of the *Works Guidelines*.

A Minor Works Approval need not be issued where a discretionary planning permit is issued.

The planning authority is required to notify the Heritage Council of its determination of this application, or if a discretionary planning is no longer required, or the application is withdrawn, in which case an application must be made to the Heritage Council for a Minor Works Approval in order to obtain heritage approval.

Any further information provided in relation to the permit application must be forwarded to the Heritage Council as soon as practicable (and in any event within 5 days). The Heritage Council may issue a new Notice where there is a substantial change to the heritage works.

Please contact the undersigned on 1300 850 332 if you would like to discuss any matters relating to this application or this notice.

Chris Bonner

Regional Heritage Advisor - Heritage Tasmania

Under delegation of the Tasmanian Heritage Council

27 October 2025 Ref: PA\26\0057

General Manager Meander Valley Council mail@mvc.tas.gov.au planning@mvc.tas.gov.au

Dear Sir

# 25 SORELL STREET & 1519 MOLE CREEK ROAD CHUDLEIGH – SUBDIVISION 6 LOTS TO 2 LOTS – RESPONSE TO REPRESENTATIONS

I thank you for a copy of the redacted version of representations lodged with respect to the application.

We feel compelled to offer clarification and as necessary correction in the interests of procedural fairness.

The representations dwell on an inaccurate reading of the application – the building is currently used for "visitor accommodation" meaning that visitors to the main house at Bentley stay there, presumably without charge. In no part of the application has it been said either that the building is used for "Visitor Accommodation" (as that term is defined in the planning scheme) or that the application seeks to change the use from "visitor accommodation" (as that term is used in ordinary every day parlance).

We make the following points in summary:

- 1. The issues raised in each of the representations stem from a fundamental misunderstanding of the proposal being advanced which very simply seeks the subdivision and adhesion of titles adjacent the property at 25 Sorell Street, which includes the VDL Store.
- 2. The reference in the application to *visitor accommodation* relates to the residential use of the building which allows family/guests to stay, and whilst the use of the building has no bearing upon consideration of planning approval of this application, the term was used in good faith upon the understanding of our client as to the use of the premises.
- 3. The present application neither intends approval for the formal use of the property for the purpose of 'Visitor Accommodation,' a use defined within the planning scheme, nor in fact for any change of use affecting the site. The reference to services for such a use is plainly irrelevant to the present application.
- 4. Issues such as onsite waste management are not impacted by the proposal and if necessary, can be dealt with separately by Council.
- 5. The proposed addition of Lot 1A is for no other purpose than to recognise its incorporation as a part of the existing curtilage of the VDL Store it reflects how the property is fenced and used and how it has been fenced and used for at least the last 20 years.

- 6. Issues of setback to agricultural use and/or the potential for land use conflict are not relevant matters for Council in dealing with this application. The fire risk assessment prepared as part of the proposal is triggered because of the subdivision of Lot 1A from CT 150260/1, and the relationship to the existing Bentley homestead.
- 7. Matters related to heritage have been considered and discussed with Heritage Tasmania prior to lodgement. The Council will as a matter of formal procedure refer the application.
- 8. There is no impact upon the surrounding landscape from a heritage perspective. From Sorell Street for example, the area of Lot 1A reads as a part of the property at no. 25 being enclosed at its frontage by dry stone walls and a continuation of the extensive landscaped garden.
- 9. There are references to lack of consultation with the lessee. This is not correct as the lessee was advised face to face of the proposal at a meeting initiated by my client. Moreover, the proposal materially reflects a plan put forward on behalf of the lessee when he sought to purchase the property earlier this year.
- 10. Our client Chatsworth Enterprises has not considered the legality of present use by the lessee who claims approval for use associated with the display and sale of antiques, however, again this is a matter which has no relevance to the application before Council. Neither the lease nor the planning scheme allow sales from either this property or the main Bentley homestead so we are somewhat confused by these comments relevant or not.

I trust this assists but should you require further information please contact us.

Regards,

John Ayers Director/Principal Planner JDA PLANNING PTY LTD M: 0408 123 770

john@jdaplanning.com

PO Box 347

Prospect 7250 Tasmania

# 13.2. PA\26\0042 – 2 Webster Street, Westbury

Proposal Subdivision (2 lots)

Report Author Jana Rockliff

Town Planner

**Authorised By** Krista Palfreyman

Director Development and Regulatory Services

**Decision Due** 12 November 2025

**Decision Sought** It is recommended that the Planning Authority approves this

application.

See section titled Planner's Recommendation for further details.

# **Applicant's Proposal**

**Applicant** Woolcott Land Services

Property 2 Webster Street, Westbury (CT 134912/1)

**Description** The applicant seeks planning permission for:

1. subdivision of land into two lots;

2. placement of three relocatable storage containers; and

3. construction of a new parking area servicing proposed

Lot 1.

Documents submitted by the Applicant are attached, titled Application Documents.



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

# Planner's Report

Planning Scheme – Meander Valley (the Planning

Scheme)

Zoning Village

Applicable Overlay Bushfire-Prone Areas Code

**Existing Land Use** Residential (single dwelling)

# **Summary of Planner's Assessment**

Generally, subdivision is classed as permitted in this zone (Village).

#### **Discretions**

For this application, five 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
12.5.1	P1	Lot design
		(reduced setback of existing dwelling to new boundary)
12.5.1	P2	Lot design
		(reduced frontage width – internal lot)
12.5.1	P3	Lot design
		(shared vehicle access for both lots)
12.5.3	P2	Services
		(Lot 2 not connected to reticulated sewer)
C2.6.1	P1	Construction of parking areas
		(proposed gravel extension to existing driveway)

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. Of these, both are objections.

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

## **Agency Consultation**

#### **TasWater**

The application was referred to TasWater. TasWater provided a Submission to Planning Authority Notice, Reference: TWDA 2025/00957-MVC, dated 28 August 2025.

See Attachment titled Agency Consultation – TasWater Submission to Planning Authority Notice

#### **Internal Referrals**

#### *Infrastructure Services*

The Councils' records indicate that there is a 1m deep stormwater manhole at the front of the property which will be sufficient to drain the rear lot. The existing vehicle crossing is sealed; no upgrade is required.

Conditions and notes are recommended.

#### **Environmental Health**

Proposed Lot 2 of this subdivision has sufficient area to accommodate an on-site wastewater management system for a dwelling, in accordance with the recommendations of nominated wastewater designers, Geoton Pty Ltd. These recommendations are subject to development on the site being limited to a dwelling and access driveway only and the final wastewater system design being confirmed in an approved wastewater system design report supplied at the building approval stages. Alternatively, consideration be given to connecting the dwelling to the local reticulated sewer system.

*Note*: TasWater has issued a Submission to Planning Authority Notice. This notice did not require the new lot to connect to the reticulated sewerage system. As such it is likely that future development of the site will have an on-site wastewater disposal system.

#### Strategic Planner

The proposal is for a subdivision within the Village Zone for one additional lot.

The proposal generates additional demand for public open space within Westbury through introducing the potential for additional residential use. A contribution is, therefore, required.

In accordance with the Council's Public Open Space Policy, the contribution for the Village Zone is 5%.

Lot 1 contains a dwelling, excluding the lot from the calculation.

The payment is to be equivalent to 5% of improved value of proposed Lot 2, based on the most recent recorded valuation adjusted according to the applicable adjustment factor at the time of lodgment of the final plan of survey.

## Excerpt from Policy

The Council will determine the value of the cash-in-lieu contribution at the time of lodgment of the Final Plan of Survey. The value of the cash-in-lieu contribution will be based on the most recent recorded valuation adjusted, as necessary, according to the applicable adjustment factor determined by the Office of the Valuer-General.

The valuation must, to the satisfaction of the Council, be based on the improved value of the land and be at no cost to the Council.

#### 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 Woolcott Land Services, for a Subdivision (two lots), on land located at 2 Webster Street, Westbury (CT 134912/1) is recommended for approval generally in accordance with the Endorsed Plans and recommended Permit Conditions and Permit Notes.

#### **Endorsed Plan**

- a. Woolcott Land Services; Dated: 20 August 2025; Proposed Plan of Subdivision; Job Number: L200732; Revision 3;
- b. Geoton Pty Ltd; Dated: 21 July 2025; Preliminary On-site Wastewater Assessment and Site Classification; Reference No: GL25355Ab; Revision Ab;
- c. Woolcott Land Services; Dated: August 2025; Bushfire Exemption; Job Number: L200732; Revision 1.

#### **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. Prior to commencement of any works, a Soil and Water Management Plan in accordance with industry best practices, detailing the site-specific measures to minimise on-site erosion and the release of sediment or sediment laden stormwater from the site, must be implemented and maintained until such time that soil cover is reinstated. A copy of the Soil and Water Management Plan must be made available to the Council upon request (refer to Note 1).
- 3. A new stormwater connection must be provided for each lot in accordance with the approved plans. A private drainage easement is to be created over the stormwater connection to Lot 2 over Lot 1 and in favour of Lot 2 (refer to Notes 2 to 4).

- 4. Stormwater run-off from the driveway and building areas is to be captured and directed to the stormwater connection point within the property boundary so that concentrated, or nuisance flows do not cross the property boundaries to adjoining land.
- 5. The existing 2m wide drainage easement shown on Plan No. 134912 is to be extended to the new property boundary of Lot 1 over the access strip of Lot 2 and in favour of Lot 1.
- 6. A right of carriageway easement is to be created over the full length of the access strip of Lot 2 in favour of Lot 1.
- 7. The hydraulic services from the existing dwelling must achieve hydraulic separation to the satisfaction of the Council's Plumbing Surveyor and must be wholly contained within Lot 1 (refer to Note 5).
- 8. A cash-in-lieu contribution for public open space must be paid to the Council. The payment must be equal to 5% of the value of the land at the time of lodgment of the Final Plan of Survey. The value of the land will be based on the most recent recorded valuation adjusted in accordance with the applicable adjustment factor determined by the Office of the Valuer-General (refer to Note 6).
- 9. Prior to the sealing of the Final Plan of Survey, the following must be completed to the satisfaction of the Council:
  - a. stormwater connections must be constructed in accordance with Condition 3;
  - b. the drainage easements must be provided for on the Final Plan of Survey and Schedule of Easements in accordance with Conditions 3 and 5.
  - c. the right of carriageway must be provided for on the Final Plan of Survey and Schedule of Easements formalising the access to Lot 1 in accordance with Condition 6;
  - d. evidence submitted to the satisfaction of the Council's Plumbing Surveyor and Town Planner that hydraulic separation has been achieved in accordance with Condition 7;
  - e. the cash-in-lieu public open space contribution must be paid in accordance with Condition 8; and
  - f. evidence submitted to the satisfaction of the Council's Town Planner that at least two of the storage sheds on Lot 2 have been removed (refer to Note 7).
- 10. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2025/00957-MVC) attached.

#### **Permit Notes**

- 1. Best practice guidelines for Soil and Water Management (also referred to as Erosion and Sediment Control) are available here:
  - a. Tasmanian Guidelines (NRM North) Soil and Water Management on Building and Construction Sites (<a href="www.nrmnorth.org.au">www.nrmnorth.org.au</a>);
  - b. International Erosion Control Association Best Practice Erosion and Sediment Control (BPESC) document (<a href="www.austieca.com.au">www.austieca.com.au</a>);
  - c. Tamar Estuary and Esk Rivers (TEER) program Erosion and sediment control. The fundamentals for development in Tasmania (<a href="www.teer.org.au">www.teer.org.au</a>);
  - d. Water by design (www.waterbydesign.com.au).
- 2. All works in the road reserve to install the new stormwater connection to Lot 2 must be completed by a suitably qualified contractor using appropriate work health and safety and traffic management processes. Prior to any construction being undertaken in the road reserve, separate consent is required by the Road Authority. An Application for Works in Road Reservation form is enclosed. The property owner must contact the Council to discuss the proposed property access before engaging a contractor for these works. All enquiries should be directed to the Council's Infrastructure Department on 6393 5312.
- 3. Any of the Council's infrastructure damaged during construction including road, kerb, driveways or footpaths must be reinstated to original condition prior to the sealing of the Final Plan of Survey.
- 4. Any areas of nature strip damaged during construction must be topped with 100mm of good quality top soil and sown with grass.
- 5. Prior to any plumbing works associated with the achievement of hydraulic separation on each lot is undertaken, 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: <a href="mail@mvc.tas.gov.au">mail@mvc.tas.gov.au</a>.
- 6. For further information, please refer to the Council's Policy No. 11: *Public Open Space*, within the Council's Policy Manual that can be found here: <a href="https://www.meander.tas.gov.au/council-policies">https://www.meander.tas.gov.au/council-policies</a>.
- 7. Clause 4.3.7 of the Planning Scheme exempts the placement of certain outbuildings on vacant lots. As a result, one storage shed would be allowed to remain on proposed Lot 2.
- 8. Any other proposed development or use (including amendments to this proposal) may require separate planning approval. For further information, contact the Council.

- 9. 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.
- 10. 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.
- 11. 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.
- 12. 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.
- 13. 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 2 pages]
- 2. Representation 1 Butler [13.2.2 11 pages]
- 3. Representation 2 Ryan [**13.2.3** 1 page]
- 4. Planner's Advice Applicable Standards [13.2.4 12 pages]
- 5. Planner's Advice Performance Criteria [13.2.5 9 pages]
- 6. Application Documents [13.2.6 54 pages]
- 7. Submission to Planning Authority Notice [13.2.7 3 pages]

#### **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.

S & B Butler Representation 1

#### Concern Planner's Response a) On-site wastewater disposal The proposal is for subdivision only. The Village Zone provides for the disposal of wastewater as The representators are performance solution (12.5.3 P2). A wastewater concerned that the proposed report has been provided as part of the on-site wastewater system could application to demonstrate that the proposed result in contaminated water Lot 2 is capable of accommodating an on-site runoff onto their property wastewater disposal system for its intended use. causing health concerns. The installation of a new wastewater system on Information have been provided the land requires approvals from Council and their property floods must be specifically designed for the land and occasionally and that there are the intended use. existing concerns / issues with The property is not mapped as flood prone area, the existing wastewater disposal nor does any other available mapping (Council's system at 6 Peyton Street, stormwater modelling, SES flood mapping) Westbury. indicate any potential flooding issues of the subject property. Existing concerns / issues with an existing system on adjoining land can be investigated by Council under the Environmental Management and Pollution Control Act 1994. However, this is not a matter which can be considered as part of the planning application process. If you wish to pursue this further, please Contact Council's Environmental Health Officers on 6393 5320 or via email at mail@mvc.tas.gov.au

R Ryan Representation 2

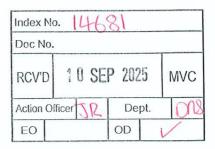
Concern		Planner's Response
a)	On-site wastewater disposal  'On-site waste facility systems if mismanaged may lead to environmental issues which I have encountered previously within other subdivisions incorporating above ground treated wastewater where sewerage pumpout systems have airborne odours and I am aware that ground water contamination can occur if any such system is overloaded consequently reducing the timing for effective treatment.'	Further to the response provided for Representation 1, the proposed development does not include the construction of any wastewater system. The management and maintenance of an installed wastewater system is the responsibility of the property owner / occupant. Concerns and issues with existing systems potentially causing environmental harm / nuisance can be investigated by Council under the <i>Environmental Management and Pollution Control Act 1994</i> . However, this is not a matter which can be considered as part of the planning application process.

**Note:** The planning application was advertised in the Examiner Newspaper and on Council's website for a statutory period of 14 days from 6 to 22 September 2025. A planning notice was also placed on the property.

9 September 2025,

Westbury, Tas 7303

The General Manager, Meander Valley Council, 26 Lyall Street, Westbury, Tas 7303



#### RE: APPLICATION FOR PLANNING APPROVAL PA\26\0042

Dear Sir,

WE are writing to you in response to the planning application for a 2-lot subdivision at 2 Webster Street Westbury (CT:134912/1).

It is noted in the application that the effluent disposal system from page 3 clause 4.2 of the report by GeoTon Pty Ltd is to be a secondary treatment system with a raised irrigation bed that appears to be from the Proposed new lot 2 subdivision plan located in the northwestern section of the proposed new lot close to the boundary line between the new proposed lot and our property.

Over the years that we have lived at there has been a heavy run off of water after heavy rain showers through the marked location onto our property thereby causing minor flooding on sections of our property. (This has been reported to the council on several occasions with the council not doing anything about it).

As we are elderly and have extreme health issues any effluent that enters our property could cause us great risk of further complications to our health. We thereby request that the raised irrigation bed be relocated to another section of the proposed lot or some other system be approved that will keep all possibilities of any effluent escaping onto our property.

Previously our research into secondary treatment systems that we investigated for the raised irrigation bed at 6 Peyton Street and relayed to the council's health surveyors and the Tasmanian Health Department at the time of that irrigation bed's construction found that regulations from most states in Australia recommended the effluent from irrigation system was not suitable for residential or village zoned areas that has an urban setting.

We look forward to hearing from you in regard to this matter.

Your faithfully

Shirley Butler

S.a. Butter

**Barry Butler** 

18 September 2025,



Westbury Tas. 7303

Dear Sir,

## RE: APPLICATION FOR PLANNING APPROVAL PA\26\0042

Please find a usb stick containing photographs of the water runoff from the proposed 2 block subdivision at 2 Webster Street through our property, as requested by your town planer in a meeting between the town planer and Shirley Butler at the Meander Valley Council Chambers 26 Lyall Street Westbury, on the 10 September 2025.

Also included are photographs of the area which now have the allotments and houses of 8,10, 12 and 14 Webster Street which shows how the water lays in that area however it is to be noted that these do not show the worst that we have seen that area flood over the years which backs up our concerns on residential secondary treatment systems in the area.

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# 13.2.2 Representation 1 - Butler

















Royald Ryan

Plax No. 14681

2 Webster Street

Action Officer 54 Dept. 000

EO

19 September 2025

Meander Valley Council
26 Lyall Street Westbury Tas 7303

**Attention: General Manager** 

Proposed subdivision reference: Woolcott Land Services P/L - PA\26\0042

#### Dear Sir/Madam

I am writing to you in regard to the above proposed subdivision and would like to inform you that I object to the Lot being classified "NOT CONNECTED TO SEWER" as described. Your letter of information notes that Lot 2 will have water and stormwater connections but sewer is to be managed onsite, ultimately referring to a private septic system of their choice in the future,

My only objection is the fact that onsite waste facility systems if mismanaged may lead to environmental issues which I have encountered previously within other subdivisions incorporating above ground treated waste water where sewerage pumpout systems have airborne odours and I am aware that ground water contamination can occur if any such system is overloaded consequently reducing the timing for effective treatment.

I would request the Applicant to consult with TasWater for clarification of residential dwelling requirements for a private single-user pump station and discharge line to the TasWater sewer structure, which is situated outside the front boundary of 2A Webster Street property and the proposed right-of-way access easement for the new subdivision may facilitate waste pump station pipework.

Should you need to contact me, my preferred method is via email and I hope I have outlined my concern effectively.

Warm regards

Ronald Ryan

#### Planner's Advice: Applicable Standards

#### Background

An application has been received for the use and development of land located at 2 Webster Street, Westbury ('the site' - refer to Figure 1).

