

Development Applications

Notice is hereby given under Section 57(3) of the *Land Use Planning & Approvals Act 1993* that an application has been made to the Break O' Day Council for a permit for the use or development of land as follows:

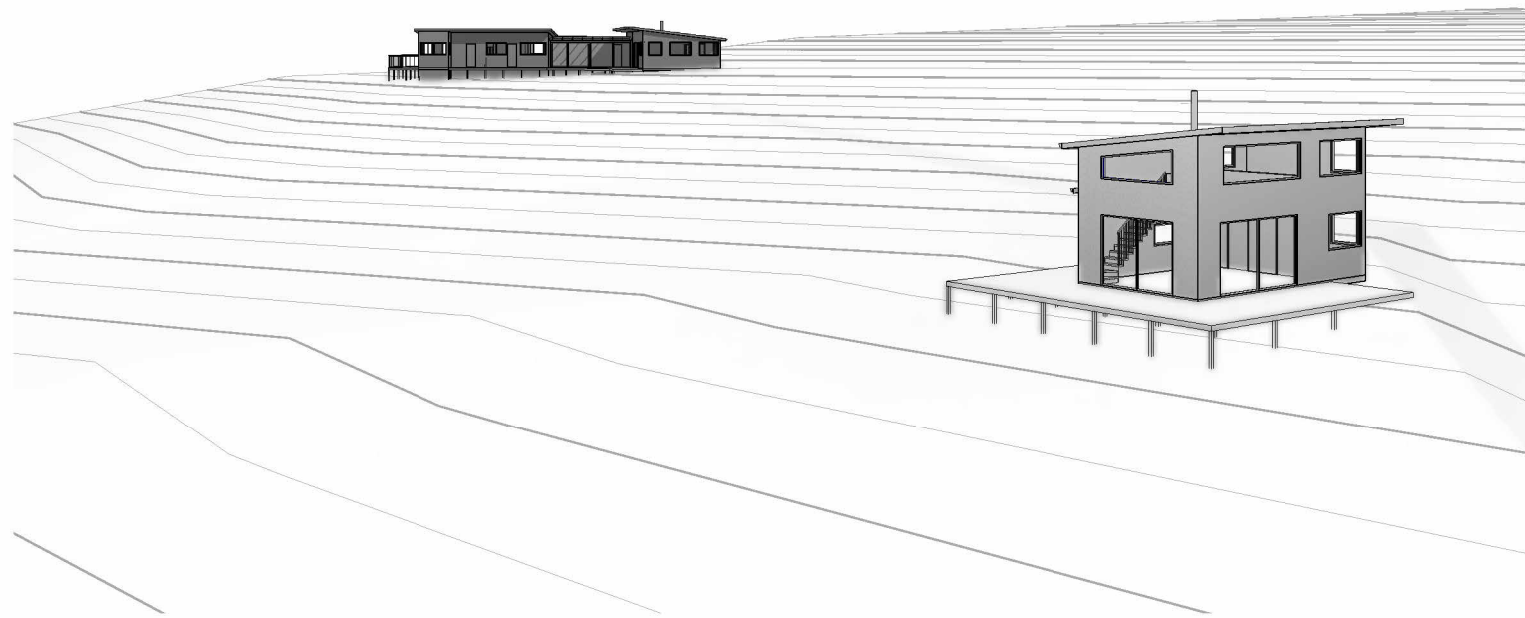
DA Number	DA 2024 / 00199
Applicant	Chris Triebe & Associates Town Planning Services Limited
Proposal	Residential - Construction of a Dwelling and Secondary Residence Including Change of Use of the Existing Shack to a Greenhouse (Outbuilding)
Location	47 Banticks Creek Road, Four Mile Creek

Plans and documents can be inspected at the Council Office by appointment, 32 – 34 Georges Bay Esplanade, St Helens during normal office hours or online at www.bodc.tas.gov.au.

Representations must be submitted in writing to the General Manager, Break O'Day Council, 32 -34 Georges Bay Esplanade, St Helens 7216 or emailed to admin@bodc.tas.gov.au, and referenced with the Application Number in accordance with section 57(5) of the abovementioned Act during the fourteen (14) day advertised period commencing on Saturday 1st November, 2025 **until 5pm Monday 17th November, 2025.**

John Brown
GENERAL MANAGER

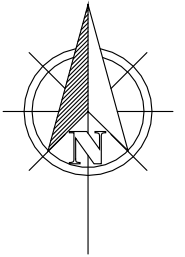
DRAWING INDEX	
000	COVER SHEET
001	LOCATION PLAN
002	PROPOSED PART SITE PLAN
003	PROPOSED DWELLING FLOOR PLAN
004	PROPOSED DWELLING ELEVATIONS 1/2
005	PROPOSED DWELLING ELEVATIONS 2/2
006	PROPOSED ANCILLARY DWELLING FLOOR PLANS
007	PROPOSED ANC. DWELLING ELEVATIONS
008	PERSPECTIVES



No.	Description	Date
0	ISSUED FOR CLIENT REVIEW	26-07-2024
1	ISSUED FOR CLIENT REVIEW	09-08-2024
2	ISSUED FOR CLIENT REVIEW	22-11-2024

Lucia Mazella-Field	
PROPOSED DWELLING & ANCILLARY	
DWELLING AT 47 BANTICKS CR RD	
FOUR MILE CREEK TAS 7215	

COVER SHEET		
Date	22-07-2024	000
Drawn by	E.A.	
Checked by		Scale



SITE DATA:

LAND TITLE REF. No. : LOT 2 ON SEALED PLAN 140185
CLIMATE ZONE : ZONE 7
DESIGN WIND SPEED : N1
SOIL CLASSIFICATION : M
BAL RATING : 19

BUILDING AREAS:

PROPOSED DWELLING : 203.3m²
PROPOSED DWELLING :
TIMBER DECK : 70.9m²
PROPOSED
ANCILLARY DWELLING LF: 44.5m²
PROPOSED
ANCILLARY DWELLING UF: 15.5m²
PROPOSED ANC.D.
TIMBER DECK : 76.1m²
EXISTING STRUCTURES : 177.0m²

TOTAL : 587.3m²

SITE COVERAGE:

LOT SIZE : 29300.0m²
TOTAL FOOTPRINT : 571.8m²
SITE COVERAGE : 1.95%

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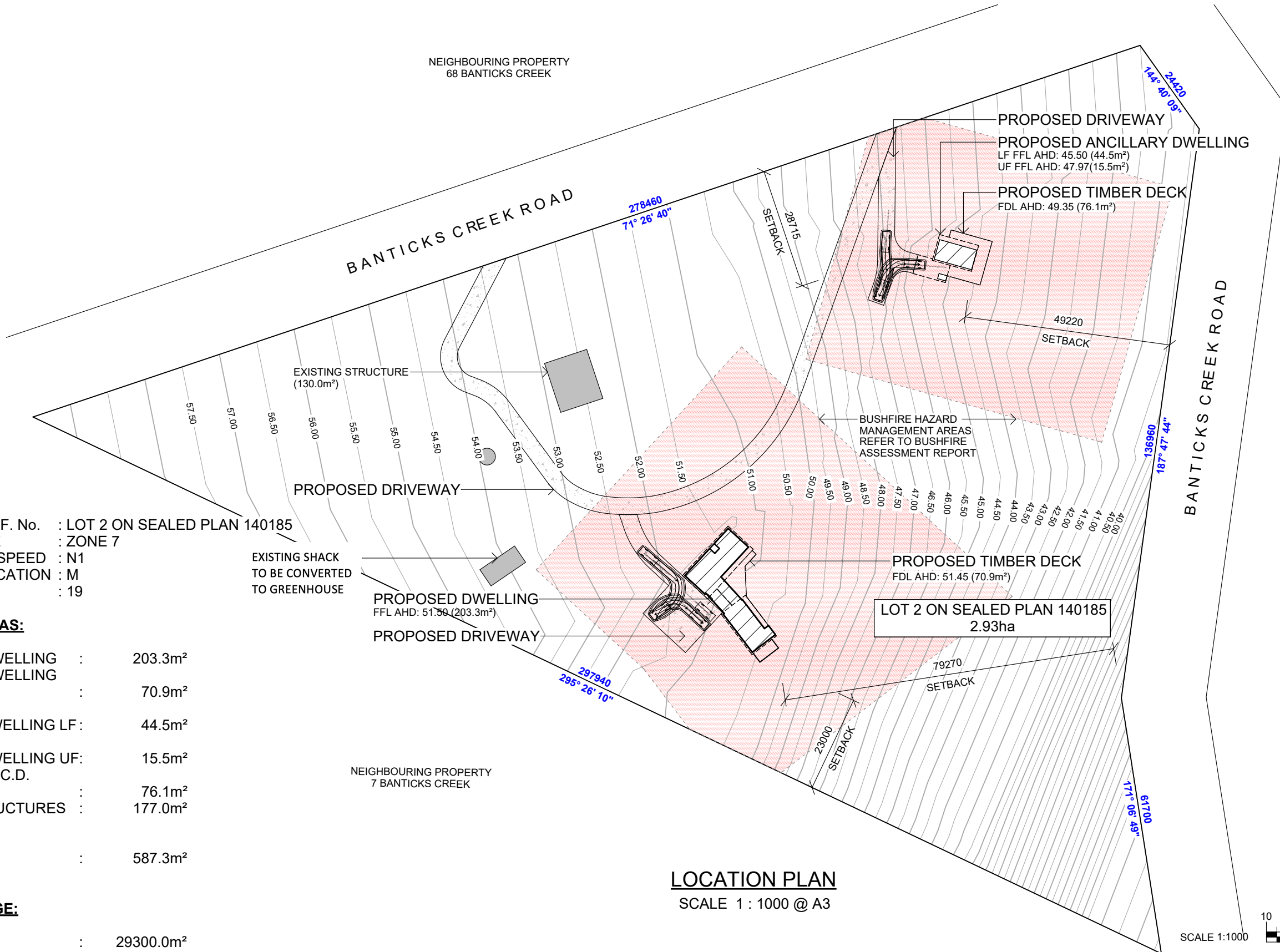
LOCATION PLAN

SCALE 1 : 1000 @ A3

NEIGHBOURING PROPERTY
40 BANTICKS CREEK

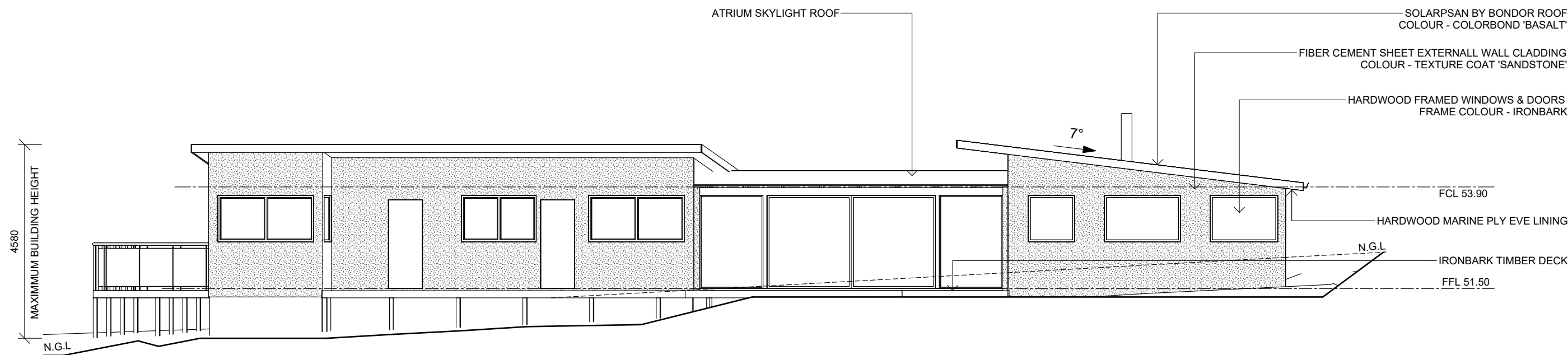
NEIGHBOURING PROPERTY
68 BANTICKS CREEK

NEIGHBOURING PROPERTY
7 BANTICKS CREEK



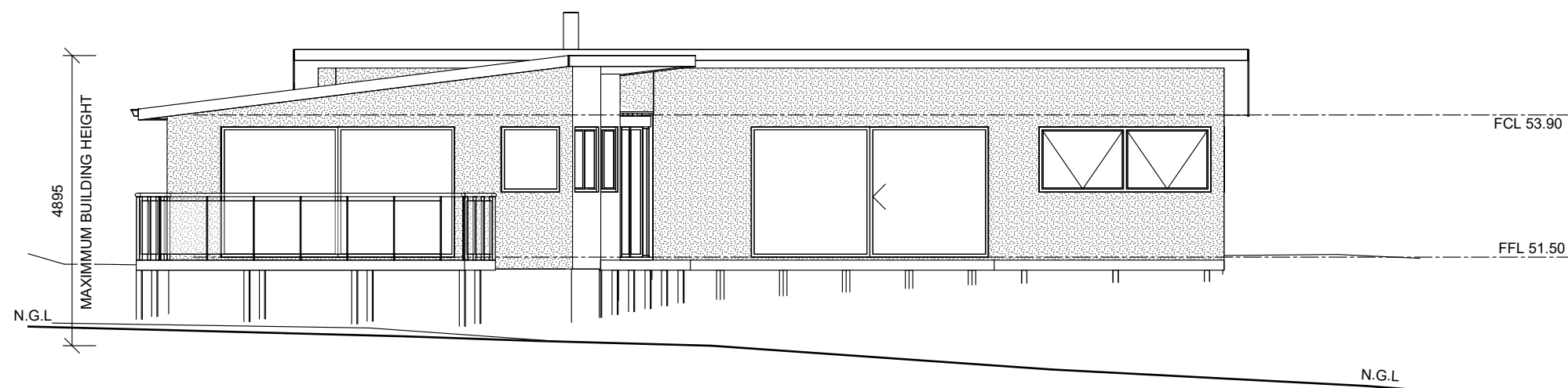
LOCATION PLAN

Date	22-07-2024	001
Drawn by	E.A.	
Checked by		
Scale		1 : 1000



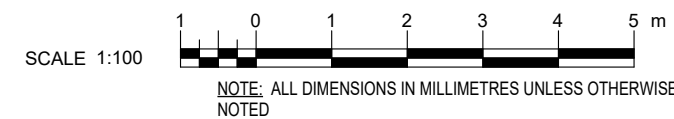
NORTHEAST DWELLING ELEVATION

SCALE 1 : 100 @ A3



SOUTHEAST DWELLING ELEVATION

SCALE 1 : 100 @ A3

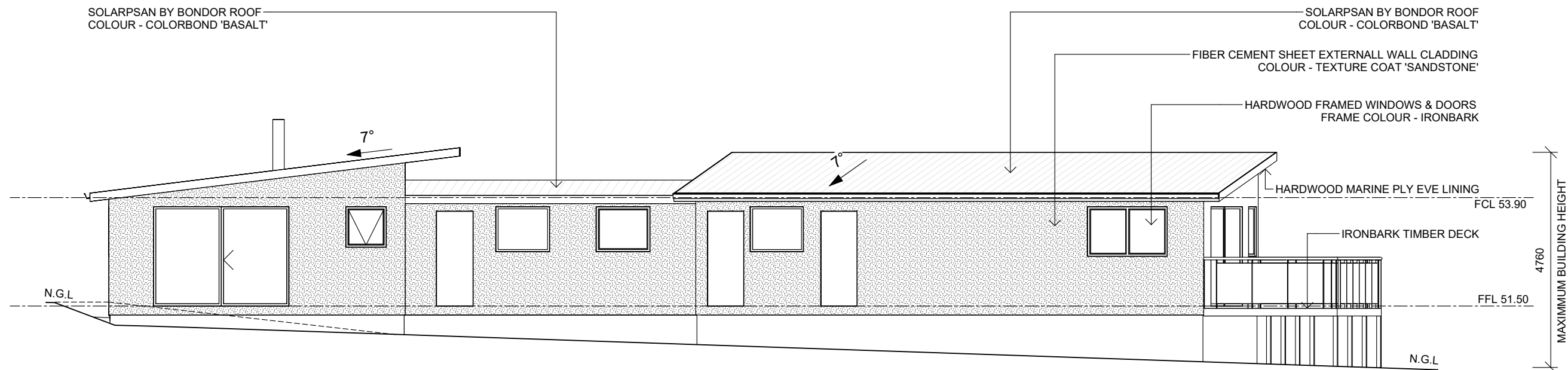


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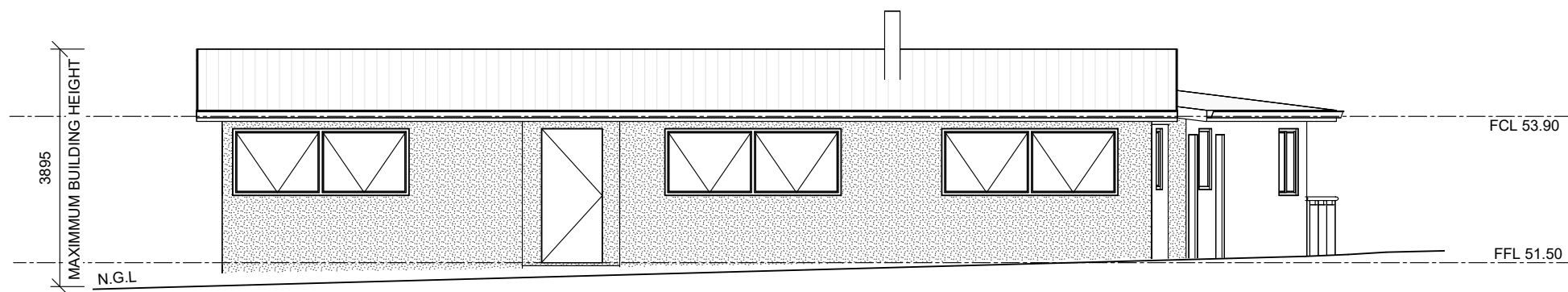
PROPOSED DWELLING ELEVATIONS 1/2

Date	22-07-2024	004
Drawn by	E.A.	
Checked by		
Scale		1 : 100



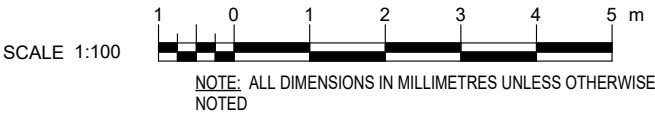
SOUTHWEST DWELLING ELEVATION

SCALE 1 : 100 @ A3



NORTHWEST DWELLING ELEVATION

SCALE 1 : 100 @ A3



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DWELLING AT 47 BANTICKS CR RD
FOUR MILE CREEK TAS 7215

PROPOSED DWELLING ELEVATIONS 2/2		
Date	22-07-2024	005
Drawn by	E.A.	
Checked by		
Scale		1 : 100

STAIRS / HANDRAIL NOTES:

1.

CLOSED TIMBER STAIRS CONSTRUCTED IN ACCORDANCE WITH BCA PART 3.9.1
2.

TREADS MUST HAVE A SLIP-RESISTANT FINISH OF A SUITABLE NON-SKID STRIP NEAR THE EDGE OF THE NOSINGS.
3.

RISER AND GOING DIMENSIONS IN ACCORDANCE WITH BCA PART 3.9.1.4.

RISER (R)

GOING (G)

SLOPE RELATIONSHIP

2R + G

MAX. 190 - MIN. 115

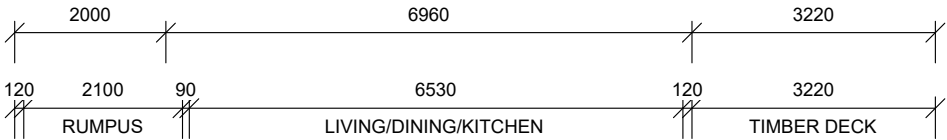
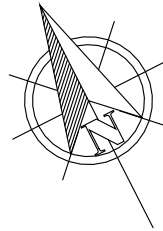
MAX. 355 - MIN. 240

MAX. 700 - MIN. 550
4.

INSTALL HANDRAIL TO ONE SIDE OF
5.

FLIGHT IN ACCORDANCE WITH
6.

BCA PART 3.9.2.4.



