

Column Element		Column 2 Requirement
D.	Signage for static water connections	<p>The water connection point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must</p> <ul style="list-style-type: none"> (a) comply with: Water tank signage requirements within AS 2304-2011 <i>Water storage tanks for fire protection systems</i>; or (b) comply with water tank signage requirements within <i>Australian Standard AS 2304-2011 Water storage tanks for fire protection systems</i>; or (c) comply with the Tasmania Fire Service Water Supply Signage Guideline published by the Tasmania Fire Service.
E.	Hardstand	<p>A hardstand area for fire appliances must be provided:</p> <ul style="list-style-type: none"> (a) No more than three metres from the water connection point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like); (b) No closer than six metres from the building area to be protected; (c) With a minimum width of three metres constructed to the same standard as the carriageway; and (d) Connected to the property access by a carriageway equivalent to the standard of the property access.

CONCLUSIONS

A 2 lot subdivision is proposed from 2 existing titles at 1519 Mole Creek Road, Chudleigh. The area is mapped as bushfire prone in planning scheme overlays.

Lot 1 is considered exempt under C13.6.1 A1(a), C13.6.2 A1 (a) & C13.6.3 A2 (a).

There is sufficient area on balance lot to provide for a proof of concept BAL 19 building area and hazard management area. Hazard Management Area, access and water supply must be in place prior to the commencement of construction of a future habitable building.

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 2: Location existing lot in blue



Figure 3: Aerial Image existing lot



Figure 4: aerial image, lot 1

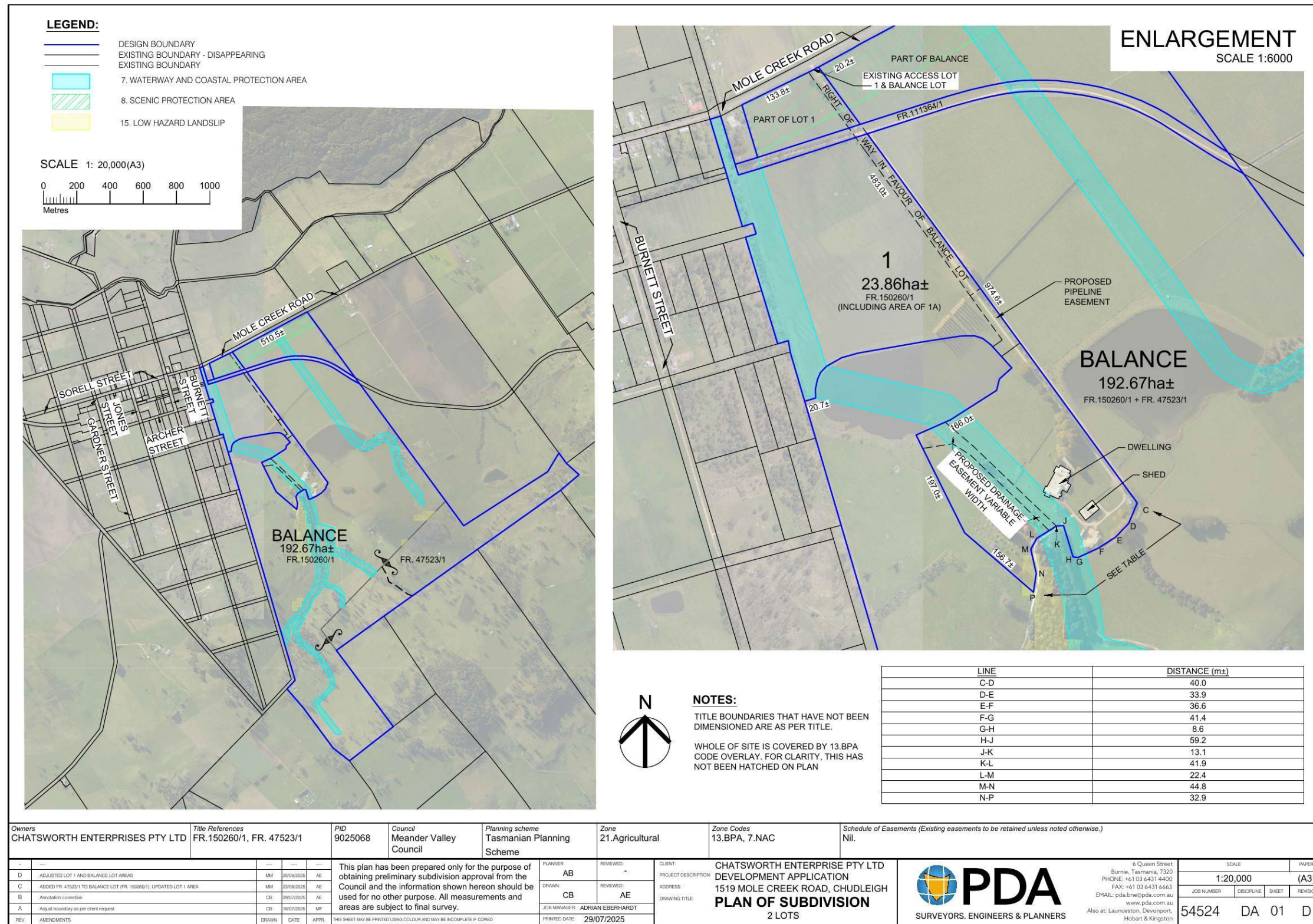


Figure 5: Proposed Subdivision Plan

APPENDIX 2 – PHOTO



Figure 6: Lot 1 buildings

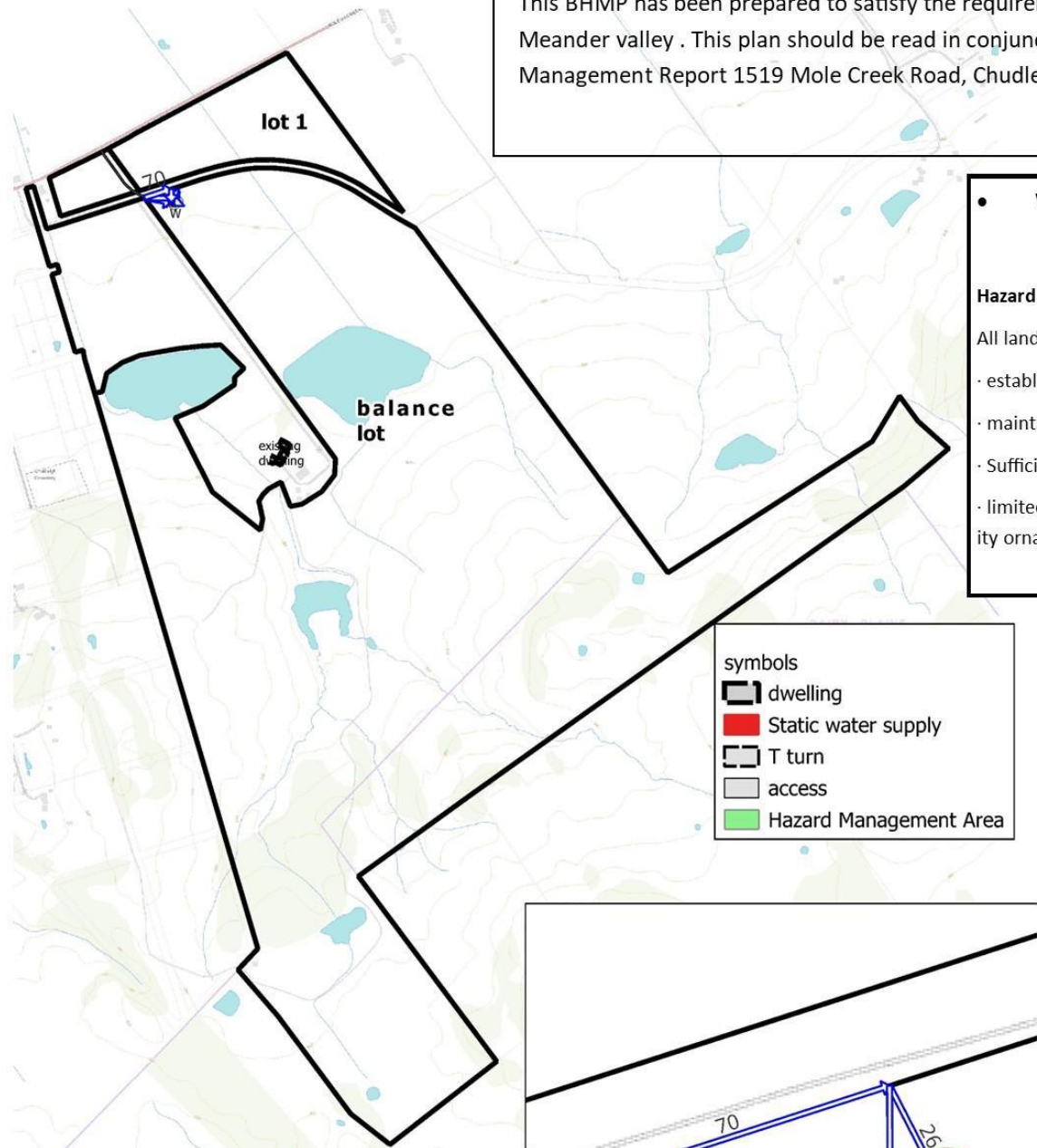


Figure 7: existing access

Bushfire Hazard Management Plan: Subdivision

This BHMP has been prepared to satisfy the requirements of Tasmanian Planning Scheme- Meander valley . This plan should be read in conjunction with the report titled: Bushfire Hazard Management Report 1519 Mole Creek Road, Chudleigh v3 Livingston Natural Resource Services .

Proposed Development	Subdivision, 2 lots from 2 lots
Plan of Subdivision	PDA Surveyors
Chatsworth Enterprises	Chatsworth Enterprises
Address	1519 Mole creek Road, Chudleigh
CT	150260/1, 47523/1
PID	9025068



Water supply

Hazard Management Area

All land within the subdivision lots must be maintained as low threat from any residential lot from sealing of titles and maintained in perpetuity.