The application involves the:

- 1. Subdivision of land into two titles;
- 2. Placement of three relocatable storage containers;
- 3. Construction of a new parking area servicing proposed Lot 1.



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

The site has an area of 2,505m<sup>2</sup>. The site is rectangular in shape being approximately 27m wide (north-south) and 77m deep (east-west). The land is almost flat and has a very gentle fall towards the north-western property corner. The site comprises an existing dwelling towards the front of the property. The existing dwelling is connected to reticulated sewerage via a private property connection through 2A Webster Street, Westbury. A pump station is located on the south-eastern property of 2A Webster Street. Reticulated stormwater and water infrastructure is located within Webster Street.

#### 13.2.4 Planner's Advice - Applicable Standards

The site is accessed off Webster Street with an existing vehicle crossing and driveway in the south-eastern property corner.

The site and adjoining lot to the north, south and east are assigned to the Village zone. Land to the west is assigned to the Low-Density Residential zone (refer to Figure 2). The property is subject to the Bushfire-Prone Areas Code.



Figure 2: Zone map illustrating the zoning of the site, adjoining lots and adjacent lots (source: ListMap).

The development on the adjoining land includes single dwellings with associated residential outbuildings on generally larger lots.

## **Proposed Use and Development**

The proposed development is for the subdivision of the site to create Lot 1, comprising the existing residence, and a vacant lot intended for future residential purposes. Lot 2 will be an internal lot. Both lots are proposed to be accessed via the existing vehicle access and driveway. Legal access for Lot 1 will be established through a right of carriageway over the access strip of proposed Lot 2 (refer to Figure 3).

# 13.2.4 Planner's Advice - Applicable Standards

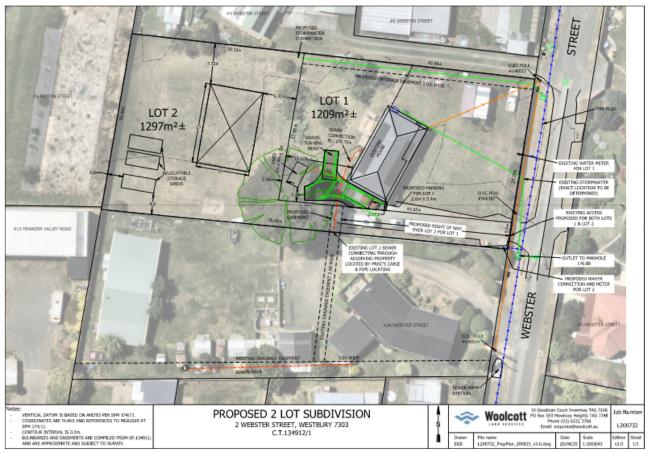


Figure 3: Proposed plan of subdivision (source: Application documents).



Figure 4: Existing vehicle crossing to 2 Webster Street, Westbury.



Figure 5: Existing driveway.

#### 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.

According to clause 6.2.6 of the Planning Scheme, development which is for 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). Subclause 6.8.2 applies to the proposal as the application relies on the Performance Criteria of two 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.
7.10.2	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 subdivision has been assessed under the development standards for subdivision of the Village Zone. Each lot proposed in the plan of subdivision achieves compliance with the applicable standards by complying with the relevant Acceptable Solutions or satisfying the Performance Criteria. Therefore, the proposed lots are consistent with the objectives of the relevant standard. The proposed subdivision meets the requirements of the Lot Design standards particularly regarding their minimum lot size.  The proposed subdivision will not have an unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area.

- 7.10.3 In exercising its discretion under sub-clauses 7.10.1 and 7.10.2 of this planning scheme, the planning authority must have regard to:
  - a) the purpose of the applicable zone;
  - b) the purpose of any applicable code;
  - c) any relevant local area objectives; and
  - d) the purpose of any applicable specific area plan.

#### 7.0 General Provisions

## Scheme Standard

#### Planner's Assessment

a) the purpose of the applicable zone

The purpose of the Village Zone is:

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

The proposal is for subdivision of land to create one additional lot in the Village Zone. The property is surrounded by residential properties either in the Village Zone or in the Low-Density Residential Zone. Both properties are or will be connected to reticulated stormwater and water. While the existing dwelling on the property is connected to reticulated sewer, the proposed new lot (Lot 2) is proposed to be serviced via an on-site wastewater system. A wastewater report has been provided to confirm suitability of the new lot for on-site wastewater disposal. Any non-residential use on proposed Lot 2 would be subject to the use and development standards of the Village Zone.

b) the purpose of any applicable code;

The purpose of the <u>Parking and Sustainable Transport Code</u> 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, creating one additional lot for future development. Lot 1 comprises an existing residential development. The existing vehicle access is proposed to be shared with both proposed lots. Additional parking areas are proposed as part of the subdivision to ensure that the existing dwelling has an appropriate level of parking facilities. The proposed new lot has sufficient useable area to provide for sufficient access, parking,

#### 7.0 General Provisions

## Scheme Standard

#### Planner's Assessment

manoeuvring and circulation facilities for future developments. Webster Street is a local road with no pedestrian infrastructure.

The purpose of the <u>Bushfire-Prone Areas Code</u> is:

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.

An accredited person, having regard to the objective of all applicable standards in this code, has certified that there is an insufficient increase in risk.

c) any relevant local area objectives; and

There are no local area objectives.

d) the purpose of any applicable specific area plan.

There is no specific area plan applicable to the property.

12.0 Village Zone		
Scheme Standard	Planner's Assessment	Assessed Outcome
12.3	Use Standards	
	The proposal is for subdivision, which is not required to be classified into a use class. Proposed Lot 1 comprises an existing residential dwelling. Residential (if for single dwelling) does not require a permit in the Village Zone.	Not Applicable
12.4.1	Residential density and servicing for multiple dwelling	gs
A1	The proposal includes the placement of relocatable storage sheds on Lot 2 associated with the existing single dwelling.	Not Applicable
12.4.2	Building height	

	12.0 Village Zone	
Scheme Standard	Planner's Assessment	Assessed Outcome
A1	The temporary storage sheds are 3m in height.	Complies with Acceptable Solution
12.4.3	Setback	
A1	The temporary storage sheds are located in the rear of proposed Lot 2 compliant with the 4.5m frontage setback.	Complies with Acceptable Solution
A2	The temporary storage sheds have a side boundary setback of at least 4m and a rear boundary setback of 3m.	Complies with Acceptable Solution
А3	The proposal does not include any air extraction, pumping, refrigeration systems, compressors, or generators.	Not Applicable
12.4.4	Site coverage	
A1	A temporary storage shed has a roofed area of about 16m <sup>2</sup> . The proposal includes the removal of the temporary storage sheds prior to sealing of the final plan as the storage sheds are currently associated with the existing residential dwelling on proposed Lot 1. The proposed subdivision will create a new lot not assigned to any use. The placement of only one (1) outbuilding can be exempt under clause 4.3.7. Proposed Lot 2 has a site area of 1,297m <sup>2</sup> . One (1) storage shed results in a site coverage of 1.2%.	Complies with Acceptable Solution
12.5.1	Lot design	
A1	Lot 1 has an area of 1,209m <sup>2</sup> . Lot 2 has an area of 1,297m <sup>2</sup> , both compliant with the minimum lot size of the Village Zone.	Relies on Performance Criteria

	12.0 Village Zone	
Scheme Standard	Planner's Assessment	Assessed Outcome
	The following setbacks are achieved by the existing building on Lot 1 and the shown building envelope (and storage sheds) on Lot 2:  Lot 1 Lot 2  Dwelling Building envelope (storage sheds)  Frontage 18.3m 6.31m (67.2)  Side (N) 8.74m 7.7m (18.8)  Side (S) 2.07m 9.7m (4)  Rear 12.61m 16.2m (3)  It is noted that the existing shed in the rear of the existing house complies with the exemption 4.3.7 (b)(ii) and therefore has not been considered in regard to boundary setbacks.	
A2	Proposed Lot 1 has a frontage of 27.3m while proposed Lot 2 is an internal lot and has a frontage of 5m.	Relies on Performance Criteria
A3	Lot 2 has access from a road via its frontage (access strip). Lot 1 utilises the same access as Lot 2 via a right of way.	Relies on Performance Criteria
12.5.2	Roads	
A1	The proposal does not include a new road.	Not Applicable
12.5.3	Services	
A1	Both lots are connected or will be connected to reticulated water.	Complies with Acceptable Solution
A2	Lot 1 has an existing sewer connection within an existing private service easement through the southern property (2A Webster Street) to the sewer main. Lot 2 is proposed to be serviced via an on-site disposal system.	Relies on Performance Criteria

	12.0 Village Zone	
Scheme Standard	Planner's Assessment	Assessed Outcome
A3	Lot 1 has an existing stormwater connection. Lot 2 is proposed to be connected via a drainage easement over Lot 1.	Complies with Acceptable Solution

	C2.0 Parking and Sustainable Transport	Code
Scheme Standard	Planner's Assessment	Assessed Outcome
C2.5.1	Car parking numbers	
A1	The existing dwelling requires 2 car parking spaces (3-bedroom house). The proposal includes the construction of a new gravel turning area to be used as parking area for the existing dwelling. 2 car parking spaces are provided in this area.	Complies with Acceptable Solution
C2.5.2	Bicycle parking numbers	
A1	Table C2.1 does not require bicycle parking spaces for single dwellings. Lot 2 is not required to be classified into a use class.	Not Applicable
C2.5.3	Motorcycle parking numbers	
A1	Clause 2.5.3 does not apply to single dwellings in accordance with clause C2.2.2 of the Scheme. Lot 2 is not required to be classified into a use class.	Not Applicable
C2.6.1	Construction of parking areas	
A1	The proposal includes the extension of the existing gravel driveway to provide for new parking spaces for the existing dwelling.	Relies on Performance Criteria
C2.6.2	Design and layout of parking areas	

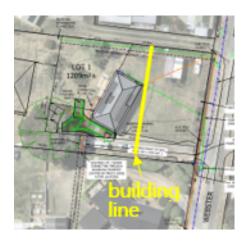
	C2.0 Parking and Sustainable Transport	Code
Scheme Standard	Planner's Assessment	Assessed Outcome
A1.1	The subject site is almost flat. Gradients and dimensions for access and parking spaces are compliant. Sufficient clearance is achieved. The existing residential dwelling requires only 2 car parking spaces and therefore, the property is not required to be entered and exited in a forward direction. Tandem parking is acceptable for a single dwelling. Delineation is not required for a single dwelling.	Complies with Acceptable Solution
A1.2	No accessible parking required.	
C2.6.3	Number of accesses for vehicles	
A1	Both properties will utilise the same existing vehicle access.	Complies with Acceptable Solution
A2	The property is located in the Village Zone.	Not Applicable
C2.6.5	Pedestrian access	
A1.1	The proposal is for subdivision. The existing dwelling requires only 2 car parking spaces.	Not Applicable
A1.2	No accessible parking required.	
C2.6.8	Siting of parking and turning areas	
A1	A building line is defined in the planning scheme as: "a line drawn parallel to a frontage along the front facade of a building or through the point of a building closest to the frontage, excluding protrusions." The proposed parking areas are located behind the building line.	Complies with Acceptable Solution

# **C2.0 Parking and Sustainable Transport Code**

# Scheme Standard

## Planner's Assessment

## **Assessed Outcome**



A2 The property is located in the Village Zone.

Not Applicable

C13.0 Bushfire-Prone Areas Code		
Scheme Standard	Planner's Assessment	Assessed Outcome
C13.2	Application of this Code	
	The property is located within a bushfire-prone area, and the proposal is for subdivision.	Code Applies
C13.4	Development exempt from the Code	
	An accredited person, having regard to the objective of all applicable standards in this code, has certified that there is an insufficient increase in risk.	Exempt

#### 12.0 Village Zone

## 12.5.1 Lot design Objective That each lot: has an area and dimensions appropriate for use and development in the zone; (a) Planning Scheme Provision is provided with appropriate access to a road. (b) Performance Criteria P1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to: the relevant requirements for development of existing buildings on the lots; (a) (b) the intended location of buildings on the lots; the topography of the site; (c) (d) the presence of any natural hazards; adequate provision of private open space; and (e) the pattern of development existing on established properties in the area. (f)

## 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
12.5.1 Performance Criteria P1	Proposed Lot 1 comprises an established residential dwelling and associated outbuilding. The performance criterion is triggered due to the reduced setback of 2.07m of the existing dwelling to the proposed boundary.
12.5.1 Performance Criteria P1(a)	The lot configuration allows for the construction of sufficient parking areas located behind the building line. The lot has an area of 1,209m <sup>2</sup> with approximately 60% of the land remaining undeveloped.
12.5.1 Performance Criteria P1(b)	Not applicable.  The performance criterion is triggered by the setback of the existing dwelling on Lot 1.

Scheme Provision	Planner's Assessment
12.5.1 Performance Criteria P1(c)	The property is almost flat with a very gentle slope towards the north-western property corner. There are no restrictions imposed by the topography of the land for existing or future developments.
12.5.1	Not applicable
Performance Criteria P1(d)	There are no natural hazards present. A qualified person has certified that the proposed development will not increase the risk from bushfire.
12.5.1 Performance Criteria P1(e)	Proposed Lot 1 has a site area of 1,209m <sup>2</sup> . The existing dwelling has a floor area of approximently 120m <sup>2</sup> , leaving sufficient area around the dwelling for private open space.
12.5.1 Performance Criteria P1(f)	There are several existing developments with reduced boundary setbacks to the rear and / or side boundary. Particularly, the adjoining properties to the north have the same lot configuration as proposed and comprise existing developments with reduced boundary setbacks (refer to Figure 1 below).  **Figure 1: Existing developments with reduced boundary setbacks in the surrounding area (source: Spectrum Spatial).**

Scheme Provision	Planner's Assessment
12.5.1 Performance Criteria P1 Conclusion	The reduced boundary setback between the existing dwelling and the proposed new boundary does not restrict the development potential of Lot 1 or Lot 2 and is consistent with existing developments on established properties in the area.

Planning Scheme Provision	12.5.1 Lot design
	Objective That each lot:  (a) has an area and dimensions appropriate for use and development in the zone;
	and (b) is provided with appropriate access to a road.
	Performance Criteria P2
	Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:
	<ul> <li>(a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</li> <li>(b) the topography of the site;</li> <li>(c) the functionality and useability of the frontage;</li> <li>(d) the anticipated nature of vehicles likely to access the site;</li> <li>(e) the ability to manoeuvre vehicles on the site;</li> <li>(f) the ability for emergency services to access the site; and</li> <li>(g) the pattern of development existing on established properties in the area,</li> </ul>
	and is not less than 3.6m wide.

# 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
12.5.1 Performance Criteria P2	Proposed Lot 2 is an internal lot with a frontage width of 5m.
12.5.1 Performance Criteria P2(a)	The proposed access strip of Lot 2 comprises the existing driveway to access the existing dwelling. A right of carriageway easement is proposed for Lot 1; however, Lot 1 has sufficient frontage to provide for a separate vehicle access if desired or required in the future.
12.5.1 Performance Criteria P2(b)	The property is almost flat with a very gentle slope towards the north-western property corner.
12.5.1 Performance Criteria P2(c)	The proposed access strip comprises an existing driveway connecting to an existing vehicle crossing. The use of the vehicle access is not altered by the subdivision. Future development of the proposed Lot 2 will be required to be assessed separately. However, access strips are common to provide access to land located in the rear of a property. The properties to the north have a similar lot configuration.
12.5.1 Performance Criteria P2(d)	Proposed Lot 2 relies on an access strip. While the lot is vacant, the anticipated future development is for residential purposes. A residential use generates approx. 9 vehicle movements a day, which is a very low traffic impact. Residential uses generally utilise light vehicles. The 5m wide access strip comprises the existing driveway for the existing dwelling on proposed Lot 1. The functionality of this driveway has been proven and remains unchanged until Lot 2 is developed. Future development will be required to be assessed against the provisions of the Planning Scheme.
12.5.1 Performance Criteria P2(e)	While proposed Lot 2 has a frontage of only 5m and an access strip of about 44m in length, the land suitable for development comprises a rectangular shape of approximately 1,080m <sup>2</sup> . There is sufficient area to provide for manoeuvring of vehicles on site.
12.5.1 Performance Criteria P2(f)	A 5m wide access strip is of sufficient width to provide access for emergency vehicles. A qualified person has certified that the proposed development will not increase the risk from bushfire considering all applicable requirements and objectives, including access for emergency vehicles.

Scheme Provision	Planner's Assessment
12.5.1 Performance Criteria P2(g)	Internal lot configurations are present within the vicinity of the site. There are three properties to the north of the site comprising access strips.
12.5.1 Performance Criteria P2 Conclusion	The proposed internal lot configuration is consistent with existing developments in the surrounding area. The existing driveway will be utilised by both lots. The functionality and usability of the frontage is not compromised by the proposed development and is considered suitable for the existing dwelling on Lot 1 and intended use on Lot 2.

Planning Scheme Provision	12.5.1 Lot design
	Objective
	That each lot:
	(a) has an area and dimensions appropriate for use and development in the zone; and
	(b) is provided with appropriate access to a road.
	Performance Criteria P3
	Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:
Plai	(a) the topography of the site; (b) the distance between the lot or building area and the carriageway;
	(c) the nature of the road and the traffic; and
	(d) the pattern of development existing on established properties in the area.

# **Summary of Planner's Advice**

The development is assessed as satisfying Performance Criteria P3 and is consistent with the objective.

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

Scheme Provision	Planner's Assessment
12.5.1 Performance Criteria P3	Although Lot 1 has frontage to Webster Street, the proposal is for a right of carriageway over the existing access located within the access strip of proposed Lot 2. Therefore, Lot 1 has no vehicle access from the boundary to the road.
12.5.1 Performance Criteria P3(a)	The property is almost flat with a very gentle slope towards the north-western property corner.
12.5.1 Performance Criteria P3(b)	The proposed access strip has a length of about 44m to the rear of proposed Lot 1. The proposed right of carriageway has a length of about 32m to allow Lot 1 accessing the proposed vehicle parking area. However, it is recommended to request the extension of the right of way to the end of the access strip to ensure the accessibility of the proposed new parking area on Lot 1.
12.5.1 Performance Criteria P3(c)	Webster Street is a sealed local road with a width of approximately 4.5m within a 11-13m wide road reserve. There is no pedestrian infrastructure, leaving nature strips on either of the carriageway. Webster Street is a nothrough road with 8 residential property accesses north of the site. The traffic volume is low within a low speed environment.
12.5.1 Performance Criteria P3(d)	Internal lot configurations are present within the vicinity of the site. There are three properties to the north of the subject site comprising access strips. These lot configurations provide for separate vehicle accesses for each lot.
12.5.1 Performance Criteria P3 Conclusion	The utilisation of the existing vehicle access and driveway for both properties is considered suitable for the existing and intended use of the land.

Planning Scheme	12.5.3 Services
	Objective  That the subdivision of land provides services for the future use and development of
	the land.
	Performance Criteria P2

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.