FLOOR FINISHES LEGEND:

- C

- CORK
- CT

- CERAMIC TILES

WALL LEGEND:

- PROPOSED MASONRY
- PROPOSED TIMBER STUD

DOOR AND WINDOW LEGEND:

1 5 0 9 A

TYPE
WIDTH (900)
HEIGHT (1500)

- A

- AWNING
- BF

- BIFOLD DOOR
- C

- CASEMENT
- F

- FIXED
- FR

- FROSTED GLAZING
- GB

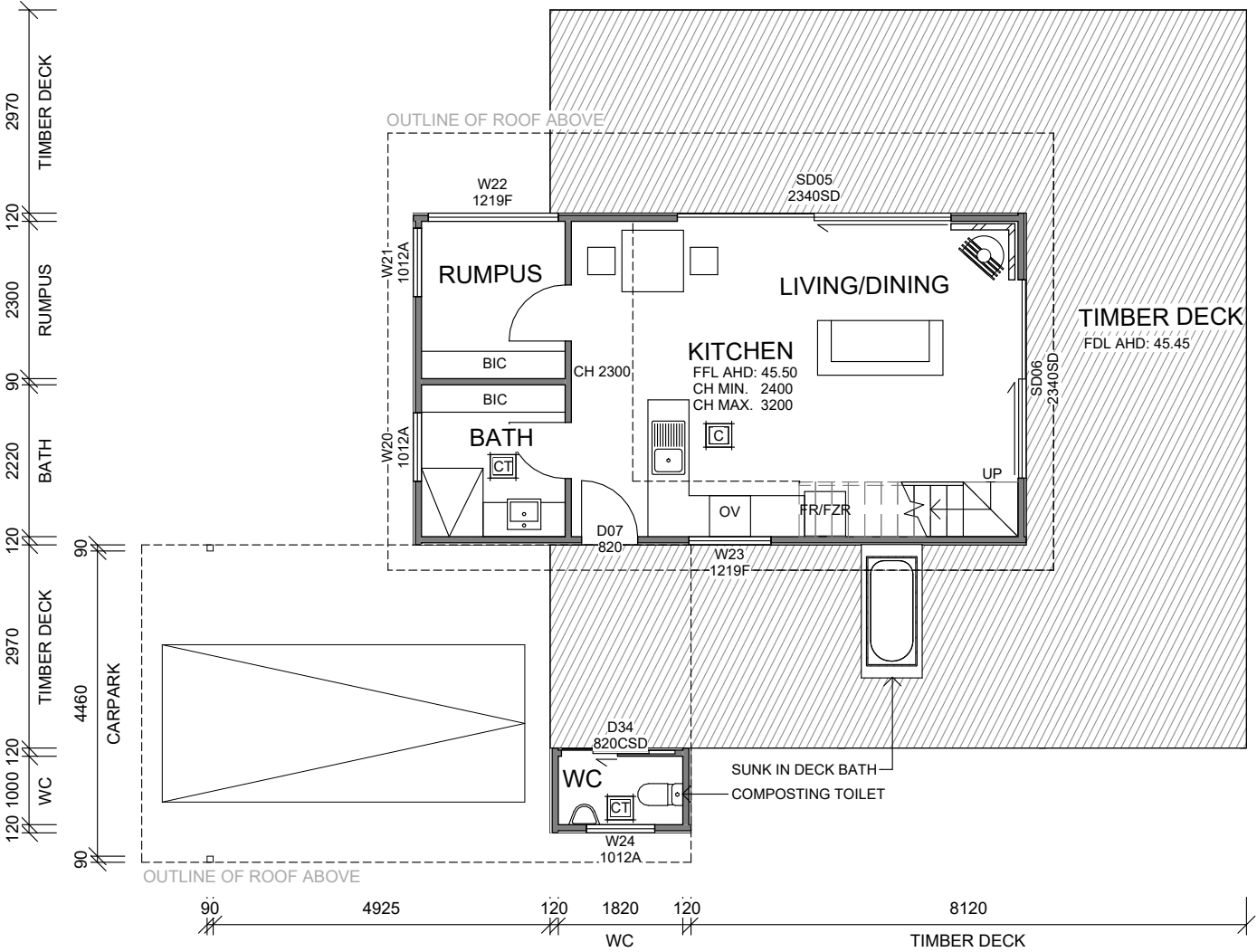
- GLASS BRICK
- L

- LOUVRE
- S

- SLIDING
- SD

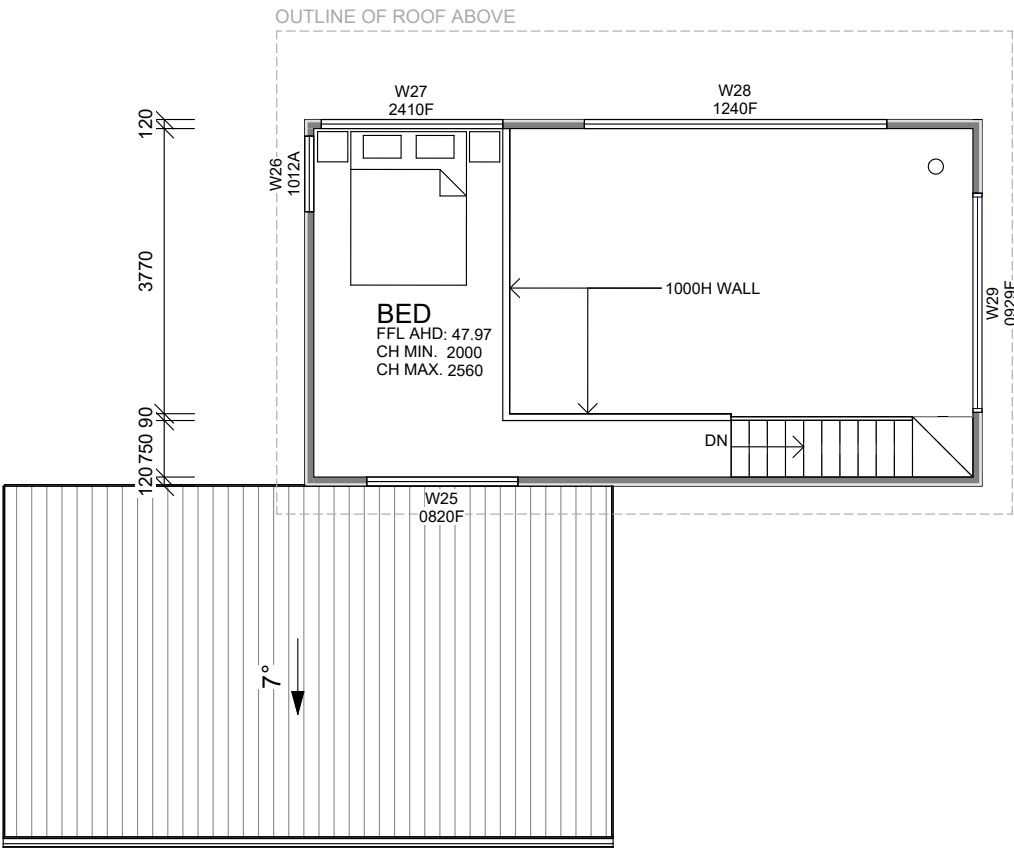
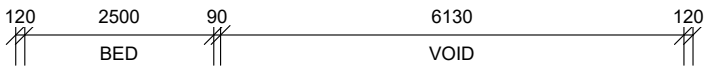
- SLIDING DOOR
- STKSD

- STACKING TYPE SLIDING DOOR



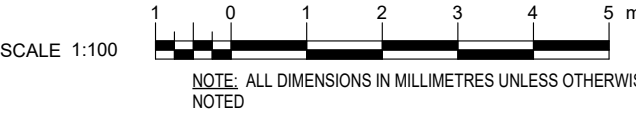
PROPOSED LF ANCILLARY DWELLING FLOOR PLAN

SCALE 1 : 100 @ A3



PROPOSED UF ANCILLARY DWELLING FLOOR PLAN

SCALE 1 : 100 @ A3



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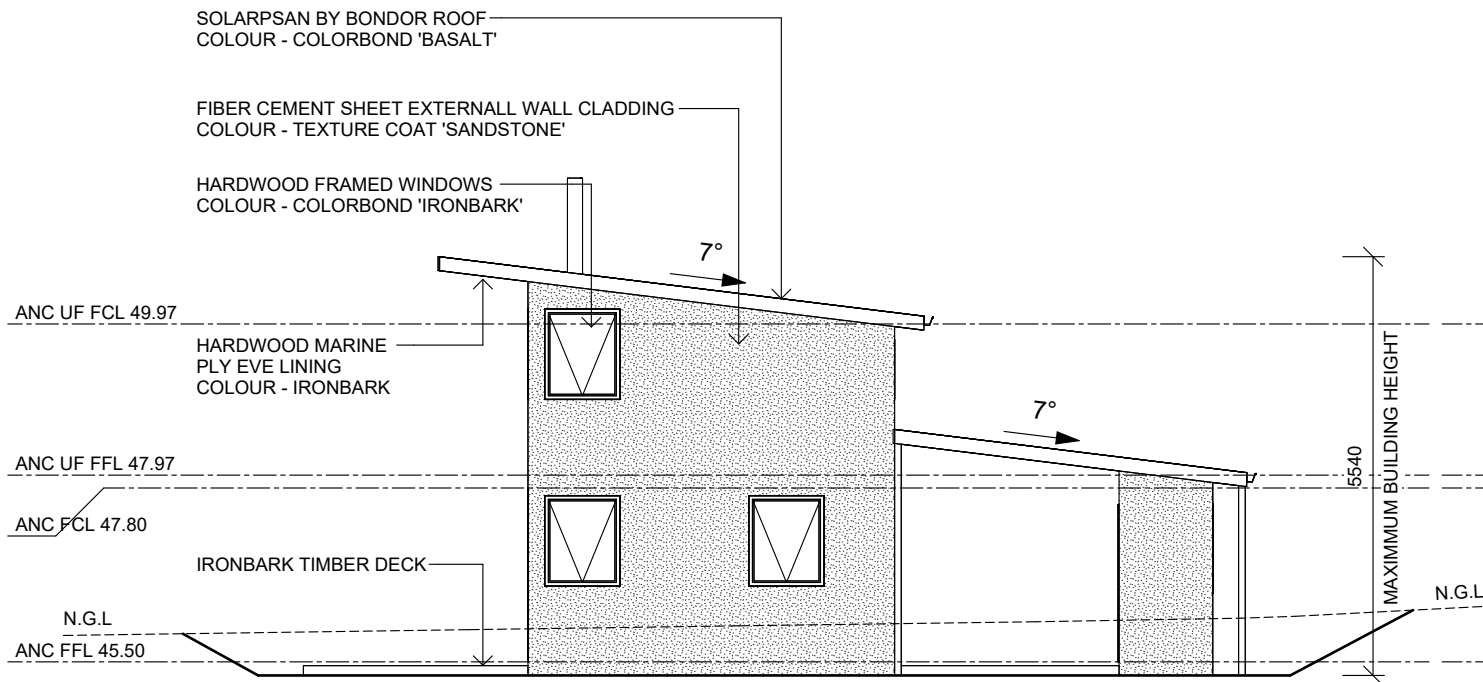
Lucia Mazella-Field

PROPOSED DWELLING & ANCILLARY

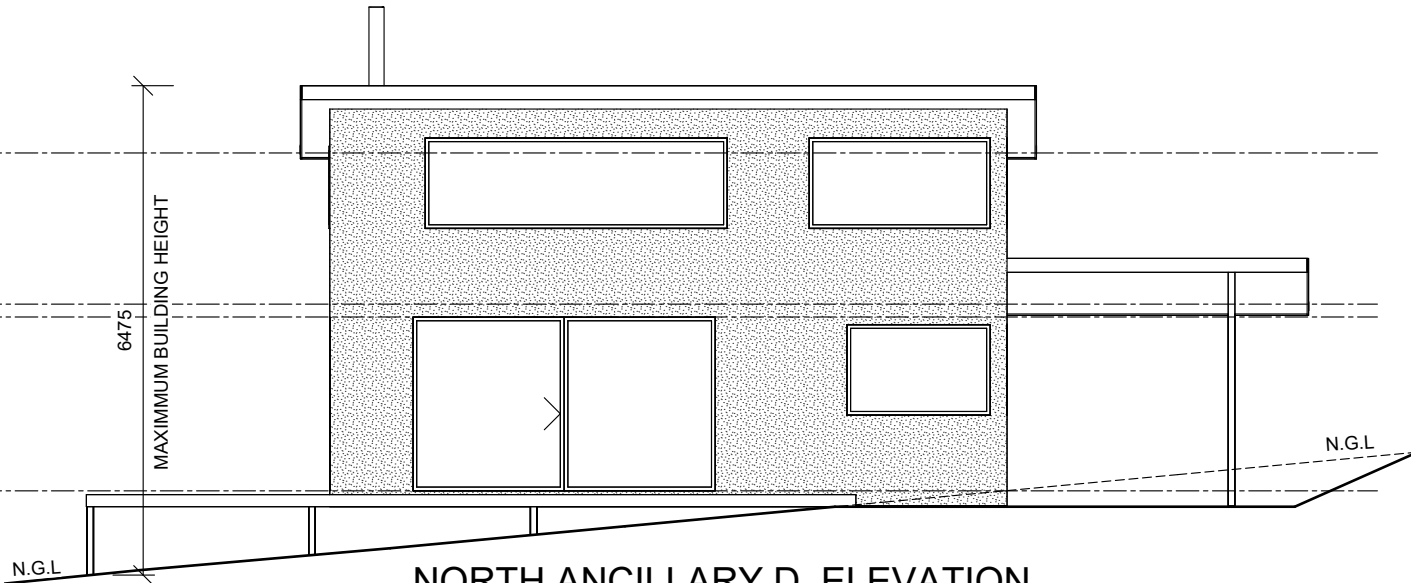
DWELLING AT 47 BANTICKS CR RD

FOUR MILE CREEK TAS 7215

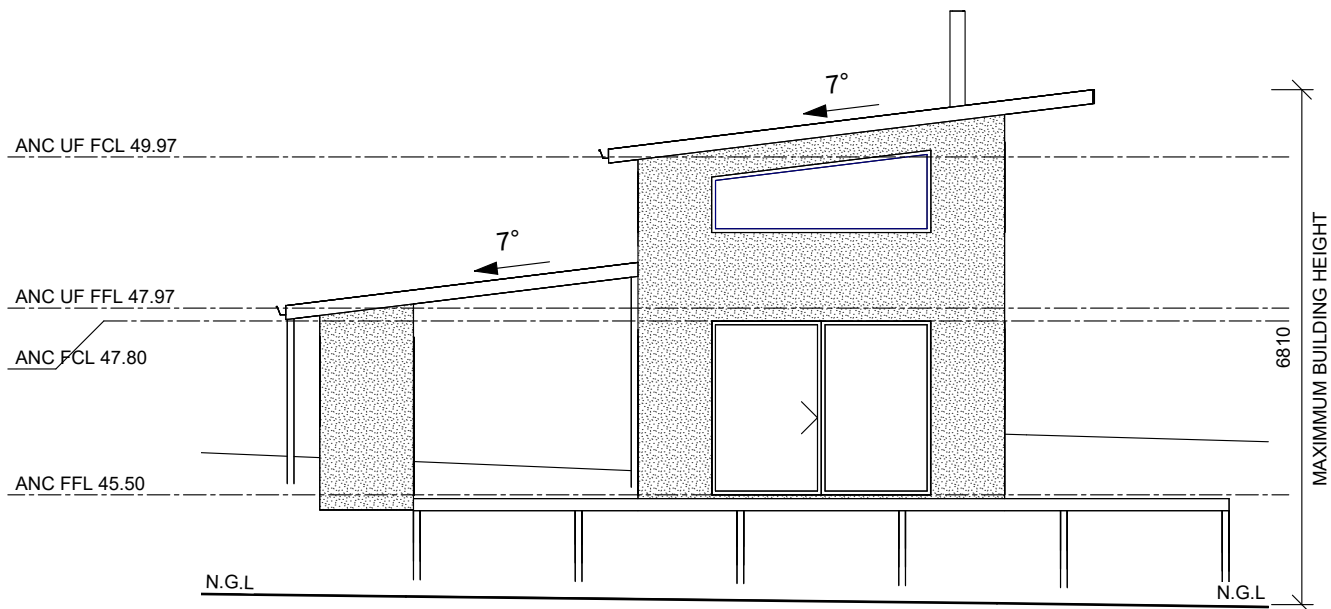
PROPOSED ANCILLARY DWELLING FLOOR PLANS		
Date	22-07-2024	006
Drawn by	E.A.	
Checked by		
Scale		1 : 100



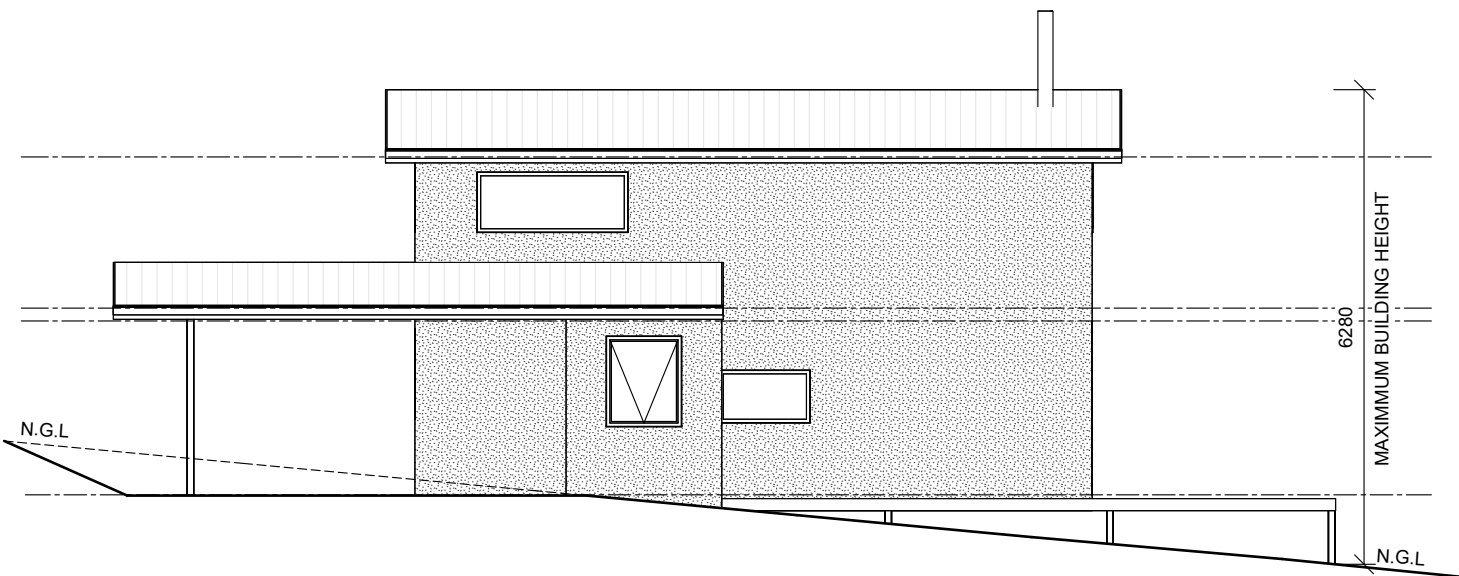
WEST ANCILLARY D. ELEVATION
SCALE 1 : 100 @ A3



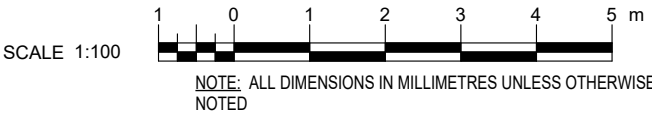
NORTH ANCILLARY D. ELEVATION
SCALE 1 : 100 @ A3



EAST ANCILLARY D. ELEVATION
SCALE 1 : 100 @ A3



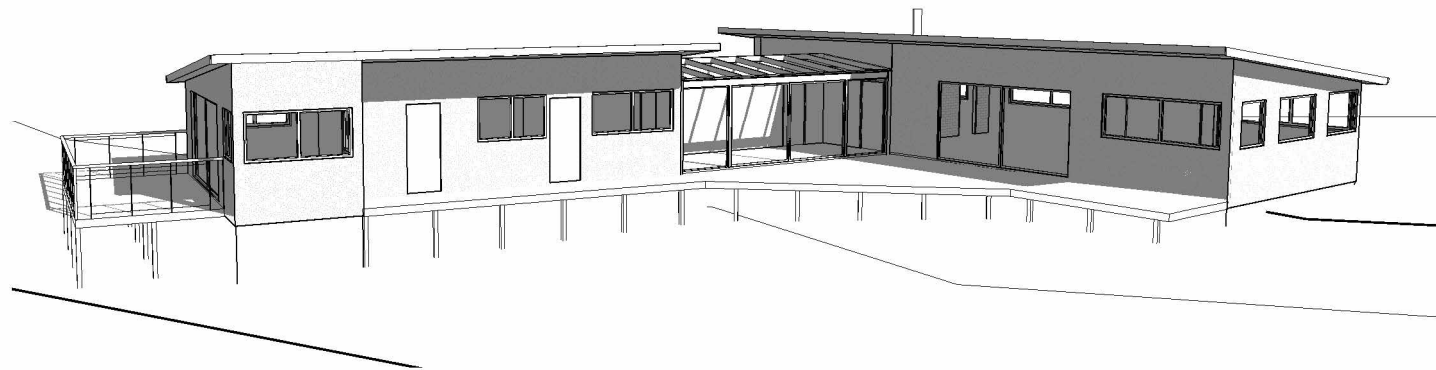
SOUTH ANCILLARY D. ELEVATION
SCALE 1 : 100 @ A3