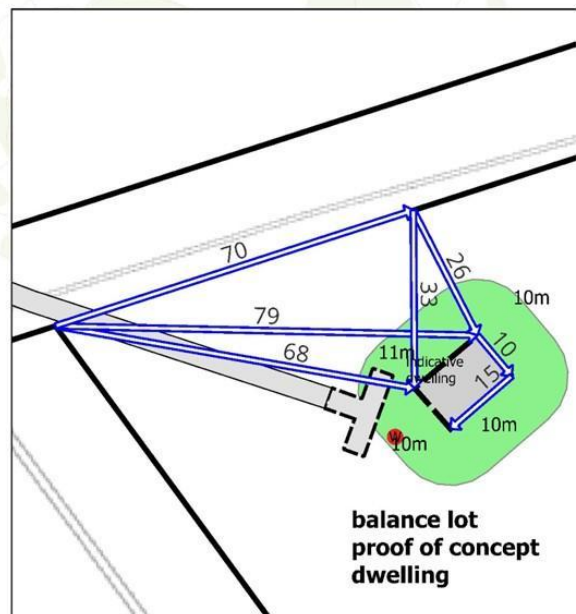
- establish hazard management area as dimensioned on this plan.
- maintain in a minimal fuel condition in perpetuity, ensuring fuels are reduced
- Sufficiently and other hazards are removed such that the fuels & other hazards do not significantly contribute to the bushfire attack.
- limited amounts of low flammability plants are acceptable within the hma; Including maintained lawn, low growing plants & ground covers, low Flammability ornamental gardens, vegetable gardens and the like.

Property access

Construct all weather property access with 4m wide carriageway from the public road to within <90m of the furthest part of the building measured as a hose lay and to the hardstand located within <3m of the water connection point.

load capacity greater than 20 tonnes (inc. Bridges and culverts). Cross fall less than 3°, dips less than 7°, curves min.10m inner radius. 10° max gradient for unsealed roads and 15° max gradient for sealed roads.

Construct 20m long passing bay providing 2m additional carriageway width every 200m. Access to terminate in a turning circle with a 10m min



The following must be in place:
Prior to commencement of construction of any future habitable building

- Hazard Management Area
- Access to Water Supply point

Water supply for firefighting.

a static water Supply meeting the following standards must be in place prior to commencement of construction of a habitable building. Install metal or concrete firefighting water tank with a minimum of 10,000 litres stored water, dedicated to firefighting purpose . Fitted with a compliant storz water connection point located within <90m of furthest element of the habitable building, measured as a hose lay, & accessible within <3m of the hardstand. May have remote offtake connected to the static water supply.

Identify the firefighting water point with permanently fixed compliant signage complying with TFS Guidelines. Keep clear of vegetation immediately above & around the connection point.

Construct hardstand area for fire appliance access to the firefighting water point. Minimum 3m wide, constructed to the same standard as the property access

Scott Livingston
Accreditation: BFP – 105: 1, 2, 3A, 3B, 3C
Date 2025
SRL25/43S3

BUSHFIRE-PRONE AREAS CODE

CERTIFICATE¹ 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:

1519 Mole Creek Road, Chudleigh

Certificate of Title / PID:

150260/1, PID 9025068
47523/1

2. Proposed Use or Development

Description of proposed Use and Development:

Subdivision, 2 lots from 2 lots

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 1519 Mole Creek Road, Chudleigh v3	Scott Livingston	30/7/2025	3
Bushfire Hazard Management Plan 1519 Mole Creek Road, Chudleigh v3	Scott Livingston	30/7/2025	3
Plan of Subdivision	PDA Surveyors	25/9/2025	DA 01 D

4. Nature of Certificate

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

<input type="checkbox"/>	E1.4 / C13.4 – Use or development exempt from this Code	
	Compliance test	Compliance Requirement

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

<input type="checkbox"/>	E1.4(a) / C13.4.1(a)	Insufficient increase in risk
--------------------------	----------------------	-------------------------------

<input type="checkbox"/> E1.5.1 / C13.5.1 – Vulnerable Uses		
	Acceptable Solution	Compliance Requirement
<input type="checkbox"/>	E1.5.1 P1 / C13.5.1 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input type="checkbox"/>	E1.5.1 A2 / C13.5.1 A2	Emergency management strategy
<input type="checkbox"/>	E1.5.1 A3 / C13.5.1 A2	Bushfire hazard management plan

<input type="checkbox"/> E1.5.2 / C13.5.2 – Hazardous Uses		
	Acceptable Solution	Compliance Requirement
<input type="checkbox"/>	E1.5.2 P1 / C13.5.2 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input type="checkbox"/>	E1.5.2 A2 / C13.5.2 A2	Emergency management strategy
<input type="checkbox"/>	E1.5.2 A3 / C13.5.2 A3	Bushfire hazard management plan

<input checked="" type="checkbox"/> E1.6.1 / C13.6.1 Subdivision: Provision of hazard management areas		
	Acceptable Solution	Compliance Requirement
<input type="checkbox"/>	E1.6.1 P1 / C13.6.1 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input checked="" type="checkbox"/>	E1.6.1 A1 (a) / C13.6.1 A1(a)	Insufficient increase in risk Lot 1
<input checked="" type="checkbox"/>	E1.6.1 A1 (b) / C13.6.1 A1(b)	Provides BAL-19 for all lots (including any lot designated as ‘balance’) Balance lot
<input type="checkbox"/>	E1.6.1 A1(c) / C13.6.1 A1(c)	Consent for Part 5 Agreement

<input checked="" type="checkbox"/> E1.6.2 / C13.6.2 Subdivision: Public and fire fighting access		
	Acceptable Solution	Compliance Requirement
<input type="checkbox"/>	E1.6.2 P1 / C13.6.2 P1	Planning authority discretion required. A proposal cannot be certified as compliant with P1.
<input checked="" type="checkbox"/>	E1.6.2 A1 (a) / C13.6.2 A1 (a)	Insufficient increase in risk Lot 1

<input checked="" type="checkbox"/>	E1.6.2 A1 (b) / C13.6.2 A1 (b)	Access complies with relevant Tables Balance lot
-------------------------------------	--------------------------------	---

<input checked="" type="checkbox"/> E1.6.3 / C13.1.6.3 Subdivision: Provision of water supply for fire fighting purposes		
	Acceptable Solution	Compliance Requirement
<input type="checkbox"/>	E1.6.3 A1 (a) / C13.6.3 A1 (a)	Insufficient increase in risk
<input type="checkbox"/>	E1.6.3 A1 (b) / C13.6.3 A1 (b)	Reticulated water supply complies with relevant Table
<input type="checkbox"/>	E1.6.3 A1 (c) / C13.6.3 A1 (c)	Water supply consistent with the objective,
<input checked="" type="checkbox"/>	E1.6.3 A2 (a) / C13.6.3 A2 (a)	Insufficient increase in risk Lot 1
<input checked="" type="checkbox"/>	E1.6.3 A2 (b) / C13.6.3 A2 (b)	Static water supply complies with relevant Table Balance lot
<input type="checkbox"/>	E1.6.3 A2 (c) / C13.6.3 A2 (c)	Static water supply consistent with the objective

5. Bushfire Hazard Practitioner

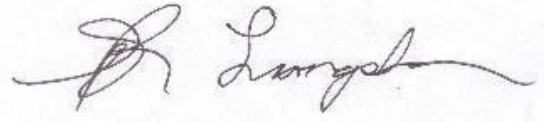
Name:	Scott Livingston	Phone No:	0438 951 021
Postal Address:	PO Box 178, Orford, 7190	Email Address:	scottlivingston.lnrs@gmail.com
Accreditation No:	BFP – 105	Scope:	1, 2, 3A, 3B, 3C

6. Certification

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

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

Signed:
certifier



Name:

Scott Livingston

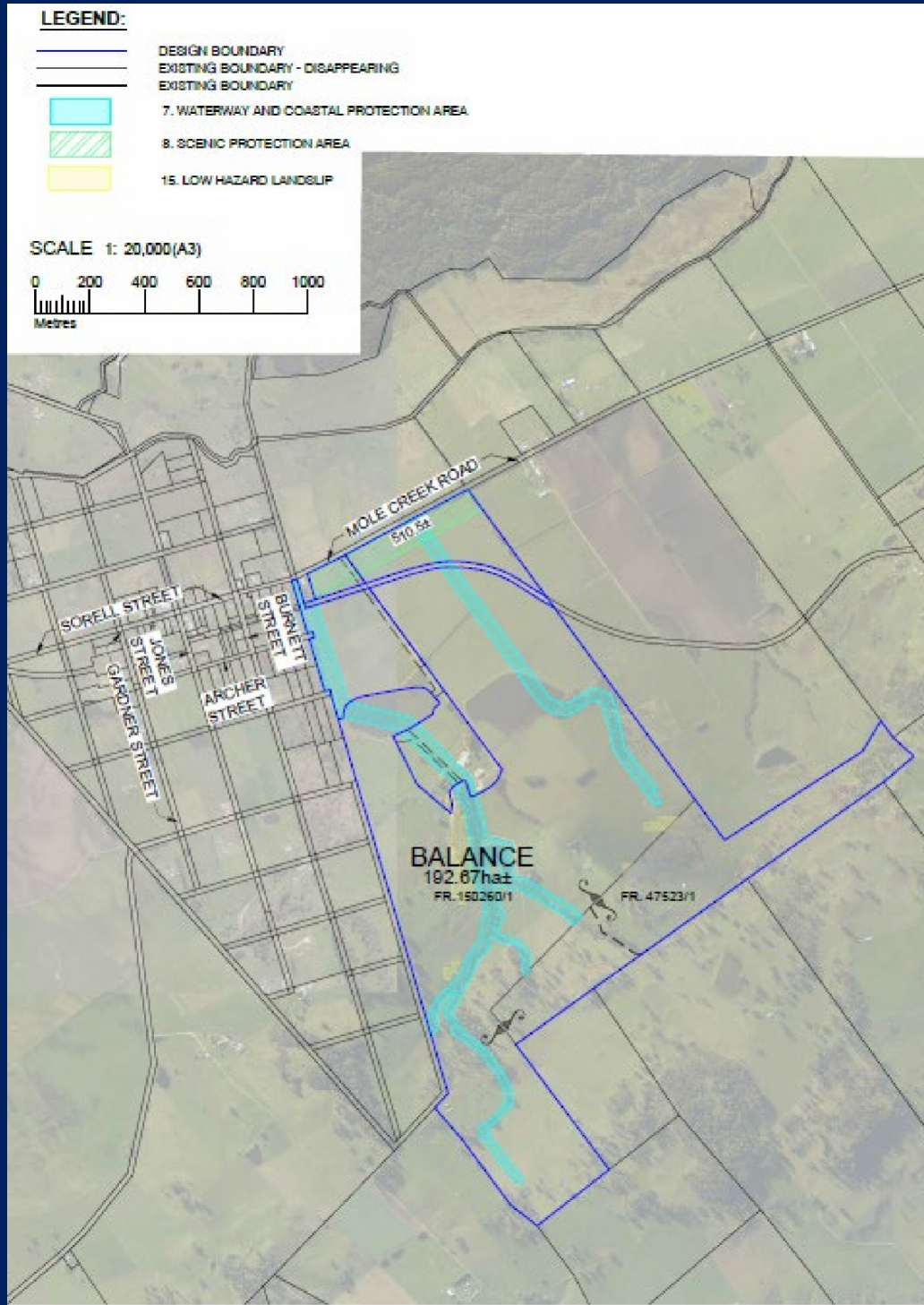
Date:

14/10/2025

**Certificate
Number:**

SRL25/43S3

(for Practitioner Use only)



Tasmanian Planning Scheme - *Meander Valley 2021*

21.5 Development Standards for Subdivision

cl.21.5.1 Lot Design P1 (a)(i)-(iv)

PLANNING SUBMISSION

Subdivision - Boundary Reorganisation - 'Bentley' - 1519 Mole Creek Road CHUDLEIGH

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SUBDIVISION - BOUNDARY REORGANISATION - 1519 MOLE CREEK ROAD CHUDLEIGH

EXECUTIVE SUMMARY

The application proposes a reorganisation of title boundaries which will place the Bentley Homestead and its immediate curtilage on one title (Lot 1 – 23.86ha) and add the title CT 47532/1 to the balance of the property. The purpose of the proposal is the creation of titles for rural purposes with the new balance title increasing in area to approx. 192.67ha.

The subdivision proposal will reorganise boundaries and does not create an additional lot. **Figure 1** below shows main title CT 150260/1 and the proposed Lot 1, with the balance area of 192.67ha. The subdivision also gives effect to the existing long-term lease registered against the titles and materially does no more than reflect the existing usage, but ensures that lot 1 is of sufficient area to enable agricultural use.

It should be noted that the house and associated outbuildings (which are subject to the existing long-term registered lease), are not in any way associated with the agricultural enterprise conducted on the balance area - as existing title boundaries reflect historical arrangements which are no longer appropriate.

The property heritage registration is *THRID Number 4759* which includes the existing homestead, adjacent buildings and the property title CT 150260/1, the details of which are included with the application. As such the Local Historic Heritage Code C6.0 does not apply to the proposal.

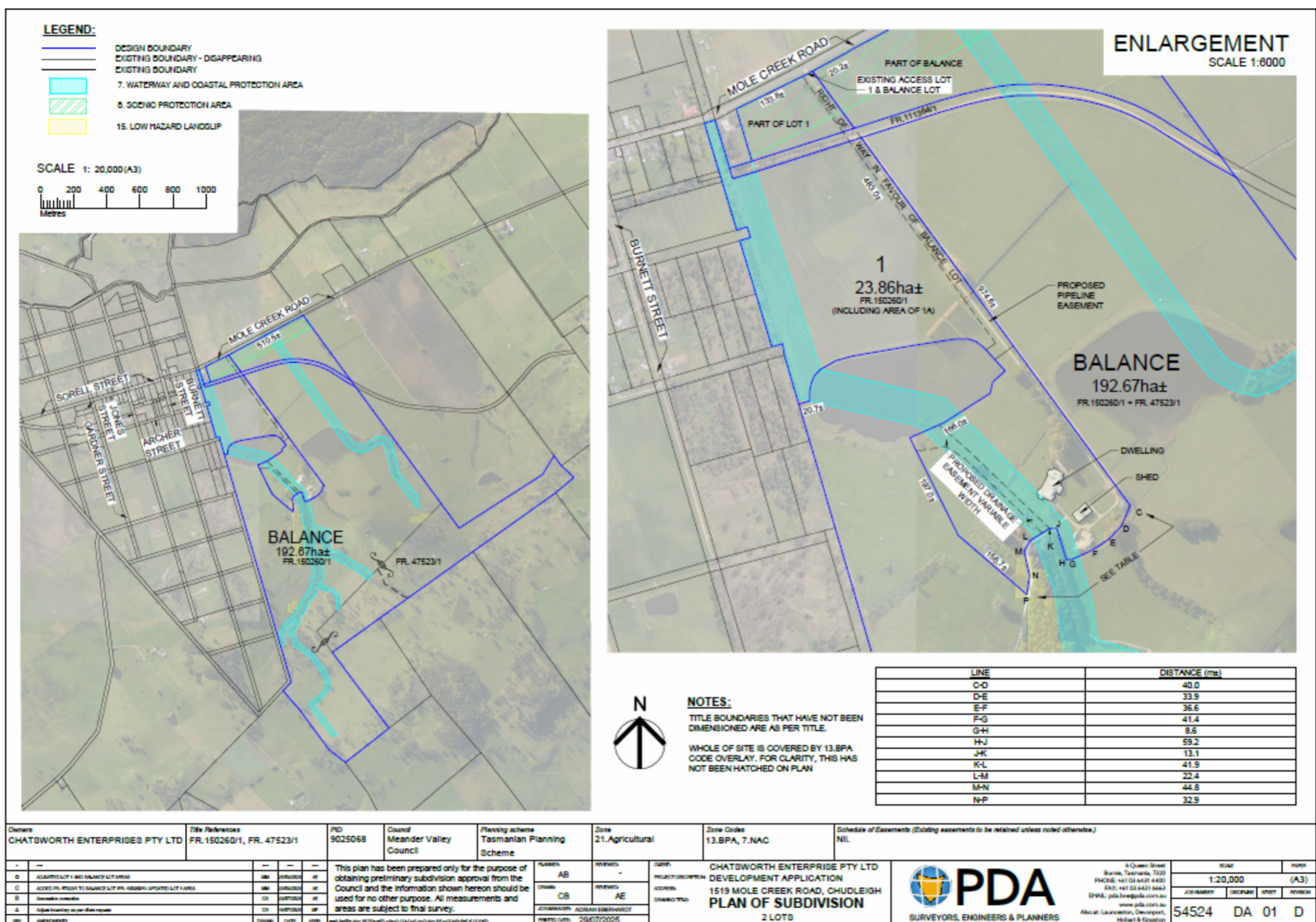


Figure 1 - Proposal Plan. Source: PDA Surveyors

The proposal is considered compliant with clause 21.5.1 P1(a)(i)-(iv) of the *Tasmanian Planning Scheme - Meander Valley 2021*, a view which draws upon the analysis of the agricultural land assessment prepared by consultancy group *Pinion Advisory*.

The assessment by *Pinion Advisory* concludes that the boundary reorganisation can be undertaken without expectation of creating conflict with and/or limiting the current and future agricultural land use of the subject property, nor on adjacent and nearby agricultural land. Refer sections 5.3 of the report.

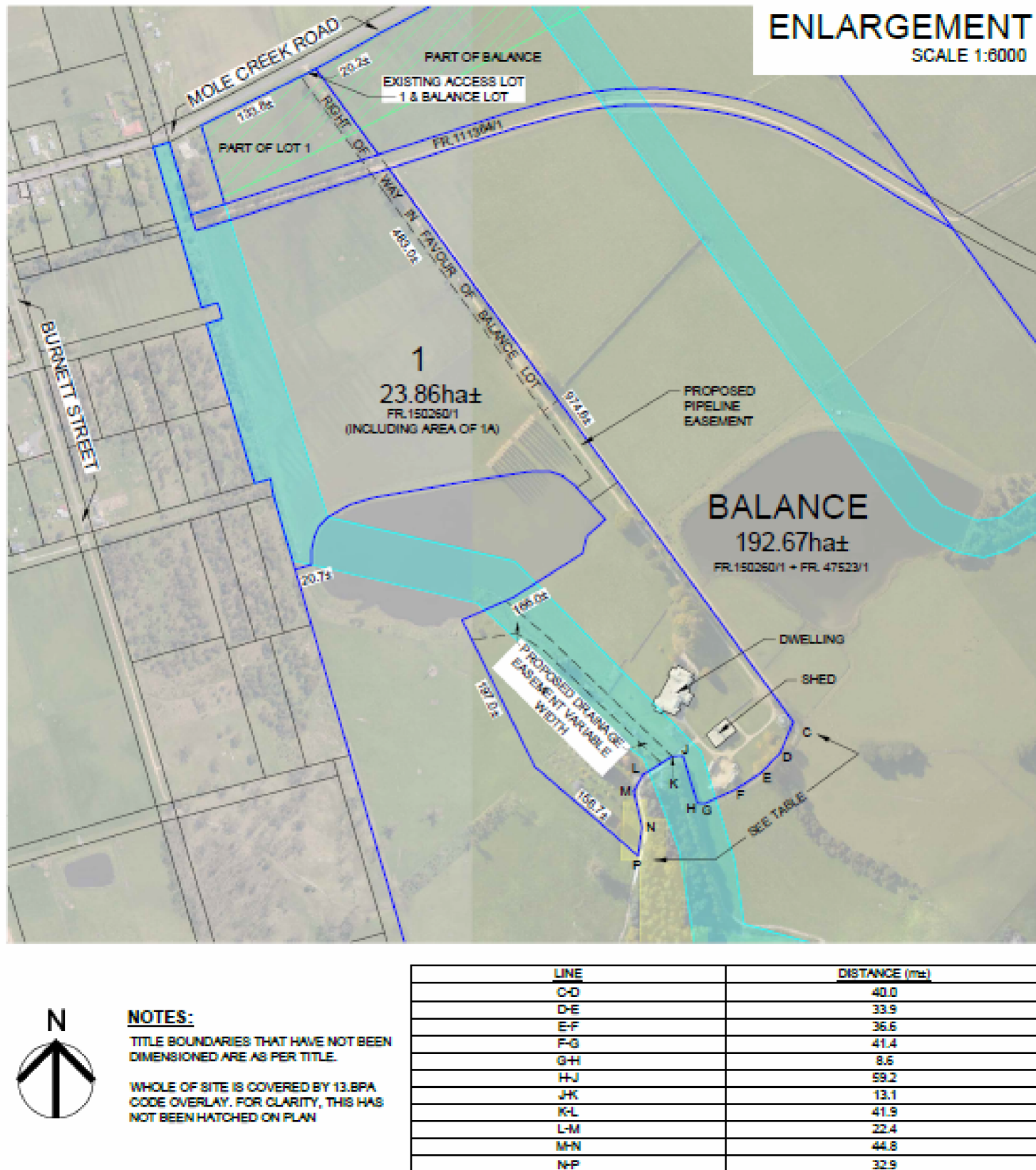


Figure 2 - Proposal Plan enlargement Lot 1 - 1519 Mole Creek Road CHUDLEIGH - Source: PDA Surveyors

Pinion Advisory observe that proposed Lot 1 including the land and all buildings present are not used for, do not support and do not contribute to the operation and/or management of the agricultural land activity conducted on the area identified as balance, nor that of the wider Bentley property.