# 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
12.5.1 Performance Criteria P2	Proposed Lot 1 is connected to reticulated sewer via a private services easement through 2A Webster Street. Lot 2 will require an on-site wastewater disposal system. The application is for subdivision, only requiring confirmation of the suitability of the lot for on-site wastewater disposal for its intended use. The application was accompanied by a wastewater report confirming suitability of the lot for on-site wastewater disposal via subsurface irrigation system for a 4-bedroom dwelling. Future development will be required to provide a site-specific wastewater design compliant with the requirements to obtain required plumbing approvals.

# **C2.0 Parking and Sustainable Transport Code**

	C2.6.1 Construction of parking areas		
	Objective		
	That parking areas are constructed to an appropriate standard.		
sion	Performance Criteria P1		
eme Provi	All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:		
Planning Scheme Provision	<ul> <li>(a) the nature of the use;</li> <li>(b) the topography of the land;</li> <li>(c) the drainage system available;</li> <li>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</li> </ul>		
	(e) the likelihood of generating dust; and (f) the nature of the proposed surfacing.		

### 13.2.5 Planner's Advice - Performance Criteria

# 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	
C2.6.1 Performance Criteria P1	The proposal includes the extension of the existing gravel driveway to provide for parking areas for proposed Lot 1.	
C2.6.1 Performance Criteria P1(a)	The proposed extension provides for a new parking area for the existing dwelling. The average number of vehicle movements for a residential use is 9 per day (NSW traffic guidelines). The proposed driveway extension at the expected usage rate would be useable in all weather conditions. The use of a gravel material will provide surface integrity in wet conditions to prevent waterlogging and rutting. The use of a gravel material will minimise the potential for dust nuisance that would otherwise be experienced from a dirt driveway.	
C2.6.1 Performance Criteria P1(b)	The property is almost flat with a very gentle slope towards the north-western property corner.	
C2.6.1 Performance Criteria P1(c)		
C2.6.1 Performance Criteria P1(d)	The existing driveway is constructed of gravel. The driveway extension is unlikely to add additional sediment or debris onto the road due to its location behind the existing dwelling.	
C2.6.1 Performance Criteria P1(e)	Gravel is likely to generate some dust; however, the proposed driveway extension is located further away from existing developments on adjoining properties, providing for sufficient separation to allow dust to settle before it can become a nuisance. Most driveways along Webster Street are gravelled.	
C2.6.1 Performance Criteria P1(f)	The proposed driveway material is suitable for all-weather conditions for the anticipated use.	

# 13.2.5 Planner's Advice - Performance Criteria

Scheme Provision	Planner's Assessment
C2.6.1 Performance Criteria P1 Conclusion	The proposed driveway extension is suitable for its intended use and consistent with existing developments in the area.

# **APPLICATION FORM**



# **PLANNING PERMIT**

### **Land Use Planning and Approvals Act 1993**

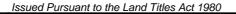
- Application form & details MUST be completed IN FULL.
- Incomplete forms will not be accepted and may delay processing and issue of any Permits.

			OFFICE USE ONLY
Property No:		Assessment No:	
DA\	PA	<b>"</b>	PC\
<ul> <li>Is your application the result of an illegal building work?</li> <li>Have you already received a Planning Review for this proposal?</li> <li>Is a new vehicle access or crossover required?</li> <li>Yes □ No</li> <li>No</li> </ul>			
PROPERTY DET	AILS:		
Address:	2 WEBSTER S	T WESTBURY TAS 7303	Certificate of Title: 134912/1
Suburb:			Lot No:
Land area:			$m^2$ / ha
Present use of land/building:			
<ul> <li>Does the application involve Crown Land or Private access via a Crown Access Licence:  Yes No</li> <li>Heritage Listed Property:  No</li> </ul>			
DETAILS OF US	E OR DEVELOP	PMENT:	
Indicate by ✓ box	☐ Building work ☐ Forestry	Change of use Other	Subdivision Demolition
Total cost of development (inclusive of GST):  Includes total cost of building work, landscaping, road works and infrastructure			
Description of work: Subdivision 2 lots			
Use of building:			(main use of proposed building – dwelling, garage, farm building, factory, office, shop)
New floor area:	r	m <sup>2</sup> New building heig	ght: m
Materials:	External walls:		Colour:
	Roof cladding:		Colour:



### RESULT OF SEARCH

**RECORDER OF TITLES** 





#### SEARCH OF TORRENS TITLE

VOLUME	FOLIO
134912	1
EDITION	DATE OF ISSUE
6	21-Feb-2020

SEARCH DATE : 08-Sep-2020 SEARCH TIME : 09.05 AM

### DESCRIPTION OF LAND

Town of WESTBURY
Lot 1 on Plan 134912
Being the land described in Conveyance No. 67/0084
Excepting thereout Lot 1 SP 8957 (1273 m2), Lot 1 SP 134911 (2166 m2)
Derivation: Part of Lot 1, 10a-2r-32p Gtd. to G H Courtenay
Prior CT 24059/6

#### SCHEDULE 1

M802408 TRANSFER to KIM ELIZABETH ROSENDALE Registered 21-Feb-2020 at noon

#### SCHEDULE 2

Reservations and conditions in the Crown Grant if any 34/6403 CONVEYANCE Made Subject to Boundary Fences Condition SP 134912 BENEFITING EASEMENT: Right of Drainage over the drainage easement 2.00 wide shown on Plan No. 134912 E210625 MORTGAGE to B&E Ltd Registered 21-Feb-2020 at 12.01 PM

### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



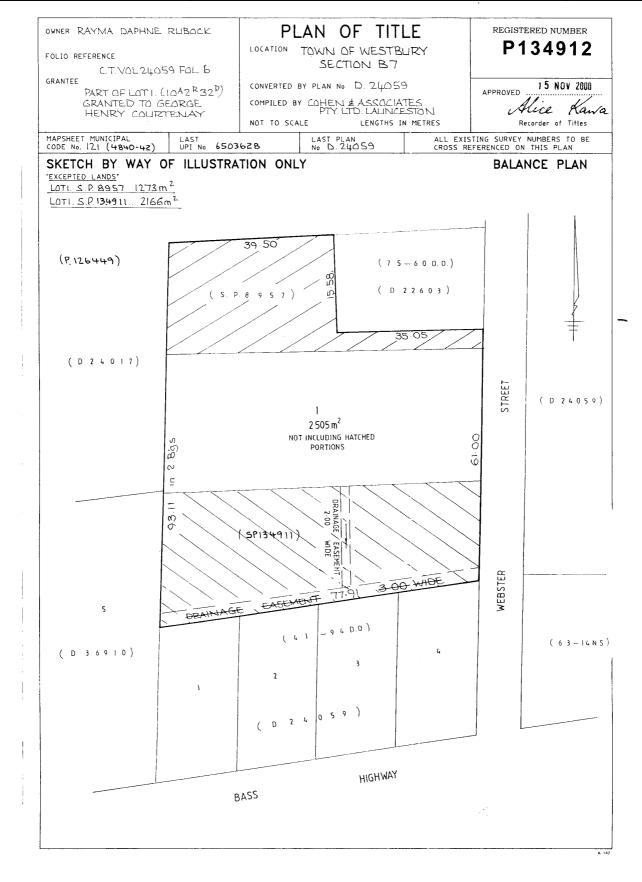


### **FOLIO PLAN**

#### RECORDER OF TITLES



Issued Pursuant to the Land Titles Act 1980



Search Date: 08 Sep 2020

Search Time: 09:05 AM

Volume Number: 134912

Revision Number: 01

Page 1 of 1

13.2.6 Application Documents #4 WEBSTER STREET #6 WEBSTER STREET STREET PROPOSED STORMWATER CONNECTION 32.52± ELEC POLE #140011 PROPOSED DRAINAGE EASEMENT 2.0m WIDE #6 PEYTON STREET LOT 1 FIRE PLUG LOT 2 1209m<sup>2</sup>± 1297m<sup>2</sup>± SEWER CONNECTION RL: 176.75± GRAVEL TURNING EXISTING WATER METER FOR LOT 1 RELOCATABLE STORAGE EXISTING STORMWATER (EXACT LOCATION TO BE DETERMINED) SHEDS PROPOSED PARKING ELEC POLE FOR LOT 1 2.6m X 5.4m #566387 44.03± PROPOSED EASEMENT EXISTING ACCESS PROPOSED FOR BOTH LOTS 76.66± PROPOSED RIGHT OF WAY OVER LOT 2 FOR LOT 1 1 & LOT 2 #13 MEANDER VALLEY ROAD EXISTING LOT 1 SEWER CONNECTING THROUGH OUTLET TO MANHOLE ADJOINING PROPERTY 176.88 LOCATED BY PROC'S CABLE & PIPE LOCATING PROPOSED WATER
CONNECTION AND METER
FOR LOT 2 WEBSTER #5 WEBSTER STREET #2A WEBSTER STREET ELEC POLE EXISTING DRAINAGE EASEMENT SEWER MAIN SEWER PUMP STATION Notes: 10 Goodman Court Invermay TAS 7248 PROPOSED 2 LOT SUBDIVISION Job Number VERTICAL DATUM IS BASED ON AHD'83 PER SPM 174/11. Woolcott PO Box 593 Mowbray Heights TAS 7248 Phone (03) 6332 3760 COORDINATES ARE PLANE AND REFERENCED TO MGA2020 AT 2 WEBSTER STREET, WESTBURY 7303 L200732 SPM 174/11. Email: enquiries@woolcott.au CONTOUR INTERVAL IS 0.2m.
BOUNDARIES AND EASEMENTS ARE COMPILED FROM SP.134911; C.T.134912/1 Drawn Date Scale Edition | Sheet AND ARE APPROXIMATE AND SUBJECT TO SURVEY. 20/08/25 1:300@A3 L200732\_PropPlan\_200825\_v3.0.dwg v3.0 1/1



# PLANNING REPORT

Subdivision of the land from 1 to 2 lots

2 Webster Street WESTBURY





Prepared by Woolcott Land Services Pty Ltd ABN 63 677 435 924

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(BUrbRegEnvPlan)

Town Planner

Rev.no	Description	Date
1	Review	28 January 2025
2	Draft	31 July 2025
3	Final	8 August 2025
4	Review	26 August 2025

### References

Land Tasmania. 2021. Land Information System Tasmania. Accessed 2025.

https://www.thelist.tas.gov.au/app/content/home/.

Roads and Maritime Services NSW. 2013. *Updated Traffic Surveys*. NSW State Government.

### **Annexures**

Annexure 1 Copy of title plan and folio text

Annexure 2 Proposal plan

Annexure 3 Bushfire hazard assessment

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### 1. Introduction

This report has been prepared in support of a planning permit application under Section 57 of the *Land Use Planning and Approvals Act 1993*.

Proposed development	
Subdivision - 1 lot to 2 lots	

This application is to be read in conjunction with the following supporting documentation:

Document	Consultant
Proposal Plan	Woolcott Land Services
On-site Wastewater Assessment	Geoton Pty Ltd

# 2. Subject site and proposal

### 2.1 Site details

Address	2 Webster Street, Westbury TAS 7303
Property ID	2011424
Title	134912/1
Land area	2505m²
Planning Authority	Meander Valley Council
Planning Scheme	Tasmanian Planning Scheme - Meander Valley
Easements	Drainage to adjoining lot – none on title.
Application status	Discretionary application
Existing Access	Single access from Webster Street
Zone	Village
General Overlay	None
Overlays	Bushfire-prone areas
Existing development	Single dwelling and outbuildings.
Existing services and infrastructure	

Water	Serviced
Sewer	Serviced
Stormwater	Serviced

### 2.2 Proposal

The proposal is for a subdivision to 2 lots. Lot 1 will contain the existing dwelling and outbuildings. Lot 2 will be a vacant lot. Access to each lot will be shared from the existing access point and a right of way easement will be applied accordingly.

Lot 1 will retain all services and connections. Lot 2 will have water and stormwater connections but sewer is proposed to be managed onsite.

Lot no.	Proposed Area	Frontage	Access
1	1209m²	27.30	Existing from Webster Street
2	1297m <sup>2</sup>	5m	Existing from Webster Street

This application includes a proposal to accommodate residential container storage on the lot (to proposed Lot 2). The storage is temporary and will be relocated upon issue of new titles, but for now is proposed as a part of the development.

### 2.3 Subject site

The subject site is a single lot at 2 Webster Street, Westbury. identified as CT. 134912/1. The lot is developed with a single dwelling and outbuildings. The lot has an existing vehicle crossing from the local, Council, sealed road.

The surrounding area is residential in character and the lot has residential development as existing on all shared boundary lots.

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# 2.4 Images



Figure 1 Aerial view of the subject site (Land Tasmania 2021)

# 3. Zone and overlays

# 3.1 Zoning

The site is zoned Village under the Scheme.

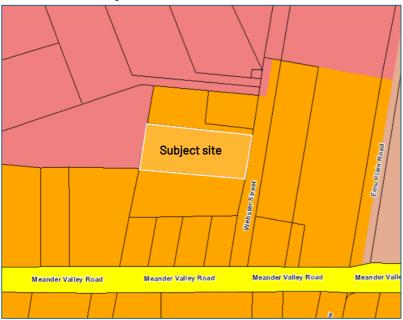


Figure 2 Zoning for the subject site (Land Tasmania 2021)

# 3.2 Overlays

The subject site is affected by the Bushfire prone area overlay only.

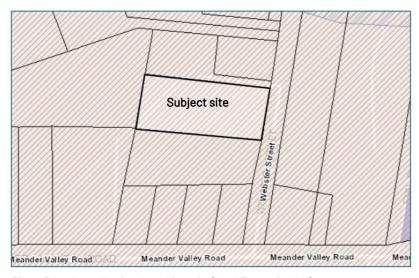


Figure 3 Overlays affecting the subject site (Land Tasmania 2021)  $\,$ 

# 4. Planning Scheme Assessment

#### 4.1 Zone 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 subclause 6.2.6 of this planning scheme and to which 6.8.2 applies, excluding adjustment of a boundary under subclause 7.3.1, may be approved at the discretion of the planning authority.
- 6.2.6 Notwithstanding subclause 6.2.1 of this planning scheme, development which is for subdivision, a sign, land filling, retaining walls or coastal protection works does not need to be categorised into one of the Use Classes.

#### Response

The Use Standards are not addressed as a part of this application.

### 12.0 Village Zone

#### 12.1 Zone Purpose

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

#### 12.4 Development Standards for Buildings and Works

### 12.4.2 Building height

Objective						
That building height is compatible with the str amenity for adjoining properties.	That building height is compatible with the streetscape and does not cause an unreasonable loss of amenity for adjoining properties.					
Acceptable Solutions	Performance Criteria					
A1 Building height must be not more than 8.5m.	P1 Building height must be compatible with the streetscape and not cause an unreasonable loss of amenity to adjoining properties, having regard to:  a) the topography of the site; b) the height, bulk and form of existing buildings on the site and adjoining properties; c) the bulk and form of proposed buildings; d) sunlight to habitable rooms and private open space in adjoining properties; and e) any overshadowing of adjoining properties or public places.					

Woolcott Land Services & East Coast Surveying

Meander Valley Council - Ordinary Meeting Agenda: 11 November 2025

Response

P1 The acceptable solution is achieved. The temporary storage containers are not more than 3m in height.

#### 12.4.3 Setback

#### Objective

#### That building setback is compatible with the streetscape and does not result in an unreasonable impact on amenity of adjoining properties. Acceptable Solutions Performance Criteria Buildings must have a setback from a frontage P1 Buildings must be sited to be compatible with the streetscape and character of development existing on established properties in the area, a) not less than 4.5m; having regard to: b) not less than existing buildings on the site; or a) the topography of the site; c) not more or less than the maximum and b) the setbacks of buildings on adjoining minimum setbacks of the buildings on properties: c) the height, bulk and form of existing and adjoining properties. proposed buildings; d) the appearance of proposed buildings when viewed from roads and public places adjoining the site; and e) the safety of road users.. A2 Buildings must have a setback from side and P2 Buildings must be sited so that there is no rear boundaries of not less than: unreasonable loss of amenity to adjoining properties, having regard to: 3m; or b) half the wall height of the building, a) the topography of the site; b) the size, shape and orientation of the site; whichever is the greater. c) the setbacks of surrounding buildings; d) the height, bulk and form of existing and proposed buildings; e) the existing buildings and private open space areas on the site; f) sunlight to private open space and windows of habitable rooms on adjoining properties; and g) the character of development existing on established properties in the area. Air extraction, pumping, refrigeration systems, P3 Air conditioning, air extraction, pumping, heating compressors or generators, excluding or refrigeration systems, compressors or Residential, Visitor Accommodation, Natural generators, excluding Residential, Visitor and Cultural Values Management, Passive Accommodation, Natural and Cultural Values Recreation and Utilities, must have a setback Management, Passive Recreation and Utilities, from a property containing a sensitive use of within 10m of a property containing a sensitive not less than 10m use must be designed, located, baffled or insulated to not cause an unreasonable loss of amenity, having regard to: a) the characteristics and frequency of any emissions generated; the nature of the proposed use; c) the topography of the site and location of the sensitive use; and

Response

Woolcott Land Services & East Coast Surveying

10

d) any mitigation measures proposed.

- A1 The acceptable solution is achieved. The temporary storage containers are setback from the frontage by more than 4.5m.
- A2 The acceptable solution is achieved. The side and rear setbacks are compliant.
- A3 Not applicable.

#### 12.4.4 Site coverage

Objective					
That site coverage:  a) is compatible with the character of the development existing in the area; and b) provides sufficient area for private open space and landscaping.					
Acceptable Solutions	Performance Criteria				
A1 Site coverage must be not more than 50%.	P1 Site coverage must be consistent with that existing on established properties in the area, having regard to:  a) the topography of the site; b) the size and shape of the site; c) the existing buildings and any constraints imposed by existing development; d) the provision for landscaping and private open space; and e) the character of development existing on established properties in the area				

Response

A1 The storage containers equate to approximately 3.4% of proposed Lot 2.

### 12.5 Development Standards for Subdivision

### 12.5.1 Lot Design

Objective

That each lot:  a) has an area and dimensions appropriate for use and development in the zone; and  b) is provided with appropriate access to a road.							
Acceptab	Acceptable Solutions Performance Criteria						
			exclu littora useal	lot, or a lot proposed in a plan of subdivision, iding for public open space, a riparian or al reserve or Utilities, must have sufficient ble area and dimensions suitable for its ded use, having regard to:  the relevant requirements for development of existing buildings on the lots;  the intended location of buildings on the lots;			

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- b. easements or other title restrictions that limit or restrict development; and
- ii. existing buildings are consistent with the setback required by clause 12.4.3 A1 and A2:
- b) be required for public use by the Crown, a council or a State authority;
- be required for the provision of Utilities;
   or
- d) be for the consolidation of a lot with another lot provided each lot is within the same zone.

- c) the topography of the site;
- d) the presence of any natural hazards;
- e) adequate provision of private open space; and
- f) the pattern of development existing on established properties in the area.

#### Response

- P1 The acceptable solution is achieved. The minimum lot size proposed is 1209m².