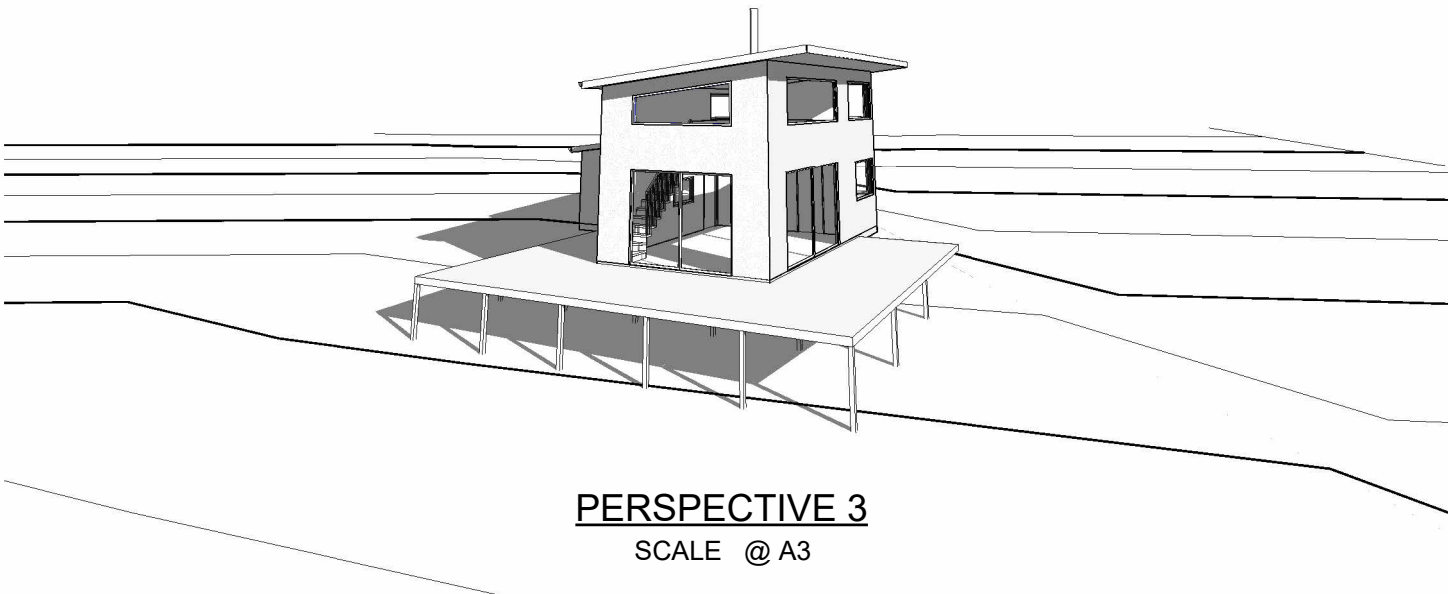
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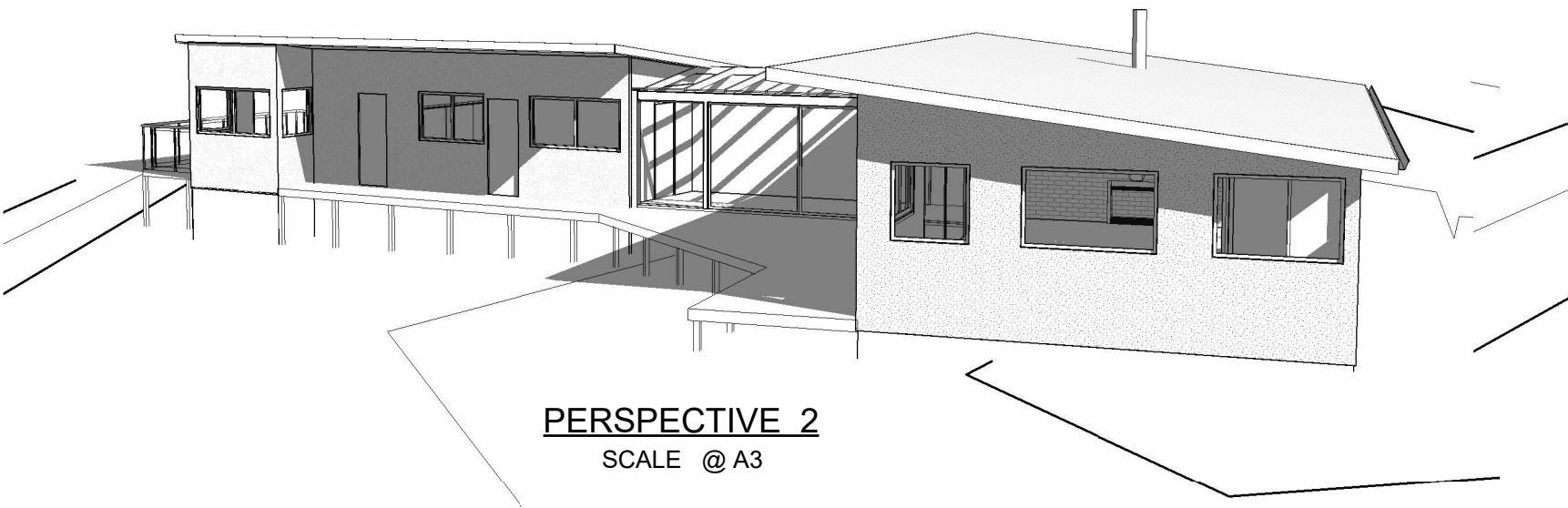
PROPOSED ANC. DWELLING ELEVATIONS		
Date	22-07-2024	007
Drawn by	E.A.	
Checked by		
Scale		1 : 100



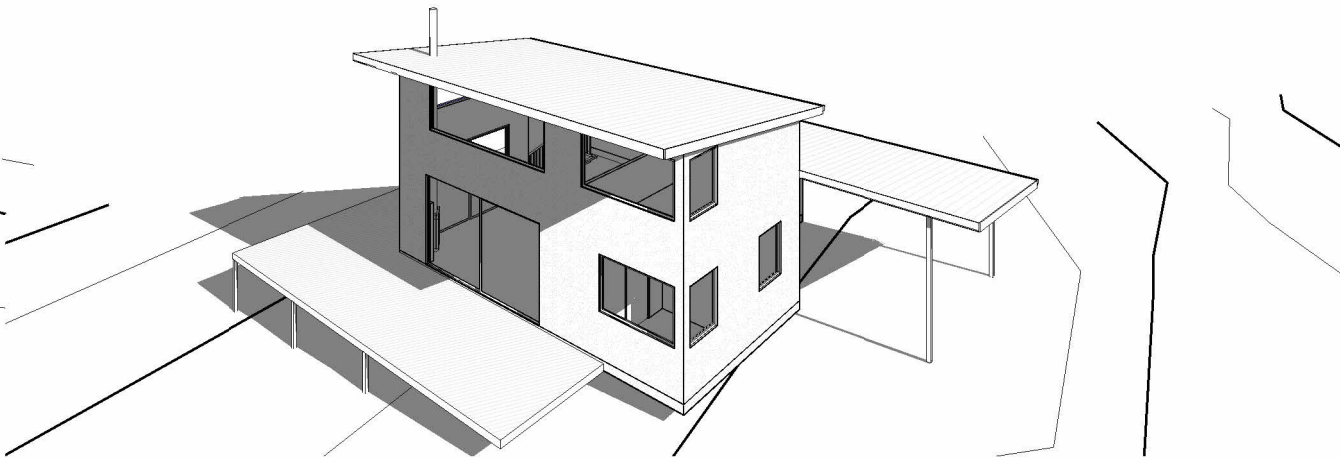
PERSPECTIVE 1
SCALE @ A3



PERSPECTIVE 3
SCALE @ A3



PERSPECTIVE 2
SCALE @ A3



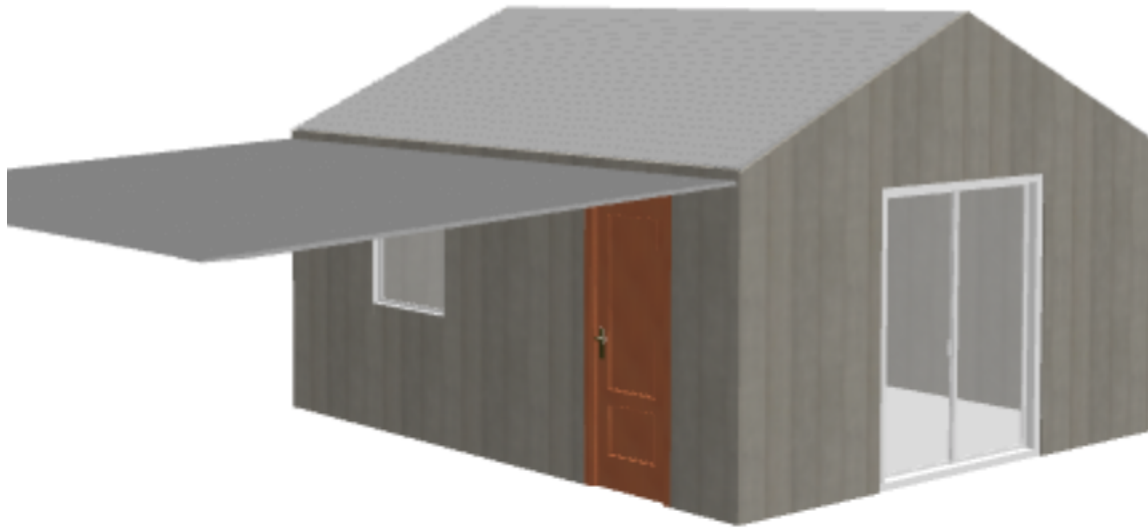
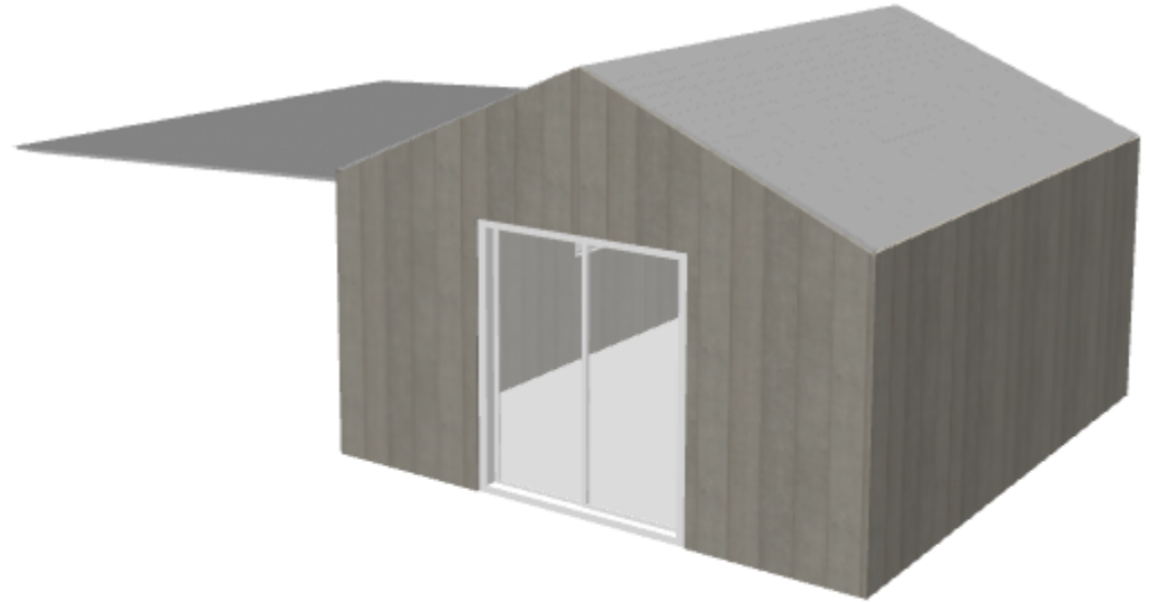
PERSPECTIVE 4
SCALE @ A3

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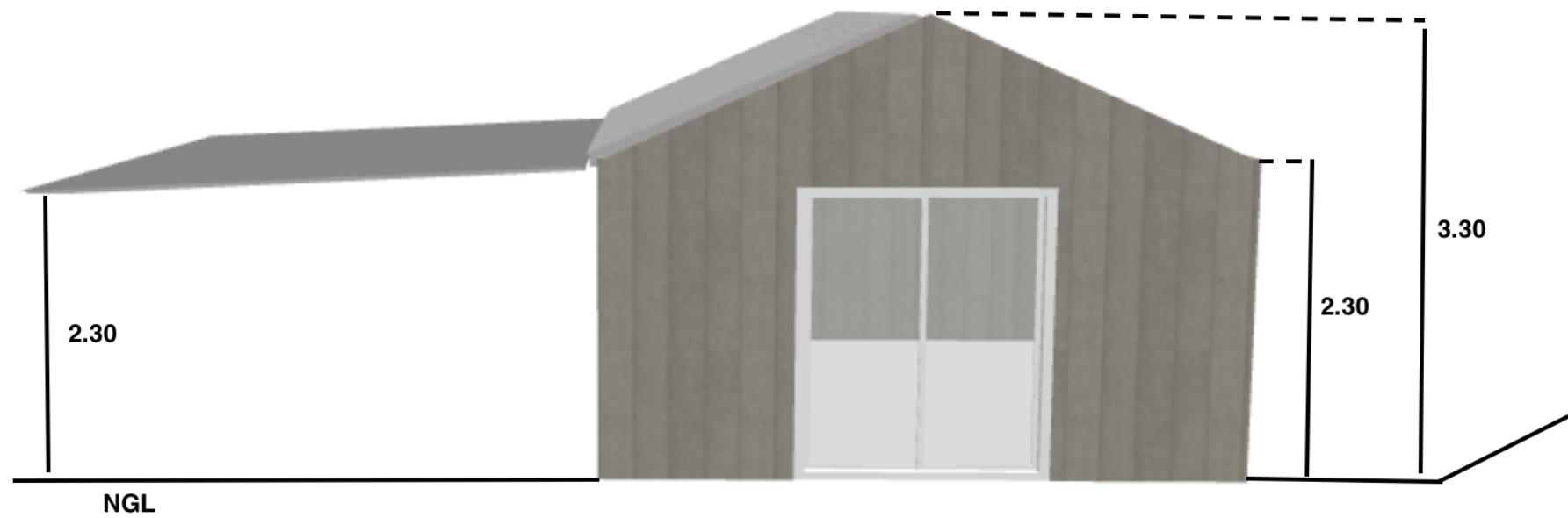
PERSPECTIVES		
Date	22-07-2024	008
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Checked by		
		Scale

EXISTING SHACK – GENERAL ARRANGEMENT



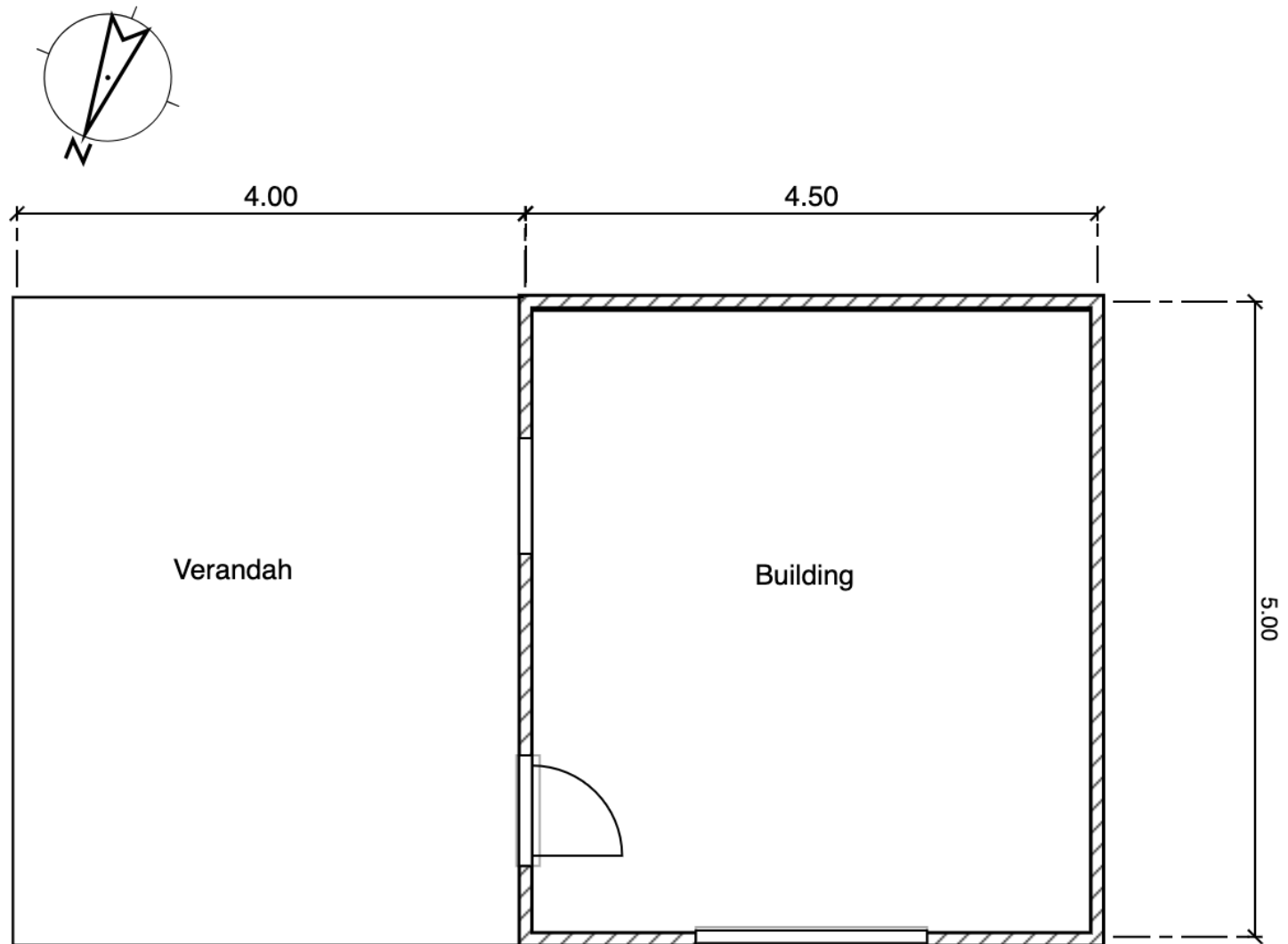
EXISTING SHACK – ELEVATIONS

- All units in meters.



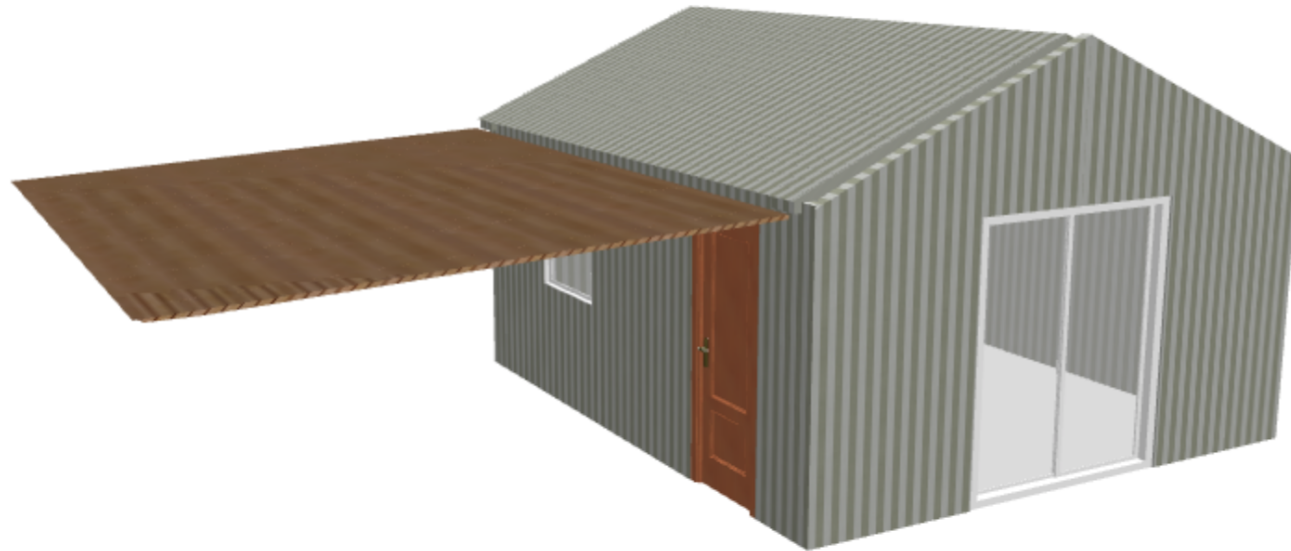
EXISTING SHACK – FLOOR PLAN

- All units in meters.



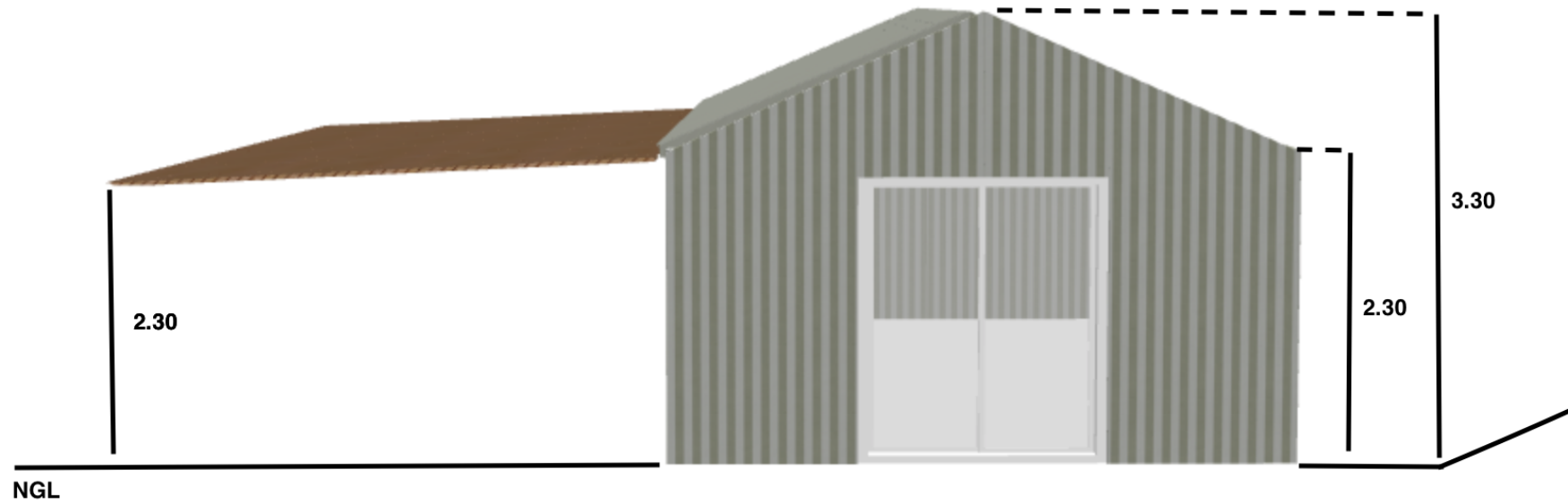
PROPOSED GREENHOUSE – GENERAL ARRANGEMENT

- existing cladding and lining to be removed and replaced with polycarbonate
- existing building roofing iron to be removed and replaced with polycarbonate
- existing veranda roofing iron to be removed and converted to timber garden pergola.