The boundary reorganisation will also allow the separation of the heritage registered homestead together with the associated structures on a title which will include agricultural use, and achieve consolidation of the agricultural balance of the property to include retention of the 2 main dams which provide water to the agricultural enterprise. Rights to use water from the dam will be provided to Lot 1

Whilst not directly relevant to consideration under cl.21.5.1 P1(a) of the scheme, *Pinion* further concludes that the irrigation dams to the north and east and substantial gardens, an orchard and screening vegetation combine to form a significant buffer to the surrounding agricultural use of the balance allotment and wider Bentley property. This they suggest allows a conclusion that the likelihood of land use conflict resulting from of the boundary reorganisation is negligible.

Pre lodgement consultation with Heritage Tasmania to understand the relationship of the proposed development to the heritage characteristics of the registration has underpinned the current design addressing the broader property title and its relevance to the early history of farming within the district. The present proposal plan was referred to Heritage Tasmania by the proponent, in relation to which the preliminary response indicated that the proposal does not impact the heritage values of the place.

From the perspective of the broader landscape, the rearrangement of the Bentley title boundaries will be indiscernible and will not affect the landscape in any way.

In summary, the proposal meets the standards of cl.21.5.1 P1 (a)(i) to (iv) in that:

- (a) the subdivision and boundary adjustment provides for agricultural use on both lots and
 - (i) by virtue of the title rearrangements does not materially diminish agricultural productivity;
 - (ii) the capacity of the new lots for productive agricultural use is maintained;
 - (iii) there are no topographical constraints impacting the proposal; and
 - (iv) the current irrigation practices will not change, ensuring potential irrigation for both titles is maintained.

1.0 INTRODUCTION

The application proposes a boundary reorganisation which will include subdivision of Bentley Homestead and its curtilage from the farm title, achieving an area of 23.86ha. The proposal will adhere title CT 47523/1 to the new balance which results in a total area of 192.67ha.



Figure 3 - Bentley Homestead - Source: Google reference *Real Estate.com* site

Both the lots will retain frontage to Mole Creek Road. The balance will continue to be accessed via the existing driveway benefited by a right of way extending from Mole Creek Road to the formal gates of Bentley Homestead, which forms a part of and links to the property's internal communication network.

Plates 1-5 provide images of the Bentley Homestead and curtilage and are included to provide understanding of the elements which comprise the homestead precinct and its relationship to the proposed property boundary.



Plate 1. Aerial view to Bentley



Plate 2. View to formal gates

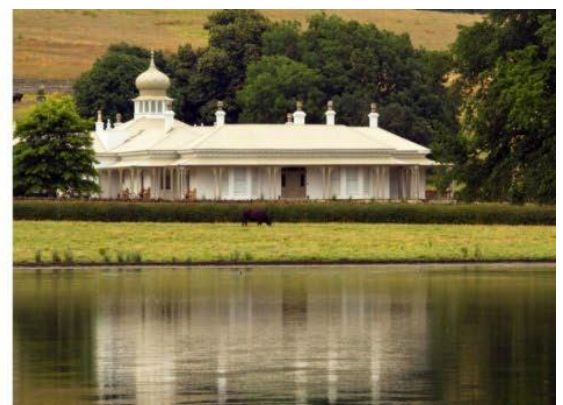


Plate 3. View looking south from the dam to Bentley Homestead



Plate 4. View along driveway

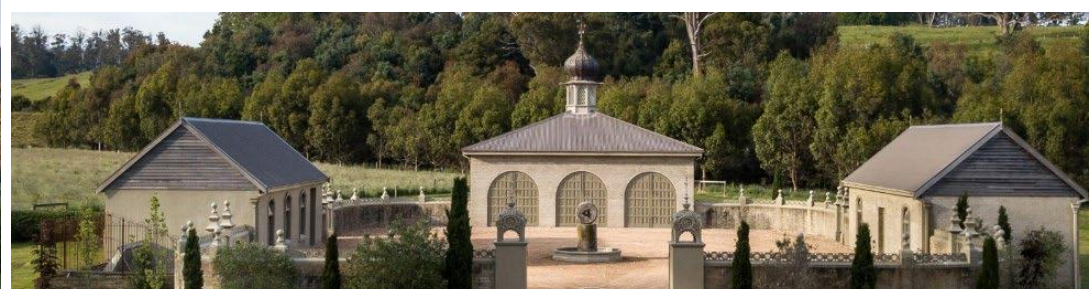


Plate 5. Three-bay Carriage House

Figure 4 - Bentley Homestead images - Source: Website, *Ken Jacobs/Christies International Real Estate*

2.0 SITE DESCRIPTION

2.1 Location

The property address is 1519 Mole Creek Road Chudleigh the main title of which totals 177.7ha. The property holdings of Chatsworth Enterprises Pty Ltd and the title areas subject of the application are shown below refer **Figure 5** and the proposal title area at **Figure 6**.



Figure 5 - Chatsworth Enterprises Pty Ltd Land holding green shade, Title areas red outline. Map Source: the LIST

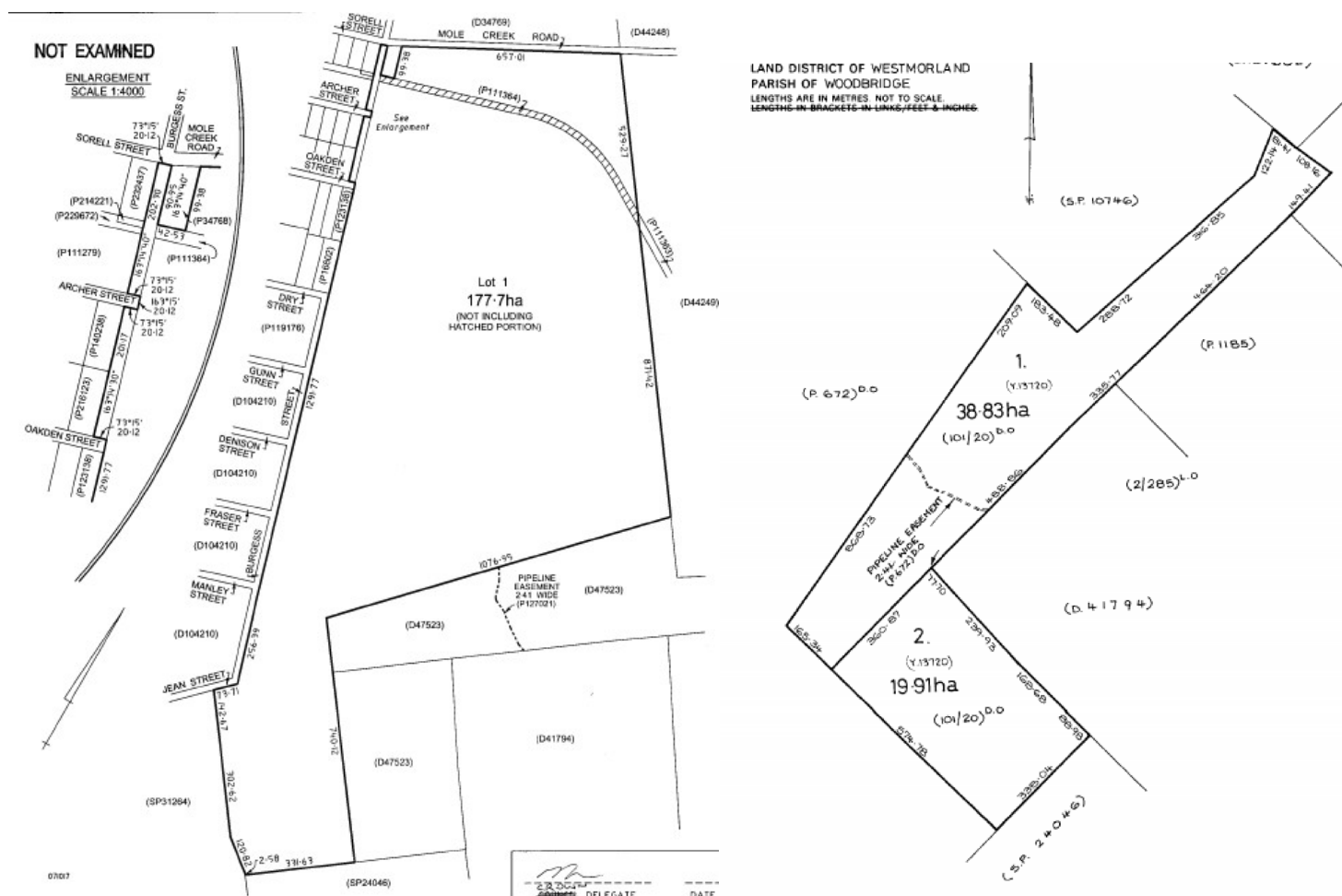


Figure 6 - Title plan extract CT 150260/1 and CT 47523/1

The site's topography consists of flat gently sloping land to the north rising to moderate sloping and undulating ground to the south, and to the south west boundary characterised by a gently sloping elevated plateau. The property is dominated by open pasture with areas of native vegetation (mostly *Eucalyptus viminalis* wet forest) in the southern areas of the property and planted shelter belts spaced across the open plain.

The property access runs from Mole Creek Road to the Bentley Homestead. The property retains a farm access on Mole Creek Road 728m to the east of the main access, and to the west, via the reserved road access from Burnett Street.



Figure 7 - 'Bentley' Aerial Landscape. Source: Pinion Advisory, Agricultural Assessment October, 2025.