  Proposed lot 2 will contain existing container storage which is temporary and which will be removed upon creation of new titles. The appropriate setbacks are shown to be compliant until then. It can demonstrate an appropriate building area and setbacks can also be met for future development. The existing dwelling will have a reduced setback to the new boundary on the south side, similar to the property at 6 Webster Street.
- A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 10m.
  - P2 Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:
    - a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;
    - b) the topography of the site;
    - the functionality and useability of the frontage;
    - d) the anticipated nature of vehicles likely to access the site;
    - e) the ability to manoeuvre vehicles on the
    - the ability for emergency services to access the site; and
    - g) the pattern of development existing on established properties in the area,

and is not less than 3.6m wide

#### Response

- P2 The performance criteria are addressed. The frontage for Lot 2 is reduced.
  - a. Two lots will share the access but it will be wide enough for two way access.
  - b. The topography presents no challenges to access.
  - c. The frontage allows for access to both lots.
  - d. The lot is likely to be developed for residential use and development.

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- e. Each lot is sufficiently sized to allow for manoeuvring, the access strip is wide enough to allow passing of vehicles.
- f. The access meets the minimum and so it is expected that emergency vehicles can access each lot.
- g. The proposed is similar to that at 6 Webster Street.
- A3 Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.

  P3 Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:

  a) the topography of the site;

  b) the distance between the lot or building area and the carriageway;

  c) the nature of the road and the traffic; and

  d) the pattern of development existing on

#### Response

- P3 The performance criteria are addressed. Lots 1 and 2 will share the vehicular access.
  - a. the topography has no bearing on the shared access.
  - b. the distance of the building area for Lot 2 to the carriageway is 44m+.
  - c. The nature of the road is local and generally residential. The immediate locality is not densely populated and high traffic numbers are not anticipated on Webster Street.

established properties in the area.

d. The proposed is similar to that at 6 Webster Street.

#### 12.5.2 Roads

Objective						
That the arrangement of new roads within a subdivision provides:  a) safe, convenient and efficient connections to assist accessibility and mobility of the community;  b) adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and  c) (c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.						
Acceptable Solutions Performance Criteria				nce Criteria		
Α1	The subdivision includes no new roads	a subdivision must provide an appropriate access, connectivity, safety, convenience		ility for vehicles, pedestrians and cyclists,		
		<ul> <li>a) any relevant road network plan adopted by council;</li> </ul>				
			b)	the existing and proposed road hierarchy;		
			c)	the need for connecting roads and pedestrian paths to common boundaries with adjoining land to facilitate future subdivision potential;		
d) maximising connectivity with the						

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surrounding road, pedestrian, cycling and public transport networks;
e) access to public transport;
f) the topography of the site; and
<ul> <li>g) (g) the future subdivision potential of any balance lots on adjoining or adjacent land.</li> </ul>

#### Response

A1 The acceptable solution is achieved; no new roads are proposed.

#### 19.5.2 Services

Obj	Objective						
Tha	t the subc	division of land provides services for the	utu	re use and development of the land.			
Acceptable Solutions			Performance Criteria				
A1	subdivis	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:		1 No Performance Criterion.			
	a)	be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or					
	b)	be connected to a limited water supply service if the frontage of the lot is within 30m of a connection to a limited water supply service,					
		regulated entity advises that the lot is to be connected to the relevant water service.					

### Response

A1 The acceptable solution is achieved. Each lot will have a water connection.

A2	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.	P2	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site waste-water treatment system adequate for the future use and development of the land.
----	--	----	---

#### Response

P2 The performance criteria are addressed. Proposed Lot 2 cannot achieve a sewer connection due to both distance and available path to a sewer main, and the flat nature of the land. Onsite wastewater management is proposed. The report from Geoton supplied with this application includes more detail.

A3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.

P3 Each lot, or a lot proposed in a plan of subdivision, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:

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a) the size of the lot;
b) topography of the site;
c) soil conditions;
d) any existing buildings on the site;
e) any area of the site covered by impervious surfaces; and
any watercourse on the land.

Response

A3 The acceptable solution is achieved. Each lot will connect to the public system.

### 4.2 Code Assessment

- C2.0 Parking and Sustainable Transport Code
- C2.5 Use Standards

Response

- A1 The acceptable solution is achieved. The lots are sized and dimensioned to allow suitable parking allowance. Proposed Lot 1 will retain existing parking provision.
- C3.0 Road and Railway Assets Code
- C3.5 Use Standards
- C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction
- A1 The acceptable solution is achieved as the existing access will be used and the increase to traffic movements is anticipated to be within the acceptable level.
- C3.7 Development Standards for Subdivision
- C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area Response
- A1 The proposed is not within an attenuation area.

### 5. Conclusion

This application is for a subdivision to 2 lots in the Village Zone. Proposed Lot 1 will retain the existing development. Proposed Lot 2 will be a vacant lot and the existing vehicle crossing will be shared. The proposed is in accord with the provisions of the Scheme and a planning permit is sought from Council.

Woolcott Land Services & East Coast Surveying

Meander Valley Council - Ordinary Meeting Agenda: 11 November 2025



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21 July 2025

Reference No. GL25355Ab

Mr Richard Reed 2 Webster Street WESTBURY TAS 7307

Dear Sir

RE: Preliminary On-site Wastewater Assessment and Site Classification 2 Webster Street, Westbury

We have pleasure in submitting herein our report detailing the results of a preliminary on-site wastewater disposal site evaluation and site classification conducted at the above site.

Should you require clarification of any aspect of this report, please contact Timothy Liew on 03 6326 5001.

For and on behalf of

**Geoton Pty Ltd** 

**Tony Barriera** 

Director – Principal Geotechnical Engineer

Rev No.	Date	Written By	Reviewed By	Description
Ab	21/07/2025	T Liew	T Barriera	Original

Preliminary On-site Wastewater Assessment and Site Classification

#### 1 INTRODUCTION

At the request of Woolcott Land Services, Geoton Pty Ltd has carried out a limited scope investigation at the site of a proposed residential subdivision at 2 Webster Street, Westbury.

The investigation has been conducted to assess the following:

- Determine if the proposed new Lot 2 can support an on-site wastewater disposal system in accordance with AS/NZS 1547:2012 "On-site domesticwastewater management" for the purposes of subdivision approval;
- The general subsurface conditions of the proposed Lot 2 and consequently assign a Site Classification in accordance with AS 2870 – 2011 "Residential Slabs and Footings"; and
- The surrounding topography and provide a Wind Classification in accordance with AS 4055 – 2021 "Wind Loads for Housing".

We understand that the proposed subdivision of the property will allocate all existing structures to be contained within Lot 1, with the proposed Lot 2 being the vacant balance.

It should be noted that the wastewater disposal component of this report is a preliminary assessment for subdivision approval only, and that a site-specific wastewater disposal design for the proposed new Lot 2 will be required by the developers/owners once the actual location and size of residential development is known.

A site plan was provided, prepared by Woolcott Land Services showing the proposed lot layout, Job Number L200732, Sheet 1/1, dated 21/05/25.

We understand that proposed Lot 2 will be 1,253m<sup>2</sup> in size.

#### 2 FIELD INVESTIGATION

The field investigation was conducted on 26 June 2025 and involved the drilling of 4 boreholes by 4WD mounted auger rig to the investigated depths of 2.0m.

Insitu vane shear strength tests were conducted in the clay layers encountered in the investigation, with samples of these soils being obtained for subsequent laboratory testing.

The results of the field and laboratory tests are shown on the borehole logs.

The logs of the boreholes are included in Appendix A and their locations are shown on Drawing 1 attached.

### 3 SITE CONDITIONS

Proposed Lot 1 is currently developed with an existing dwelling; the area of proposed Lot 2 is currently undeveloped. The existing dwelling has a connection to the

Preliminary On-site Wastewater Assessment and Site Classification

reticulated sewer infrastructure. The ground surface within the proposed Lot 2 is generally near level with a cover of low grass and several small shrubs.



Plate 1: View of site looking to the west, 26/06/2025.

The MRT Digital Geological Atlas 1:25,000 Series, indicates that the site is located on Paleogene to Neogene period sediments, with this being generally confirmed by our field investigation.

Examination of the LIST Landslide Planning Map – Landslide Hazard Bands Overlay indicates that the site is not within a mapped landslide hazard band.

The investigation indicated that the soil profile varied slightly across the site.

Borehole BH1 encountered clayey silt fill to a depth of 0.4m, overlying clayey silt to a depth of 1.2m, underlain by silty clay to the investigated depth of 2.0m. Borehole BH2 and BH4 encountered sandy silt topsoil to depths of 0.2m, overlying sandy to gravelly silt to depths of 0.6m to 1.0m, underlain by silty clay to the investigated depths of 2.0m. Borehole BH3 encountered gravelly silt topsoil to a depth of 0.2m, overlying gravelly silt to a depth of 0.8m, underlain by clayey silt and silty clay to the investigated depth of 2.0m.

Borehole BH4 encountered groundwater seepage at the depth of 0.55m.

Full details of the soil conditions encountered are presented on the borehole logs.

#### 4 EFFLUENT DISPOSAL

### 4.1 Permeability of Soil and Soil Classification

Based on the general findings of the borehole investigation, the soil condition at the site has been classified as follows:

Preliminary On-site Wastewater Assessment and Site Classification

- Texture Light Clay (Table E1 from AS1547-2012);
- Structure Moderately Structured (Table E4 from AS/NZS1547-2012); and
- Category 5 (Table E1 from AS/NZS1547:2012).

For moderately structured Category 5 soils the indicative permeability from AS1547 Table L1 is 0.06-0.12m/day.

Adopted Permeability – 0.06m/day.

### 4.2 Disposal and Treatment Method

The soil within the proposed effluent disposal area is assessed as having sufficient depth and clay content to provide an adequate attenuation period for the breakdown of pathogens within the treated effluent.

As the site contains Category 5 soils that have a low permeability and due to the small area available for the disposal of wastewater, primary treated effluent (eg septic tank and absorption trenches) <u>may not</u> be suitable for disposal within these soils.

Therefore, based on the findings of the investigation and provided the setback distances are adhered to, this site assessment indicates that the proposed Lot 2 will only be suitable for the disposal of secondary treated effluent by way of a maintained Secondary Treatment System (STS) and a raised disposal bed within a timber sleeper retaining wall structure.

#### 4.3 Setbacks

The minimum separation distance between the disposal area and downslope features is based on Appendix R from AS/NZS 1547:2012 "Recommended Setback Distances for Land Application Systems" and Section 3.1 from the *Building Act 2016:* Director's Guidelines for On-site Wastewater Management Systems. The following setbacks are required for secondary treated effluent on gentle slopes:

- 15.0m from downslope sensitive features such as watercourses;
- 1.5m from property boundaries; and
- 3.0m from buildings.

### 4.4 Example of Minimum System Requirements

About 180m² (90m² for the effluent disposal area and 90m² as a reserve area) would be required for an STS and sub-surface irrigation system to support a standard 4-bedroom dwelling on reticulated water within the assessed area of the site.

Preliminary On-site Wastewater Assessment and Site Classification

#### 4.5 Conclusions

The proposed new Lot 2 will be 1,253m² in size, however, once the area required for a dwelling and driveway has been subtracted, it is assessed that there will only be 432m² available. Therefore, the site will only be suitable for the disposal of domestic effluent by way of an STS and a raised disposal bed.

### 5 SITE CLASSIFICATION

After allowing due consideration of the site geology, drainage and soil conditions, the site has been classified as follows:

#### **CLASS H1 (AS 2870)**

Foundation designs in accordance with this classification are to be subject to the overriding conditions of the foundation section below.

This Classification is applicable only for ground conditions encountered at the time of this investigation. If cut or fill earthworks are carried out, then the Site Classification will need to be re-assessed, and possibly changed.

### 6 FOUNDATIONS

Particular attention should be paid to the design of footings as required by AS 2870 – 2011

In addition to normal founding requirements arising from the above classification, particular conditions at this site dictate that the founding medium for all footings would be as follows:

Clayey SILT (MH) – high plasticity, brown mottled grey encountered beneath the fill, below 0.4m from the existing ground surface and

Sandy SILT (ML) – low plasticity, pale brown encountered below 0.2m from the existing ground surface

An allowable bearing pressure of 100kPa is available for edge beams, strips, pads and bored piers founded as above.

No structure should be founded on fill without the footings extending through the fill to the natural soils below.

If groundwater is encountered in site or footing excavations, it is recommended that subsoil drains are installed discharging to the stormwater system.

If rock is encountered in site or footing excavations, then it is recommended that all footings are founded uniformly to rock.

The site classification presented assumes that the current natural drainage and infiltration conditions at the site will not be markedly affected by the proposed site development work. Care should therefore be taken to ensure that surface water is not

Preliminary On-site Wastewater Assessment and Site Classification

permitted to collect adjacent to the structure and that significant changes to seasonal soil moisture equilibria do not develop as a result of service trench construction or tree root action.

Attention is drawn to Appendix B of AS 2870 and CSIRO Building Technical File BTF18 "Foundation Maintenance and Footing Performance: A Homeowner's Guide" as a guide to maintenance requirements for the proposed structure.

Although the borehole data provides an indication of subsurface conditions at the site, variations in soil conditions may occur in areas of the site not specifically covered by the field investigation. The base of all footing or beam excavations should therefore be inspected to ensure that the founding medium meets the requirements referenced herein with respect to type and strength of founding material.

The boreholes were backfilled shortly after being drilled, not allowing time for groundwater seepage flows to develop. Groundwater seepages or higher groundwater levels can occur during and/or after a prolonged period of wet weather or a heavy rainfall event.

#### 7 WIND CLASSIFICATION

After allowing due consideration of the region, terrain, shielding and topography, the site has been classified as follows:

#### **WIND CLASSIFICATION N3 (AS 4055)**

REGION	TERRAIN CATEGORY	SHIELDING	TOPOGRAPHY
А	TC 2.5	NS	Т3

#### 8 REFERENCES

- Department of Justice. (2017). Building Act 2016 Director's Guidelines for On-site Wastewater Management Systems v2.0. Consumer, Building and Occupational Services.
- Standards Australia Limited. (2012). AS/NZS 1547 On-site Domestic Wastewater Management. Sydney: SAI Global Limited.
- Standards Australia Limited. (2011). AS 2870: Residential Slabs and Footings Construction. Sydney: SAI Global Limited.
- Standards Australia Limited. (2017). AS 1726: Geotechnical Site Investigation. Sydney: SAI Global Limited.
- Standards Australia Limited. (2021). AS 4055: Wind Loads for Housing. Sydney: SAI Global Limited.

Preliminary On-site Wastewater Assessment and Site Classification

### **Attachments:**

Limitations of report

Drawing 1: Locality Plan

Appendix A: Borehole Logs & Explanation Sheets

Appendix B: Certificate Forms



# **Geotechnical Consultants - Limitations of report**

These notes have been prepared to assist in the interpretation and understanding of the limitations of this report.

#### Project specific criteria

The report has been developed on the basis of unique project specific requirements as understood by Geoton and applies only to the site investigated. Project criteria are typically identified in the Client brief and the associated proposal prepared by Geoton and may include risk factors arising from limitations on scope imposed by the Client. The report should not be used without further consultation if significant changes to the project occur. No responsibility for problems that might occur due to changed factors will be accepted without consultation.

#### Subsurface variations with time

Because a report is based on conditions which existed at the time of subsurface exploration, decisions should not be based on a report whose adequacy may have been affected by time. For example, water levels can vary with time, fill may be placed on a site and pollutants may migrate with time. In the event of significant delays in the commencement of a project, further advice should be sought.

#### Interpretation of factual data

Site assessment identifies actual subsurface conditions only at those points where samples are taken and at the time they are taken. All available data is interpreted by professionals to provide an opinion about overall site conditions, their likely impact on the proposed development and recommended actions. Actual conditions may differ from those inferred to exist, as it is virtually impossible to provide a definitive subsurface profile which includes all the possible variabilities inherent in soil and rock masses.

#### **Report Recommendations**

The report is based on the assumption that the site conditions as revealed through selective point sampling are indicative of actual conditions throughout an area. This assumption cannot be substantiated until earthworks and/or foundation construction is almost complete and therefore the report recommendations can only be regarded as preliminary. Where variations in conditions are encountered, further advice should be sought.

#### Specific purposes

This report should not be applied to any project other than that originally specified at the time the report was issued.

#### Interpretation by others

Geoton will not be responsible for interpretations of site data or the report findings by others involved in the design and construction process. Where any confusion exists, clarification should be sought from Geoton.

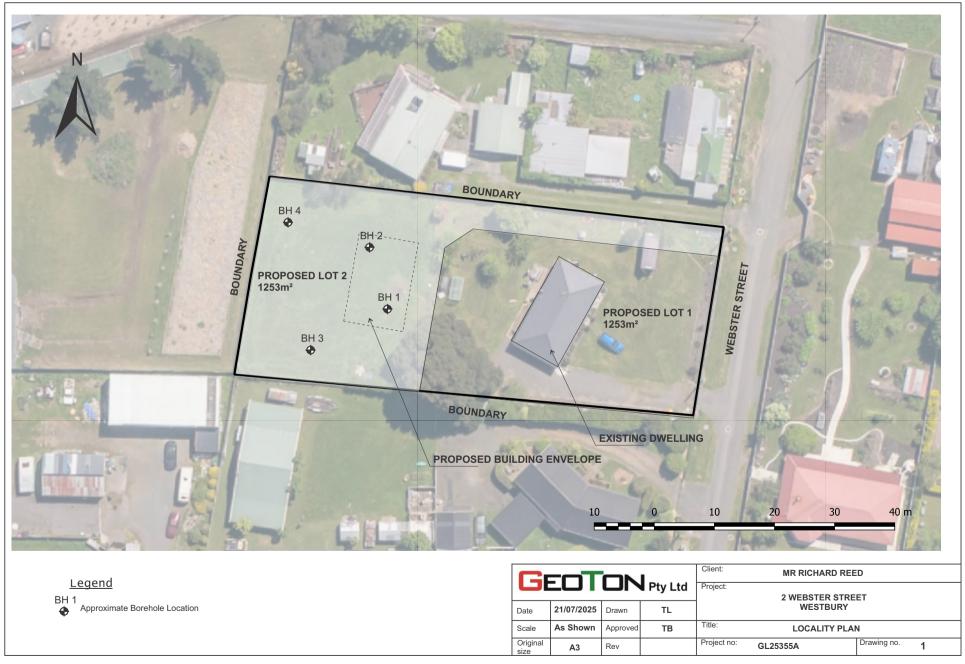
### Report integrity

The report as a whole presents the findings of the site assessment and the report should not be copied in part or altered in any way.

#### **Geoenvironmental issues**

This report does not cover issues of site contamination unless specifically required to do so by the client. In the absence of such a request, Geoton take no responsibility for such issues.