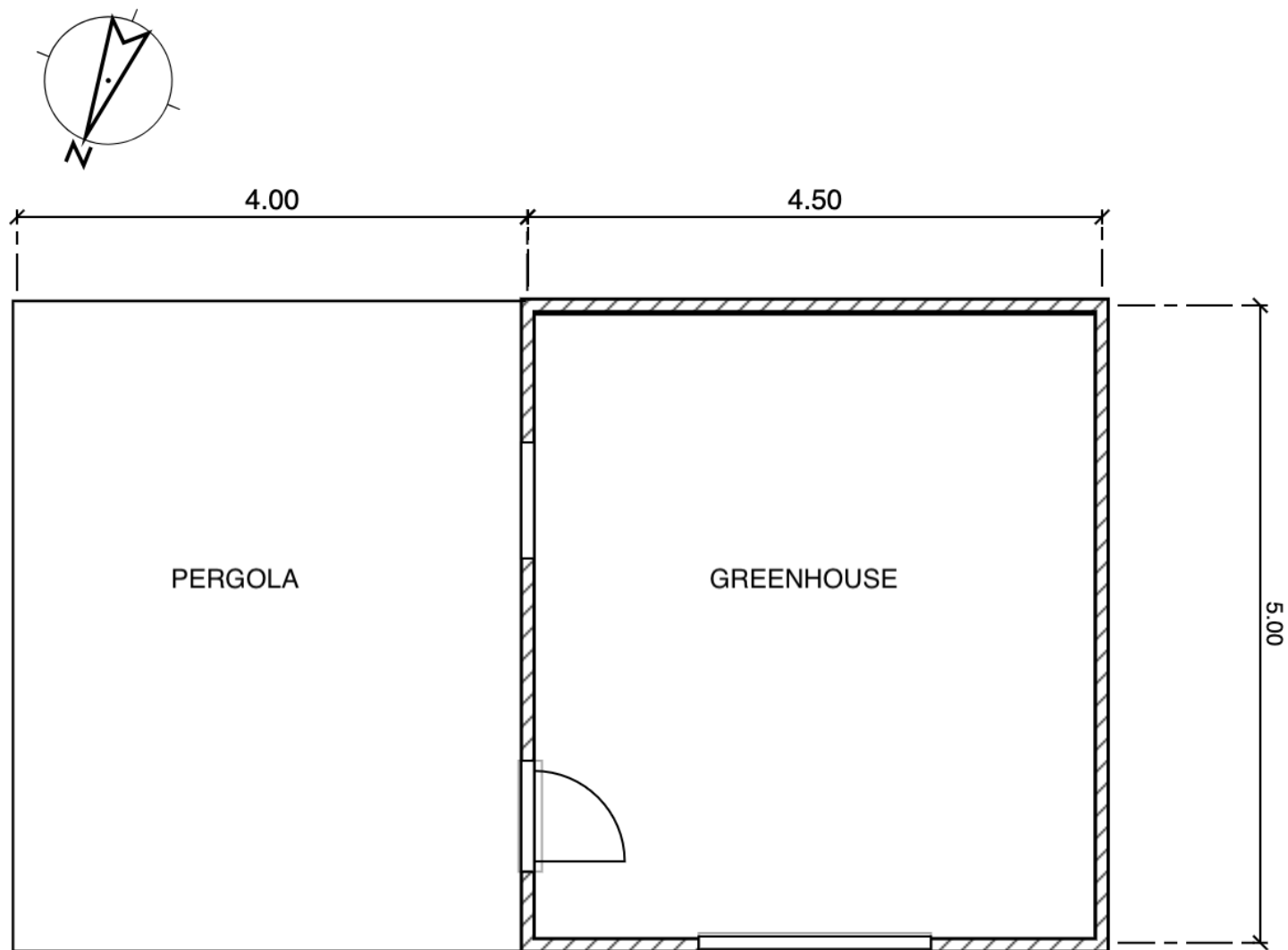
PROPOSED GREENHOUSE – ELEVATIONS

- All units in meters



PROPOSED GREENHOUSE – FLOOR PLAN

- All units in meters



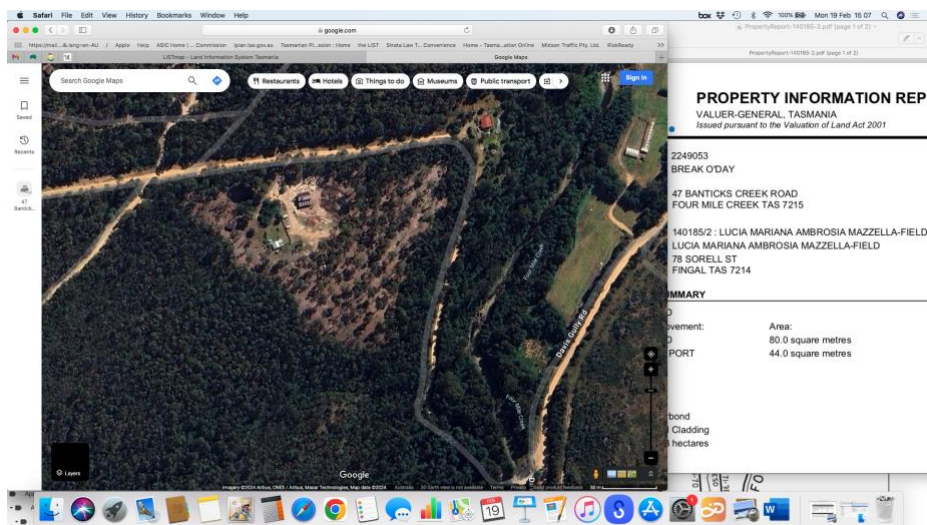
Written Submission Addressing the
Tasmanian Planning Scheme – Break O’Day
and
Break O’Day Local Provisions Schedule

for the

construction of a single dwelling and a secondary residence with
carport for the Residential Use as well as the installation of an
on-site wastewater system and second vehicle access

at

47 Banticks Creek Road, Four Mile Creek, 7215



47 Banticks Creek Road

10 October 2024

Amended 08 October 25

Written and submitted by:

Chris Triebe BBus (MarMgt)Hons, GradDip Env&Plan of
Chris Triebe & Associates Town Planning Services Limited
PO Box 313 St Helens Tasmania 7216
0417 524 392

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1. INTRODUCTION

1.1: Report Overview

Ms Lucia Mazzella-Field engaged Chris Triebe and Associates Town Planning Services to prepare and submit a development application for the construction of a dwelling and secondary residence. The 2.96ha, almost triangular and undulating property is located a short distance north of the Banticks Creek Road intersection with Davis Gully Road and on the inside of a sharp corner. The existing pre-fabricated shed and carport will be retained on the previously and partially cleared property.

The developers wish to immediately construct the secondary residence to completion and live within it before starting the construction of the dwelling in 2026 or early 2027. Once the developers have moved into the latter dwelling, the secondary residence will provide overflow accommodation for friends and family only.

The unserviced bush property is zoned Landscape Conservation and has an existing Residential Use attained by the previous owners through their construction of a shack near the western Title boundary. The purpose of this report is to demonstrate compliance with the *Tasmanian Planning Scheme as amended September 2025* and the *Break O'Day Local Provisions Schedule* (the Planning Scheme) as well as the *Land Use Planning and Approvals Act 1993* (the Act) and all relevant State legislation.

2. DEVELOPMENT SITE

2.1: Ownership and Title Information

The development site is in the name of Lucia Mariana Ambrosia Mazzella-Field, recognised as Certificate of Title 140185 Folio 2 and PID 2249053. The current Folio Plan approved 12 November 2003 shows the Title encapsulates approximately 2.963 hectares. The current third edition of the Folio Text was issued 18 June 2021 while the Sealed Plan became effective 01 June 2012.

2.1.1 Benefitting and Burdening Easements

Schedule 2 of the Folio Text identifies an Adhesion Order as Torrens Scanned Dealing B632353 registered 15 October 1993. This stipulated:

"...that the land comprised and described in Certificate of Title Volume 4347 Folio 5 and the land shown as lot 1 on Plan of Title D101625 being the land comprised in Transfer Granting Land of the Crown lodged herewith shall not be dealt with so that they come or may come into the possession of different persons for an estate of freehold at law or in equity or for a term at law or in equity of three years or more..."

This is not applicable to this application.

2.2: Development Site

The almost triangular shaped, sloping, unserviced and partially fenced property of approximately 2.963ha has 2 frontages to Banticks Creek Road: 1 along the eastern boundary and 1 along the northern boundary. Based on the definition of a primary frontage provided in Table 3.1 Planning Terms and Definitions, the eastern boundary is the primary frontage. As shown on the site plan, the property has 2 existing vehicle accesses over the northern boundary. An existing, small dam is located within the north-western boundary corner.

2.3: Existing Use and Development

The Property Information Report notes the site contains an existing prefabricated 80m² shed and 44m² carport clad with Colorbond roof and wall sheeting approved under BA 2021/212 on or around 16 August 2023. The initial site visit dated 21 February 2024 noted a second existing building: a 5m by 4m by 3.5m structure used by the previous owners for habitation but not the current owners. Since purchase, the developers have surveyed the property to ensure all buildings are located within the Title boundaries, contrary to that shown on the cadastre layer on the electronic LIST database.

On purchasing the property, the developers engaged Senior Technical Forester, Forest Practices Officer (Planning) Mr David Tucker, to complete the forestry assessment dated 17 July 2021. The landowners have since created a space surrounding the existing and future habitable buildings that will be defensible from future bushfires. The forest floor vegetation litter has been reduced through slashing and mulching rather than being cleared by machinery. Some vegetation was removed in the location of the secondary residence proposed in this application and assessed by Mr Tucker. A number of regrowth eucalyptus saplings will require removal for the construction of the dwelling to the south of the pre-fabricated shed.

The site is not serviced by any reticulated water or sewer systems while power is connected via an underground cable from the pole within the Banticks Creek Road, road reserve, beside the northern boundary. A review of the nbn Co website (<https://www.nbnco.com.au/learn/rollout-map?lat=-41.5633198&lng=148.2824636&addressString=47%20Banticks%20Creek%20Rd,%20Four%20Mile%20Creek%20TAS,%20Australia&addressCategory=HOME&zoom=16> viewed 12⁵⁵hrs 25 July 2024) noted the property may be connected via nbn® Satellite technology. The scrub and understorey on that section of the property on which the development is proposed, was previously cleared and is now maintained by both slasher and native fauna.

2.4: Proposal

This application is for the construction of a single storey dwelling as well as a 2 storey secondary residence with single vehicle carport, both for Residential Use only. The dwelling and unit will be built respectively to the south-east and east of the existing shed.

The 203.3m² 'L'-shaped dwelling will consist of 3 pods and 2 decks: the kitchen, dining, living and lounge will be in 1 pod, the laundry, bathroom and sunroom in the second pod while an office, separate storage area and 2 bedrooms, one with walk-in robe, are in the third pod. A 70.9m² deck will be built inside the 'L'-shape, against the south-eastern and eastern walls, providing external access to most of the rooms; an approximate 5.74m² sundeck with bath will

be constructed against the south-eastern bedroom 1 wall. Some clearance of standing vegetation will be required.

The secondary residence will be constructed to the north-east of the existing shed and only be for the Residential Use: this will be used as overflow accommodation for family and friends only. This secondary residence will have a 44.5m² footprint with a 76.1m² wooden deck wrapped around the northern, eastern and southern walls, will be located to provide the occupants with some separation from the main dwelling and appurtenant buildings. This application will comply with the Planning Scheme definition for a secondary residence because both habitable buildings will utilise composting toilets and a shared grey water waste system. While they are not sharing the specific single system, the same type of waste system will be installed while all other utilities are shared and ensuring the preferred environmentally sensitive option.

The small building that was used for habitation by the previous owners, will be internally stripped and used as a Class 10a greenhouse to provide food for the private use of the developers.

Vehicular access will be via the 2 existing access points off Banticks Creek Road that have existed since 2014: one to the north of the existing shed, the other approximately 80m to the east. The western access will provide access for the dwelling while the eastern access will be used by the occupants of the secondary residence. The site plans on Drawings 001 and 002 demonstrate 3 car parking spaces will be provided: 2 spaces will be provided beside the dwelling and a single space beside the single bedroom unit.

This response has been written with reference to the reports and documents submitted with the application, addressing the requirements of the *Tasmanian Planning Scheme as amended September 2025* and the *Break O'Day Local Provisions Schedule* (the Planning Scheme) as well as the *Land Use Planning and Approvals Act 1993* (the Act) and all relevant State legislation. This is the applicable Planning Scheme in the Break O'Day municipality.

2.5: Discretions

The application is discretionary on the following Clauses:

22.2 Use Table – Residential Use not within a building area on a Sealed Plan and Visitor Accommodation

22.3.3 P1 Discretionary use – no acceptable solution

22.4.2 P1 Building height, siting and exterior finishes – height exceeding 6m

22.4.2 P4 Building height, siting and exterior finishes – proximity to Agriculture and Rural Zones

22.4.4 P1, P2.1 & P2.2 Landscape protection – works not occurring within a building envelope burdening the Sealed Plan

3. ZONE

3.1: 22.0 Landscape Conservation Zone

22.1 Zone Purpose

The purpose of the Landscape Zone is:

22.1.1: To provide for the protection, conservation and management of landscape values.

22.1.2: To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

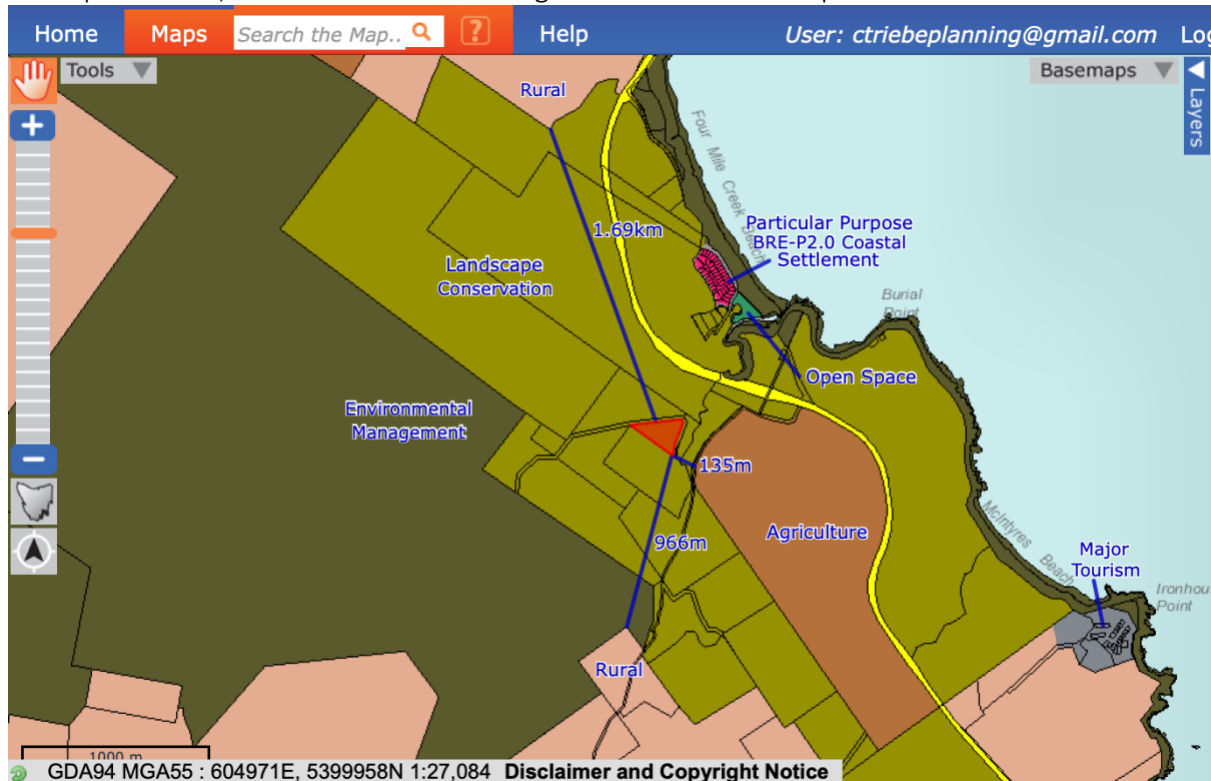


Figure 1: LISTmap image showing nearby zoning

22.2 Use Table

This application does not propose a home-based business nor a single dwelling within a building area shown on a Sealed Plan ensuring the Residential Use is discretionary. The landowners wish to utilise the property solely for the Residential Use. In accordance with this Use Table the Residential Use associated with a single dwelling is a qualified Discretionary Use.

The landowner has been operating her web-based business from the existing mezzanine floor within the existing shed, for at least 12 months. This home-based business is based solely on-line and does not require clients to visit the property. Online courses, workshops and video content focusses on preparing food that is eaten by the developer. This is therefore in accordance with the 10 subclauses provided in the definition provided in Table 3.1 for a home-based business that will continue in the same manner.

22.3 Use Standards

22.3.1: Community Meeting and Entertainment, Food Services, and General Retail and Hire Uses

Objective: That Community Meeting and Entertainment, Food Services, and General Retail and Hire uses operate at a scale and in a manner that does not cause an unreasonable impact on landscape values.

Not Applicable

This application does not propose the Community Meeting and Entertainment, Food Services or the General Retail and Hire Uses.

22.3.2 Visitor Accommodation

Objective: That Visitor Accommodation is of a scale that is:

- (a) compatible with the landscape values of the site and surrounding area; and
- (b) does not impact the safety and efficiency of local roads or private rights of way.

Not Applicable

This application does not propose the Visitor Accommodation Use.

22.3.3 Discretionary use

Objective: That the location, scale and extent of a use listed as Discretionary is compatible with landscape values.

P1 – Performance Criterion

The application is discretionary on this subclause because an Acceptable Solution is not offered and the Residential Use is discretionary. It is put to the Planning Authority the Residential Use for a single dwelling is listed as Discretionary and the developers are proposing a scale and extent of the Use in a manner that is compatible with the existing landscape values when having regard to the following:

- (a) **the nature, scale and extent of the use:** the single dwelling and secondary residence being proposed in this application is for the developer's long-term, personal use and for starting a family. As mentioned above, the secondary residence is to enable friends and family to come and stay for short periods and enjoy the peaceful ambience created by the native flora and fauna, similarly to that on the adjoining western property. This ensures traffic movements as well as on-site activities are kept low to protect the existing low key nature, scale and extent of the on-site use;
- (b) **the characteristics and type of the use:** the property will be used by the developers as a family home while enjoying the amenity and serenity created by the flora and fauna of the bush landscape. This application involves the creation of the Residential Use through the construction of the single dwelling and secondary residence by the environmentally aware developers;
- (c) **the landscape values of the site:** the Forest Practices Officer's report dated July 2021 acknowledged the site had been devastated by the 2006 St Marys / Scamander bushfires. This removed and/or damaged much of the older natural landscape values from the site, with the developers purchasing the property because of their love of, and preference to live in an area surrounded by nature. Apart from that vegetation removed for

constructing the proposed buildings and for bushfire protection, the developer's intention is to retain as much native vegetation as possible for screening the site from adjoining lots and attract the native fauna;

(d) **the landscape value of the surrounding area:** in his vegetation assessment, Mr Tucker noted Davis Gully was impacted by the 2006 St Marys / Scamander Bushfires; this event adversely impacted much of the natural landscape values. It is noted that 8 of the 9 nearby and privately owned larger properties contain existing dwellings and maintain the vegetation for bushfire management in a similar manner to that proposed by the owner of the development site. The developer wishes to allow the native flora and fauna to regrow and return in areas that will not adversely impact their BAL rating; **and**

(e) **measures to minimise or mitigate impacts:** after purchasing the property in April 2021, the landowners had the on-site native vegetation assessed before bushfire mitigation measures were undertaken. As such, much of the fuel load created by the leaf litter, has been modified through mulching rather than clearing. This has allowed the larger standing vegetation to remain untouched and available for the natural processes to assist the regeneration of the native flora and fauna.