Refer to plates 11-17 of the Pinion assessment report at pages 25-28 which provide an overall visual snapshot of the property and the areas the subject of the subdivision proposal. **Figure 7** shows the existing internal gravel road reference FR 111364/1 in the foreground; the property's two dams split by the main access road and the Bentley Homestead.



Figure 8 - Internal farm access road network; relationship to formal Bentley access

Figure 8 demonstrates the relationship of the internal farm access road network to the homestead curtilage. These physical arrangements will not change as a result of the subdivision and it should be noted that any change would be very difficult in practice due to the nature of the land (very wet) and the existence of the creek/sharp embankment running alongside the homestead.

It is essential that the gravel road which passes around the southern section at the rear of the homestead remain within the new balance title as it links the eastern and western sections of the property, crossing the creek and continuing up the steep sloped embankment to the farmland beyond.

The alternative requiring the construction of a new road and creek crossing the deep gully and climbing the steep embankment beyond is both impractical and cost prohibitive within the range of \$250,000 to \$300,000.

The homestead and outbuildings have neither an operational nor physical connection to the farm's activities and have no interface with them so the retention of the existing gravel access road within the new balance title will have no impact upon proposed lot 1.



Figure 9 - Aerial images Bentley title boundary CT 150260/1 – 1. and CT 47523/1 – 2. Source: the LIST

2.2 Land Use

As observed by *Pinion Advisory* the Bentley Homestead and curtilage has no operational relationship to the balance of the title CT150260/1 and is presently occupied under a lease arrangement separate to the balance agricultural area.

The two irrigation dams located north and east of the homestead provide water for the agricultural enterprise. The rural use is mainly grazing including finishing prime lambs and/or dairy cattle. The Pinion report at pages 30 to 31 provides a detailed summary of the current operation and considers the potential for cropping and perennial horticulture use.

The Pinion analysis concludes *the suitable pastoral area covers approximately 360 hectares having a total carrying capacity of approximately 6,450 DSE which is sufficient to running approximately 600 dairy replacement heifers on an annual basis dependent upon seasonal conditions, livestock weight and liveweight gain performance of the heifers.*

It would be reasonable to expect some supplementary feeding to ensure optimal liveweight gain performance when pasture growth is limited during winter and mid/late summer. It should be noted the property is in a moderately well-developed condition, and the current stocking rate being run would be approximately 70% of the potential carrying capacity.



Figure 10 - Land classification mapping. Source: *Agricultural Assessment report - Pinion Advisory p.12*

Pinion observe *proposed Lot 1* would have approximately 13 hectares of pastureland which would have a potential carrying capacity of approximately 260 DSE, and this represents roughly 3.6% of the total grazing area and 4% of the total carrying capacity of the entire Bentley property.

An additional 4 hectares of grassed area would also be included within the proposed Lot 1, however in reality this land is best considered as an amenity area and has not and would not be used for grazing purposes. 260 DSE would allow for running roughly 24 dairy replacement heifers on an annual basis.

The balance block would have approximately 165 hectares pasture land which would have a potential carrying capacity of approximately 3,300 DSE, and this represents roughly 45.8% of the total grazing area and 51% of the total carrying capacity of the entire Bentley property. 3,300 DSE would allow for running roughly 307 dairy replacement heifers on an annual basis.

The development associated with the proposed Lot 1 could be undertaken with a negligible impact and no material bearing on the current and future scale, intensity, operation and management of

livestock production activities which can and could be undertaken on the balance lot nor that of the overall Bentley property.

No grazing pasture land would be lost as a result of the proposed development.



Figure 11 - Threatened vegetation *Eucalyptus viminalis*. Source: the LIST

Whilst not required by the standard of cl.21.5.1P1(a), Pinion at p.37 note the 200m setback to boundaries associated with residential land use and comment:

A 200m setback distance would incorporate the existing main farm laneways located adjacent to the east and south of the proposed Lot 1. If the ability to use was lost the subsequent impact on the utility of the balance of the property would be significant, with the challenging topography and southern dam (dam ID 7645) to the south of the proposed Lot 1 in conjunction with the presence of the spill way for the northern dam (dam ID 7197) which runs along the central western boundary would necessitate construction of a new laneway which would be located on the eastern area of the southern boundary. The construction of a new all-weather gravelled 1.8km laneway would potentially cost approximately \$95,000 which with the crossing of the steep gully and creek increases to approx. \$300,000 and would likely involve the clearing and removal of some native vegetation.

The location of the boundaries for the proposed Lot 1 provides for utilisation of existing natural and man-made buffers including:

The dams located to the north (dam ID 7197), south (dam ID 7645) and east (dam ID 10243) already provide a significant buffer to the balance of the agricultural land on the Bentley property. The buffers

associated with these dams provides a substantial physical separation (as per approximately a 100-150m wide separation for the northern dam, 200-250m wide separation for the eastern dam, and 80-120m wide separation for the southern dam) from the open extensive pasture land on the balance of the Bentley property.



Plate 1 - Aerial image from south looking north to Bentley



Plate 2 - Westerly view over easterly low-lying flat ground east



Plate 3 - Southerly view over elevated pastureland on southern area of property



Plate 4 - Aerial view looking west from central east boundary



Plate 5 - Entry gates to Bentley House



Plate 6 - Bentley House; Buildings; curtilage

Figure 12 - Plates 1-6 Photo images of Bentley; Source: Pinion Advisory Agricultural Land Assessment and Google Ref: Real Estate.com

3.0 DEVELOPMENT PROPOSAL - Boundary Reorganisation

The application proposes a reorganisation of title boundaries which will place the Bentley Homestead and its immediate curtilage on one title (Lot 1 – 23.86ha) and add the title CT 47523/1 (38.83ha) to the balance of the property. Property title FR 111364/1 is a part of the property’s internal gravel road network which services the agricultural operation.

The subdivision proposal will reorganise boundaries and does not create an additional lot.

Figure 13 below shows main title CT 150260/1 and the proposed Lot 1, including CT 47523/1 with the balance area increasing its total area to 192.67ha.

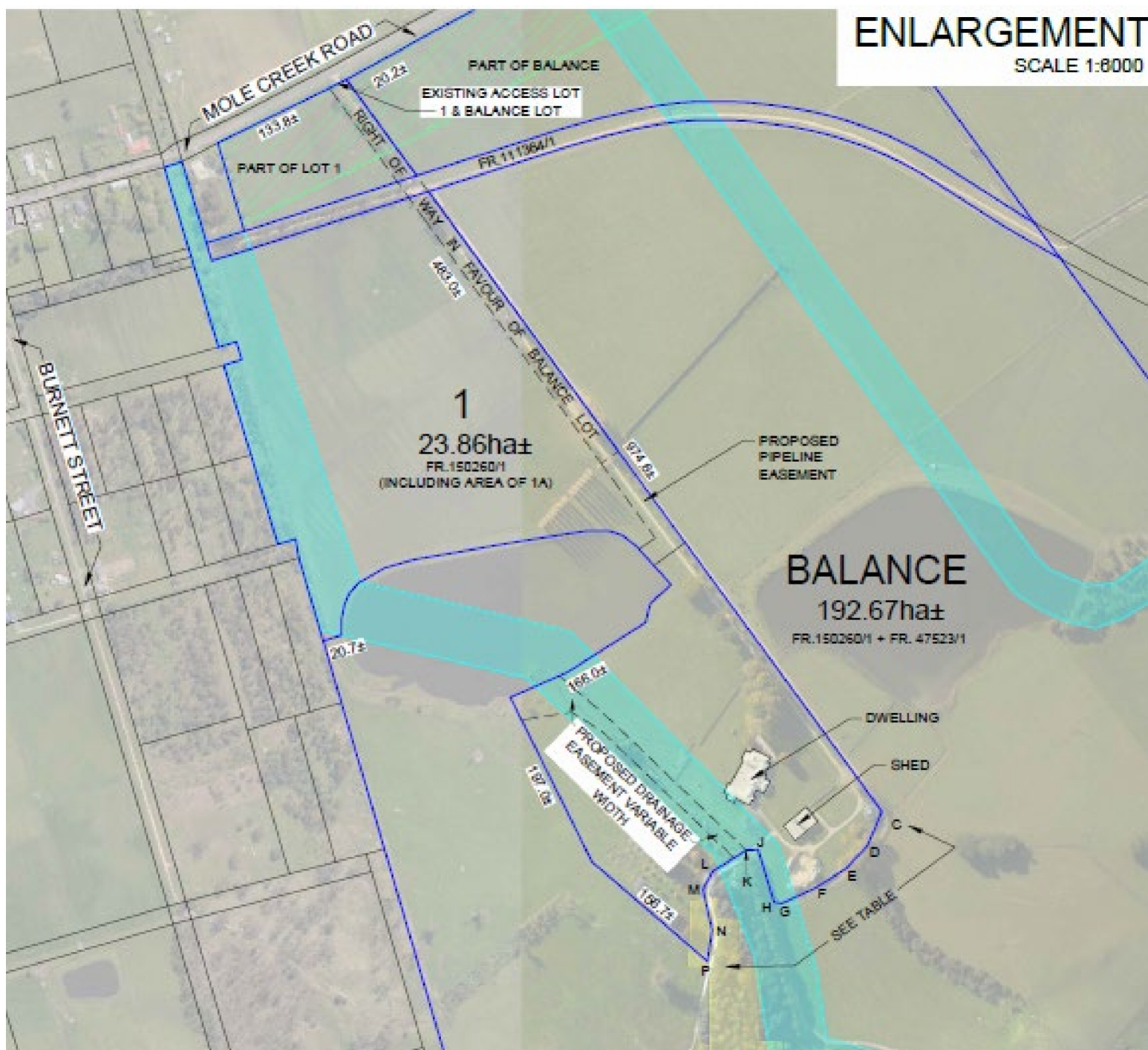


Figure 13 - Proposal Plan Enlargement Lot 1. Source: PDA Surveyors

4.0 PLANNING SCHEME ASSESSMENT

The proposal site is zoned 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 Mapping