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Appendix A

**Borehole Logs** 

### **ENGINEERING BOREHOLE LOG: BH1** Sheet : 1 OF 1 Easting : 487470.14 Job No : GL25355A Client : Mr Richard Reed Northing : -4597029.53 Logged : TL : Preliminary On-site Wastewater Assessment and Site Classification Project Logged Date : 26/06/2025 : N/A Location : 2 Webster Street, Westbury Azimuth Drill Rig : Honey Badger - 95mm Testing Consistency density, index Graphic Log Classification Moisture condition Depth (m) Samples Water Code Structure, Additional Drilling (kPa) Material Description Observations FILL - Clayey SILT - low plasticity, dark St FILL Μ grey, trace fine gravel, trace fine grained 0.25 Clayey SILT - high plasticity, brown NATURAL Μ mottled grey, 120 D ADT - 95mm 114 Silty CLAY - high plasticity, yellow Μ VSt brown mottled grey, >140 BH1 Terminated at 2 m

### **ENGINEERING BOREHOLE LOG: BH2** Sheet : 1 OF 1 : 487443.33 : GL25355A Easting Job No Client : Mr Richard Reed Northing : -4597070.24 Logged : TL Logged Date : 26/06/2025 Project : Preliminary On-site Wastewater Assessment and Site Classification : N/A Location : 2 Webster Street, Westbury Azimuth Drill Rig : Honey Badger - 95mm Testing Consistency density, index Graphic Log Classification Moisture condition Depth (m) Samples Water Code Structure, Additional Drilling Material Description Observations TOPSOIL - Sandy SILT - non plastic, M-D MD dark brown, medium grained sand, Sandy SILT - non plastic, pale brown, MLMD medium grained sand, with medium to coarse gravel, 0.50 R 0.75 ADT - 95mm CH Silty CLAY - high plasticity, brown, VSt >140 VSt D (%) CH becoming pale grey, LL=88 PL=35 PI=53 LS=18.5 BH2 Terminated at 2 m

# GEOTON Geotechnical Consultants **ENGINEERING BOREHOLE LOG: BH3** Sheet : 1 OF 1 : 487459.94 : GL25355A Easting Job No Client : Mr Richard Reed Northing : -4597044.19 : TL Logged Logged Date : 26/06/2025 Project : Preliminary On-site Wastewater Assessment and Site Classification : N/A Location : 2 Webster Street, Westbury Azimuth Drill Rig : Honey Badger - 95mm Consistency density, index Graphic Log Classification Moisture condition Depth (m) Water Code Structure, Additional Drilling Material Description Observations TOPSOIL - Gravelly SILT - non plastic, W-M MD grey, medium sub-rounded Gravelly SILT - non plastic, pale grey, MLW-M MD 0.25 medium sub-rounded 0.50 0.75 MH Clayey SILT - high plasticity, red brown, ADT - 95mm CH Silty CLAY - high plasticity, pale grey, VSt BH3 Terminated at 2 m

# **ENGINEERING BOREHOLE LOG: BH4** Sheet : 1 OF 1 : 487428.84 : GL25355A Easting Job No Client : Mr Richard Reed Northing : -4597065.41 Logged : TL Logged Date : 26/06/2025 Project : Preliminary On-site Wastewater Assessment and Site Classification : N/A Location : 2 Webster Street, Westbury Azimuth Drill Rig : Honey Badger - 95mm Consistency density, index Graphic Log Moisture condition Depth (m) Code Water Structure, Additional Drilling Material Description Observations SM TOPSOIL - Sandy SILT - low plasticity MD to non plastic, dark brown, fine grained MLSandy SILT - low plasticity, brown, St medium grained sand, Gravelly SILT - low plasticity, pale grey, W-M St medium sub-rounded 0.50 CH Silty CLAY - high plasticity, brown, W-M VSt ADT - 95mm BH4 Terminated at 2 m

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## **Investigation Log** Explanation Sheet

#### METHOD - BOREHOLE

TERM	Description
AS	Auger Screwing*
AD	Auger Drilling*
RR	Roller / Tricone
W	Washbore
СТ	Cable Tool
HA	Hand Auger
DT	Diatube
В	Blank Bit
V	V Bit
Т	TC Bit

<sup>\*</sup> Bit shown by suffix e.g. ADT

#### **METHOD - EXCAVATION**

TERM	Description	
N	Natural exposure	
X	Existing excavation	
Н	Backhoe bucket	
В	Bulldozer blade	
R	Ripper	
E	Excavator	

#### SUPPORT

TERM	Description	
М	Mud	
N	Nil	
С	Casing	
S	Shoring	

#### **PENETRATION**

1	2	3	4	
				No resistance ranging to Refusal

#### WATER

Symbol	Description		
<b>)</b>	Water inflow		
Water outflow			
	17/3/08 water on date shown		

#### NOTES, SAMPLES, TESTS

TERM Description		
U <sub>50</sub>	Undisturbed sample 50 mm diameter	
U <sub>63</sub>	Undisturbed sample 63 mm diameter	
D	Disturbed sample	
N	Standard Penetration Test (SPT)	
N*	SPT – sample recovered	
N <sub>C</sub>	SPT with solid cone	
V	Vane Shear	
PP	Pocket Penetrometer	
Р	Pressumeter	
Bs	Bulk sample	
E	Environmental Sample	
R	Refusal	
DCP	Dynamic Cone Penetrometer (blows/100mm)	
PL	Plastic Limit	
LL	Liquid Limit	
LS	Linear Shrinkage	

# CLASSIFICATION SYMBOLS AND SOIL DESCRIPTION

Based on AS 1726:2017

#### **MOISTURE**

TERM	Description	
D	Dry	
М	Moist	
W	Wet	

## CONSISTENCY/DENSITY INDEX

TERM	Description
VS	very soft
S	soft
F	firm
St	stiff
VSt	very stiff
Н	hard
Fr	friable
VL	very loose
L	loose
MD	medium dense
D	dense
VD	Very dense

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#### Soil Description Explanation Sheet (1 of 2)

#### **DEFINITION**

In engineering terms, soil includes every type of uncemented or partially cemented inorganic or organic material found in the ground. In practice, if the material can be remoulded or disintegrated by hand in its field condition or in water it is described as a soil. Other materials are described using rock description terms.

#### **CLASSIFICATION SYMBOL AND SOIL NAME**

Soils are described in accordance with the AS 1726: 2017 as shown in the table on Sheet 2.

#### PARTICLE SIZE DEFINITIONS

NAME	SUBDIVISION	SIZE (mm)
BOULDERS		>200
COBBLES		63 to 200
	Coarse	19 to 63
GRAVEL	Medium	6.7 to 19
	Fine	2.36 to 6.7
SAND	Coarse	0.6 to 2.36
	Medium	0.21 to 0.6
	Fine	0.075 to 0.21
SILT		0.002 to 0.075
CLAY		<0.002

#### MOISTURE CONDITION

#### **Coarse Grained Soils**

Dry Non-cohesive and free running.

Moist Soil feels cool, darkened in colour.
Soil tends to stick together.

Wet As for moist but with free water forming when

handling.

#### Fine Grained Soils

Moist, dry of Plastic Limited – w < PL

Hard and friable or powdery.

Moist, near Plastic Limit – w ≈ PL

Soils can be moulded at a moisture content approximately equal to the plastic limit.

Moist, wet of Plastic Limit – w > PL

Soils usually weakened and free water forms on hands when handling.

hands when handling.

Wet, near Liquid Limit - w ≈ LL

Wet, wet of Liquid Limit - w > LL

#### CONSISTENCY TERMS FOR COHESIVE SOILS

TERM	UNDRAINED STRENGTH s <sub>u</sub> (kPa)	FIELD GUIDE	
Very Soft	≤12	Exudes between the fingers when squeezed in hand	
Soft	12 to 25	Can be moulded by light finger pressure	
Firm	25 to 50	Can be moulded by strong finger pressure	
Stiff	50 to 100	Cannot be moulded by fingers	
Very Stiff	100 to 200	Can be indented by thumb nail	
Hard	>200	Can be indented with difficulty by thumb nail	
Friable	-	Can be easily crumbled or broken into small pieces by hand	

#### RELATIVE DENSITY OF NON-COHESIVE SOILS

TERM	DENSITY INDEX (%)
Very Loose	≤15
Loose	15 to 35
Medium Dense	35 to 65
Dense	65 to 85
Very Dense	> 85

# DESCRIPTIVE TERMS FOR ACCESSORY SOIL COMPONENTS

DESIGNATION OF COMPONENT	IN COARSE GRAINED SOILS		IN FINE GRAINED SOILS		
	% Fines	% Accessory coarse fraction	% Sand/ gravel	TERM	
Minor	≤5	≤15	≤15	Trace	
IVIIIOI	>5, ≤12	>15, ≤30	>15, ≤30	With	
Secondary	>12	>30	>30	Prefix	

#### SOIL STRUCTURE

ZONING	1	CEMENTING			
Layer	Continuous across the exposure or sample.	Weakly cemented	Easily disaggregated by hand in air or water.  Effort is required to		
Lens	Discontinuous layer of different material, with lenticular shape.	Moderately cemented			
Pocket	An irregular inclusion of different material.		disaggregate the soil by hand in air or water.		

#### **GEOLOGICAL ORIGIN**

#### **WEATHERED IN PLACE SOILS**

Extremely weathered material	Structure and/or fabric of parent rock material retained and visible.
Residual soil	Structure and/or fabric of parent rock material not retained and visible.

#### TRANSPORTED SOILS

Aeolian soil	Carried and deposited by wind.
Alluvial soil	Deposited by streams and rivers.
Colluvial soil	Soil and rock debris transported downslope by gravity.
Estuarine soil	Deposited in coastal estuaries, and including sediments carried by inflowing rivers and streams, and tidal currents.
Fill	Man-made deposit. Fill may be significantly more variable between tested locations than naturally occurring soils.
Lacustrine soil	Deposited in freshwater lakes.
Marine soil	Deposited in a marine environment.

# GEOTON Pty Ltd

## Soil Description Explanation Sheet (2 of 2)

#### SOIL CLASSIFICATION INCLUDING IDENTIFICATION AND DESCRIPTION

FIELD IDENTIFICATION PROCEDURES (Excluding particles larger than 63 mm and basing fractions on estimated mass)						GROUP SYMBOL	PRIMARY NAME								
		r m	CLEAN GRAVEL (Little or no fines)	l	Wide range in grain size and substantial amounts of all intermediate particle sizes		GW	GRAVEL							
COARSE GRAINED SOIL  More than 65% of soil excluding oversize fraction is larger than 0.075 mm lest particle visible to naked eyes)	.VEL in half of action is 1 2.36 m	CLEAN GRAVEL (Little or no fines)		Predominantly one size or a range of sizes with some intermediate sizes missing		GP	GRAVEL								
	eyes)	GRAVEL More than half of coarse fraction is larger than 2.36 mm	VEL TINES ciable unt es)		on-plastic fines (for ident e ML and MH below)	ification procedures	GM	Silty GRAVEL							
COARSE GRAINED SOIL than 65% of soil excluding over fraction is larger than 0.075 mm	naked	N C	GRAVEL WITH FINES (Appreciable amount of fines)	l	astic fines (for identificat ., CI and CH below)	ion procedures see	GC	Clayey GRAVEL							
(SE GR. % of soil soil soil sible to		r s	CLEAN SAND (Little or no fines)	l	ide range in grain size a nounts of all intermediat		SW	SAND							
COAF than 65 raction i	e smallest particle visil SAND More than half of coarse fraction is smaller than 2.36 mm		ND n half of n half of n 2.36 n CLE SAt SAt no firtu		Predominantly one size or a range of sizes with some intermediate sizes missing		SP	SAND							
SPAINED SOIL  Of soil excluding oversize  More than 65% of soil excluding or fraction is larger than 0.075 mm  Fraction is larger than 0.075 m		SA More tha coarse fr aller tha	Non-plastic fines (for identification procedures see ML and MH below)  Plastic fines (for identification procedures see CL, Cl and CH below)		SM	Silty SAND									
		l ms					SC	Clayey SAND							
Ze	abc	IDENTIFICATION	N PROCEDURES C	N F	RACTIONS < 0.075 mm										
versi mm	cle is		DRY STRENGTH		DILATANCY	TOUGHNESS									
IL ng o	fraction is smaller than 0.075 mm (A 0.075 mm particle	.075 mm partic	.075 mm parti	.075 mm parti	.075 mm parti	.075 mm part	LAY 0.5, (c	None to Low		Slow to Rapid	Low	ML	SILT		
OSC cludi an 0.1							er than 0.0	шш	SILT & CLAY (low to medium plasticity, LL ≤ 50)	Medium to High		None to Slow	Medium	CL, CI	CLAY
INEI oil ex er tha								SILT () m pls	Low to Medium		Slow	Low	OL	ORGANIC SILT	
GRA of so	(A 0	LAY (c 5)	Low to Medium		None to Slow	Low to Medium	MH	SILT							
FINE GRAINED SOIL 35% of soil excluding n is smaller than 0.07		SILT & CLAY (high plasticity, LL > 50)	High to Very High		None	High	СН	CLAY							
F than actior		SILT ple	Medium to High		None to Very Slow	Low to Medium	ОН	ORGANIC CLA							
FINE GRAINED SOIL  More than 35% of soil excluding oversize fraction is smaller than 0.075 mm  (A 0.075 mm particle is al		Highly Organic Readily identified by colour, odour, spongy soil fibrous texture.		olour, odour, spongy fee	el and frequently by	Pt	PEAT								

#### **COMMON DEFECTS IN SOILS**

TERM	DEFINITION	DIAGRAM
PARTING	A surface or crack across which the soil has little or no tensile strength. Parallel or sub parallel to layering (e.g. bedding). May be open or closed.	
FISSURE	A surface or crack across which the soil has little or no tensile strength, but which is not parallel or sub parallel to layering. May be open or closed. May include desiccation cracks.	
SHEARED SEAM	Zone in clayey soil with roughly parallel near planar, curved or undulating boundaries containing closely spaced, smooth or slickensided, curved intersecting fissures which divide the mass into lenticular or wedge-shaped blocks.	
SHEARED SURFACE	A near planar curved or undulating, smooth, polished or slickensided surface in clayey soil. The polished or slickensided surface indicates that movement (in many cases very little) has occurred along the defect.	

TERM	DEFINITION	DIAGRAM
SOFTENED ZONE	A zone in clayey soil, usually adjacent to a defect in which the soil has a higher moisture content than elsewhere.	
TUBE	Tubular cavity. May occur singly or as one of a large number of separate or inter-connected tubes. Walls often coated with clay or strengthened by denser packing of grains. May contain organic matter.	
TUBE CAST	An infilled tube. The infill may be uncemented or weakly cemented soil or have rock properties.	
INFILLED SEAM	Sheet or wall like body of soil substance or mass with roughly planar to irregular near parallel boundaries which cuts through a soil mass. Formed by infilling of open defects.	

Appendix B

**Certificate Forms** 

CERTIFICATE ITEM	OF QUALIFIED PERSON –	AS	SSES	SABLE	Se	ction 321
To:	Mr Richard Reed			Owner/Agent		
	2 Webster Street			Address	Form	, 55
	Westbury Tas	73	303	Suburb/postcode	9	
Qualified perso	on details:					
Qualified person:	Tony Barriera - Geoton Pty. Ltd.					
Address:	PO Box 522			Phone No:	03 632	26 5001
	Prospect Tas	72	250	Fax No:		
Licence No:	CC6220 P Email add	dress	tba	rriera@geoto	n.com.a	au
Qualifications and Insurance details:	Tony Barriera – BEng, MSc CPEng, NER – IEAust 471929 Civil, Geotechnical Certain Underwriters at Lloyd's- About Underwriting	Detern	iption from Columr nination - Certificat sessable Items			
Speciality area of expertise:	Geotechnical Engineering		Deterr	iption from Columi nination - Certifica sessable Items)		
Details of work	κ:					
Address:	2 Webster Street				Lot No:	1
	Westbury Tas	73	303	Certificate of	f title No:	134912/1
The assessable item related to this certificate:	Classification of foundation conditions according to AS2870 - 2011			(description of the certified) Assessable item - a material; - a design - a form of co - a document - testing of a system or po - an inspection performed	includes - nstruction componer lumbing sy	nt, building vstem
Certificate deta	ails:					
Certificate type:	Foundation Site Classification – AS2870	Director	otion from Column 's Determination - s for Assessable It	Certificate		
This certificate is in	n relation to the above assessable item, at	t any	y stage	e, as part of - (ti	ick one)	_
building work, plur	nbing work or plumbing installation or dem	noliti	ion wor	k:		
or a building, temporary structure or plumbing installation:						

Documents:	Geoton Pty Ltd, Report Reference No. GL25355Ab, dated 21/07/2025					
Relevant calculations:	Refer to report					
References:	References:  AS 2870 – 2011 Residential Slabs and Footings Construction AS 4055 – 2021 Wind Loads for Housing CSIRO Building Technical File 18					
	Substance of Certificate: (what it is that is	being certified)				
Wind Loading	Site Classification in accordance with AS2870 - 2011 Wind Loading in accordance with AS 4055 - 2021 Findings and recommendations of report					
Scope and/or Limitations						
The classification applies to the site as investigated at the time and does not account for any future alteration to foundation conditions resulting from earthworks, drainage condition changes or site maintenance variations.						
condition chan	ges or site maintenance variations.	, and the second	ainage			
	ges or site maintenance variations.		ainage			
		Certificate No:	Date:			

August 2025

# BUSHFIRE EXEMPTION

insufficient increase in risk (BAL LOW)

2 LOT SUBDIVISION2 Webster Street, Westbury





Job Number: L200732

Prepared by: Geoff McGregor (geoff@woolcott.au)

Bushfire Hazard Practitioner BFP-176

Rev.no	Description	Date
1	Final	08/08/2025

#### References

Director's Determination - Bushfire Hazard Areas - 2024 v1.2.

AS 3959:2018 Construction of buildings in bushfore prone areas, s.l.: Standards Australia Limited 2018.

Tasmanian Planning Commission, 2024. *Tasmanian Planning Scheme - State Planning Provisions,* s.l.: Tasmanian Planning Commission.

Bushfire Prone Areas Advisory Notes No 01 - 2014:

 $The \ referenced \ documents \ were \ referred \ to \ in \ the \ preparation \ of \ and \ should \ be \ read \ in \ connection \ with \ this \ report.$ 

Prepared by Launceston
Woolcott Land Services Pty Ltd Head office

ABN 63 677 435 924

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Woolcott Land Services & East Coast Surveying
Bushfire Exemption – 2 Webster Street, Westbury Prepared by: GM BFP-176

## **Executive Summary**

This report has been undertaken for Kim Rosendale for the purpose of a 2-lot subdivision at 2 Webster Street in Westbury. The subdivision will consist of creating two lots from the existing single title, Lot 1 containing the existing dwelling with lot 2 being vacant for future residential use. The site falls within the Bushfire-prone areas overlay of the Tasmanian Planning Scheme – Meander Valley Local Provisions.

Signed

Author: Geoff McGregor Accreditation No: BFP 176

#### DISCLAIMER

This report deals with the potential bushfire risk only, all other statutory assessments sit outside of this report. This report is not to be used for future or further development on the site, other then what has been specifically provided for in the certified plans attached. Woolcott Land Services accepts no responsibility to any purchaser, prospective purchaser or mortgagee of the property who in any way rely on this report. This report does not guarantee that buildings will survive in the event of a bushfire. If characteristics of the property change or are altered from those which have been identified, the exempt classification may be different to that which has been identified in this report. In this event the report is considered to be void.