22.4 Development Standards for Buildings and Works

22.4.1 Site coverage

P1 – Performance Criterion

The application is discretionary on this subclause due to the site coverage exceeding 400m² once this development is approved. The proposed 587.3m² site coverage will be compatible with the landscape values of the site and surrounding area, having regard to the following:

(a) **the topography of the site:** the site plan provided on Drawing 001 shows the property slopes down from the approximate 59.5m contour on the western boundary corner, down to the approximate 28.25m contour on the south-eastern boundary corner, a fall of approximately 31.25m. The property neither contains nor abuts any wetlands or watercourses and has retained much of the native vegetation; this has been identified as regrowth following aforementioned significant bushfire event. The geotechnical report did not encounter groundwater in any of the boreholes. It is the intention of the developers to primarily utilise the existing cleared area and retain as much native vegetation on their property, while ensuring the habitable structures are protected from future bushfire events;

(b) **the capacity of the site to absorb run-off:** the application proposes a site coverage of approximately 410.3m² of new buildings and 177.0m² of existing buildings. This equates to 1.95 per cent of the 2.96ha Title. All new buildings and parking areas have been located to ensure minimal concentration of stormwater runoff and to maximise on-site absorption. The aforementioned site visit did not see any evidence of erosion and the majority of the site will be retained in a vegetated state to ensure the site retains its maximum natural absorption capacity;

(c) **the size and shape of the site:** the approximately triangular shaped Title of almost 3ha abuts Banticks Creek Road on its northern and eastern boundaries. Private properties surround the development site. All existing and proposed development is on the higher part of the Title, on a section with a gentle downslope to the east. The area containing the existing and proposed development will continue to be surrounded by existing re-growth native vegetation inside all Title boundaries. Having a maximum developed site coverage of 1.95 per cent ensures this proposal will not adversely impact existing or future landscape values either on-site or those in the surrounding area as per this performance criterion;

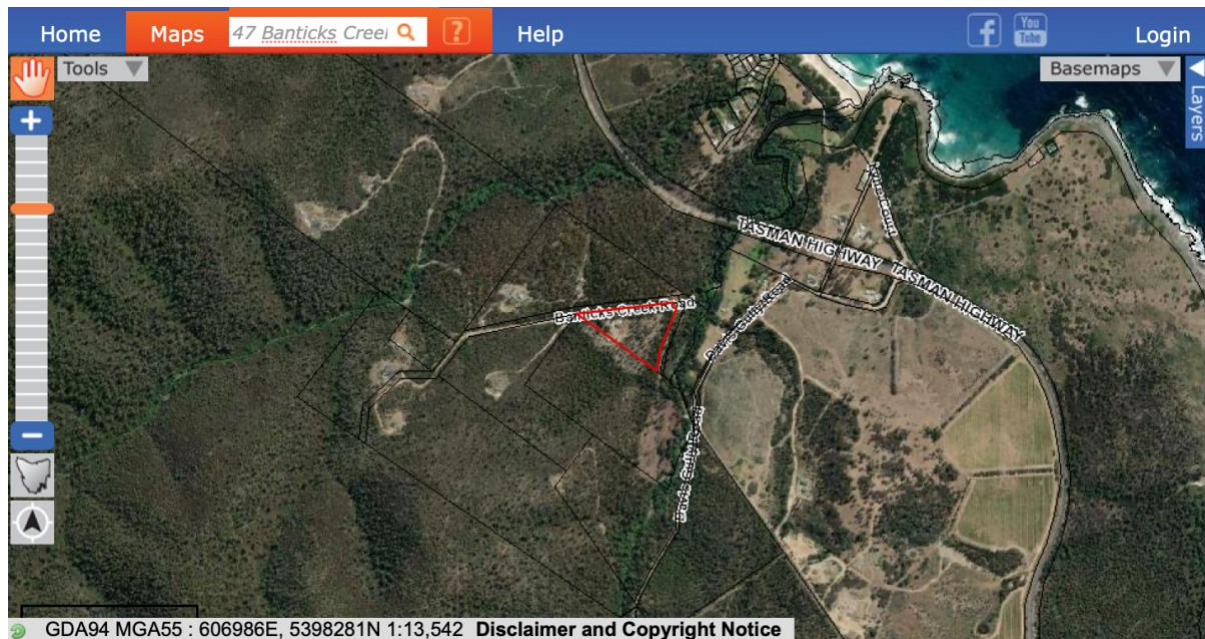


Figure 2: LISTmap photo showing developed areas near the development site

(d) **the existing buildings and any constraints imposed by existing development:** the development site has 2 existing buildings, 2 vehicular accesses and a driveway that will be retained and used as a part of this application. The existing and proposed development is and will occur within the section of the Title previously cleared under an earlier development application. The existing development does not place any constraints on the proposed development;

(e) **the need to remove vegetation:** a small amount of existing standing vegetation will be required to be removed for the construction of the dwelling to the south of the existing shed and to the east of the future greenhouse. This will be required to ensure a break is provided within the canopy, as required by the Bushfire Hazard Management Plan (BHMP) submitted with the application. The size of the existing cleared area was confirmed by Mr Jason Van Zetten of Red Dog Bushfire Assessors in his letter of 13 January 2025. Saying that, an area of approximately 2,000m², between the then existing buildings, a dam and Banticks Creek Road was cleared in 2021 for the future construction of a 12m by 7m shed. Prior to the clearing, the developers obtained a Forest Practices Plan from Mr David Tucker of Forestry & Technical Services dated 17 July 2021.

Mr Tucker provided an aerial view demonstrating the impact of the 2006 St Marys / Scamander bushfires on the property while stating the Forest Practices Biodiversity

Database did not identify any threatened flora or fauna on-site and the trees being removed were regrowth and therefore not a part of a threatened forest community. It is therefore put to the Planning Authority, the maintenance of the property in a bushfire free manner, will not adversely impact the landscape values of the sight or surrounding properties;

- (f) **the location of development in relation to cleared areas:** all proposed development is occurring within the western third of the Title, over areas previously cleared in accordance with BA 2021/212. A small section of standing vegetation to the south of the shed and east of the future greenhouse and as shown in Figure 3 below, will need to be cleared to enable the dwelling to be constructed. Figure 2 above, shows the previously cleared and maintained areas on the development site as well as that of surrounding properties. It is noted the cleared area to the east of Davis Gully Road, is a part of the White Sands Estate, zoned Agriculture; and



Figure 3: the future dwelling will be located to the left of the camper

- (g) **the location of development in relation to natural hazards:** a Bushfire Attack Level (BAL) assessment and a Bushfire Hazard Management Plan (BHMP) completed by Mr Jason Van Zetten of Red Dog Bushfire Assessors (BFP-113) dated 02 April 2024 was submitted with this application. This stated the main dwelling can adopt a BAL 19 classification in accordance with AS3959-2018. In addition, the property is located slightly inland and the proposed development will be on higher ground away from any watercourses. This ensures the development is clear of any natural hazards.

It is put to the Planning Authority this application complies with this performance criterion.

22.4.2 Building height, siting and exterior finishes

Objective: That building height, siting and exterior finishes:

- (a) protects the amenity of adjoining properties;
- (b) minimises the impact on the landscape values of the area; and
- (c) minimises the impact on adjoining agricultural uses.

P1 – Performance Criterion

The application is discretionary on this subclause due to the secondary residence having a maximum building height of 6.81m. The proposed height and siting of this building will be compatible with the landscape values of the site, having regard to the following:

- (a) **the height, bulk and form of proposed buildings:** the secondary residence has been positioned to provide a small amount of separation from the existing and proposed on-site buildings while being on ground previously cleared though remaining screened from the road and occupants of other surrounding properties.

The secondary residence will have a sloping roof with a maximum height of approximately 6.81m. Covering a building with a maximum area of 44.5m², the roof will protrude approximately 0.8m past the acceptable solution height though this height may only be viewed from the east. The footings of the secondary residence will be located on ground with a slight down slope; the sloping roof will assist with reducing the structure's visual bulk as well as visibility when viewed from the east as it will be screened by the retained standing vegetation.

The visual bulk of this structure will be broken up by the installation of glass sliding doors, windows and the single vehicle carport in and against the walls. In addition, the roof extends out over the northern wall by an approximate 1.2m, ensuring the building will have a reduced visual bulk when viewed from the east and having a thickness of approximately 0.1m, will not be visible to viewers;

- (b) **the height, bulk and form of existing buildings:** the property has 2 existing buildings: 1 is the 80m², 2 storey prefabricated shed with 44m² carport; the other is the existing 5m by 4m by 3.5m structure that will be converted to a garden shed. When taken as a percentage of the overall area of the Title, the existing buildings produce a minimal visual bulk when viewed from off site. Being set away from the Colorbond shed and being lowset, the garden shed is surrounded by an assortment of vegetation that breaks up the bulk and form of this building;

- (c) **the topography of the site:** the 2 proposed habitable buildings will be located on a higher section of the Title, between the approximate 51.75m and 45.5m contours. As the site plan provided on Drwg 001 demonstrates, this is below the maximum 59.5m contour and above the lower 28.5m contour, will not be on or near a ridgeline or skyline and will protect any potentially negative impact when viewed from off site. The existing vegetation as well as that to be retained, ensures the additional height of this secondary residence creating the discretion will not cause it to be visible from Banticks Creek Road, Davis Gully Road, adjoining or nearby Titles;

(d)the visual impact of the buildings when viewed from roads and public places: the developers have ensured the proposed buildings will predominantly be constructed on previously cleared ground. The location and amount of vegetation to be removed for the future dwelling, will still ensure it remains behind existing standing native vegetation along the boundaries. Along with the selected external cladding colours, the secondary residence will have little or no visual impact when viewed from roads or public places; and

(e)the landscape values of the surrounding area: the developers obtained a Forest Practices Plan from Mr David Tucker of Forestry & Technical Services, dated 17 July 2021. Mr Tucker confirmed the Forest Practices Biodiversity Database did not identify any threatened flora or fauna on-site and the trees to then be removed, were regrowth and not a part of a threatened forest community. It is therefore put to the Planning Authority, the continued maintenance of the property in a bushfire free manner has and will not adversely impact the landscape values of the site or surrounding properties.

A2 – Acceptable Solution

The site plan provided on Drawing 001 confirms all proposed buildings will be constructed with a minimum 49.22m primary frontage setback and a 28.72m secondary frontage setback, both greater than the 10m minimum acceptable solution.

A3 – Acceptable Solution

The submitted site plan demonstrates the proposed dwelling will have a minimum 23m setback from a side boundary.

P4 – Performance Criterion

The application is discretionary on this subclause due to the extension to the existing sensitive use having a setback less than 200m from the property zoned Agriculture to the east. The site plan as well as Figure 3 demonstrates all buildings for a sensitive use have been sited to not conflict or interfere with uses in the Rural Zone or Agriculture Zone, having regard to the following:

(a)the size, shape and topography of the site: the 2.96ha development site is on the western side of Four Mile Creek and Davis Gully, just north of where Heises Gully intersects. The western boundary corner is on the approximate 55m contour, the north-eastern corner is on the approximate 35m contour while the southern-most Title corner is on the 22m contour. All proposed buildings will be constructed in the western section of the Title, on or above the 50m contour. Apart from clearing some of the finer fuels created by the leaf litter for bushfire protection, the majority of standing vegetation has and will be retained except for a small area for the future dwelling.

The property zoned Agriculture is CT 173576/1, is approximately 135m to the east of the development site, consists of approximately 111ha and is a part of the White Sands Resort's vineyard. Figure 4 below demonstrates the required acceptable solution 200m setback will encroach on approximately 8,286m² or 0.75 per cent of the 111ha nearby property. It is put to the Planning Authority this is a very minor area when considering the overall size of this individual Title;

(b) the separation from those zones of any existing buildings for sensitive uses on adjoining properties: The future development has been located on the opposite side of the Title, to ensure it is as far away from the nearest Title zoned Agriculture yet maintain the necessary boundary setbacks and required ambience. In addition, there are at least 8 nearby properties with existing sensitive use buildings, with a similar or lesser setback than that proposed in this application. These properties include CT 28189/1 and CT 100181/1 off Lyne Court, CT 27418/2, CT 52595/1, CT 102846/1 and CT 104036/1 of Davis Gully Road, CT 140185/1 off Banticks Creek Rd and CT 47902/2 off Tasman Highway;

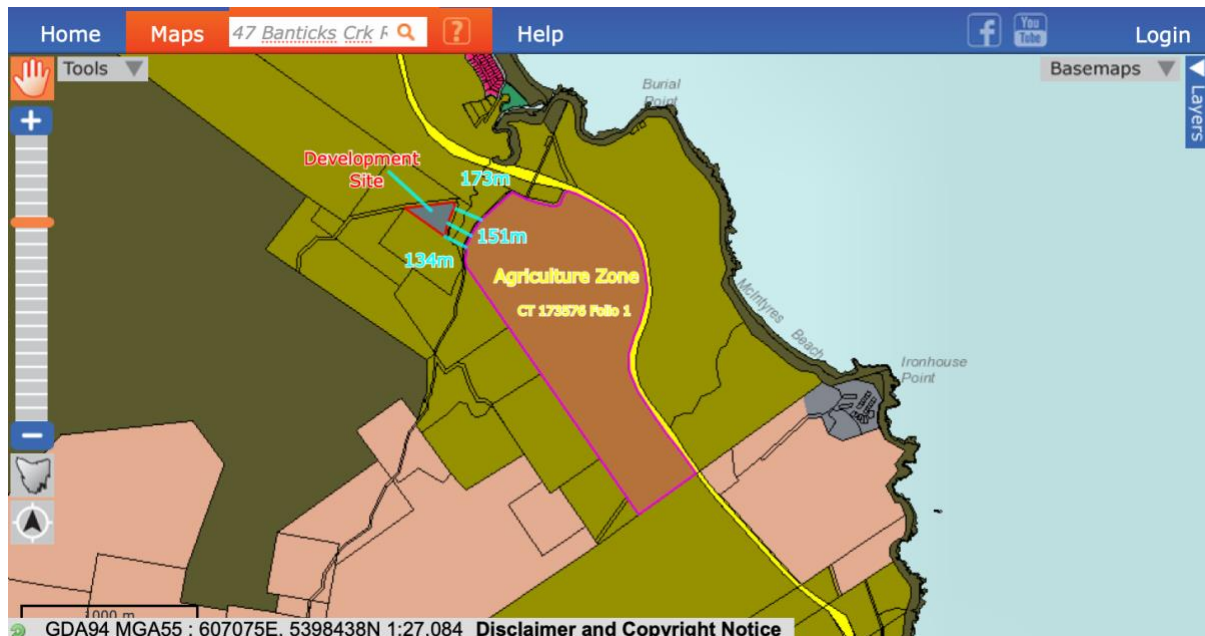


Figure 4: LISTmap image showing development site setback to Agriculture Zone

(c) the existing and potential use of land in the adjoining Zones: CT 104036/1 was previously identified as 'Ivory Fields' and was a privately owned dwelling, then used for Visitor Accommodation before being used to supply herbs and some vegetables to the White Sands Resort and returning to a Residential Use. Figure 4 above shows all properties adjoining the development site are similarly zoned Landscape Conservation, include a variety of sizes that may be defined as lifestyle properties and have been restricted in subdivision and uses because of the previous zoning. That is, prior to the current zoning, they were Coastal Management, Environmental Protection and Environmental Living; the last two Zonings were restricted in their Uses through being within 1 kilometre of the coast and environment-based restrictions;

(d) any buffers created by natural or other features: the developers have created buffers through the specific retention of native vegetation inside the frontage boundaries as well as standing vegetation throughout the site. The closest Title zoned Agriculture is CT 173576/1 and covers an area of approximately 111ha; the majority of the Title is located on the south-eastern side of the ridgeline formed by the western side of Legges Sugarloaf. A section of CT 173576/1 has been cleared of standing vegetation and maintained in a slashed state, though is not currently used for Resource Development. Approval was issued for the construction of a 2 storey dwelling in this approximate area, for use as living quarters for staff of the White Sands Resort. As the majority of land on the eastern and southern sides of this ridge is under vines and no current Resource

Development Use is occurring on the western side, an extended buffer has therefore been created by that landowner; and

- (e) any proposed attenuation measures: an aerial review via the ESRI image on the LISTmap electronic database notes a minimum 843m separation between the development site and the closest existing vineyard operations. It is therefore put to the Planning Authority, this, with the ridgeline and retained on-site vegetation, ensure no additional attenuation measures are required.

A5 – Acceptable Solution

All roofing will be clad with Colorbond ‘Basalt’, the walls clad with fibre cement sheeting finished with Texture Coat ‘Sandstone’ while the windows, door frames and decking will be built from Ironbark. None of these finishes will have a light reflectance value greater than 40%.

22.4.3 Access to a road

Objective: That new dwellings have appropriate vehicular access to a road maintained by a road authority.

A1 – Acceptable Solution

This application will continue to utilise the existing access points over the northern frontage and onto the Break O’Day Council maintained and gravelled Banticks Creek Road.

22.4.4 Landscape protection

Objective: That the landscape values of the site and surrounding area are protected or managed to minimise adverse impacts.

P1 – Performance Criterion

The application is discretionary on this subclause because the Title is not burdened by a building envelope. However, all building and works have been located to minimise native vegetation removal and the impact on landscape values with regard the following:

- (a) the extent of the area from which vegetation has been removed: all development proposed in this application will be located over land that was previously and will be selectively cleared and maintained. Prior to the current developers undertaking any such works, a Forest Practices Plan from Mr David Tucker of Forestry & Technical Services, dated 17 July 2021 was obtained. Mr Tucker confirmed the Forest Practices Biodiversity Database did not identify any threatened flora or fauna on-site and the trees to then be removed, were regrowth and not a part of a threatened forest community;
- (b) the extent of native vegetation to be removed: the proposed development and works have been located over land that was previously cleared; an area of approximately 800m² will require the removal of the sparse, standing regrowth standing vegetation;
- (c) any remedial or mitigation measures or revegetation requirements: as per Mr Tucker’s and Mr Van Zetten’s reports, no remedial or mitigation or revegetation is required. However the developers will selectively plant fire resistant, native vegetation around the property and outside of the hazard management areas, in a manner that will not adversely impact the stated BAL rating;

- (d) **provision for native habitat for native fauna**: Drwg 001 confirms the total footprint of the existing and proposed development, will cover approximately 571.8m². It is put to the Planning Authority, as this is only 1.95 per cent of the 2.93ha site, the remaining 98.05 per cent of the Title provides adequate native landscaping for native fauna habitat;
- (e) **the management and treatment of the balance of the site or native vegetation areas**: the balance of the site and native vegetation areas will be retained as undisturbed native vegetation though will be regularly surveyed by the developers to prevent the infestation of future weeds;
- (f) **the type, size, and design of development**: the application for the continued Residential Use proposes a 203.3m² 'L'-shaped, single storey dwelling with 2 decks, as well as a 60m², 2-storey rectangular secondary residence for use by family and friends only and constructed over previously cleared ground. This will be used as overflow accommodation for family and friends only. The new structures will have a site coverage of approximately 410.3m² of the total site coverage of 587.3m². This will equate to a footprint of approximately 1.95 per cent and be in proximity to the 2 existing structures; and
- (g) **the landscape values of the site and surrounding area**: in his aforementioned Forest Practices Assessment, Mr Tucker noted and demonstrated with Google Earth images, the landscape values of this area were severely impacted by the 2006 Fingal – Scamander Bushfires. While the information on the landscape values of the properties in the surrounding area, have not been surveyed as a part of this application, it may be suggested they are similar to that described by Mr Tucker in his report on the development site. Furthermore, the nearby properties are similarly zoned Landscape Conservation. A review via Google Earth notes there are at least 9 existing dwellings on the western side of Davis Gully Road and these landowners have retained the majority of their Titles in native vegetation, clearing only what is required for bushfire protection.

P2.1 – Performance Criterion

The application is discretionary on this subclause because the Folio Plan is not burdened by a building envelope, involves 2 new structures though does involve an alteration to the existing shack. All buildings and works have been located to minimise impacts on landscape values, having regard to the following:

- (a) **the topography of the site**: the development site is on the western side of Four Mile Creek and Davis Gully, just north of where Heises Gully intersects. The western boundary corner is on the approximate 55m contour, the north-eastern corner is on the approximate 35m contour while the southern-most Title corner is on the 22m contour. All proposed buildings will be constructed in the western section of the Title, on or above the 50m contour, on a slightly sloping area of the Title. Apart from clearing some of the finer fuels created by the leaf litter for bushfire protection and some standing vegetation for the proposed dwelling, the majority of the standing and previously fire damaged vegetation will be retained;
- (b) **the size and shape of the site**: the almost triangular development site encompasses approximately 2.9ha;

- (c) **the proposed building height, size and bulk:** the application proposes the construction of a single storey, 2 bedroom 'L' shaped dwelling, a 2-storey 44m² secondary residence and the gutting of the existing 'shack' for use as a green house. The dwelling will have a maximum height not exceeding 4m above existing ground level while the secondary residence will have a maximum building height will be approximately 6.9m. All existing and proposed buildings will have a site coverage of approximately 571.8m² and have been dispersed around the western section of the Title to minimise their visual bulk when viewed from off-site;
- (d) **any constraints imposed by existing development:** the existing 2-storey, prefabricated shed, Class 10 building, driveway, vehicle manoeuvring and parking areas on the slightly sloping section of the Title, are the only existing development. While the existing buildings do not create any constraints, the steeper southern downslope as well as the desire to minimise vegetation clearance, does;
- (e) **visual impact when viewed from roads and public places:** standing vegetation will be maintained inside both Banticks Creek Road frontages as well as that to the south of the existing and proposed development. The use of natural and non-reflective colours on all external cladding materials on the buildings, along with their dispersal throughout the western and northern sections of the Title, ensures the potential visibility from roads or other public spaces, is almost non-existent; and
- (f) **any screening vegetation:** standing vegetation will be maintained inside both Banticks Creek Road frontages as well as that on the southern side of the site, in a manner that will not adversely impact the BAL rating.

P2.2 – Performance Criterion

The application is discretionary on this subclause because the Folio Plan is not burdened by a building envelope and the project does not involve alterations or extensions to an existing building. All buildings and works will be located greater than 10m in elevation below a skyline or ridgeline, complying with this discretion.

22.5 Development Standards for Subdivision

Not Applicable

This application does not propose a subdivision, ensuring this subclause is not applicable.

3. CODES

The Planning Scheme Overlay Maps were reviewed 27 July 2024 and showed the development site is burdened by the following overlays:

C 7.0 Natural Assets Code – Priority vegetation area;

C13.0 Bushfire-Prone Areas Code – Bushfire-prone area;

C15.0 Landslip Hazard Code – Low landslip hazard band;

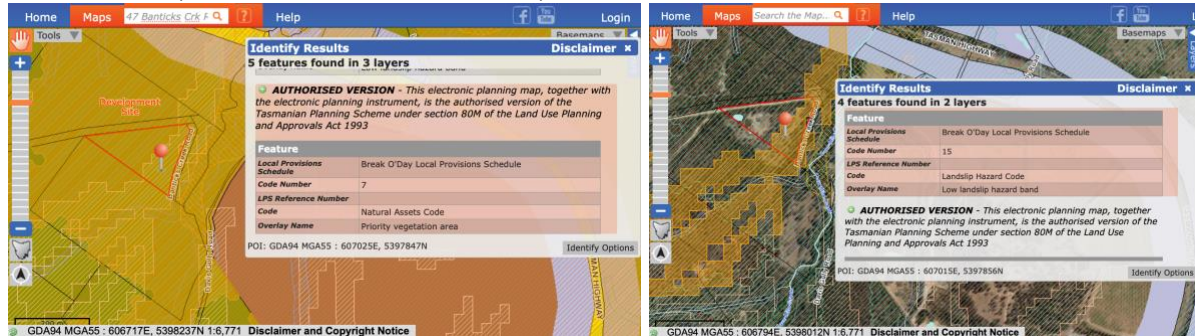


Figure 5: LISTmap demonstrating Priority Vegetation and Low Landslip Hazard Overlays

C1.0 Signs Code

Not Applicable

C1.1 Code Purpose

The purpose of the Signs Code is:

- C1.1.1: To provide for appropriate advertising and display of information for business and community activity.
- C1.1.2: To provide for well-designed signs that are compatible with the visual amenity of the surrounding area.
- C1.1.3: To ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.