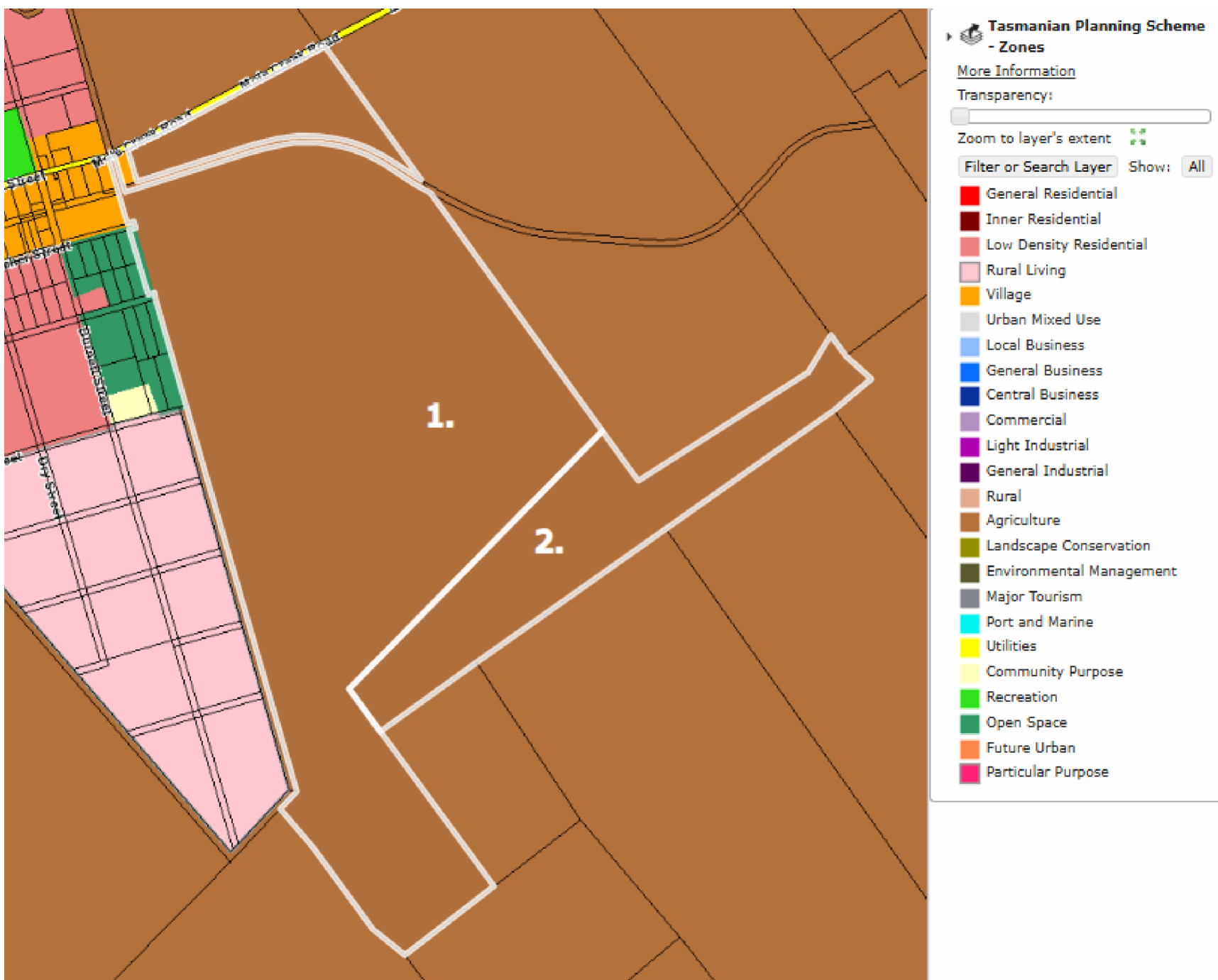


Figure 14 - TPS-Meander Valley - Zone map and Table: Subject site identified by white outline. Source: the LIST



Figure 15 - Code overlays; Karst Sensitivity Areas: Source: the LIST



Figure 16 - Subject site shown by black outline; Hazard Band mapping Source: the LIST

4.2 MEA-5.0 Karst Management Specific Area Plan

Figure 15 shows the area impacted by the plan and specifically the area of high 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 Agriculture Zone.

4.4 Clause 21.0 Agriculture Zone Zone Purpose

The purpose of the Agricultural 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 land for agricultural use.

RESPONSE: Consistent with 21.1.1 and 21.1.2 (a)-(c) and 21.1.3.

- (a) The proposed boundary reorganisation minimises the potential for conflict with or the interference from the non-agricultural use. Lot 1 incorporates an area of 23.46ha and the balance lot, an area of 192.67ha. Both lots are capable of agricultural use.
- (b) The footprint comprising proposed Lot 1 also formalises the existing relationship of the Bentley Homestead to the agricultural operation, and the incorporation of the front paddocks (12.9ha) facilitates use for an agricultural purpose.
- (c) The boundary change enables the use of both new lots for an agricultural purpose but also includes the rational separation of the Bentley homestead from the balance area. The area of Lot 1 represents 12 per cent of the new balance title area.

Additionally, **Figure 18** identifies the relationship of the farms internal road network which it is proposed remain within the balance title for reasons of practical day to day operation of the farm, as occurs at present. These areas also form a part of the notional setback to the agricultural activity whilst allowing unencumbered passage through the property.

Whilst not directly relevant to the standard enunciated by cl. 21.5.1 P1(a), the issue of setbacks to the agricultural activity is considered by *Pinion Advisory* at section 7 of the assessment the analysis

of which concludes that the boundaries of Lot 1 offer the most appropriate allocation of land to the subject block, utilising existing natural and man-made buffers to maximise the amount of land available for agriculture on the balance. Pinion considers that this arrangement minimises the potential for interference with the current agricultural activity which are and potentially could be conducted on the adjacent and surrounding agricultural land.

The unintended consequence of the boundary set at 200m from the homestead is the unnecessary loss of agricultural land and the introduction of a notional boundary isolating parts of the property's valuable water resource, and intercommunication network servicing the farm property.

On this basis it is considered that the boundary reorganisation is consistent with the intention and objective for use within the Agricultural Zone minimising the potential for conflict and parlous effects upon Agricultural use of the balance areas of the present Bentley farming operation.



Figure 17 - Red circle shows 200m setback to Bentley Homestead



Figure 18 - Farm access - Internal Road network

Most relevantly it should be noted that the boundary in question reflects the current physical boundary between the homestead and the farm block and that the two operations have successfully co-existed for the past 4 and a half years without interference or use conflict.

21.5 Development Standards for Subdivision

Objective	<p>To provide for subdivision that:</p> <ul style="list-style-type: none"> (a) relates to public use, irrigation infrastructure or utilities; and (b) protects the long-term productive capacity of agricultural land
<p>RESPONSE: Complies with the objective of protecting the long term productive capacity of agricultural land.</p> <p>The <i>Agricultural assessment</i> report prepared by <i>Pinion Advisory</i> concludes inter alia:</p> <ul style="list-style-type: none"> (a) the capacity of the balance for productive agricultural use is unaffected given the development configuration associated with the boundary reorganisation which has no material impact on agricultural capacity of the adjusted balance title. Pinion Advisory confirm that lot 1 retains sufficient area for agricultural use; (b) proposed Lot 1, including the land and existing buildings are not used for, do not support and do not contribute to the operation and or/management of the agricultural land use activity conducted on the balance block nor that of the wider Bentley property, noting that the new lot (1) is capable of productive agricultural use; (c) irrigation infrastructure - two dams, located north and east of Lot 1, would not be impacted by the boundary reorganisation nor the future opportunity to undertake irrigated land use activity on the balance allotment nor that of the wider Bentley property; (d) the position of the irrigation dams relative to the homestead curtilage, substantial gardens, orchard and screening vegetation combine to form a significant buffer to the surrounding agricultural land and ensure the potential for conflict with the agricultural land and related activity would be negligible; (e) the boundary of Lot 1 is consistent with the intent of the Agriculture Zone by minimising potential conflict and negative impact upon the balance of the Bentley property; (f) the existing residential use within the proposed Lot 1 can continue absent conflict creation and/or the restriction of current and future agricultural land use on adjacent and nearby agricultural land. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) be required for public use by the Crown, a council or a state authority; (b) be required for the provision of utilities or irrigation infrastructure; or 	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) provide for the operation of an agricultural use, having regard to: <ul style="list-style-type: none"> (i) not materially diminishing the agricultural productivity of the land;

<p>(c) be for the consolidation of a lot with another lot provided both lots are in the same zone.</p>	<ul style="list-style-type: none"> (ii) the capacity of the new lots for productive agricultural use; (iii) any topographical constraints to agricultural use; (iv) current irrigation practices and the potential for irrigation; <p>(b) be for the reorganisation of lot boundaries that satisfies all the following:</p> <ul style="list-style-type: none"> (i) provides for the operation of an agricultural use, having regard to: <ul style="list-style-type: none"> a. not materially diminishing the agricultural productivity of the land; b. the capacity of the new lots for productive agricultural use; and c. Any topographical constraints to agricultural use; and d. Current irrigation practices and the potential for irrigation; (ii) all new lots must not be less than 1 ha in area; (iii) existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2 in relation to setbacks to new boundaries; and (iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use. (v) it does not create any additional lots; or <p>(c) be for the excision of a use or development existing at the effective date that satisfies all of the following:</p> <ul style="list-style-type: none"> (i) the balance lot provides for the operation of an agricultural use, having regard to: <ul style="list-style-type: none"> a. not materially diminishing the agricultural productivity of the land;
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	<ul style="list-style-type: none"> 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; <ul style="list-style-type: none"> (ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot; (iii) any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and (iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use.
<p>RESPONSE: Complies with P1(a)(i)-(iv).</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, must</i></p> <p>(a) <i>provide for the operation of an agricultural use, having regard to:</i></p> <ul style="list-style-type: none"> (i) <i>not materially diminishing the agricultural productivity of the land;</i> <p>RESPONSE: the balance lot will not be materially impacted by the proposed excision of Lot 1. <i>Pinion Advisory</i> note that the size and configuration of the intended lots has been planned to ensure that the proposed Lot 1 and balance of the property have sufficient area to ensure the intended use is achieved and the overriding productive capacity of the land is not prejudiced.</p> <p>Boundary reorganisation to create the new Lot 1 will not materially diminish the agricultural productivity of the balance land noting that the existing title CT 47523/1 (approx.38.8ha) will be adhered to the new balance area.</p> <ul style="list-style-type: none"> (ii) <i>the capacity of the new lots for productive agricultural use</i> <p>RESPONSE: the capacity of the balance for productive agricultural use is unaffected given the development configuration associated with the boundary reorganisation which has no material impact on agricultural capacity of the adjusted balance title. <i>Pinion Advisory</i> confirm that lot 1 retains sufficient area for agricultural use.</p> <ul style="list-style-type: none"> (iii) <i>any topographical constraints to agricultural use;</i> 	

Response: there are no topographical constraints to the agricultural use of the new title areas;

(iv) *current irrigation practices and the potential for irrigation;*

Response: the current irrigation of the balance of the property will be unaffected by the boundary reorganisation. Both dams are retained within the adjusted boundary of the balance and can be accessed as occurs presently. Lot 1 will be given rights to draw water as required.