## Site Details

Address	2 Webster Street, Westbury TAS 7303
Property ID	2011424
Title	134912/1
Property Owners	Kim Rosendale
Planning Authority	Meander Valley Council
Planning Scheme	Tasmanian Planning Scheme - Meander Valley
Access	Existing access from Webster Street
Zone	Village
Identified on a Bushfire Overlay Map	Yes
Proposal	2 Lot Subdivision
Existing development	Existing single dwelling
Water Supply	Reticulated water supply

## Site Description

The subject title has a total area of 2473m2 +- and is located on Webster Street, just off Meander Valley Road. The site contains an existing dwelling; it is surrounded by residential lots with dwellings.



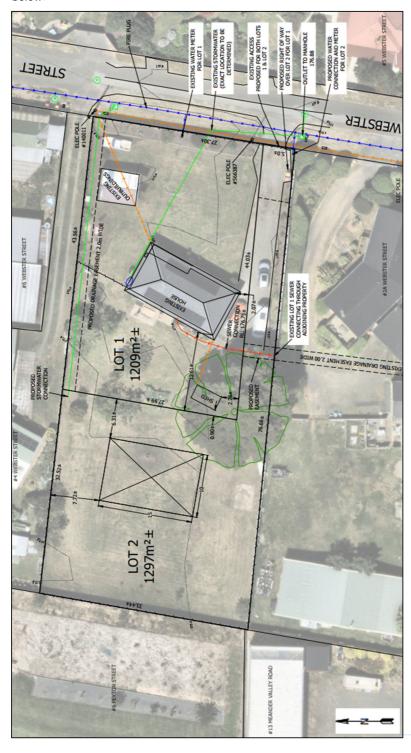
#### The site is zoned Village.



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# Proposal

It is proposed to subdivide the single title into 2 lots, an extract from the 2 lot proposal plan is shown below:



Woolcott Land Services & East Coast Surveying

Bushfire Exemption – 2 Webster Street, Westbury Prepared by: GM BFP-176

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#### **Bushfire Hazard Assessment**

#### Site assessment

Although the site is within the Bushfire-prone areas overlay the site has been asset as BAL LOW the reason for this assessment is based on the following. A site visit was conducted on the 8<sup>th</sup> July 2025 with the only identified bushfire prone vegetation within 100m of the site being grassland to the northeast measured at 70m, In accordance with Table 2.6 of AS3959:2018, grassland that is over 50m from a site results in a classification of BAL LOW, as the site is over 50m from the grassland, the classification of BAL LOW can be applied. the remaining surrounding lands are classified as managed, these lands contain residential dwellings



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Woolcott Land Services & East Coast Surveying
Bushfire Exemption – 2 Webster Street, Westbury Prepared by: GM BFP-176

## 4.3 Site photos



Figure 8 Looking north at the end of Webster Street



Figure 9 Existing house on Lot 1



Figure 10 Looking west from existing access over Lot 2



Figure 11 looking over the managed land west of the site



Figure 12 looking over the managed land south of the site



Figure 13 Looking south down Webster Street

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Woolcott Land Services & East Coast Surveying
Bushfire Exemption – 2 Webster Street, Westbury Prepared by: GM BFP-176

#### Access

The site will retain the existing access off Webster Street. Property access is not required for a fire appliance to access a firefighting water point. There are no specified design and construction requirements.

## Fire Fighting water supply

Reticulated water supply for firefighting is provided by the existing fire hydrant located outside the lot. This hydrant will provide coverage < 120m to the furthest element of the existing dwelling and a proposed dwelling on lot 2, measured as a hose lay. Carriageway of the public road will serve as a hardstand.

#### Justification for insufficient increase in risk.

Although the site is within the Bushfire-prone areas overlay, the site and the immediate surrounding lands are residential lots containing dwellings, these lands have all been assessed as managed.

There is an insufficient increase in risk from the development to warrant the provision of bushfire hazard management measures. BAL LOW can be achieved without the need for a hazard management area. The existing access and reticulated water supply achieve the same outcome as the Directors Determination requirements without requiring anything to be implemented as part of the development, further reducing any bushfire risk, therefore suitable for an exemption under clause C13.6.1 of the Bushfire Prone Areas Code.

Annexure 2 - Subdivision Proposal Plan

Annexure 3 - Planning Certificate

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13.2.6 Application Documents #4 WEBSTER STREET #6 WEBSTER STREET STREET PROPOSED STORMWATER CONNECTION ELEC POLE #140011 PROPOSED DRAINAGE EXSEMENT 2.0m WIDE #6 PEYTON STREET LOT 1 LOT 2 1209m<sup>2</sup>± 1297m<sup>2</sup>± EXISTING WATER METER FOR LOT 1 EXISTING STORMWATER (EXACT LOCATION TO BE DETERMINED) ELEC POLE CONNECTION RL: 176.75± 44.03± PROPOSED EASEMENT EXISTING ACCESS 2.07±-PROPOSED FOR BOTH LOTS 76.66± 1 & LOT 2 #13 MEANDER VALLEY ROAD PROPOSED RIGHT OF WAY OVER LOT 2 FOR LOT 1 EXISTING LOT 1 SEWER CONNECTING THROUGH ADJOINING PROPERTY OUTLET TO MANHOLE 176.88 PROPOSED WATER
CONNECTION AND METER
FOR LOT 2 WEBSTER #5 WEBSTER STREET #2A WEBSTER STREET ELEC POLE EXISTING DRAINAGE EASEMENT SEWER MAIN SEWER PUMP STATION Notes: 10 Goodman Court Invermay TAS 7248 PROPOSED 2 LOT SUBDIVISION Job Number VERTICAL DATUM IS BASED ON AHD'83 PER SPM 174/11. Woolcott PO Box 593 Mowbray Heights TAS 7248 COORDINATES ARE PLANE AND REFERENCED TO MGA2020 AT Phone (03) 6332 3760 2 WEBSTER STREET, WESTBURY 7303 L200732 SPM 174/11. Email: enquiries@woolcott.au CONTOUR INTERVAL IS 0.2m.
BOUNDARIES AND EASEMENTS ARE COMPILED FROM SP.134911; C.T.134912/1 Drawn Date Scale Edition Sheet AND ARE APPROXIMATE AND SUBJECT TO SURVEY. 31/07/25 1:300@A3 v2.1 1/1 L200732\_PropPlan\_310725\_v2.1.dwg

#### **BUSHFIRE-PRONE AREAS CODE**

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

#### 1. Land to which certificate applies

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

Street address: 2 WEBSTER ST, WESTBURY 7303

Certificate of Title / PID: CT. 134912/1. PID 2011424

#### 2. Proposed Use or Development

Description of proposed Use

and Development:

2 lot subdivision

**Applicable Planning Scheme:** 

Tasmanian Planning Scheme - Meander Valley

#### 3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Exemption	Woolcott Land Services	08/08/2025	1
Proposed 2 Lot Subdivision	Woolcott Land Services	21/07/2025	2.1

Planning Certificate from a Bushfire Hazard Practitioner v5.0

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

## 4. Nature of Certificate

The following requirements are applicable to the proposed use and development:

E1.4 / C13.4 – Use or development exempt from this Code			
Compliance test	Compliance Requirement		
E1.4(a) / C13.4.1(a)	Insufficient increase in risk		

E1.5.1 / C13.5.1 – Vulnerable Uses		
Acceptable Solution Compliance Requirement		
E1.5.1 P1 / C13.5.1 P1	Planning authority discretion required. A proposal cannot be certified as compliant with P1.	
E1.5.1 A2 / C13.5.1 A2	Emergency management strategy	
E1.5.1 A3 / C13.5.1 A2	Bushfire hazard management plan	

E1.5.2 / C13.5.2 – Hazardous Uses		
Acceptable Solution Compliance Requirement		
E1.5.2 P1 / C13.5.2 P1	Planning authority discretion required. A proposal cannot be certified as compliant with P1.	
E1.5.2 A2 / C13.5.2 A2	Emergency management strategy	
E1.5.2 A3 / C13.5.2 A3	Bushfire hazard management plan	

$\boxtimes$	E1.6.1 / C13.6.1 Subdivision: Provision of hazard management areas		
	Acceptable Solution Compliance Requirement		
	E1.6.1 P1 / C13.6.1 P1	Planning authority discretion required. A proposal cannot be certified as compliant with P1.	
$\boxtimes$	E1.6.1 A1 (a) / C13.6.1 A1(a)	Insufficient increase in risk	
	E1.6.1 A1 (b) / C13.6.1 A1(b)	Provides BAL-19 for all lots (including any lot designated as 'balance')	
	E1.6.1 A1(c) / C13.6.1 A1(c)	Consent for Part 5 Agreement	

Planning Certificate from a Bushfire Hazard Practitioner v5.0

$\boxtimes$	E1.6.2 / C13.6.2 Subdivision: Public and fire fighting access		
	Acceptable Solution Compliance Requirement		
	E1.6.2 P1 / C13.6.2 P1	Planning authority discretion required. A proposal cannot be certified as compliant with P1.	
	E1.6.2 A1 (a) / C13.6.2 A1 (a)	Insufficient increase in risk	
	E1.6.2 A1 (b) / C13.6.2 A1 (b)	Access complies with relevant Tables	

$\boxtimes$	E1.6.3 / C13.1.6.3 Subdivision: Provision of water supply for fire fighting purposes		
	Acceptable Solution Compliance Requirement		
$\boxtimes$	E1.6.3 A1 (a) / C13.6.3 A1 (a)	Insufficient increase in risk	
	E1.6.3 A1 (b) / C13.6.3 A1 (b)	Reticulated water supply complies with relevant Table	
	E1.6.3 A1 (c) / C13.6.3 A1 (c)	Water supply consistent with the objective	
	E1.6.3 A2 (a) / C13.6.3 A2 (a)	Insufficient increase in risk	
	E1.6.3 A2 (b) / C13.6.3 A2 (b)	Static water supply complies with relevant Table	
	E1.6.3 A2 (c) / C13.6.3 A2 (c)	Static water supply consistent with the objective	

5. Bushfire Hazard Practitioner				
Name:	Geoff McGregor	Ph	one No:	0409 800 387
D4-1		F		
Postal Address:	PO BOX 593, Mowbray, Tas, 7248	Email Address:	geoff@	woolcott.au
Addices.		tuui 033.		
Accreditati	on No: BFP – 176		Scope:	1, 2, 3B.
				., _, =.
6 Co	rtification			
0. 00	imcation			
I certify th	at in accordance with the authority given	under Pa	art 4A of	the Fire Service Act
1979 that	the proposed use and development:			
	Is exempt from the requirement Bushfire	-Prone A	reas Coo	le because. having regard
$\boxtimes$	to the objective of all applicable standard			
	insufficient increase in risk to the use or		nent from	bushfire to warrant any
	specific bushfire protection measures, or	-		
	The Disability Hamand Management Diam	_ : _ :	- d : - C	tion 2 of this contificate
П	The Bushfire Hazard Management Plan/ is/are in accordance with the Chief Office			
	relevant <b>Acceptable Solutions</b> identified			
	relevant Acceptable colutions identified	a iii occi	1011 4 01 11	ns certificate.
0:				
Signed: certifier	le Marine			
Ceruner	9.1 11.1/11			
Mamai	Cooff MaCroner	Doto: [	00/00/00	05
Name:	Geoff McGregor	Date:	06/08/20	25
	Cei	rtificate	1 200722	
	N	umber:	L200732	

(for Practitioner Use only)



# **Submission to Planning Authority Notice**

#### **Application details**

Council Planning Permit No. PA\26\0042
Council notice date 11/08/2025

TasWater Reference No. TWDA 2025/00957-MVC

Date of response 28/08/2025

TasWater Contact Jake Walley

Phone No. 0467 625 805

Response issued to

Council name MEANDER VALLEY COUNCIL
Contact details planning@mvc.tas.gov.au

Development details

Address 2 WEBSTER ST, WESTBURY

Property ID (PID) 2011424

Description of development Subdivision - 2 Lots

#### Schedule of drawings/documents

Prepared by	Drawing/document No.	Revision No.	Issue date
Woolcott	L200732 Sheey 1/1		31/07/2025

#### **Conditions**

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

#### **CONNECTIONS, METERING & BACKFLOW**

- A suitably sized water supply with metered connection to each lot of the development and sewerage system and connection to lot 1 of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.
- Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.
- 3. Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.

Tasmanian Water & Sewerage Corporation Pty Ltd GPO Box 1393 Hobart, TAS 7001 development@taswater.com,.au ABN: 47 162 220 653



#### **ASSET CREATION & INFRASTRUCTURE WORKS**

- 4. Prior to applying for a Certificate for Certifiable Works/Engineering Design Approval, the developer must physically locate all existing infrastructure to provide sufficient information for accurate design and physical works to be undertaken.
- 5. Plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) / Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.
- 6. Prior to undertaking any works related to water and sewerage, physical markers must be in place that clearly identify where water and/or sewer connections are to be made in accordance with any approved plan to TasWater's satisfaction.

#### FINAL PLANS, EASEMENTS & ENDORSEMENTS

- 7. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.
  - <u>Advice:</u> Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.
- 8. The Plan of Subdivision Council Endorsement Page is to note, pursuant to Section 83 of the Local Government (Building and Miscellaneous Provisions) Act 1993, that TasWater cannot provide a sewerage service to lot 2 on the plan.
- 9. The Plan of Survey must include private service easements over the proposed private pipes located on Lot 2, servicing Lot 1. The easement must benefit Lot 1 and burden Lot 2.

#### **DEVELOPER CHARGES**

10. Prior to TasWater issuing a Consent to Register a Legal Document, the applicant or landowner as the case may be, must pay a developer charge totalling \$1,757.00 to TasWater for water infrastructure for 1 additional Equivalent Tenements, indexed by the Consumer Price Index All groups (Hobart) from the date of this Submission to Planning Authority Notice until the date it is paid to TasWater.

#### **DEVELOPMENT ASSESSMENT FEES**

The applicant or landowner as the case may be, must pay a development assessment fee of \$251.35 and a Consent to Register a Legal Document fee of \$265.98 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.

The payment is required within 30 days of the issue of an invoice by TasWater.

#### **Advice**

#### General

For information on TasWater development standards, please visit <a href="https://www.taswater.com.au/building-and-development/technical-standards">https://www.taswater.com.au/building-and-development/technical-standards</a>

For application forms please visit

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

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

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

#### 13.2.7 Submission To Planning Authority Notice



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

Depending on the nature of the project, your application may require Building and/or Plumbing permits or could be exempt from these requirements. Regardless, TasWater's assessment process and associated time are recoverable through an assessment fee.

Please be aware that your consultant may need to make revisions to their documentation to ensure the details are fit for construction. Any costs associated with updating these plans should be discussed directly with your consultant.

#### **Developer Charges**

For information on Developer Charges please visit the following webpage – <a href="https://www.taswater.com.au/building-and-development/developer-charges">https://www.taswater.com.au/building-and-development/developer-charges</a>

#### **Service Locations**

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

- a. A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.
- TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit <a href="https://www.taswater.com.au/building-and-development/service-locations">https://www.taswater.com.au/building-and-development/service-locations</a> for a list of companies.
- c. Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.
  - $\underline{\text{NOTE:}}$  In accordance with the WATER AND SEWERAGE INDUSTRY ACT 2008 SECT 56ZB A regulated entity may charge a person for the reasonable cost of –
  - (a) a meter; and
  - (b) installing a meter.

#### **Declaration**

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

# 14. Corporate Services

14.1. Review Policy No. 83: Fraud and Corruption Control

File Reference S13-11-004

**Report Author** Craig Davies

**Director Corporate Services** 

**Authorised By** Jonathan Harmey

General Manager

**Decision Sought** Approval of Policy No. 83: *Fraud and Corruption Control*.

**Vote** Simple majority

#### Recommendation

That Council approves the continuation of Policy No. 83: *Fraud and Corruption Control* reviewed as shown below and includes it in the Council's Policy Manual:

**Policy No. 83** Fraud and Corruption Control

**Purpose** The purpose of this Policy is to commit the Council

to the prevention and control of incidents of fraud

and corruption.

**Department** Corporate Services

**Author** Craig Davies

Council Meeting Date 11 November 2025

Minute Reference XXX/2025

Next Review Date October 2029

#### **POLICY**

## 1. Definitions

Council Worker Any person who has been engaged by, or is part of,

Meander Valley Council as any of the following:

(a) an employee;

(b) a councillor or any other elected official;

(c) a committee member or office holder, whether

elected, appointed, or otherwise engaged;

(d) a volunteer;

- (e) a contractor, subcontractor, or consultant; and
- (f) a trainee, apprentice, intern, placement student, or any other person engaged in work experience.

Fraud Inducing a course of action by deceit or other dishonest

conduct, involving acts or omissions or the making of false statements, orally or in writing, with the object of obtaining money or other benefits from, or evading a

liability to, the Council.

Corruption Dishonest action in which a person acts contrary to the

interests of Council and abuses their position of trust in order to achieve some personal benefit for themselves or advantage/disadvantage for another person or

entity.

Whistle-Blower A person who has or professes to have knowledge of

fraudulent or corrupt conduct and who chooses to

report it to the appropriate authority.

## 2. Objective

This Policy provides all Council Workers with a clear framework for understanding, upholding and fulfilling their ongoing responsibilities to prevent, detect and respond to fraud and corruption.

#### 3. Scope

This Policy applies to all Council Workers.

#### 4. Policy

Council has a zero-tolerance stance towards fraud and corruption. Demonstrating a robust ethical framework – founded on honesty, transparency and integrity – is essential for establishing and maintaining trust with the community. The Council is committed to upholding these values and continuing to act in the best interests of the community.

To demonstrate this commitment, the Council will:

- (a) comply with all relevant legislation related to fraud and corruption;
- (b) develop and maintain robust controls to prevent and identify fraud and corruption;

- (c) implement and maintain a Fraud Control Plan, which outlines the procedures for managing instances of real or alleged fraud and corruption;
- (d) foster an environment that values the need to prevent and identify fraud and corruption;
- (e) ensure Council Workers are made and kept aware of their responsibilities to prevent and identify fraud and corruption;
- (f) provide the necessary resources to implement and maintain fraud and corruption training, policies and procedures; and
- (g) protect disclosures made under the Public Interest Disclosure Act 2002.

## Responsibilities

Fraud and corruption control is the responsibility of all Council Workers.

All Council Workers are responsible for:

- (a) complying with all relevant fraud and corruptions laws;
- (b) maintaining an awareness of their obligations under fraud and corruption laws, policies and procedures;
- (c) reporting any instances of fraud or corruption; and
- (d) continuing to appreciate the importance of, and connection between, their actions and the trust built with the community they serve.

Human Resources is further responsible for:

- (a) ensuring training related to fraud and corruption control is delivered to:
  - i. new Council Workers during induction, and
  - ii. all Council Workers on a regular basis; and
- (b) participating in any disciplinary processes related to fraud and corruption control.

The Executive Management Team is further responsible for:

- (a) embedding and encouraging a culture that prevents and effectively addresses fraud and corruption; and
- (b) supporting Council Workers in adhering to this policy and the Reportable Conduct Scheme.

Elected Members, as the chosen representatives of their community, are responsible for:

- (a) embodying and demonstrating the highest ethical ideals, especially as they relate to fraud and corruption; and
- (b) promoting a culture within the Council and the broader community that values and aspires to live up to those highest ethical ideals.

Further detail about the Council's fraud and corruption controls can be found in the Fraud and Corruption Control Plan.