C1.2 Application of this Code

C1.2.1: Unless otherwise stated in a particular purpose zone, this Code applies to all development for signs, unless the following clauses apply:

- (a) C1.4.2; or
- (b) C1.4.3.

C1.2.2: This Code does not apply to use.

Not Applicable

This subclause is not applicable because no form of signage is proposed for this development or Use.

4.1: C2.0 Parking and Sustainable Transport Code

C2.1 Code Purpose

The purpose of the Parking and Sustainable Transport Code is:

C2.1.1: To ensure that an appropriate level of parking facilities is provided to service use and development.

C2.1.2: To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.

C2.1.3: To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.

C2.1.4: To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.

C2.1.5: To ensure that parking spaces and accesses meet appropriate standards.

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

C2.2 Application of this Code

C2.2.1: Unless stated otherwise in a particular purpose zone, or subclause C2.2.2, C2.2.3 or C2.2.4 this Code applies to all use and development.

In accordance with this Clause, subclauses C2.5.3, C2.5.4 and C2.5.5 are not applicable to this application for the Residential Use proposing a single dwelling or secondary residence.



Figure 6: existing 'shack' to be converted into a greenhouse

C2.4 Use or Development Exempt from this Code

C2.4.1: There are no exemptions to this Code.

C2.5 Use Standards

C2.5.1 Car parking numbers

Objective: That an appropriate level of car parking spaces are provided to meet the needs of the Use.

A1 – Acceptable Solution

The provision of car parking spaces for this proposal as shown on the site plan is in accordance with Table C2.1 of the Planning Scheme because the development site and proposal:

- (a) is not subject to a Council adopted parking plan;
- (b) is not contained within a parking precinct plan and subject to Clause 2.7;

- (c) is not subject to Clause C2.5.5 in accordance with subclause C2.2.4 above; or
- (d) while it is known the previous owners lived on-site for some years, a review of the Property Information Report indicates the site does not contain a habitable building. It is therefore put to the Planning Authority, the cleared and maintained area to the east of the fenced yard to this shack, was where vehicles were then parked and the site has had 2 existing car parking spaces. However, in accordance with Table C2.1, the Residential Use in any other Zone requires 1 space per bedroom for the dwelling. As demonstrated on the site plan, 1 space will be provided beside the western side of the secondary residence while 2 spaces will be provided against the south-western wall of the future dwelling. This complies with Table C2.1 of the Planning Scheme.

C2.5.2 Bicycle parking numbers

Objective: That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.

A1 – Not Applicable

In accordance with Table C2.1 of the Planning Scheme, the provision of dedicated bicycle parking spaces is not required for the Residential Use.

C2.5.3 Motorcycle parking numbers

Objective: That an appropriate level of motorcycle parking is provided to meet the needs of the Use.

A1 – Not Applicable

The Residential Use involving the single dwelling and secondary residence proposed in this application are not listed within subclause C2.2.2 of the Planning Scheme. Therefore, the provision of specific motorcycle parking spaces is not required for this application.

C2.5.4 Loading bays

Objective: That adequate access for goods delivery and collection is provided, and to avoid unreasonable loss of amenity and adverse impacts on traffic flows.

A1 – Not Applicable

In accordance with subclause C2.2.3 of the Planning Scheme, the Residential Use does not require the provision of a loading bay, ensuring this subclause is not applicable.

C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone

Objective: To:

- (a) facilitate the reuse of existing non-residential buildings within the General Residential Zone and Inner Residential Zone; and
- (b) to not cause an unreasonable impact on residential amenity by the car parking generated by that reuse.

A1 – Not Applicable

The development site is located within the Landscape Conservation Zone, ensuring this subclause is not applicable.

C2.6 Development Standards for Buildings and Works

C2.6.1 Construction of parking areas

Objective: That parking areas are constructed to an appropriate standard.

A1 – Acceptable Solution

The site plan submitted with this report demonstrates all parking, access ways, manoeuvring and circulation spaces will:

- (a) be constructed of compacted gravel;
- (b) be drained to the surrounding on-site landscaping in a manner that will not cause ponding, erosion or other nuisances either on-site or on adjoining properties; and
- (c) not applicable due to the site being zoned Landscape Conservation.

C2.6.2 Design and layout of parking areas

Objective: That parking areas are designed and laid out to provide convenient, safe and efficient parking.



Figure 7: western and eastern site distances from the existing eastern crossover

A1.1 – Acceptable Solution

The site plan submitted with this application demonstrates the parking, access ways, manoeuvring and circulation spaces will:

- (a) comply with the following:
 - (i) the vehicle parking and manoeuvring areas will be on an area that is almost level ground in accordance with *Australian Standard AS 2890 – Parking facilities, Parts 1 – 6*;
 - (ii) this proposal requires the provision of a minimum 3 parking spaces only, with adequate manoeuvring and circulation spaces provided to allow for vehicles to enter and exit the site in a forward direction;
 - (iii) this proposal will utilise the existing 4m wide, gravelled crossover, located and constructed by the previous owners. The western crossover will be similarly constructed. In accordance with Table C2.2, the provision of passing bays every 30m for the driveway is not required;
 - (iv) dimensions of car parking spaces comply with Table C2.3;

- (v) this proposal requires the provision of 3 vehicle parking spaces; the combined access and manoeuvring width adjacent to all parking spaces have been shown to comply with Table C2.3 on Drwg 002 submitted with this application;
 - (vi) the 2 vehicle parking area for the dwelling is uncovered while the single carport for the secondary residence has a minimum 2.1m vertical clearance;
 - (vii) as his application requires the provision of 3 car parking spaces, all are shown by the compacted gravel;
- (b) be constructed in accordance with *Australian Standard AS 2890 – Parking facilities, Parts 1 – 6*;

A1.2 – Not Applicable

Accommodation and parking for persons with a disability has not been provided.

C2.6.3 Number of accesses for vehicles

Objective: That:

- (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;
- (b) accesses do not cause an unreasonable loss of amenity of adjoining Uses; and
- (c) the number of accesses minimise impacts on the streetscape.

A1 – Acceptable Solution

- (b) This application will utilise both existing accesses provided through the northern Banticks Creek Road frontage.

A2 – Not Applicable

The development site is within the Landscape Conservation Zone.

C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone

Objective: That parking and vehicle circulation roads and pedestrian paths within the General Business Zone and Central Business Zone, which are used outside daylight hours, are provided with lighting to a standard which:

- (a) enables easy and efficient use;
- (b) promotes the safety of users;
- (c) minimises opportunities for crime or anti-social behaviour; and
- (d) prevents unreasonable light overspill impacts.

A1 – Not Applicable

The development site is within the Landscape Conservation Zone.

C2.6.5 Pedestrian access

Objective: That pedestrian access within parking areas is provided in a safe and convenient manner.

A1.1 – Not Applicable

This application requires the provision of 3 vehicle parking spaces only ensuring the provision of pedestrian access is not required.

A1.2 – Not Applicable

The developer has chosen not to provide accommodation for persons with a disability and therefore does not require parking for use by persons with a disability.

C2.6.6 Loading bays

Objective: That the area and dimensions of loading bays are adequate to provide safe and efficient delivery and collection of goods.

Not Applicable

Based upon subclause C2.5.4 of the Planning Scheme, a loading bay is not required for the Residential Use ensuring this subclause is not applicable.

C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone

Objective: That parking for bicycles are safe, secure and convenient, within the General Business Zone and Central Business Zone.

Not Applicable

The development site is located within the Landscape Conservation Zone and is not required to provide bicycle parking or storage facilities.

C2.6.8 Siting of parking and turning areas

Objective: That the siting of vehicle parking and access facilities in an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone does not cause an unreasonable visual impact on streetscape character or loss of amenity to adjoining properties.

Not Applicable

The development site is located within the Landscape Conservation Zone ensuring this subclause is not applicable.

C2.7 Parking Precinct Plan

C2.7.1 Parking precinct plan

Objective: To minimise the amount of on-site car parking spaces within an area defined by a parking precinct plan, and that parking does not detract from the streetscape of the area.

Not Applicable

The development site is not within an area containing a defined parking precinct plan.

4.2: C3.0 Road and Railway Assets Code

Not Applicable

C3.1 Code Purpose

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.

C3.2 Application of this Code

C3.2.1: This Code applies to a use or development that:

- (a) will increase the amount of vehicular traffic or the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing;
- (b) will require a new vehicle crossing, junction or level crossing; or
- (c) involves a subdivision or habitable building within a road or railway attenuation area if for a sensitive use.

It is put to the Planning Authority this Code is not applicable in accordance with subclause C3.2.1 of this Code. That is, this application will:

- a. not increase the number of traffic movements involving vehicles longer than 5.5m to the site;
- b. not require a new vehicle crossing, junction or level crossing; or
- c. involve a subdivision or habitable building within a road or railway attenuation area for a sensitive use.

C4.0 Electricity Transmission Infrastructure Protection Code

Not Applicable

C4.1 Code Purpose

The purpose of the Electricity Transmission Infrastructure Protection Code is:

C4.1.1: To protect use and development against hazards associated with proximity to electricity transmission infrastructure.

C4.1.2: To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure.

C4.1.3: To maintain future opportunities for electricity transmission infrastructure.

C4.2 Application of this Code

C4.2.1: This Code applies to use or development of land within the following areas:

- (a) electricity transmission corridor, and if for:
 - (i) building or works;
 - (ii) a sensitive use contained within a building;

- (iii) use listed in Table C4.1; or
- (iv) subdivision; and
- (b) communications station buffer area, and if for:
 - (i) buildings or works; or
 - (ii) subdivision; and
- (c) substation facility buffer area, and if for:
 - (i) a sensitive use contained within a building;
 - (ii) a use listed in Table C4.1;
 - (iii) buildings or works within 5m of a substation facility; or
 - (iv) subdivision

Not Applicable

The development site is not located near or within an electricity transmission corridor ensuring this Code is not applicable.

C5.0 Telecommunications Code

Not Applicable

C5.1 Code Purpose

The purpose of the Telecommunications Code is:

C5.1.1: To provide for telecommunication networks as a service for the community.

C5.1.2: To ensure that facilities are co-located where practicable.

C5.1.3: To ensure that facilities use mitigation measures to avoid an unreasonable loss of visual amenity.

C5.2 Application of this Code

C5.2.1: Unless otherwise stated in a particular purpose zone, this Code applies to all development for telecommunication facilities.

C5.2.2: This Code does not apply to use.

C5.4 Use or Development Exempt from this Code

C5.4.1: There are no exemptions from this Code.

Not Applicable

As this application does not propose development involving telecommunication facilities, this Code is not applicable in accordance with subsection C5.2.1 above.

C6.0 Local Historic Heritage Code

Not Applicable

C6.1 Code Purpose

The purpose of the Local Historic Heritage Code is:

C6.1.1: To recognise and protect:

- (a) the local historic heritage significance of local places, precincts, landscapes and areas of archaeological potential; and
- (b) significant trees.

C6.1.2: This Code does not apply to Aboriginal heritage values.

C6.2 Application of this Code

C6.2.1: This Code applies to:

- (a) development on land within any of the following, as defined in this Code:
 - (i) a local heritage place;
 - (ii) a local heritage precinct;
 - (iii) a local historic landscape precinct; and
 - (iv) for excavation only, a place or precinct of archaeological potential; and
- (b) the lopping, pruning, removal or destruction of a significant tree as defined in this Code.

C6.1.2: This Code does not apply to the Aboriginal heritage values.

C6.2.2: If a site is listed as a local heritage place and also within a local heritage precinct or local historic landscape precinct, it is only necessary to demonstrate compliance with the standards for the local heritage place unless demolition, buildings and works are proposed for an area of the site outside the identified specific extent of the local heritage place.

C6.2.3: This Code does not apply to a registered place entered on the Tasmanian Heritage Register, unless for the lopping, pruning, removal or destruction of a significant tree as defined in this Code.

C6.2.4: This Code does not apply to use.

C6.4 Development Exempt from this Code

C6.4.1: Development described in Table C6.4.1 is exempt from this Code provided it meets the corresponding qualifications [listed in Table C6.4.1 Exempt Development].

Not Applicable

The site is not identified as a local heritage place, within a local heritage precinct, a local historic landscape precinct or propose works involving significant trees as defined in this Code. The development site is located approximately 33 metres above Four Mile Creek and approximately 550m south-west of the point where Banticks Creek empties into the Four Mile Creek inlet off the southern end of Four Mile Creek Beach. The defined stream identified as Banticks Creek is located approximately 365m to the north and downhill from the development site.

It is put to the Planning Authority that while this Code is not applicable, an Unanticipated Discovery Plan may be kept on-site during the construction phase and implemented in accordance with the *Aboriginal Heritage Act 1975* and the *Coroners Act 1995* should any potential Aboriginal relics be uncovered.

4.3: C7.0 Natural Assets Code

This Code is applicable because the Planning Scheme mapping shows the development site is covered by the Priority Vegetation Overlay.

C7.1 Code Purpose

The purpose of the Natural Assets Code is:

- C7.1.1:** To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.
- C7.1.2:** To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.
- C7.1.3:** To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.
- C7.1.4:** To minimise impacts on identified priority vegetation
- C7.1.5:** To manage impacts on threatened fauna species by minimising clearance of significant habitat.

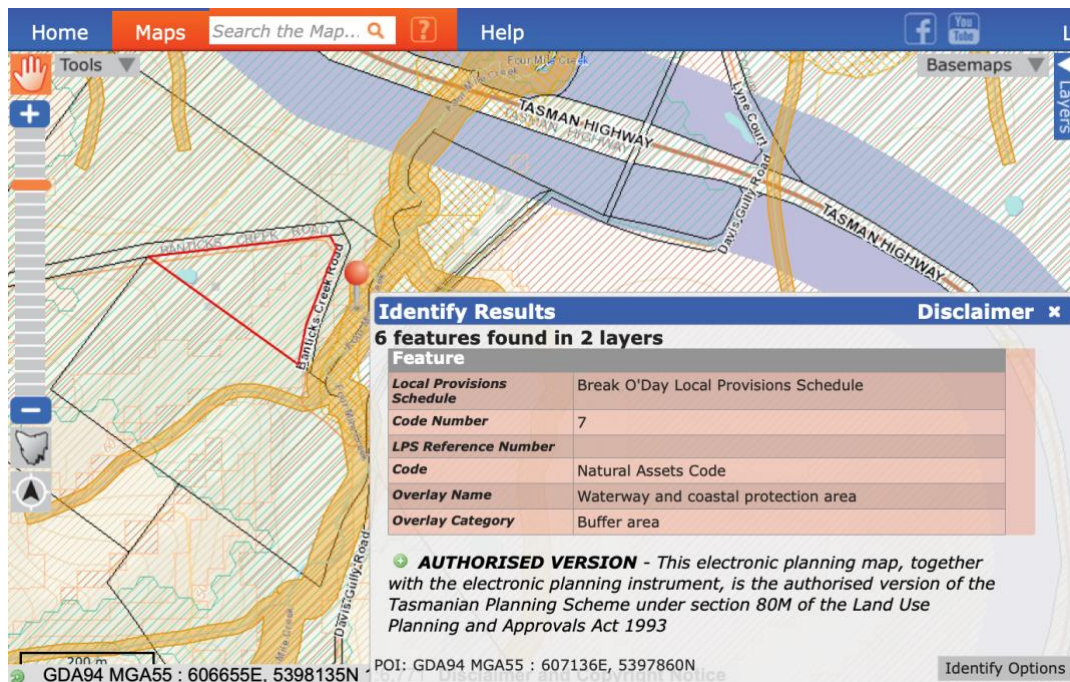


Figure 8: LISTmap image showing location of Waterway and Coastal Protection Area – buffer area

C7.2 Application of this Code

C7.2.1 This Code applies to development on land within the following areas:

- (a) a waterway and coastal protection area;
- (b) a future coastal refugia area; and

(c) a priority vegetation area only if within the Landscape Conservation Zone.

C7.2.2: This Code does not apply to use.

This Code applies because the development site is zoned Landscape Conservation and the Planning Scheme mapping indicates the site is burdened by the Priority Vegetation layer (Figure 5 above). Figure 8 above, indicates the site is not burdened by the Waterway and Coastal Protection Area – Buffer Area ensuring no riparian or littoral vegetation will be impacted by the proposed development.

C7.4 Use or Development Exempt from this Code

C7.4.1: The Uses and development listed under this subclause were reviewed and confirmed none are applicable to this application.

C7.5 Use Standards

C7.5.1: There are no Use Standards in this Code.

C7.6 Development Standards for Buildings and Works

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

Objective: That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.

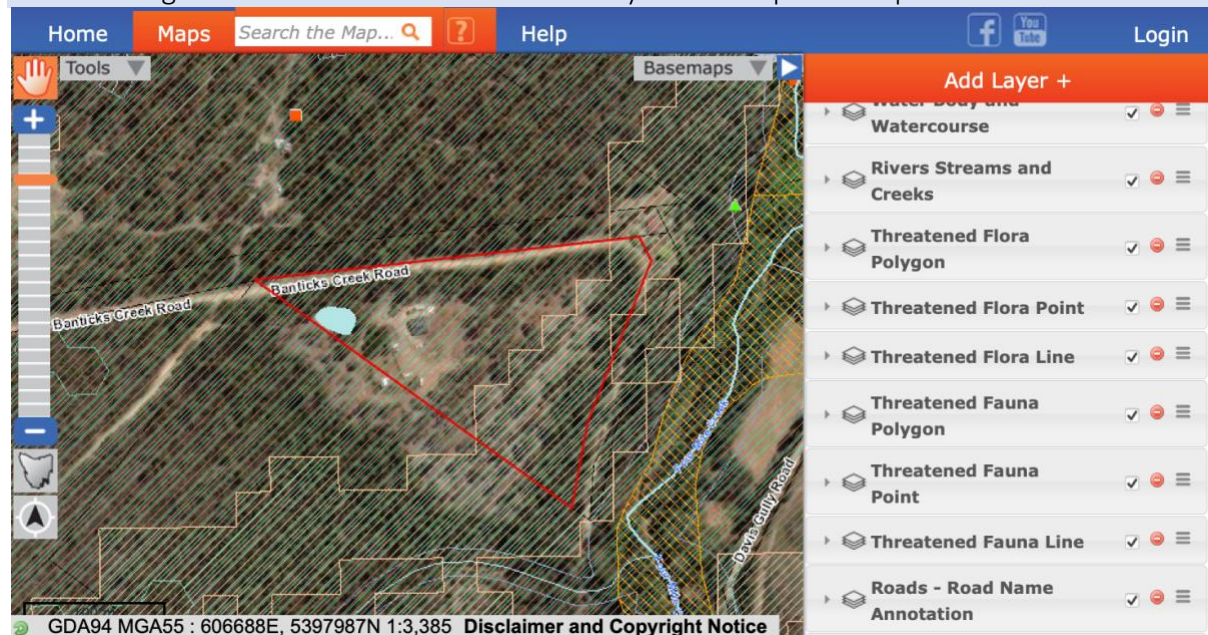


Figure 9: LISTmap showing lack of on-site threatened flora or fauna

Not Applicable

The Planning Scheme mapping in Figure 8 above demonstrates the development site is not within a waterway and coastal protection area or a future coastal refugia area ensuring this subclause is not applicable.

C7.6.2 Clearance within a priority vegetation area

Objective: That clearance of native vegetation within a priority vegetation area:

- (a) does not result in unreasonable loss of priority vegetation;
- (b) is appropriately managed to adequately protect identified priority vegetation; and
- (c) minimises and appropriately manages impacts from construction and development activities.

P1.1 – Performance Criterion

The application is discretionary on this subclause because the Planning Scheme mapping indicates the site is burdened by the Priority Vegetation Area Overlay and the Title is not burdened by a building envelope. The property was purchased in April 2021 with the full knowledge of the impact the Scamander Fires had on it in 2006; this was prior to the site being burdened by the priority vegetation overlay. The developer had the forestry assessment completed in July 2021 before removing leaf litter and standing regrowth vegetation only, around the site. In addition, the Threatened Species Overlay on the LIST does not indicate any threatened or endangered flora or fauna being observed on the site.

The existing clearing includes an area inside the northern frontage boundary for the construction of the shed as well as providing protection from future bushfires. It is put to the Planning Authority, the clearance of native vegetation within a priority vegetation area was completed in accordance with the following discretion:

- (a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person: the property has knowingly been used for residential purposes by the previous owners since at least 2012. Those owners cleared the land and built the structure that was their dwelling but will be changed to a Class 10 greenhouse through this application. Since purchasing the property the current owners constructed the approved pre-fabricated shed with carport under BA 2021/212 in August 2023, continuing to maintain the surrounding land in a low fuel state. As mentioned previously, this maintenance work commenced after the forestry assessment was completed.

As is demonstrated by the amended site plan Version 03 dated 22/11/2024, the proposed bushfire hazard management area is the same as that shown on 'dwg no. BFHMP – 8019' dated April 2024 and drawn by Jason Van Zetten BFP-113. It should be noted the first 3 photos of vegetation clearance provided on page 7 of the Red Dog BAL assessment, were taken of the adjoining CT 245029 Folio 1 at a point south of the development site, from Banticks Creek Road, from a point just north-west of the causeway.