<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority</p>	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> (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, including pedestrians; and (d) the pattern of development existing on established properties in the area
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RESPONSE: Complies with A2.
 Lot 1 and the balance retain the existing vehicular access to Mole Creek Road which it is assumed meets the requirements of the Road Authority. The current traffic volumes entering and exiting the junction with the road will not change. The balance lot will be provided with a Right of Way over the existing driveway, but also retains a substantial frontage to Mole Creek 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:

The closest boundary change to Lot 1 is greater than 50m to the east and southwest, there will be no increase in risk to the dwelling from subdivision, and therefore the lot is considered exempt for the purposes of subdivision. The building area on the balance lot is shown as proof of concept only. Any future habitable building is likely to require a site specific BHMP.

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:	
<ul style="list-style-type: none"> (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	
The closest boundary change to Lot 1 is greater than 50m to the east and southwest, there will be no increase in risk to the dwelling from subdivision, and therefore the lot is considered exempt for the purposes of subdivision.	
Acceptable Solutions	Performance Criteria
A1	P1
<ul style="list-style-type: none"> (a) TFS or an accredited person certifies that there is insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or (b) the proposed plan of subdivision: 	<p>A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on the lots within a bushfire-prone area, having regard to:</p> <ul style="list-style-type: none"> (a) the dimensions of hazard management areas; (b) a bushfire risk assessment of each lot at any stage of a staged subdivision;

<p>(i) shows all lots are within or partly within bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to or greater than, the separation distances required for BAL 19 in table 2.4.4 of <i>Australian Standard as 3959-2009 construction of buildings in a bushfire-prone areas</i>; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person showing hazard management areas equal to or greater than, the separation distances required for BAL 19 in table 2.4.4 of <i>Australian Standard as 3959-2009 construction of buildings in a bushfire-prone areas</i>; and</p> <p>(c) if hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) the topography, including site slope;</p> <p>(e) any other potential forms of fuel and ignition sources;</p> <p>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>(g) an instrument that facilitates management of fuels located on land external to the subdivision; and</p> <p>(h) any advice from the TFS.</p>
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RESPONSE: Complies with A1(a)

The closest boundary change to Lot 1 is greater than 50m to the east and southwest, there will be no increase in risk to the dwelling from subdivision, and therefore the lot is considered exempt for the purposes of subdivision. There is insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of the subdivision

C13.6.2 Subdivision: Public and firefighting access

Objective:

That access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, firefighters and emergency service personnel;

- (b) provide access to the bushfire-prone vegetation that enables both properties to be defended when under bushfire attack and for hazard management works to be undertaken;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances;
- (e) are designed to allow connectivity, and where needed, offering multiple evacuation points.

RESPONSE: N/A, the risk of fire is not increased by the proposal.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of firefighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table C13.1, proposed private accesses will comply with Table C13.2 and proposed fire trails will comply with Table C13.3; and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p>PI</p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <p>(a) Appropriate design measures, including;</p> <ul style="list-style-type: none"> (i) two-way traffic; (ii) all weather surfaces; (iii) height and width of any vegetation clearances; (iv) load capacity (v) provision of passing bays; (vi) traffic control devices; (vii) geometry, alignment and slope of roads, tracks and trails; (viii) use of through roads to provide for connectivity; (ix) limits on the length of cul-de-sacs and dead-end roads; (x) provision of turning areas; (xi) provision of parking areas; (xii) perimeter access; and (xiii) fire trails;

	<p>(b) the provision of access to:</p> <p>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</p> <p>(ii) firefighting water supplies; and</p> <p>(c) any advice from the TFS.</p>
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RESPONSE: Complies with A1(a).

The Bushfire Hazard report confirms that the fire risk is not increased as a result of the subdivision. There is insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of firefighting

Table C1 Standards for Roads

Element		Requirement
A.	Roads	<p>Unless development standards in the zone require a higher standard, the following apply:</p> <ul style="list-style-type: none"> (a) two-wheel drive, all weather construction; (b) load capacity of at least 20t, including for bridges and culverts; (c) minimum carriageway width is 7m for a through road, or 5.5 m for a dead-end or cul-de-sac road; (d) minimum horizontal clearance of 4m; (e) minimum vertical clearance of 2m from the edge of the carriageway; (f) cross falls of less than 3 degrees (1:20 or 5%); (g) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; (h) curves have a minimum inner radius of 10m; (i) dead-end or cul-de-sac roads are not more than 200m in length unless the carriageway is 7m in width; (j) dead-end or cul-de-sac roads having a turning circle with a minimum 12m outer radius; and (k) carriageway less than 7m wide have 'No Parking' zones on one side, indicated by a road sign that complies with <i>Australian Standard AS1743-2001 Road signs-Specifications</i>.

Table C2 Standards for property access

Element		Requirement
A.	Property access length is less than 30m; or access is	There is no specified design and construction requirements

	not required for a fire appliance to access a firefighting water point.	
B.	Property access length is 30m or greater; or access is required for a fire appliance to a firefighting water point.	<p>The following design and construction requirements apply to the property access:</p> <ul style="list-style-type: none"> (a) all weather construction; (b) load capacity of at least 20t, including for bridges and culverts; (c) minimum carriageway width of 4m; (d) minimum vertical clearance of 4m; (e) minimum horizontal clearance of 0.5m from the edge of the carriageway; (f) cross falls of less than 3 degrees (1:20 or 5%); (g) dips less than 7 degrees (1:8 or 12.5%) entry and exit level; (h) curves with a minimum inner radius of 10m; (i) maximum gradients of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and (j) terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> (i) a turning circle with a minimum outer radius of 10m; or (ii) a property access encircling the building; or (iii) a hammerhead 'T' or 'Y' turning head 4m wide and 8m long.
C.	Property access length is 200m or greater.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> (a) the requirements for B above; and (b) passing bays of 2m additional carriageway width and 20m length must be provided every 100m.
D.	Property access is greater than 30m, and access is provided to 3 or more properties.	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> (a) the requirements for B above; and (b) passing bays of 2m additional carriageway width and 20m length must be provided every 100m.

C13.6.3 Subdivision: Provision of water supply for firefighting purposes

<p>Objective:</p> <p>That an adequate, accessible and reliable water supply for the purposes of firefighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.</p>
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RESPONSE: Complies.	
Acceptable Solutions	Performance Criteria
A1 In areas serviced with reticulated water by the water corporation; (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for firefighting purposes; (b) a proposal plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or (c) a bushfire hazard management plan certified by the TFS or accredited person demonstrates that the provision of water supply for firefighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.	P1 No Performance Criterion.
RESPONSE: Complies with A1(a)	
A2 In areas that are not serviced by reticulated water by the water corporation: (a) the TFS or an accredited person certifies that there is insufficient increase in risk from bushfire to warrant provision of a water supply for firefighting purposes; (b) the TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to firefighting, will be provided and located compliant with Table E5; or (c) a bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of a water supply for firefighting purposes is sufficient to manage the risks to property and lives in the event of bushfire.	P2 No Performance Criterion.

REPOSE: Complies with A2(a)

Table C4 Reticulated water supply for firefighting

Element		Requirement
A.	Distance between building area to be protected and water supply.	The following requirements must apply: <ul style="list-style-type: none"> (a) The building area to be protected must be located within 120m of a fire hydrant; and (b) The distance must be measured as a hose lay, between the firefighting water point and the furthest point of the building area.
B.	Design criteria for fire hydrants	The following requirements must apply: <ul style="list-style-type: none"> (a) Fire hydrant system must be designed and constructed in accordance with <i>Taswater Supplement to Water Supply Code of Australia WSA 03-2011-3.1 MRWA 2nd Edition</i>; and (b) Fire hydrants are not installed in parking areas.
C.	Hardstand	A hardstand area for firefighting appliances must be: <ul style="list-style-type: none"> (a) No more than 3m from the hydrant, measured as a hose lay; (b) No closer than 6m from a building area to be protected; (c) A minimum width of 3m constructed to the same standard as the carriageway; and (d) Connected to the property access by a carriageway equivalent to the standard of the property access.

Table C5 Static water supply for firefighting

Element		Requirement
A.	Distance between building area to be protected and water supply	The following requirements apply: <ul style="list-style-type: none"> (a) the building area to be protected must be located within 90m of firefighting water point of a static water supply; and (b) the distance must be measured as a hose lay, between the firefighting water point and the furthest point of the building area.
B.	Static Water Supplies	A static water supply: <ul style="list-style-type: none"> (a) may have a remotely located offtake connected to the static water supply; (b) may be a supply for combined use (firefighting and other uses) but the specified minimum quantity of firefighting water must be available at all times;

		<ul style="list-style-type: none"> (c) must be a minimum of 10,000L per building area to be protected. This volume of water must not be used for any other purpose including firefighting sprinkler or spray systems; (d) must be metal, concrete or lagged by non-combustible materials if above ground; and (e) if a tank can be located so it is shielded in all directions in compliance with section 3.5 of <i>Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas</i>, the tank may be constructed of any material provided that the lowest 400mm of the tank exterior is protected by: <ul style="list-style-type: none"> (i) metal; (ii) non-combustible material; or (iii) fibre-cement a minimum of 6mm thickness.
<p>C.</p>	<p>Fittings, pipework and accessories (including stands and tank supports)</p>	<p>fittings and pipework associated with a firefighting water point for a static water supply must:</p> <ul style="list-style-type: none"> (a) have a minimum nominal diameter of 50mm; (b) be fitted with a valve with a minimum nominal internal diameter of 50mm; (c) be metal or lagged by non-combustible materials if above ground; (d) if buried, have a minimum depth of 300mm; (e) provide a DIN or NEN standard forged Storz 65mm coupling fitted with a suction washer for connection to firefighting equipment; (f) ensure the coupling is accessible and available for connection at all times; (g) ensure the coupling is fitted with a blank cap and securing chain (minimum 200mm length); (h) ensure underground tanks have either an opening at the top of not less than 250mm diameter or a coupling compliant with this Table; and (i) if a remote offtake is installed, ensure the offtake is in a position that is; <ul style="list-style-type: none"> i. visible; ii. accessible to allow construction by firefighting equipment; iii. at a working height of 450 - 600mm above ground level; and

		iv. protected from possible damage including damage by vehicles.
D.	Signage for static water connections.	The firefighting water point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. A sign must: (a) comply with the water tank signage requirements within <i>Australian Standard AS 2304-2011 Water storage tanks for fire protection systems</i> ; <i>or</i> (b) comply with the Tasmania Fire Service Water Supply Guideline published by the Tasmania Fire Service.
E.	Hardstand	A hardstand area for fire appliances must be: (a) no more than 3m from the firefighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like); (b) no closer than 6m from the building area to be protected; (c) a minimum width of 3m constructed to the same standard as the carriageway; and (d) connected to the property access by a carriageway equivalent to the standard of the property access.