### Legislation and Related Standards

Local Government Act 1993
Criminal Code Act 1924
Integrity Commission Act 2009
Police Offences Act 1935
Privacy Act 1988 (Cwth)
Public Interest Disclosures Act 2002
Right to Information Act 2009
Meander Valley Council Code of Conduct (Human Resources Policy)
Meander Valley Council Code of Tenders and Contract 2024
Meander Valley Council Fraud and Corruption Control Plan
Recruitment and Selection Policy and Procedure
Public Interest Disclosure Procedure

#### 6. Responsibility

Responsibility for the operation of this Policy rests with the General Manager.

#### Report

This Policy provides all the Council's Workers with a clear framework for understanding, upholding and fulfilling their ongoing responsibilities to prevent, detect and respond to fraud and corruption.

The primary update to the existing Policy is to more clearly define the individual responsibilities of various roles within the Council as they relate to fraud and corruption control.

The Council also has a Fraud and Corruption Control Plan which has also been reviewed and updated in line with the Policy review.

This Policy was discussed with Councillors at the Workshop held on 28 October 2025.

#### **Attachments**

1. Policy No. 83: Fraud and Corruption Control – October 2025 [14.1.1 - 4 pages]

### Strategy

Supports the objectives of Council's strategic future direction

5. Delivering responsible leadership and governance

See Meander Valley Community Strategic Plan 2024-34. *Click here* or visit *https://www.meander.tas.gov.au/plans-reports* to visit.

## **Policy**

Not applicable

### Legislation

Not applicable

#### Consultation

This Policy review has been shared with the Council's Audit Panel for feedback.

## **Budget and Finance**

Not applicable

## **Risk Management**

Not applicable

#### **Alternate Motion**

Not applicable

## **POLICY MANUAL**

Policy No. 83 Fraud and Corruption Control

**Purpose** The purpose of this Policy is to establish quidelines,

procedures and responsibilities regarding to commit the Council to the appropriate actions that must be followed to prevent, deter and detect-ion and control

of incidents of fraud and corruption.

**Department** Corporate Services Governance

Author Craig Davies, Corporate Services John Jordan,

**General Manager** 

Council Meeting Date 12 14 October 20215

Minute Reference 191xxx/20215

Next Review Date October 20259

#### **POLICY**

#### 1. Definitions

<u>Council Worker</u>	Any person who has been engaged by, or is part of,		
	Meander Valley Council as any of the following:		
	• an employee;		
	<ul> <li>a councillor or any other elected official;</li> </ul>		
	<ul> <li>a committee member or office holder,</li> </ul>		
	whether elected, appointed, or otherwise		
	engaged;		
	<ul> <li>a volunteer;</li> </ul>		
	<ul> <li>a contractor, subcontractor, or consultant;</li> </ul>		
	and,		
	<ul> <li>a trainee, apprentice, intern, placement</li> </ul>		
	student, or any other person engaged in work		
	experience.		

Fraud Inducing a course of action by deceit or other

dishonest conduct, involving acts or omissions or the making of false statements, orally or in writing, with the object of obtaining money or other benefits from, or evading a liability to, the Council.

Corruption Dishonest action in which a person acts contrary to

the interests of Council and abuses their position of trust in order to achieve some personal benefit for themselves, or provide an advantage/disadvantage

for another person or entity.

Whistle-Blower A person who has or professes to have knowledge of

fraudulent or corrupt conduct and who chooses to

report it to the appropriate authority.

#### 2. Objective

This policy Promote a sound ethical culture within the Council. provides all Council Workers with a clear framework for understanding, upholding, and fulfilling their ongoing responsibilities to prevent, detect, and respond to fraud and corruption.

- Ensure that Councillors and staff are aware of the responsibilities in relation to
  ethical conduct and prepared to support policies and measures taken to
  prevent, detect and resolve suspected instances of fraud or corruption.
- Protect the Council's funds and other public assets and reputation.
- Ensure senior management's commitment to identifying risk exposures to fraud.

#### 3. Scope

#### This Policy applies to:

- all Councillors, Committee members, employees, contractors and consultants of the Meander Valley Council as they are responsible for the identification and management of all risks associated with the performance of the Council's functions and the delivery of the Council's services; all Council Workers.
- situations where fraudulent or suspicious behaviour is suspected and/or has been identified.

#### 4. Policy

Council has a zero-tolerance stance towards fraud and corruption. Demonstrating a robust ethical framework—founded on honesty, transparency, and integrity—is essential for establishing and maintaining trust with the community. Council is committed to upholding these values and continuing to act in the best interests of the community.

To demonstrate this commitment, Council will:

- comply with all relevant legislation related to fraud and corruption;
- develop and maintain robust controls to prevent and identify fraud and corruption;
- implement and maintain a Fraud Control Plan, which outlines the procedures for managing instances of real or alleged fraud and corruption;
- foster an environment that values the need to prevent and identify fraud and corruption;

- ensure Council Workers are made and kept aware of their responsibilities to prevent and identify fraud and corruption;
- provide the necessary resources to implement and maintain fraud and corruption training, policies and procedures; and,
- protect disclosures made under the Public Interest Disclosure Act 2002.
   Ensure internal controls are developed to deter, detect and prevent fraud or corruption;

Provide a sound ethical environment in which fraud or corruption is difficult and honest behaviour is encouraged;

Comply with legislation and relevant policies, procedures and controls; Proactively manage any allegation or incidences of fraud or corruption in accordance with approved procedures including reporting of allegations to law enforcement agencies;

Provide sufficient resources to facilitate the implementation of this policy within the Council;

Protect disclosures, including anonymous reporting, in accordance with the Public Interest Disclosure Act 2002, the Fraud Control Plan and the procedures contained within it;

Protect whistleblowers in accordance with section 19 of the Fraud <u>and</u>

<u>Corruption Control Plan and obligations under the Public Interest Disclosures</u>

<u>Act 2002</u>;

Ensure awareness of the Fraud and Corruption Control Policy <u>and Plan</u> and associated procedures through the provision of appropriate training and awareness raising strategies to employees.

#### 5. Responsibilities

Fraud and corruption control is the responsibility of all Council Workers.

#### All Council Workers are responsible for:

- complying with all relevant fraud and corruptions laws;
- maintaining an awareness of their obligations under fraud and corruption laws, policies, and procedures;
- reporting any instances of fraud or corruption; and,
- continuing to appreciate the importance of, and connection between, their actions and the trust built with the community they serve.

#### Human Resources is further responsible for:

- ensuring training related to fraud and corruption control is delivered to:
  - o new Council Workers during induction, and
  - o all Council Workers on a regular basis; and,
- participating in any disciplinary processes related to fraud and corruption control.

#### The Executive Management Team is further responsible for:

• embedding and encouraging a culture that prevents and effectively addresses fraud and corruption; and,

• supporting Council Workers in adhering to this policy and the Reportable Conduct Scheme.

<u>Elected Members</u>, as the chosen representatives of their community, are responsible for:

- embodying and demonstrating the highest ethical ideals, especially as they relate to fraud and corruption; and,
- promoting a culture within the Council and the broader community that values and aspires to live up to those highest ethical ideals.

<u>Further detail about the Council's fraud and corruption controls can be found in the Fraud and Corruption Control Plan.</u>

#### 65. Legislation and Related Standards

Local Government Act 1993
Criminal Code Act 1924
Integrity Commission Act 2009
Police Offences Act 1935
Privacy Act 1988 (Cwth)
Public Interest Disclosures Act 2002
Right to Information Act 2009
Meander Valley Council Code of Conduct (Human Resources Policy)
Meander Valley Council Fraud and Corruption Control Plan
Recruitment and Selection Policy & Procedure
Public Interest Disclosure Procedure

#### 6. Responsibility

Responsibility for the operation of this Policy rests with the General Manager.

## 15. Infrastructure Services

15.1. Budget Adjustments 2025-26

File Reference S12-02-001

**Report Author** David Murray

**Director Infrastructure Services** 

**Authorised By** Jonathan Harmey

General Manager

**Decision Sought** Approval of recommended budget changes to projects included

in the 2025-26 Capital Works Program.

**Vote** Absolute majority

#### Recommendation

That Council, by absolute majority, pursuant to section 82(4) of the *Local Government Act* 1993, approves variations to the 2025-26 Budget Estimates and Capital Works Program (as provided in Attachment 1) noting additional grant revenue of \$95,000 and an increase of \$463,660 to the program.

#### Report

The purpose of this report is to seek Council endorsement for the reallocation of funding to projects included in the 2025-26 Capital Works Program (the Program). There is an increase of \$463,660 to the value of the program.

Project budget allocations within the Program that are submitted to the Council for approval prior to the commencement of each financial year are prepared using a range of methods. In some instances, and depending on the availability of resources and time constraints, projects can be thoroughly scoped and accurate estimates prepared using available empirical or supplier information. Conversely, project cost estimates may only be general allowances prepared using the best information available at the time.

During the financial year, detailed design, adjustment to project scope and the undertaking of additional works during construction, results in project expenditure under and over approved budget amounts. New projects may also be requested for inclusion in the program or removal from the program.

The overall financial objective in delivering the program is to have no overall variation in the total Program budget. Project savings are generally used to offset project overruns and additional funding can be requested to assist with balancing the budget or to finance new projects. It is worth noting that that this proposed increase in program value is offset by the previous program reduction of \$551,900 approved by Council at the 8 July 2025 Ordinary Council Meeting.

The following key changes to budgets have been identified and are included in the proposed budget changes as detailed below:

- the Council was successful in receiving a grant commitment of \$95,000 from the Australian Government's *Vulnerable Road User Program 2025* to fund an intersection upgrade project at Emu Bay Road, Deloraine (PN 6271).
- Panorama Road, Blackstone Heights Footpath/Cycle Lane (PN6105). This item was presented to Councillors at the 28 October 2025 Workshop, where an update on project costs and funding arrangements was provided. The project involves construction of a 2.1km shared path between Bayview Drive and Neptune Drive, Blackstone Heights, under the Active Transport Fund (ATF). Detailed design investigations identified site constraints that required inclusion of retaining walls, handrails, design modifications to meet safety and accessibility standards. These refinements increased the total project cost to \$1.8 million (including 15% contingency). Following a successful variation request, the ATF grant funding increased to \$889,300, with the Council required to maintain a matching contribution ratio of 51%. This results in an additional contribution from the Council of \$290,700 toward the project.
- a number of recently completed projects require minor budget adjustments to reflect final costs of construction now that project costings are confirmed. These projects include West Parade Road Upgrade, Deloraine and the Alveston Drive Public Toilets project.
- Louisa Street, Bracknell Water Upgrade (PN7641). The budget adjustment of \$60,000 (inclusive of a 20% contingency) is required to deliver the Bracknell Recreation Ground Water Connection Upgrades project. This project addresses legacy infrastructure issues, where the existing on-ground water connections did not align with TasWater's documented asset records. As a result, the Bracknell Recreation Ground, Memorial Hall and Fire Brigade buildings were connected in a legacy non-compliant and unmetered configuration. The adjustment allows for the completion of design and construction works to establish a compliant single metered connection in accordance with TasWater standards. Compliance with TasWater Standards: installation of a new DN63 HDPE connection, water meter and reduced pressure zone device (RPZD) assembly will bring the facility into full compliance with TasWater's technical standards. Improved Service Management: a single metered supply will simplify future maintenance, billing and compliance, reducing administrative and operational risks. The upgrade will ensure reliable water supply and improved fire service access for community facilities into the future.

#### **Attachments**

1. Capital Works Project Adjustment November 2025 [15.1.1 - 1 page]

## Strategy

Supports the objectives of Council's strategic future direction

- 4. Investing in infrastructure that strengthens connection
- 5. Delivering responsible leadership and governance

See Meander Valley Community Strategic Plan 2024-34. *Click here* or visit *https://www.meander.tas.gov.au/plans-reports* to visit.

### **Policy**

Not applicable

## Legislation

Local Government Act 1993: section 82(4)

#### Consultation

Not applicable

## **Budget and Finance**

The recommendation will increase the overall value of the Capital Works Program which can be managed within the 2025-26 budget.

#### **Risk Management**

Not applicable

#### **Alternate Motion**

Council can adopt the Recommendation with amendments.

## 15.1.1 Capital Works Project Adjustment November 2025

#### PROPOSED CAPITAL WORKS PROJECT ADJUSTMENT - NOVEMBER 2025

				Proposed		
		Council Cost to		Budget		
Project No.	Project Name	date	Current Budget	Variation	Revised Budget	Comments
PR 5861	West Parade Deloraine	\$439,527	\$428,400	\$11,127	\$439,527	Transfer from Council cash reserves.
PR 6531	Alveston Drive Public Toilets	\$266,833	\$260,000	\$6,833	\$266,833	Transfer from Council cash reserves.
PR 7641	Bracknell Recreation Ground – Water Connection Upgrades	\$16,040	\$0	\$60,000	\$60,000	Transfer from Council cash reserves.
PR 6105	Panorama Road, Blackstone Heights	\$52,866	\$1,250,000	\$290,700	\$1,540,700	Transfer from Council cash reserves.
						Transfer from Project 6697 + Grant Funding Received
PR 6271	Emu Bay Road, Deloraine - Intersection + Pedestrian Crossing	\$30,052	\$14,100	\$175,900	\$190,000	(Vulnerable Road User Program 2025)
PR 6697	Road Rehabilitation Program	\$0	\$1,414,900	-\$80,900	\$1,334,000	Transfer to Project 6271
						Grant Funding Received (Vulnerable Road User Program
GL 3.565.4319	Grant Income	\$0	\$0	-\$95,000	-\$95,000	2025)
	Totals	\$805,318	\$3,367,400	\$368,660	\$3,736,060	

## 16. Governance and Community Wellbeing

16.1. New Policy No. 8: Use of Surveillance by Third Parties on Council Property

File Reference S13-11-004

Report Author Anthony Kempnich

Manager Governance and Legal

**Authorised By** Jonathan Harmey

General Manager

**Decision** Adoption of Policy No. 8: Use of Surveillance by Third Parties on

**Sought** *Council Property.* 

**Vote** Simple majority

#### Recommendation

That Council adopts Policy No. 8: *Use of Surveillance by Third Parties on Council Property* as shown below and includes it in the Council's Policy Manual:

Policy No. 8 Use of Surveillance by Third Parties on Council

Property

**Purpose** The purpose of this Policy is to provide a framework for

how surveillance can be used by third parties on property owned or managed by the Meander Valley

Council.

**Department** Governance and Community Wellbeing

**Author** Anthony Kempnich, Manager Governance and Legal

Council Meeting Date 11 November 2025

Minute Reference XXX/2025

Next Review Date November 2029

#### **POLICY**

### 1. Definitions

Approved Legitimate Need A justifiable case for Surveillance that has been

approved by the Council according to the process at

section 4.9.1.

Complaint Procedure

The procedure described at section 4.6.

Council

The Meander Valley Council.

Council Property

Any Property owned, leased or managed by the Council.

Law

#### Includes:

- (a) principles of law or equity established by decisions of courts;
- (b) legislation and subordinate legislation; and
- (c) requirements, approvals (including conditions) and guidelines of any Government Body that have force of law.

Property

#### Includes:

- (a) any land, whether with or without any building, structure, fixture or other improvement;
- (b) any building, structure, fixture or other improvement, with or without rights to the underlying land; and
- (c) any estate, right, title, or interest (legal or equitable) in land, buildings, structures or improvements.

Property User

Any of the following that leases, subleases, licenses, hires, manages, or otherwise has control, authority or possession over Council Property (including their employees, authorised contractors, sub-contractors, agents, licensees, or other representatives):

- (a) a natural person;
- (b) a body corporate (regardless of how it is incorporated); or
- (c) a body politic (other than the Crown or Council).

Property User Worker

Includes any Property User, or a Property User's employees, authorised contractors, sub-contractors, agents, licensees, or other representatives.

Surveillance or Surveil

The use of a Surveillance System.

Surveillance Direction

A direction of the type described at section 4.9.3(a).

#### Surveillance System

Includes one or more device, instrument, apparatus, pieces of equipment, program, software or thing (or system of the same) that is capable of one or more of the following:

- (a) recording still or moving images or observing visually (excluding spectacles, contact lenses or a similar device used by a person with impaired sight to overcome that impairment);
- (b) overhearing, recording, monitoring, or listening to a conversation or words spoken by or to any person (excluding a hearing aid or similar device used by a person with impaired hearing to overcome the impairment and permit that person to hear only sounds ordinarily audible to the human ear);
- (c) recording or monitoring the input of information into, or the output out of, a computer or other device, directly or via a real or private network; and
- (d) determining or monitoring the geographical location of a person or an object.

#### Surveillance Record

#### Includes:

- (a) a record, of any type, that is captured, documented, or stored in any way by, via or because of a Surveillance System; and
- (b) a live stream of content captured by, via or because of a Surveillance System.

## 2. Objective

## This Policy:

- (a) recognises that unregulated use of surveillance can lead to extreme encroachments on personal privacy and personal integrity (especially for vulnerable people) and the degradation of public space amenity;
- (b) understands that surveillance, used in a well-regulated and appropriate manner, can be essential for achieving desired community outcomes, like security and safety;
- (c) balances the community's need for well-regulated surveillance with its interests in personal privacy, personal integrity, and public space amenity; and
- (d) defines a framework for how Surveillance Systems can be used by third parties on property owned or managed by the Council.

## 3. Scope

This Policy:

- (a) applies to all Property Users and Property User Workers; and
- (b) does not apply to the Crown or Council.

## 4. Policy

#### 4.1 Restriction on Use of Surveillance

A Property User must not use a Surveillance System on Council Property unless:

- (a) there is an Approved Legitimate Need for use of a Surveillance System; and
- (b) the use complies with:
  - i. this Policy,
  - ii. any lease or other contractual arrangement that applies to the Property or Property User,
  - iii. the *Privacy Act 1988* (Cth) and *Personal Information Protection Act 2004*, and
  - iv. all other applicable Laws.

#### 4.2 Fields of View

The visual or audio captured by a Surveillance System must:

- (a) be confined to the smallest area required to fulfil the Approved Legitimate Need;
- (b) not include any sleeping areas, accommodation quarters, toilets, bath houses, saunas, change rooms, including the entrances or exits to the same, or any other area where privacy would reasonably be expected; and
- (c) not include any area outside of Council Property.

#### 4.3 Excluded Capabilities

Any Surveillance System must not use the following functionality unless all persons captured within the Surveillance Record have agreed in writing to the use of the function:

- (a) the capturing, processing, or use of genetic information about an individual; or
- (b) the capturing, processing, or use of biometric information or biometric templates, including for the purpose of automated biometric verification or biometric identification.

## <u>4.4 Management of Surveillance Records</u>

- (a) A Property User using a Surveillance System on Council Property must ensure its Surveillance System complies with the following requirements:
  - i. Surveillance Records must only be:
    - 1. accessible by Property User Workers with a Registration to Work with Vulnerable People, and
    - 2. accessed for the purpose of fulfilling the Approved Legitimate Need;

- ii. a maximum of two Property User Workers have access to Surveillance Records;
- iii. the Property User must maintain a record of which Property User Workers had access to Surveillance Records and when; and
- iv. Surveillance Records must be deleted permanently after 30 days, unless being used by law enforcement in an ongoing investigation.
- (b) The rules at (a) do not apply if to the extent that:
  - i. the Property User is a sporting club;
  - ii. the Surveillance System is used exclusively for recording sporting matches;
  - iii. the field of view of the Surveillance System only captures the sporting field;
  - iv. all players (and, where the player is under 18, their guardians) have been notified of the Surveillance System and its purpose; and
  - v. the Surveillance Records contain footage only of sporting matches.