It is put to the Planning Authority all clearing undertaken to date is only that necessary to maintain the BAL 19 as stipulated by accredited Bushfire Practitioner Jason Van Zetten's (BFP113) of Red Dog Bushfire Assessors Bushfire Attack Level (BAL) assessment and Bushfire Hazard Management Plan (BHMP) dated April 2024. These were written following Mr Van Zetten's site visit. The occupant will ensure the following will be maintained in the following manner, at all times:

- grass kept to a maximum height of 100mm;
- fallen limbs, bark and litter removed from the BHMP area;

- no flammable garden mulch such as pine bark used;
- maintaining the understorey through slashing to a height less than 100mm;
- pruning and maintaining low hanging tree limbs to provide the necessary separation from flammable ground litter;
- construct the dwelling and unit within an area where the canopy separation has been created through the falling of the larger trees;
- all driveways and paths constructed of compacted gravel;
- all stacked firewood kept to a minimum and not within 6m of any buildings or structures;
- the vegetation beside the vehicular entry and exit driveways to the property and all buildings maintained to a height of 4m and width of 6m;

(b) buildings and works associated with the construction of a single dwelling or an associated outbuilding: all clearing work has and will be undertaken in accordance with the BAL and BHMP reports for the single dwelling, unit and outbuilding and will be maintained accordingly;

(c) subdivision in the General Residential Zone or Low Density Residential Zone: not applicable as the development site is located within the Landscape Conservation Zone and the application does not propose a subdivision;

(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design: the development site is owned by a young couple who have purchased it to establish their home in preparation for a future family. They have an established on-line lifestyle business that does not involve members of the public visiting the site. In addition they are environmentally aware and wish to retain much of the native vegetation outside of the BHMP. The establishment of a new, young family and their business in the area will provide long-term social and economic benefits to the area;

(e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence: not addressed; or

(f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site: following the devastating 2006 Scamander Bushfires, the current owners wish to ensure the area around the proposed greenhouse and recently approved and built pre-fabricated shed, is maintained in a low fuel state. Prior to any clearing, the Forest Practices Plan dated 17 July 2021 and authored by David Tucker, Forestry & Technical Services was completed. This, along with the review of the LIST, confirms the entire 2.96ha site does not have any recorded sightings of any threatened flora or fauna species. The forest practice plan completed in 2021, was completed prior to the priority overlay being declared.

No proposed or existing buildings are or will be located within 6m of each other. A small amount of standing regrowth vegetation has been removed in the location of the secondary residence and will be removed in the location of the future dwelling. This is to provide the minimum 41m buffer area to maintain the BAL 19 rating as recommended by Mr Van Zetten and in accordance with AS3959-2018. As the previously listed report as well as the LIST do not acknowledge the presence of any vegetation that may form the potential habitat of threatened flora or fauna, it is put

to the Planning Authority, the fuel reduction maintenance has and will be undertaken in a limited scale relative to the extent of the lack of on-site priority vegetation.

P1.2 – Performance Criterion

As stated above, all existing and proposed structures have and will be located over ground that was significantly impacted through the intensity of the 2006 Scamander bushfires, cleared by the previous landowners and as required by the current bushfire assessment undertaken by the suitably qualified person. Only that vegetation required to provide the BAL 19 rating, will be cleared. As stated previously, no threatened or endangered flora or fauna, or their potential habitats, have been or were observed on-site during the preparation of the forest practices plan.

The current landowners / developers purchased this property because of the ambience created by the bush setting; it is their intention to minimise any potentially adverse impacts on all existing vegetation while maintaining the BHMP, having regard to the following:

- (a) **the design and location of buildings and works and any constraints such as topography or land hazards:** the location chosen for the future dwelling and secondary residence are in proximity to the existing buildings which were constructed over land significantly impacted prior to its most recent purchase. Although this location has a slight easterly downslope, it is the flatter section of the Title and will create the least adverse impacts through erosion or from construction machinery and materials. The developers are landscaping the existing cleared area outside the BHMP with appropriate, fire retardant native plants to further lessen the existing impact caused by the previous occupants as well as prevent water runoff. It will also have the least adverse impact on existing native vegetation. While prone to bushfire, this location is not constrained by flood nor land instability overlays, thereby complying with this subclause;
- (b) **any particular requirements for the buildings and works:** the developers wish to spread the buildings around the cleared area to minimise any potentially adverse visual bulk that may be created by a number of buildings in close proximity to each other. This chosen layout is also important for the landowners to keep the character and ambience of the area for their own, long-term enjoyment of the property. However the structures will be reasonably close to enable ease of protection from future bushfires or other natural threats;
- (c) **minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings:** all future habitable buildings have been located over ground that was previously impacted by the Scamander bushfires as well as the previous owners. The BHMP shows those areas that will need to be maintained in a low fuel state. It was noted during the last site visit, that these areas are already being kept in such a condition;
- (d) **any mitigation measures implemented to minimise the residual impacts on priority vegetation:** all buildings associated with the existing Residential Use, have been located on the more level area beside the northern Banticks Creek Road frontage. Both the Forest Practices Plan and the variety of threatened flora and fauna overlays on the LIST have not identified any species on-site. The gradient of the slope to the south and east of the proposed structures is such that no vehicles

will drive over it and all standing vegetation will be retained so as to maintain the soil stability. Furthermore, the developers are planting beds around the existing vehicle manoeuvring areas to further prevent people and vehicles from driving toward and over that sloping ground. Such beds will not be covered with flammable mulch such as pine bark that is prone to fire;

- (e) **any on-site biodiversity offsets**: although the site is completely burdened by the priority vegetation area overlay, a review of the LIST Threatened Flora and Fauna overlays, does not identify any species or their potential habitat, on-site. For this reason, no specific biodiversity offsets are proposed, though the developers will continue to plan native vegetation outside the areas identified within the BHMP in a manner to maintain their ambience and native wildlife; **and**
- (f) **any existing cleared areas on the site**: the temperatures at which the fires in the 2006 Scamander bushfires burned, was significant and caused much damage to the native vegetation. This vegetation has been regenerating from that period. However all existing and proposed buildings as well as their vegetation management areas, have been located over ground that was previously impacted by the bushfires as well as previous owners, with the purpose of minimising the clearance of more vegetation. It is therefore put to the Planning Authority this application complies with this discretion.

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 or unacceptable 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.

Not Applicable

This application does not propose a subdivision.

C8.0 Scenic Protection Code

Not Applicable

C8.1 Code Purpose

C8.1.1: The purpose of the Scenic Protection Code is to recognise and protect landscapes that are identified as important for their scenic values.

C8.2 Application of this Code

C8.2.1: This Code applies to development on land within a scenic protection area or scenic road corridor and in the Landscape Conservation Zone making it applicable to this application.

C8.4 Use or Development Exempt from this Code

C8.4.1: The following development is exempt from this Code:

- (f) any development or works associated with road construction within a scenic road corridor.

Figure 7 above, demonstrates the development site is setback from the Scenic Management Tourist Road Corridor, at least 152m. This Code is therefore not applicable to this application.

C9.0 Attenuation Code

Not Applicable

C9.1 Code Purpose

The purpose of the Attenuation Code is:

C9.1.1: To minimise adverse impacts on the health, safety and amenity of sensitive use from activities which have the potential to cause emissions.

C9.1.2: To minimise the likelihood for sensitive use to conflict with, interfere with, or constrain, activities which have the potential to cause emissions.

C9.2 Application of this Code

C9.2.1: This Code applies to:

- (a) activities listed in Tables C9.1 and C9.2;
- (b) sensitive uses; and
- (c) subdivision if it creates a lot where a sensitive use could be established, within an attenuation area.

C9.2.2: The Code does not apply to attenuation areas between the activities listed in Tables C9.1 and C9.2 where those activities occur within the Light Industrial Zone, General Industrial Zone, Port and Marine Zone, and Utilities Zone.

C9.2.3: The Code does not apply to sensitive uses occurring within the Light Industrial Zone, General Industrial Zone, Port and Marine Zone, and Utilities Zone.

C9.2.4: The Code does not apply to a plant nursery or controlled environment agriculture activities occurring within the Rural Zone and Agriculture Zone.

C9.4 Use or Development Exempt from this Code

C9.4.1: The following use or development is exempt from this Code:

- (a) use or development assessed as a level 2 activity; and
- (b) additions or alterations to an existing building used for sensitive use, provided that the gross floor area does not increase by more than 50% or 100m², whichever is the greater, from that existing at the effective date.

All the activities listed in Tables C9.1 and C9.2 were reviewed and none are known to operate within the specified distances of the development site. It is therefore put to the Planning Authority this Code is not applicable.

C10.0 Coastal Erosion Hazard Code

Not Applicable

C10.1 Code Purpose

The purpose of the Coastal Erosion Hazard Code is:

C10.1.1: To ensure that use or development subject to risk from coastal erosion is appropriately located and managed, so that:

- (a) people, property and infrastructure are not exposed to an unacceptable level of risk;
- (b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised;
- (c) it does not increase the risk from coastal erosion to other land or public infrastructure; and
- (d) works to protect land from coastal erosion are undertaken in a way that provides appropriate protection without increasing risks to other land.

C10.2.1: To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.

C10.2.2: The Planning Authority may only make a request under clause C10.2.1(b) where it reasonably believes, based on information in its possession, that the land is located on an actively mobile landform within the coastal zone.

C10.2.3: For the purposes of C10.5.1, Residential and Visitor Accommodation are not Use Classes that are reliant on a coastal location.

C10.2 Application of this Code

C10.2.1: This Code applies to:

- (a) use and development of land within a coastal erosion hazard area; or
- (b) development identified in a report, that is lodged with an application, or required in response to a request under Section 54 of the Act, as located on an actively mobile landform within the coastal zone.

C10.4 Use or Development Exempt from this Code

C10.4.1: Excluding where development occurs on an actively mobile landform in the coastal zone, the following Use or development is exempt from this Code:

- (a) use or development that requires authorisation under the *Building Act 2016*, excluding:
 - (i) a critical use, hazardous use, or vulnerable use;
 - (ii) if located within a high coastal erosion hazard band; or
 - (iii) coastal protection works;
- (b) intensification of an existing use, if not for a critical, hazardous or vulnerable use;
- (c) alterations or extensions to an existing building locate within a high coastal erosion hazard band, if:
 - (i) the site coverage is not increased by more than 20m² from that existing at the effective date; and
 - (ii) not for a critical, hazardous, or vulnerable use;
- (d) use or development of land for:
 - (i) Natural and Cultural Values Management;
 - (ii) Passive Recreation;
 - (iii) Port and Shipping in a proclaimed wharf area;
 - (iv) Resource Development, excluding use or development in the high coastal erosion hazard band that requires authorisation under the *Building Act 2016*; or
 - (v) Minor utilities;
- (e) planting or disturbance of vegetation on existing pasture or crop production land; or
- (f) consolidation of lots.

The development site is not burdened by the Coastal Erosion Hazard Band on the Planning Scheme mapping ensuring this Code is not applicable.

C11.0 Coastal Inundation Hazard Code

Not Applicable

C11.1 Code Purpose

The purpose of the Coastal Inundation Hazard Code is:

C11.1.1: To ensure that use or development subject to risk from coastal inundation is appropriately located and managed so that:

- (a) people, property and infrastructure are not exposed to an unacceptable level of risk;
- (b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised;
- (c) it does not increase the risk from coastal inundation to other land or public infrastructure; and
- (d) works to protect land from coastal inundation are undertaken in a way that provides appropriate protection without increasing risks to other land.

C11.1.2: To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.

C11.2 Application of this Code

C11.2.1: This Code applies to use and development of land within a coastal inundation hazard area.

C11.2.2: This Code applies to land in a coastal inundation investigation area where a suitably qualified person has provided a land survey showing an AHD for the land that falls within one of the coastal inundation hazard band levels shown in the coastal inundation hazard bands AHD levels list in the relevant Local Provisions Schedule and the standards relevant to each band apply.

C11.2.3: This Code does not apply to land in a coastal inundation investigation area where a suitably qualified person has provided a land survey showing an AHD for the land in excess of the low hazard band level relevant for that land, as shown in the coastal inundation hazard bands AHD levels list in the relevant Local Provisions Schedule.

C11.2.4: For the purposes of C11.5.1 and C11.5.2, Residential or Visitor Accommodation are not Use Classes that are reliant on a coastal location.

C11.4 Use or Development Exempt from this Code

This Clause was reviewed though not included due to the number of exemptions listed. None were considered applicable to this application.

The development site is not burdened by the Coastal Inundation Hazard Band on the Planning Scheme mapping ensuring this Code is not applicable.

C12.0 Flood-Prone Areas Hazard Code

Not Applicable

C12.1 Code Purpose

The purpose of the Flood-Prone Areas Hazard Code is:

C12.1.1: To ensure that use or development subject to risk from flood is appropriately located and managed, so that:

- (a) people, property and infrastructure are not exposed to an unacceptable level of risk;
- (b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised; and
- (c) it does not increase the risk from flood to other land or public infrastructure.

C12.1.2: To preclude development on land that will unreasonably affect flood flow or be affected by permanent or periodic flood.

C12.2 Application of this Code

C12.2.1: this Code applies to development of land within a flood-prone area.

C12.2.2: this Code applies to use of land within a flood-prone hazard area if for:

C12.2.3: this Code applies to use in a habitable building, or development of land, identified in a report prepared by a suitably qualified person, that is lodged with an application for a permit, or required in response to a request under Section 54 of the Act, as subject to risk from flood or that has the potential to cause increased risk from flood.

C12.2.4: the Planning Authority may only make a request under clause C12.2.3 where it reasonably believes, based on information in its possession, that the land is subject to risk from flood or has the potential to cause increased risk from flood.

C12.2.5: This Code does not apply to land subject to the Coastal Inundation Hazard Code.

C12.4 Use or Development Exempt from this Code

The exemptions listed under subclause C12.4.1 were reviewed though none considered applicable to this application.

The development site is not identified as being within a flood-prone hazard area on the Planning Scheme mapping ensuring this Code is not applicable.

C13.0 Bushfire-Prone Areas Code

A review of the Planning Scheme mapping indicates the development site is prone to bushfire, as well as it being ravaged by the 2006 St Marys – Scamander Bushfires. For this reason a Bushfire Attack Level (BAL) assessment as well as a Bushfire Hazard Management Plan (BHMP) accompany this report. Both were completed by Mr Jason Van Zetten, BFP-113 of Red Dog Bushfire Assessors, dated 02 April 2024.

C13.1 Code Purpose

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.

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

C13.4.1: 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 an 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 7.3 of this Planning Scheme.

C13.5 Use Standards

C13.5.1 Vulnerable uses

Objective: That vulnerable uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the vulnerable use and the bushfire hazard.

Not Applicable

This application does not propose a vulnerable use.

C13.5.2 Hazardous uses

Objective: That hazardous uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the hazardous use and the bushfire hazard.

Not Applicable

This application does not propose a hazardous use.

C13.6 Development Standards for Subdivision

C13.6.1 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.

Not Applicable

This application does not propose a subdivision.

A review of the Planning Scheme overlays indicates the development site is prone to bushfire. While the proposal is not considered to be exempt from this Code in accordance with subclause C13.4.1, neither a subdivision, hazardous nor vulnerable Use as defined in C13.3.1 of the Planning Scheme is proposed.

Although this Code is not applicable, Mr Van Zetten notes the proposed works are within 100m of 1 hectare or greater of classifiable vegetation, ensuring a Bushfire Attack Level (BAL) assessment is required. The attached reports acknowledged the site vegetation can be modified to ensure both main and ancillary dwellings adopt a BAL 19 classification in accordance with AS 3959-2018.

C14.0 Potentially Contaminated Land Code

Not Applicable

C14.1 Purpose of the Potentially Contaminated Land Code

The purpose of the Potentially Contaminated Land Code is:

C14.1.1: To ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.

C14.2 Application of this Code

C14.2.1: This Code applies to a sensitive use, a use listed in a Use Class in Table C14.1 as one of the specified uses, or development, on land that:

- (a) is shown on an overlay map in the relevant Local Provisions Schedule as within an area of potentially contaminated land;
- (b) the planning authority knows to have been used for a potentially contaminating activity, by reference to:
 - (i) a notice issued in accordance with Part 5A of the Environmental Management and Pollution Control Act 1994; or
 - (ii) a previous permit;
- (c) the planning authority reasonably suspects may be contaminated by reference to:
 - (i) a notice issued in accordance with Part 5A of the Environmental Management and Pollution Control Act 1994; or
 - (ii) advice from the Director that it is likely that contamination has migrated onto the land; or
- (d) has been identified as having been used, or may have been used, for a potentially contaminating activity, or as land onto which it is likely that contamination from a potentially contaminating activity has migrated:
 - (i) in a report lodged with the application; or
 - (ii) in a report prepared by a site contamination practitioner in response to a request under section 54 of the Act.

The site has not knowingly been used previously for activities that may have potentially contaminated the land. For this reason it is put to the Planning Authority this Code is not applicable.

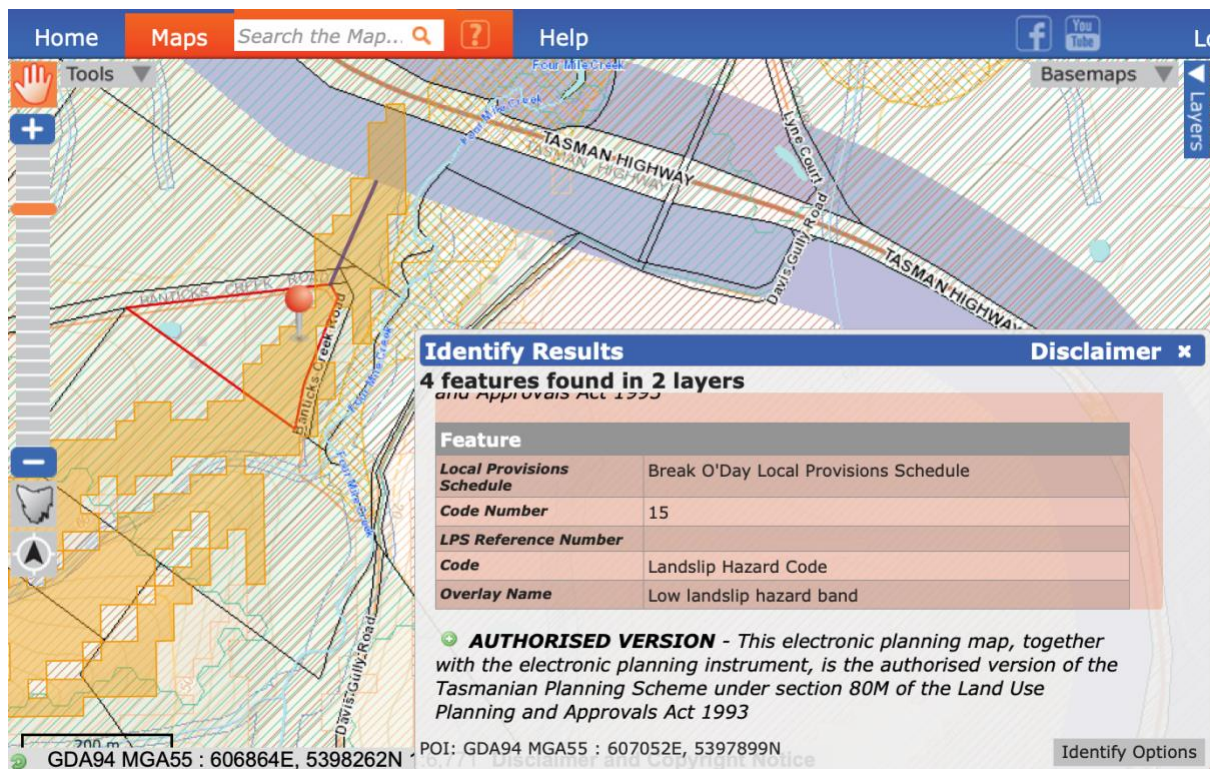


Figure 10: LISTmap image showing the Low landslip hazard band

C15.0 Landslip Hazard Code

Exempt

C15.1 Code Purpose

The purpose of the Landslip Hazard Code is:

C15.1.1: To ensure that a tolerable risk can be achieved and maintained for the type, scale and intensity and intended life of use or development on land within a landslip hazard area.

C15.2 Application of this Code

C15.2.1: This Code applies to:

- (a) Use or development of land within a landslip hazard area; or
- (b) Use or development of land identified in a report, that is lodged with an application, or required in response to a request under section 54 of the Act, as having potential to cause or contribute to a landslip.

C15.2.2: The Planning Authority may only make a request under subclause C15.2.1(b) where it reasonably believes, based on information in its possession, that the use or development of land has the potential to cause or contribute to landslip.

Exempt Development

A review of the Planning Scheme mapping demonstrates the development site is partially burdened by the Low Landslip Hazard Band. The exemptions listed under subclause C15.4.1 (a) and (d) of the Planning Scheme state:

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

- (a) Use of land within a low or medium landslip hazard band, excluding for a critical use,*

hazardous use or vulnerable use...
(d) development on land within a low or medium landslip hazard band that requires authorisation under the Building Act 2016..."

Based on both the above exemptions as well as the Geotechnical Site Investigation undertaken by Enviro-Tech Consultants Pty Ltd dated 13 June 2024, specifically page 7, this Code is not applicable.

C16.0 Safeguarding of Airports Code

Not Applicable

C16.1 Code Purpose

The purpose of the Safeguarding of Airports Code is:

C16.1.1: To safeguard the operation of airports from incompatible use or development.

C16.1.2: To provide for use and development that is compatible with the operation of airports in accordance with the appropriate future airport noise exposure patterns and with safe air navigation for aircraft approaching and departing an airport.

C16.2 Application of this Code

C16.2.1: This Code applies to:

- (a) a sensitive use within an airport noise exposure area; and
- (b) development within an airport obstacle limitation area.

C16.4 Use or Development Exempt from this Code

C16.4.1: The following use or development is exempt from this Code:

- (a) development that is not more than the AHD height specified for the site of the development in the relevant airport obstacle limitation area.

The development site is not burdened by an overlay indicating it is within an airport noise exposure area or airport obstacle limitation area. This Code is therefore not applicable.

The Break O'Day Local Provisions Schedule was reviewed with none of those listed, applicable to this application.

4. CONCLUSION

The submitted application is seeking Planning approval for the construction of a 203.3m², L-shaped dwelling consisting of 3 pods as well as a 60m², 2 storey secondary dwelling on a partially serviced bush property within the Landscape Conservation Zone of Four Mile Creek. The existing pre-fabricated shed and carport will be retained on the 2.96ha, almost triangular partially cleared and undulating property located a short distance north of the Banticks Creek Road intersection with Davis Gully Road. The existing Residential Use attained by the previous owners will be continued through the future dwelling while the secondary dwelling will be used for personal overflow accommodation only.