5.2 C7.0 NATURAL ASSETS CODE

C7.7 Development Standards for Subdivision

C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

Objective:	That: (a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary impact on natural assets; and (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.
RESPONSE: Complies with (a) and (b). There will be no works associated with the development impacting a waterway or natural assets.	

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot or a lot proposed in a plan of subdivision within a coastal waterway and coastal protection area or a future coastal refugia area, must:</p> <p>(a) be for the creation of separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p> <p>(c) be required for the provision of Utilities;</p>	<p>P1</p> <p>Each lot or a lot proposed in a plan of subdivision within a coastal waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:</p> <p>(a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or future coastal refugia area; and</p>

<p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management or vehicular access within a waterway and coastal protection are or future coastal refugia area.</p>	<p>(b) future development likely to be facilitated by the subdivision.</p>
<p>RESPONSE: Complies with A1(a) and (e) There will be no works within the waterway, a coastal protection or future refugia area.</p>	

5.3 C15.0 LANDSLIP HAZARD CODE

5.3.1 C15.4 Use or Development Exempt from this Code

C15.4.1 The following use or development is exempt from this code:

- (a) use of land within a low or medium hazard band, excluding for a critical use, hazardous use or vulnerable use;
- (b) ...
- (c) ...
- (d) ...
- (e) development, including subdivision, on land within a low or medium hazard band, if it does not involve significant works;
- (f) ...
- (g) ...
- (h) ...
- (i) ...

RESPONSE: Complies with C15.4.1(e).

The development (subdivision) will not involve significant works within the low or medium landslip hazard band. The access is existing and is located outside the hazard band. Refer **Figure 19**.



Figure 19 - Access location - Lot 1 and Balance

Note to Figure 19: The present access location for Lot 1 is situated outside the *Low Landslip Hazard Band*.

6. CONCLUSION

The application provides for the operation of agriculture use which will result in a boundary reorganisation placing the existing Bentley Homestead and the associated curtilage on a separate lot; and consolidate the agricultural operation of the Bentley farm within the boundaries of the adjusted balance area, adding the title area to the south CT 47523/1. The proposal will simply reorganise boundaries and does not create an additional lot.

Lot 1 and the new balance areas are suitable for productive agricultural use based upon the assessment provided by Pinion Advisory.

The subdivision also gives effect to the existing long-term lease registered against the titles and materially does no more than reflect the existing usage. Most relevantly the house and associated outbuildings (which are subject to the long-term registered lease), are not and have not for some time been in any way associated with the agricultural enterprise conducted on the balance agricultural land - as existing title boundaries reflect historical arrangements which are no longer appropriate.

The agricultural land assessment undertaken by *Pinion Advisory* demonstrates that the objectives of the Agriculture Zone are met both in terms of the impact of the boundary change and the relationship between the existing residential and agricultural uses.

Compliance with clause 21.5.1 P1(a) is demonstrated

Each lot, will provide for the operation of an agricultural use, having regard to the following:

- (j) the balance lot will not be materially impacted by the proposed excision of Lot 1. *Pinion Advisory* note that the size and configuration of the intended lots has been planned to ensure that the proposed Lot 1 and balance of the property have sufficient area to ensure the intended use is achieved and the overriding productive capacity of the land is not prejudiced.

Boundary reorganisation to create the new Lot 1 will not materially diminish the agricultural productivity of the balance land noting that the existing title CT 47523/1 (approx.38ha) will be adhered to the new balance area.

- (ii) the capacity of the balance for productive agricultural use is unaffected given the development configuration associated with the boundary reorganisation which has no material impact on agricultural capacity of the adjusted balance title. Pinion Advisory confirm that lot 1 retains sufficient area for agricultural use.
- (iii) there are no topographical constraints to the agricultural use of the new title areas;
- (iv) the current irrigation of the balance of the property will be unaffected by the boundary reorganisation. Both dams are retained within the adjusted boundaries of the balance and can be accessed as occurs presently. Lot 1 will be given rights to draw water as required.

It is submitted that the provisions of *clause 21.5.1 P1(a)(i)-(iv)* are met and that the proposal is thereby compliant with the *Tasmanian Planning Scheme - Meander Valley 2021*.

Note: From the perspective of heritage considerations, pre lodgement consultation with Heritage Tasmania to understand the relationship of the proposed development to the heritage characteristics of the registration has underpinned the current design addressing the broader property title and its relevance to the early history of farming within the district.

The present proposal plan was referred to Heritage Tasmania by the proponent, in relation to which the preliminary response indicated that the proposal does not impact the heritage values of the place.

From the perspective of the broader landscape, the rearrangement of the Bentley title boundaries will be indiscernible and will not affect the landscape.

APPENDICES

Appendix A Subject Property Titles

Appendix B Proposal Plan

Appendix C Bushfire Hazard Assessment

Appendix D Agricultural Land Assessment

Appendix E Heritage Registration Documentation

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: Bentley
Status: Permanently Registered
Tier: State

THR ID Number: 4759
Municipality: Meander Valley Council
Boundary: CPR11103

<u>Location Addresses</u>	<u>Title References</u>	<u>Property Id</u>
1519 MOLE CREEK RD, CHUDLEIGH 7304 TAS	104210/5	9025068
1519 MOLE CREEK RD, CHUDLEIGH 7304 TAS	104210/4	9025068
1519 MOLE CREEK RD, CHUDLEIGH 7304 TAS	104210/2	9025068
1519 MOLE CREEK RD, CHUDLEIGH 7304 TAS	104210/1	9025068
1519 MOLE CREEK RD, CHUDLEIGH 7304 TAS	104210/3	9025068
1519 MOLE CREEK RD, CHUDLEIGH 7304 TAS	111364/1	9025068
1519 MOLE CREEK RD, CHUDLEIGH 7304 TAS	119176/1	9025068
1519 MOLE CREEK RD, CHUDLEIGH 7304 TAS	150260/1	9025068



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.**
- The place possesses uncommon or rare aspects of Tasmania's history.**
- 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.**

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

- e) **The place is important in demonstrating a high degree of creative or technical achievement.**

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

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

- 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 (www.heritage.tas.gov.au) for information about the level of approval required and appropriate outcomes.

Heritage Advisors are also available to answer questions and provide guidance on enquiries@heritage.tas.gov.au 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:

Contributes significant layers to the historic landscape.

Description:

The main house is a large Victorian homestead. The roof is medium pitched currently clad in corrugated iron with short sheets. The brick chimneys have corbelled string courses. Decorative brackets are featured beneath the eaves, above a separate verandah with slender posts and simple iron lace brackets. The front verandah returns half way down the sides of the main wing. The front facade features a symmetrical placement of a central four-panelled door with side and transom lights. The door is balanced by two faceted bay windows with double hung sashes. Approximately six miles of hawthorn hedges also feature on the Bentley estate.

The rear wing of the house and the double gabled brick and timber outbuildings also contribute to the property.

The timber schoolhouse from the village of Chudleigh was relocated to this site in the late 20th century and modified to form a cottage behind the main house.

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

History:

J.B. Gardiner's grant on the Western River, now known as Bentley, was made on 30th June 1829. It consisted of 800 acres. Gardiner was born at Pougill Devon in 1800 and was married in England at Bickleigh, some 15 miles north of Chudleigh. This close connection suggests Gardiner as the person who named Chudleigh in Tasmania . George Augustus Robinson refers to Gardiner in his Journal, 8th April 1832 as a lime burner. Phillip Oakden acquired Bentley in 1838 from Edmund Bryant who had combined Bentley and Harwood as one property. Oakden imported into Van Diemen's Land, in partnership with Osmond Gilles, the first Lincoln sheep to graze at Bentley. As a member of the

Launceston Horticultural Society he most likely is responsible for the planting of the six miles of hawthorn hedges, which are a feature of Bentley. Before 1843 Oakden had turned Bentley into an estate of 3000 acres. Together with Gilles, Oakden was a Director of the Tamar Bank. He was also a founding director of the Launceston Savings Bank in 1835 and a devout Wesleyan. Prior to his death in 1851 he could claim subsequent notoriety for the introduction of the first blackberry plant into Tasmania. On Oakden's death the estate was acquired by William Atkinson Gardiner / Gardner who died in Launceston in 1855. The property then passed to his brother in England until sold to Donald Cameron of Nile, who let the property. Of Donald's three sons, the Hon. Donald Norman Cameron built the Bentley homestead. A contemporary floor plan for the Bentley homestead exists but the architect is unknown. This, with a contemporary photograph, shows the house to have been finished in 1879. Donald Cameron had a long although broken Parliamentary career and enjoyed the distinction of being a Tasmanian Representative in the first Commonwealth Parliament. On Cameron's death in 1931 Bentley was sold to W.O. & C.L. Winter-Irving, sons of William Winter, the third generation of a leading pastoral family from Victoria. They later sold the estate to John Elson Humphries in 1951, who subdivided parts of the 3,000 acres. Until this time Bentley had, or for a period of one hundred years, covered an area of 3000 acres. Since 1954 the property has been further subdivided. Today, land has been repurchased to encompass 860 acres of the original 1829 Gardiner, Bentley estate (Hawkins 2004).