## 4.5 Signage

A Property User using a Surveillance System on Council Property must erect and maintain signage that:

- (a) is prominently displayed and visible in all areas that are captured by the Surveillance System;
- (b) tells the users they are subject to Surveillance;
- (c) describes the purpose of the Surveillance; and
- (d) describes a way for accessing the Property User's Complaint Procedure and for contacting the Property User.

## 4.6 Complaint Management

- (a) A Property User using a Surveillance System on Council Property must establish and maintain a procedure for managing complaints related to the Property User's use of Surveillance (Complaint Procedure).
- (b) A Property User's Complaint Procedure must include a timeframe of no more than 10 days between receiving and responding to a complainant.
- (c) In the first fortnight of each quarter of the year, the Property User must provide the Council with a report including the following details for each complaint the Property User received in the preceding quarter:
  - i. when the complaint was received;
  - ii. a de-identified copy of the complaint text;
  - iii. when the Property User responded to the complaint; and
  - iv. any actions taken by the Property User in response to the complaint.

## 4.7 Insurance Requirements

A Property User who uses a Surveillance System on Council Property must hold insurance policies that:

- (a) are held with a reputable insurer carrying on insurance operations in Australia;
- (b) insure against any claims, up to a value of \$20,000,000, arising out of the Property User's use of the Surveillance System; and
- (c) indemnify the Council against any claims arising out of the Property User's use of the Surveillance System.

## 4.8 Liability

The Council is not liable for any actions, claims, demands, losses, damages, costs or expenses

- (a) that the Property User is subject to, or
- (b) for which the Property User becomes liable for, in connection with, or arising out of, the Property User's Surveillance or compliance (or failed compliance) with this Policy.

#### 4.9 Council Involvement

## 4.9.1 Approved Legitimate Need

- (a) An Approved Legitimate Need occurs when:
  - i. the Property User has demonstrated, to the Council, a legitimate need for Surveillance; and
  - ii. the Council has approved that legitimate need in writing.
- (b) In assessing whether to approve a legitimate need, the Council:
  - will consider whether the use of Surveillance is proportionate and justifiable when balanced against interests such as personal privacy, personal integrity, and public amenity; and
  - ii. may direct the Property User to carry out activities, including, but not limited to
    - 1. a Privacy Impact Assessment,
    - 2. consultation with the public or other groups, and
    - 3. publication or sharing of information for public viewing.
- (c) Council retains ultimate discretion about whether it:
  - i. approves or declines a legitimate need; and
  - ii. limits the use of Surveillance in any way.
- (d) The Council's granting of an Approved Legitimate Need in no way guarantees, suggests or implies that a Property User's Surveillance complies with:
  - i. this Policy as a whole;
  - ii. any lease or other contractual arrangement that applies to the Property or Property User;

- iii. the *Privacy Act 1988* (Cth) and *Personal Information Protection Act 2004*; or
- iv. any other applicable Laws.
- (e) Despite anything in this Policy, including the granting by the Council of an Approved Legitimate Need, it is the responsibility of the Property User to ensure that their use of Surveillance complies with:
  - i. this Policy;
  - ii. any lease or other contractual arrangement that applies to the Property or Property User;
  - iii. the *Privacy Act 1988* (Cth) and *Personal Information Protection Act 2004*; and
  - iv. all other applicable Laws

## 4.9.2 Audit by Council

The Council may, from time to time, review, monitor or audit the Property User's use of Surveillance and any documentation or records related to it.

## 4.9.3 Directions by Council

- (a) A Property User who uses a Surveillance System on Council Property must comply with any reasonable direction given by the Council in relation to the Property User's Surveillance (Surveillance Direction), including, but not limited to:
  - i. providing access to the Surveillance System or other documentation for auditing; or
  - ii. a direction to stop using Surveillance.
- (b) If a Property User fails to comply with a Surveillance Direction, the Council may take action, including, but not limited to:
  - i. terminating the lease, sublease, licence or any other contractual arrangement between the Council and the Property User;
  - ii. requiring the Property User remove the Surveillance System; and
  - iii. referring the Property User or Property User Workers to law enforcement or other appropriate authorities.

## 4.10 Conflicting Requirements

If there is a conflict, or appearance of a conflict, between obligations in any of the following, the Property User must comply with the strictest obligation:

- (a) this Policy;
- (b) any lease or other contractual arrangement that applies to the Property or Property User;
- (c) the Privacy Act 1988 (Cth) and Personal Information Protection Act 2004; or
- (d) any other applicable Laws.

## 5. Legislation and Related Standards

Listening Devices Act 1991
Personal Information Protection Act 2004
Privacy Act 1988 (Cth)
Registration to Work with Vulnerable People Act 2013
Child and Youth Safe Organisations Act 2023

## 6. Responsibility

Responsibility for the operation of this Policy rests with the General Manager.

#### Report

New Policy No. 8: *Use of Surveillance by Third Parties on Council Property* provides a framework for how surveillance can be used by third parties on property owned or managed by the Meander Valley Council.

Surveillance is a sensitive and complex area for lawmakers and administrative bodies. It requires a careful but deliberate balancing of important societal values.

On one hand, surveillance used in a well-regulated and appropriate way can drive desirable community outcomes, like security and safety. On the other hand, the unregulated use of surveillance can lead to extreme encroachments on personal privacy and personal integrity (especially for vulnerable people) and the degradation of public space amenity.

To make things more complicated, because recording devices like camera phones are everywhere, people have become used to being watched and often do not realise how surveillance can cause harm.

The Policy balances the community's need for well-regulated surveillance with its interests in personal privacy, personal integrity and public space amenity.

The Policy includes a Council-controlled gate through which each Property User must pass (an Approved Legitimate Need) – a step which is necessary but not sufficient for a Property User to comply with the Policy. This approach is appropriate because it satisfies the Council's need to be aware of the surveillance on its property but does not go so far as to inappropriately and indirectly make the Council responsible for *certifying* a Property User's surveillance.

The Policy also maintains, and makes explicit, the need for a Property User to comply with all other applicable laws, regulations and contractual requirements.

Overall, the Policy acknowledges and accommodates several critical factors that are unique for the Council and the Council's-managed properties and spaces:

- the Council's role in maintaining and protecting the personal privacy and personal integrity of its residents;
- the Council's role in maintaining and protecting the amenity and liveability of Council's property;
- the Council's role as lessor and administrator of many properties;
- the need for Property Users to use surveillance in an appropriate way; and
- in many instances the absence of typical, commercial variables that would usually incentivise Property Users to comply with such requirements.

This Policy was discussed with Councillors at the 23 September 2025 Workshop.

#### **Attachments**

Nil

## Strategy

Supports the objectives of Council's strategic future direction

5. Delivering responsible leadership and governance

See Meander Valley Community Strategic Plan 2024-34. *Click here* or visit *https://www.meander.tas.gov.au/plans-reports* to visit.

## **Policy**

Not applicable

#### Legislation

Listening Devices Act 1991
Personal Information Protection Act 2004
Privacy Act 1988 (Cth)
Registration to Work with Vulnerable People Act 2013
Child and Youth Safe Organisations Act 2023

#### Consultation

The Policy has been developed with feedback from the Council's Officers and Councillors.

#### **Budget and Finance**

Not applicable

## **Risk Management**

Not applicable

## **Alternate Motion**

Council can refer this Agenda Item to Workshop for further discussion.

## 16.2. Local Government Amendment (Targeted Reform) Bill 2025 Submission

File Reference S13-01-025

**Report Author** Jonathan Harmey

General Manager

**Decision Sought** Council approval of a submission on the Tasmanian

Government's proposed amendments to the *Local Government Act 1993* (the Act) (and ancillary amendments to the *Tasmanian* 

Civil and Administrative Tribunal Act 2020).

**Vote** Simple majority

#### Recommendation

That Council approves the submission to the *Local Government Amendment (Targeted Reform) Bill 2025* Exposure Draft, included as Attachment 1.

## Report

On 6 October 2025 the Local Government Minister wrote to the Council inviting feedback on the *Local Government Amendment (Targeted Reform) Bill 2025* Exposure Draft. Submissions on the Exposure Draft are due on 17 November 2025.

The draft submission, included as Attachment 1, has been prepared by the General Manager following feedback from Councillors at the Workshop held on 28 October 2025.

#### **Attachments**

1. Proposed Submission on the Exposure Draft – 11 November 2025 [**16.2.1** - 5 pages]

#### Strategy

Supports the objectives of Council's strategic future direction

5. Delivering responsible leadership and governance

See Meander Valley Community Strategic Plan 2024-34. *Click here* or visit *https://www.meander.tas.gov.au/plans-reports* to visit.

#### **Policy**

Not applicable

## Legislation

Local Government Act 1993
Tasmanian Civil and Administrative Tribunal Act 2020

#### Consultation

Not applicable

## **Budget and Finance**

If adopted in the current form proposed by the Tasmanian Government, the new strategies proposed to be made mandatory by the new legislative requirements, are expected to require unbudgeted Council expenditure in the vicinity of \$100,000 to be developed.

## **Risk Management**

The proposed introduction of Internal Audit requirements is expected to be an appropriate additional risk management measure for those councils that do not have a program in place.

#### **Alternate Motion**

Council can adopt the submission with amendments; or elect not to make a submission on the proposed legislative changes.

#### 16.2.1 Proposed Submission On The Exposure Draft 11 November 2025



11 November 2025

The Honourable Kerry Vincent MLC Minister for local Government GPO Box 123 Hobart TAS 7001

Via email only: lgconsultation@dpac.tas.gov.au

Dear Minister,

#### Local Government Amendment (Targeted Reform) Bill 2025 Submission

I write in response to your request for feedback and provide the Meander Valley Council's (Council) submission to the proposed Local Government Amendment (Targeted Reform) Bill 2025. Council's position on the proposed amendments and new clauses was approved at the 11 November 2025 ordinary meeting of Council. We have appreciated the availability of information sessions on the proposed changes provided by the Office of Local Government.

Council notes that there are several proposed additions being introduced, including a Workforce Development Strategy, Community Engagement Strategy, Internal Audit function, Mandatory Information in Rates Notices. It is anticipated that for the majority of councils in Tasmania, the ability to achieve compliance with the proposed new mandatory requirements will require consultants to develop this work. The existing workforce simply will not have the capacity, and in some cases experience, to take on new projects of this nature. The development of these new additions would come at a cost which would unfortunately need to be passed on to the property owners of each respective Local Government Area, if pursued by the Tasmanian Government. At a time when the demand for council services has never been higher and many property owners are experiencing cost of living pressure, we highlight this point.

We provide the following specific comments on the proposed legislative changes:

#### **Proposed Legislation**

#### 19A: Clarifying the role of Council

The current section 20 of the Act will be removed and replaced with different wording.

### 20: Introducing a Local Government Charter

A Charter for Local Government is intended to be produced which provide clarity and specific guidance to support councils in performing their role and specifies the core functions of councils.

#### **Council Feedback**

The proposal to introduce a Charter, in consultation with the Local Government sector, is supported.

#### **Proposed Legislation**

#### 28AB: Introducing mandatory learning and development

The Director is to approve for the purposes of this Act a course of mandatory core learning and development activities for councillors. A councillor must complete the course of learning and development activities approved by the Director within 12 months after the election of the councillor.

#### **Council Feedback**

Council believes that learning and development is an important aspect of continuous development in Local Government. As Councillors, our declaration of office states that we will engage in ongoing professional development, all opportunities should be encouraged. It is recommended that the learning and development activities be competed on an optional basis, and not mandatory as proposed. There should not be a one size fits all approach to learning and development, it is recognised that people learn in different ways. It is recommended that a range of techniques should be made available for Councillors to undertake learning and development.

#### **Proposed Legislation**

#### 28AC: Introducing the need for a Policy for continuing professional development

The General Manager must prepare a policy for Council adoption in relation to the continuing professional development of councillors within 6 months of an election.

#### **Council Feedback**

It is unclear at this time what will be required from the proposed new Policy and is therefore difficult to comment on. There is, however, a level of apprehension that the General Manager is being required to prepare a professional development policy for the Councillors, who employs the General Manager.

#### **Proposed Legislation**

## 28Z: Changes to code of conduct complaint initial assessment

Introducing an ability for a code of conduct complaint, on an initial assessment, to be referred to the Director of Local Government if the General Manager reasonably considers that the complaint includes conduct that is capable of amounting to serious councillor misconduct. Introduces an ability to hear complaints jointly if they relate to the same contravention.

### **Council Feedback**

The proposed new clause is supported.

#### **Proposed Legislation**

#### 28Z: Introducing provisions around serious councilor misconduct

If the Director determines that the conduct of the councillor is capable of amounting to serious councillor misconduct, determine that the Director will conduct an investigation into that conduct. If satisfied, the Director can refer the application to the Tasmanian Civil and Administrative Tribunal (TASCAT).

#### Council Feedback

In the event of serious breaches of the code of conduct, and in the event of unlawful actions by a Councillor, Council is generally supportive of the ability for the Minister (following a finding from TASCAT) to suspend, dismiss and prohibit an individual from the role of Councillor.

#### **Proposed Legislation**

#### 62: Introducing the requirement for a workplace development strategy.

Council would be required to develop and maintain a workplace development strategy that addresses the immediate and long-term human resourcing requirements of the council.

#### **Council Feedback**

While the details are unclear, it is expected that this will require consultants to assist with development and establishment of the strategy, at cost to Council. This strategy may be complex to achieve, depending on the definition of a Workplace Development Strategy and the required contents. It is recommended that this requirement be on a non-compulsory basis, rather than mandatory as proposed. It is further strongly recommended that the terminology be changed to "Workforce" Development Strategy if the focus is on the human resource functions of Tasmanian councils, rather than all aspects of the "Workplace".

#### **Proposed Legislation**

#### 70DA: Introducing the need for a community engagement strategy

A council must establish and implement a strategy for engagement with the community when developing the council's plans, policies and programs and for the purpose of determining its major activities. The scope and types of performance indicators and metrics that are to be used; and the methodologies and protocols for the measurement, reporting and presentation of performance data.

#### **Council Feedback**

While the details are unclear, it is expected that a consultant engagement would be required in order to develop a community engagement strategy, at the Council's cost. It is recommended that this requirement be on a non-compulsory basis, rather than mandatory as proposed.

#### **Proposed Legislation**

#### 84A: Introducing the requirement for mandatory performance reporting

The Minister may, by order, specify performance reporting requirements that are to apply in relation to councils.

### **Council Feedback**

Our Council is very supportive of mandatory performance reporting, a position provided to the Tasmanian Government in previous submissions. The proposed legislation does not outline details of the proposed performance reporting required, it is therefore difficult to provide a fully considered position. While generally upportive, our Council strongly suggests that the Tasmanian Government must developing the reporting platform (at their cost), and council officers complete the data inputs as required.

#### **Proposed Legislation**

### 84B: Introducing the need for internal audit

The Minister may, by order, specify requirements that are to apply to councils in relation to the conduct of internal audits.

#### **Council Feedback**

The details of what is proposed by internal audit is unclear, this could take many forms. In principle Council is supportive of the introduction of an internal audit function, however recommend that this be on a non-compulsory basis rather than mandatory as proposed.

#### **Proposed Legislation**

#### 122A: Introducing mandatory information in rates notices

The Minister, by order, may specify the information that, in addition to the information required under section 122(1), is to be included by the general manager in a rates notice.

#### **Council Feedback**

Many councils, including the Meander Valley Council, provide property owners with information on the cost areas of their council at the time of sending their rates notice. This is a difficult proposal to comment on without the relevant detail of what would be required. However, is believed that this is a reactive requirement based on a small proportion of the Tasmanian community making representation to the State Government. It is likely that all councils would need to incur costs with their software consultants to achieve compliance, on this basis this new requirement is generally not supported. Our Council believes that the proposed Section 84A will achieve the desired performance comparison.

#### **Proposed Legislation**

#### 214: Introducing the ability for temporary advisors to be put in at Council

A person appointed to be a temporary advisor to a council.

Without limiting the situations in which the Director may make a recommendation under subsection (1), the Director may make a recommendation under that subsection if, in the Director's opinion, the council or councillor has failed to comply with a statutory requirement under this or any other Act or under subordinate legislation made under this or any other Act. There is evidence that suggests emerging governance or operational deficiencies at the council that, if not addressed, have the potential to negatively impact the effective delivery of the council's functions and services to the community; or the council has requested the appointment of a temporary advisor.

#### **Council Feedback**

While our Council is generally supportive of the role of a temporary advisor, before the Tasmanian Government were to consider the severe steps of appointing a commissioner, we disagree that the threshold for appointment be "failed to comply with a statutory requirement under this or any other Act or under subordinate legislation made under this or any other Act". The benchmark for appointing a temporary advisor should be much higher, such as "a systematic pattern of failing to comply with statutory requirements", or words similar to that effect.

## 16.2.1 Proposed Submission On The Exposure Draft 11 November 2025

If you require any additional information or clarification, please do not hesitate to contact me directly on 0417 316 208 or by email <a href="mailto:wayne.johnston@mvc.tas.gov.au">wayne.johnston@mvc.tas.gov.au</a>.

Regards

Wayne Johnston

Mayor

## 17. Motion to Close Meeting

Refer to Local Government (Meeting Procedures) Regulations 2025: Regulations 16 and 17

#### Recommendation

That Council, by absolute majority, pursuant to the *Local Government (Meeting Procedures) Regulations 2025*, closes the Meeting to the public for discussion of the Agenda Items listed below:

#### 17.1 Confirmation of Closed Minutes

Refer to Local Government (Meeting Procedures) Regulations 2025: Regulation 40(6).

## 17.2. Leave of Absence Applications

Refer to Local Government (Meeting Procedures) Regulations 2025: Regulation 17(2)(i) requests by Councillors for leave of absence.

## 17.3 Leave of Absence Applications

Refer to Local Government (Meeting Procedures) Regulations 2025: Regulation 17(2)(j) notifications by Councillors of leave of absence for parental leave.

## 17.4 Contract No. 273-205-26 – Provision of Cleaning Services

Refer to Local Government (Meeting Procedures) Regulations 2025: Regulation 17(2)(e) regarding contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

# 17.5 Contract No. 277-205026 – Design and Constrct: Bridge No. 3095 – Gulf Road, Liffey Bridge Replacement

Refer to Local Government (Meeting Procedures) Regulations 2025: Regulation 17(2)(e) regarding contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

# 17.6 Contract No. 278-205-26 – Prospect Vale Sports Ground – Internal Road Reconfiguration (Stage 1)

Refer to Local Government (Meeting Procedures) Regulations 2025: Regulation 17(2)(e) regarding contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

#### 17.7 End of Closed Session and Release of Public Information

Refer to Local Government (Meeting Procedures) Regulations 2025: Regulation 17(8). To be determined in Closed Council.

# 18. Close of Meeting