The purpose of this report and documentation forming the application is to demonstrate the proposal complies with the relevant Zone and Codes of the *Tasmanian Planning Scheme – Break O’Day* and the *Break O’Day Local Provisions Schedule*. Subsequently the application is submitted for assessment and approval in accordance with the Objectives and Section 57 of the *Land Use Planning and Approvals Act 1993*.

5. APPENDICES

- a. Certificate of Title: CT 140185 – 2:
 1. Folio Text;
 2. Folio Plan;
 3. Property Information Report;
 4. B632353 Torrens Scanned Dealing;
- b. Site Plan and Building Elevations version 3, dated 22 November 2024;
- c. Existing Shack Drawings – elevations and internal layout;
- d. Geotechnical Site Investigation for Foundations and Wastewater dated 13 June 2024 by Enviro-Tech Consultants Pty Ltd;
- e. BAL and BHMP Reports dated 02 April 2024 authored by Red Dog Bushfire Assessors;
- f. Red Dog Bushfire Assessors letter dated 13 January 2025, addressing subclause 7.6.2 Vegetation Clearance;
- g. Forest Practices Plan dated 17 July 2021 authored by David Tucker, Forestry & Technical Services;



-  BUSHFIRE SITE ASSESSMENTS
-  BUSHFIRE REPORTS
-  HAZARD MANAGEMENT PLANS

PH: 0429 199 934
www.reddogbushfire.com.au

VZ Designs Pty Ltd ABN 50 110 377 421 e: info@reddogbushfire.com.au PO Box 7647, Launceston

BUSHFIRE ASSESSMENT

Client	Lucia Mazzella-Field	Volume/Folio Number	140185/2
Site	47 Banticks Creek Road, Four Mile Creek, Tas, 7215	PID	2249053
Report By	Jason Van Zetten	Accreditation	BFP113
Date	2 nd April, 2024	Job Reference	8019



Proposal

The proposal is for a new residential dwelling and ancillary dwelling to be located on a triangular site of approx. 2.7ha which is located on Banticks Creek Road.

Site Description

The site is located approximately 2km from Banticks Creek Road's junction with Davis Gully Road and is around 800m south of the residential area of Four Mile Creek. The description is general from both building locations and may differ from the actual calculation distances from each individual building.

To the north of the proposed works is forest and woodland associated with the site itself which extends to the northern Banticks Creek Road property boundary. Beyond the road are other neighbouring lots which are predominantly forested and extend down the hillside around 400m through to the Tasman Highway. Beyond this, areas of farmland, grassland and forest extend both sides of the Tasman Highway on the west side of the Four Mile Creek village, across the undulating hillsides, through to the junction of Tasman Highway and Four Mile Creek Road, approximately 2km, at the northern end of Four Mile Creek beach.

To the east of the proposed works, woodland and forest extends across the site itself at least 50m through to Banticks Creek Road. Beyond the road, forest extends down the hillside, around 100m through to Four Mile Creek. Beyond this, forest extends up the adjacent hillside to David Gully Road, around 200m from the proposed works, with a mix of grassland, scrub and forest extending through to the adjacent hilltop known as Legges Sugarloaf, around 900m from the works.

To the south of the proposed works, forest and woodland extend across the site itself for around 20m to the property boundary. Beyond the boundary forest extends across the undulating hillsides associated with the valley around Four Mile Creek with forest extending as the predominant feature for several kilometres on the foothills of St Patricks Head.

To the west of the proposed works, forest and woodland extends to the property boundary for approx. 20m (varies). Forest and scrub extend up the hillside of neighbouring lots through to the end of Banticks Creek Road, around 600m from the works. Beyond this, Parks and Wildlife land, being heavy forest, extends for around 4km through to the top of St Patricks Head.



Water Supply

There is no reticulated water to the area and therefore fire fighting water supply will be required. This will require the installation of a water tank either steel or concrete with a capacity of 10,000 litres static water supply (per use).

The tanks are to be fitted with Tas Fire approved 'Storz' fittings as per the requirements set out by Tas Fire.

Signage on the tanks and on the access gate to the property will be required as per the Tas Fire Specifications attached.

The tanks are required to be installed at least 6 metres from the dwelling with access to the tanks within 3 metres of an area suitable for fire truck access.

The opportunity may exist to install one larger tank on the site between the main house and the ancillary house on the basis that the distance from each building is less than 90m from the tank. In this case, the tank would need a minimum capacity of 20,000 litres.

Access

Access is via two existing well formed gravel crossovers and a well formed gravel driveway and turning area. The access may require come upgrade to meet the requirements for each building as follows.

The following design and construction requirements apply to property access greater than 30m in length or for access for a fire appliance to a firefighting water point as per Building Act 2016 Directors Determination Bushfire Hazard Areas.:

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



Opportunities & Constraints

1. Whilst a mix of vegetations exists in all directions, forest is deemed the predominant feature to AS3959/2018 2.3 Classification of Vegetation.
2. The LISTmap for the area shows the boundary lines coloured pink, which generally means they should not be relied upon. Actual fencelines on the site are most likely to be more accurate and would need verification prior to construction.
3. No plans were provided at the time of writing this report, however a “mud map” of the proposed locations were provided. Upon completion, architectural plans should be forwarded to Red Dog Bushfire for verification.
4. The natural gravelly nature of the site should make it easy to both manage driveways and hazard management areas.
5. Both buildings have different calculators towards the east with regards to slope.

Conclusion

As the proposed works are within 100m of 1 hectare or greater of classifiable vegetation and the site is within a bushfire prone mapped area, a BAL assessment is required for the purpose of these works.

After consideration of the site itself and the surrounding vegetations, across the steep undulating countryside, it is deemed that forest be adopted as the key calculator of vegetation. On this basis, the main dwelling can adopt a BAL 19 classification with a hazard management distance of 27m to the north, 34m to the east, 27m to the south and 23m to the west as a minimum setback to the south western boundary.

The ancillary dwelling can adopt a BAL 19 classification with a hazard management distance of 27m to the north, 41m to the east, 27m to the south and 23m to the west as a minimum setback.

This BAL 19 classification is based on AS3959/2018 2.3 Classification of Vegetation and 2.6 Determination of BAL FDI50

BAL 19 to AS3959-2018

It is the responsibility of the accredited architect/designer to provide specific construction details to AS3959/2018 and fire fighting water supply and property access requirements on the plans, as per this report for approval in line with the requirements setout in CBOS schedule 1. Water supply and property access details can be copied from this report and hazard management plan without fear of copyright.



Bushfire Hazard Management Plan

The attached Bushfire Hazard Management Plan must be implemented prior to occupation of the new works.

Failure to meet the requirements of this report may invalidate your insurance policy in the event of a bushfire.

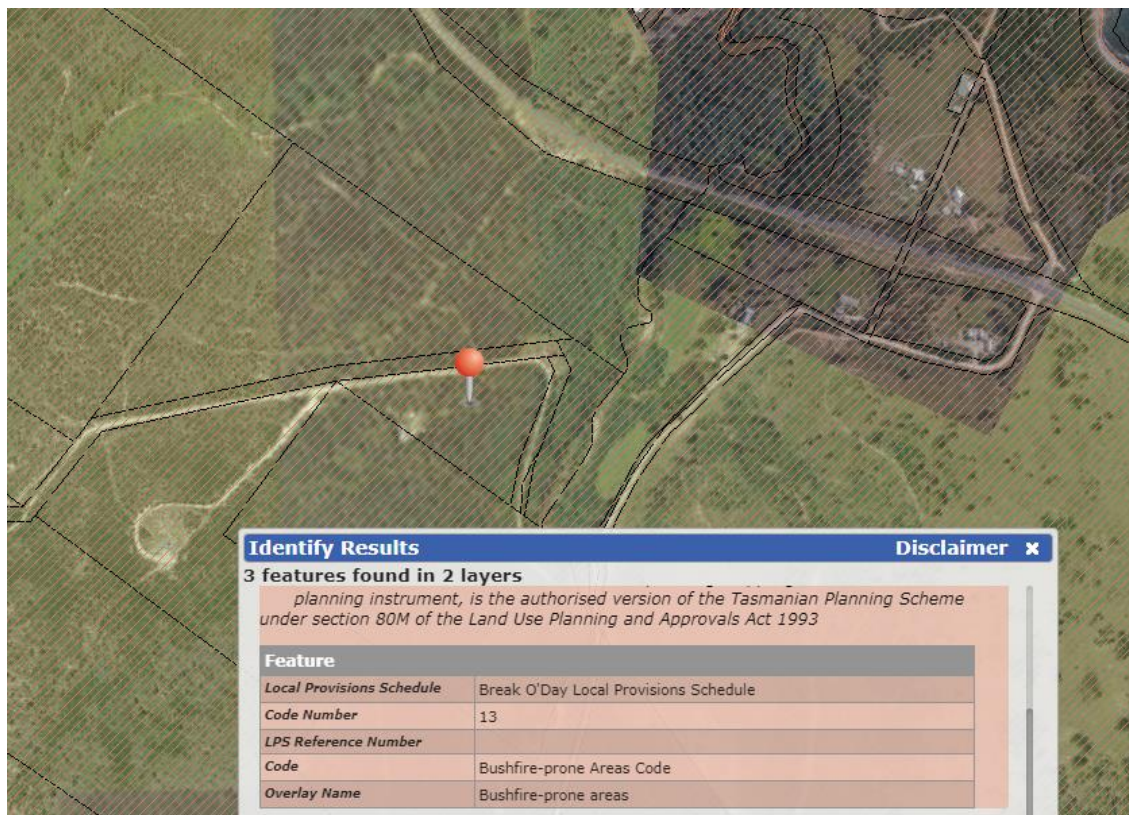
The highlighted area is required to be maintained as per the plan and in line with AS3959/2018.

Limitations

This report only deals with potential bushfire risk and all other statutory assessments are outside this report. All information provided was as at the time of inspection of the site, and this report is not to be used for further or future development of the site other than what has been provided by the plans attached. This report and/or management plan does not guarantee that the building will survive a bushfire.

Bushfire Mapping

This site is considered bushfire prone as per LISTmap.



Bushfire Site Assessment

Vegetation classification AS3959	North	East	South	West
Group A	Forest	Forest	Forest	Forest
Group B	Woodland	Woodland	Woodland	Woodland
Group C	Shrub-land	Shrub-land	Shrub-land	Shrub-land
Group D	Scrub	Scrub	Scrub	Scrub
Group E	Mallee-Mulga	Mallee-Mulga	Mallee-Mulga	Mallee-Mulga
Group F	Rainforest	Rainforest	Rainforest	Rainforest
Group G	Grassland	Grassland	Grassland	Grassland
Predominant Feature	Forest	Forest	Forest	Forest
Excluded				
Effective slope (degrees)	Up/0°	Up/0°	Up/0°	Up/0°
	>0-5°	>0-5°	>0-5°	>0-5°
	>5-10°	House - >5-10°	>5-10°	>5-10°
	>10-15°	Ancillary - >10-15°	>10-15°	>10-15°
	>15-20°	>15-20°	>15-20°	>15-20°
Distance to classified vegetation	10 metres (nominal)	10 metres (nominal)	10 metres (nominal)	10 metres (nominal)
Distance Required for Onsite Bushfire Hazard Management	27 metres	Dwelling 34 metres Ancillary 41 metres	27 metres	23 metres
Likely direction of bushfire attack	North	East	South	West
Prevailing winds	North	East	South	West
BAL Value (FDI 50)	BAL – 19	BAL – 19	BAL – 19	BAL – 19

The values have been achieved from the location proposed, within the constraints of the site. If the location or nature of the proposal is to be altered for any reason this report will need to be amended to suit



Photos



Photos



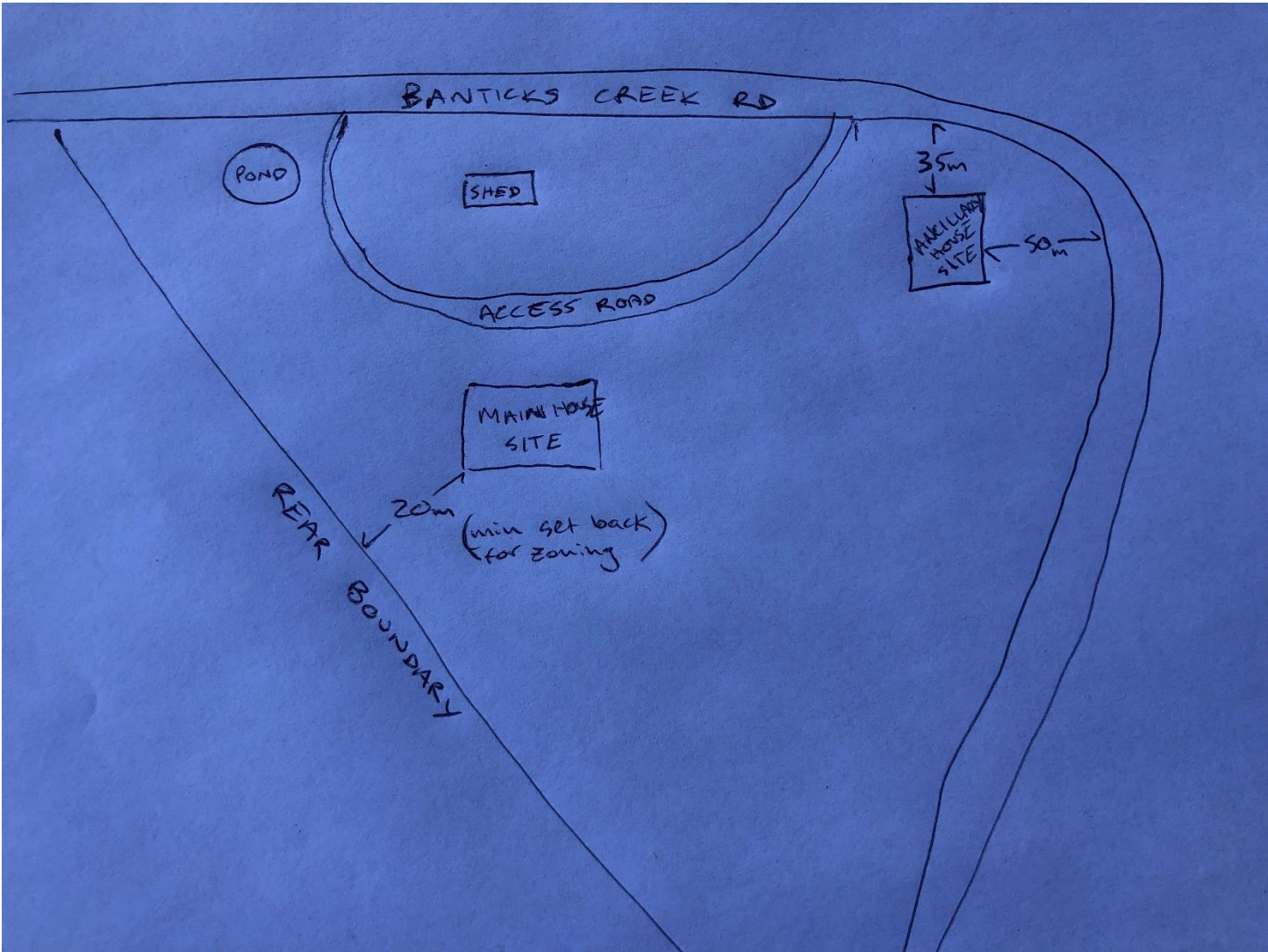
Photos



Appendix 1: General Overview of Bushfire Attack Level Classifications

BAL – LOW	The risk is considered to be VERY LOW. There is insufficient risk to warrant any specific construction requirements but there is still some risk.
BAL – 12.5	The risk is considered to be LOW. There is a risk of ember attack. The construction elements are expected to be exposed to a heat flux not greater than 12.5 kW/m².
BAL – 19	The risk is considered to be MODERATE. There is a risk of ember attack and burning debris ignited by windborne embers and a likelihood of exposure to radiant heat. The construction elements are expected to be exposed to a heat flux not greater than 19 kW/m².
BAL – 29	The risk is considered to be HIGH. There is an increased risk of ember attack and burning debris ignited by windborne embers and a likelihood of exposure to an increased level of radiant heat. The construction elements are expected to be exposed to a heat flux not greater than 29 kW/m².
BAL – 40	The risk is considered to be VERY HIGH. There is a much increased risk of ember attack and burning debris ignited by windborne embers, a likelihood of exposure to a high level of radiant heat and some likelihood of direct exposure to flames from the fire front. The construction elements are expected to be exposed to a heat flux not greater than 40 kW/m².
BAL – FZ	The risk is considered to be EXTREME. There is an extremely high risk of ember attack and burning debris ignited by windborne embers, and a likelihood of exposure to an extreme level of radiant heat and direct exposure to flames from the fire front. The construction elements are expected to be exposed to a heat flux greater than 40 kW/m².





the BUSHFIRE HAZARD MANAGEMENT AREA (defendable space) as shown on this plan (shown hatched) has been designated between the dwelling and the risk and MUST be maintained / managed to reduce the spread of embers / flames / fires.

the implementation of this BUSHFIRE HAZARD MANAGEMENT PLAN must be carried out prior to occupancy of the dwelling.

- the occupant must
- keep grass / lawns to a length of less than 100mm, and maintain
 - remove fallen limbs, bark and litter from the BFHM area
 - not use flammable garden mulch such as pinebark
 - regularly thin out the under storey of trees and shrubs
 - prune low hanging tree limbs to create separation from flammable ground litter
 - prune larger trees to create canopy separation
 - remove and maintain flammable debris from gutters and around the building
 - construct non flammable driveways, paths and structures
 - keep fire wood storage to a minimum and greater than 6m from the building

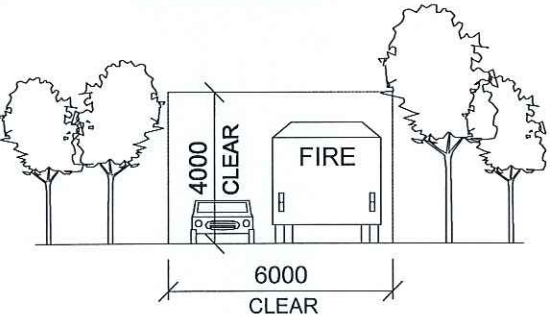
planting establishment, where possible is to be primarily of low flammability shrubs species

this BUSHFIRE HAZARD MANAGEMENT PLAN has been prepared for this site / dwelling only and is to be read in line with report associated with this project and is to be read in line with report associated with this plan. failure to implement / continue the management of this plan may result in failure to comply with insurance requirements / conditions

property access (bushfire prone site)
all weather road construction suitable for a load capacity of at least 20 tonnes including bridges, culverts etc. minimum carriage way width and height 4m, with 0.5m minimum horizontal clearance from the edge of the carriageway. cross falls are to be less than 3deg (1:20) dips are to be less than 7 deg (1:8) entry and exit angle and curves are to have a minimum inner radius of 10m. max gradient of 15 deg (1:3.5) for sealed roads and max gradient of 10 degrees (1:5.5) for unsealed roads hammer head 'T' or 'Y' turning head 4m wide and 8m long

ACCESS / DRIVEWAY to dwelling is constructed of suitable all weather material suitable for fire truck access or exit from the site in all weather from the site at the time of a fire

vegetation must be cleared and kept clear and maintained to a height of 4m and a width of 6m clear access for fire fighting / fire truck access and other emergency vehicles



A COPY OF THIS DOCUMENT MUST BE PROVIDED TO ALL CURRENT & SUCCESSIVE OWNERS TO MAKE THEM AWARE OF THEIR OBLIGATIONS OF CONTINUING MAINTENANCE AND BUSHFIRE ASSOCIATED RISK

bush fire water supply
min 10000 litre water tank / static water supply per dwelling (20000 litre total)
constructed of steel (colorbond) or concrete to be located greater than 6m from the dwelling and within 3m of the driveway available for fire fighting purposes at all times.
tank is to be fitted with a DIN or NEN standard forged Storz 65mm coupling fitted with a suction washer for connection to firefighting equipment coupling is to be fitted with a blank cap and securing chain minimum 220mm length

bush fire water supply - fittings pipework & accessories
Fittings and pipework assoc with fire fighting static water supply must:
- have a minimal internal diameter of 50mm
- be fitted with a valve with a diameter of 50mm
- be metal if above ground
- if buried have a minimum depth of 300mm
- provide a DIN or NEN standard forged Storz 65mm coupling fitted with a suction washer for connection to fire fighting equipment
- ensure coupling is accessible and available for connection at all times
- ensure the coupling is fitted with a blank cap and securing chain 220mm long
- where a remote offtake is installed, ensure the offtake is in a position that is
- visible
- accessible to allow connection by fire fighting equipment
- at a working height of 450 - 600mm above ground level
- and be protected from possible damage by vehicles

bush fire water supply signage
provide signage as per Tas Fire signage requirements for size, details and colour permanently fixed to the exterior of the water tank in a location visible from the driveway refer to 'Tasmanian Fire Service water supply signage guidelines' document (Tas Fire web site)



legend

- BUSHFIRE HAZARD MANAGEMENT AREA (HMA)
- NEW WORKS (limitations of this BFHMP)

bal 19

bushfire hazard management plan

SCALE: 1:1000 approx

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amendment

1.
2.
3.
4.

bushfire hazard management plan
for: L Mazzella-Field
lot:2 no.47
Banticks Creek Road
Four Mile Creek

dwg no.	BFHMP - 8019			version -	01
sheet:	01	of	01	print date	
date:	April 2024				
scale	1:1000 @ A3 approx				
bal	19				
	drawn: JVZ				



- BUSHFIRE SITE ASSESSMENTS
- BUSHFIRE REPORTS
- HAZARD MANAGEMENT PLANS
- SHORT TERM ACCOMMODATION

PH 0429 199 934
www.reddogbushfire.com.au

this Bushfire Hazard Management Plan is to be read in conjunction with report no.8019 prepared by Jason Van Zetten Accreditation no. BFP113 scope of work 1,2,3A

this Bushfire Hazard Management Plan has been prepared by Jason Van Zetten Accreditation no. BFP113 scope of work 1,2,3A