

Received  
07.04.2022

APPENDIX 1 – MAPS

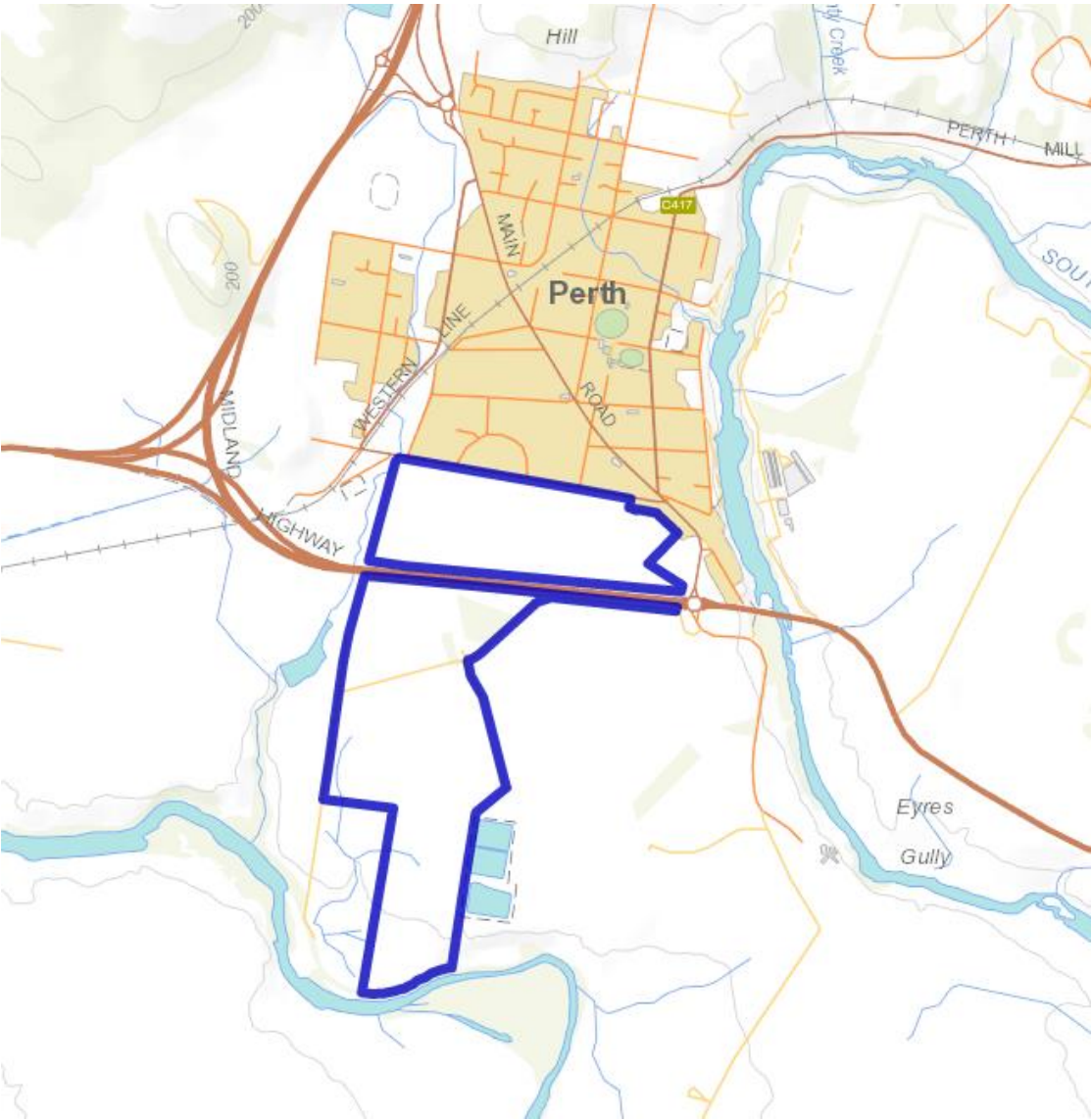


Figure 1: Location existing title in blue

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**Figure 2: Aerial Image**



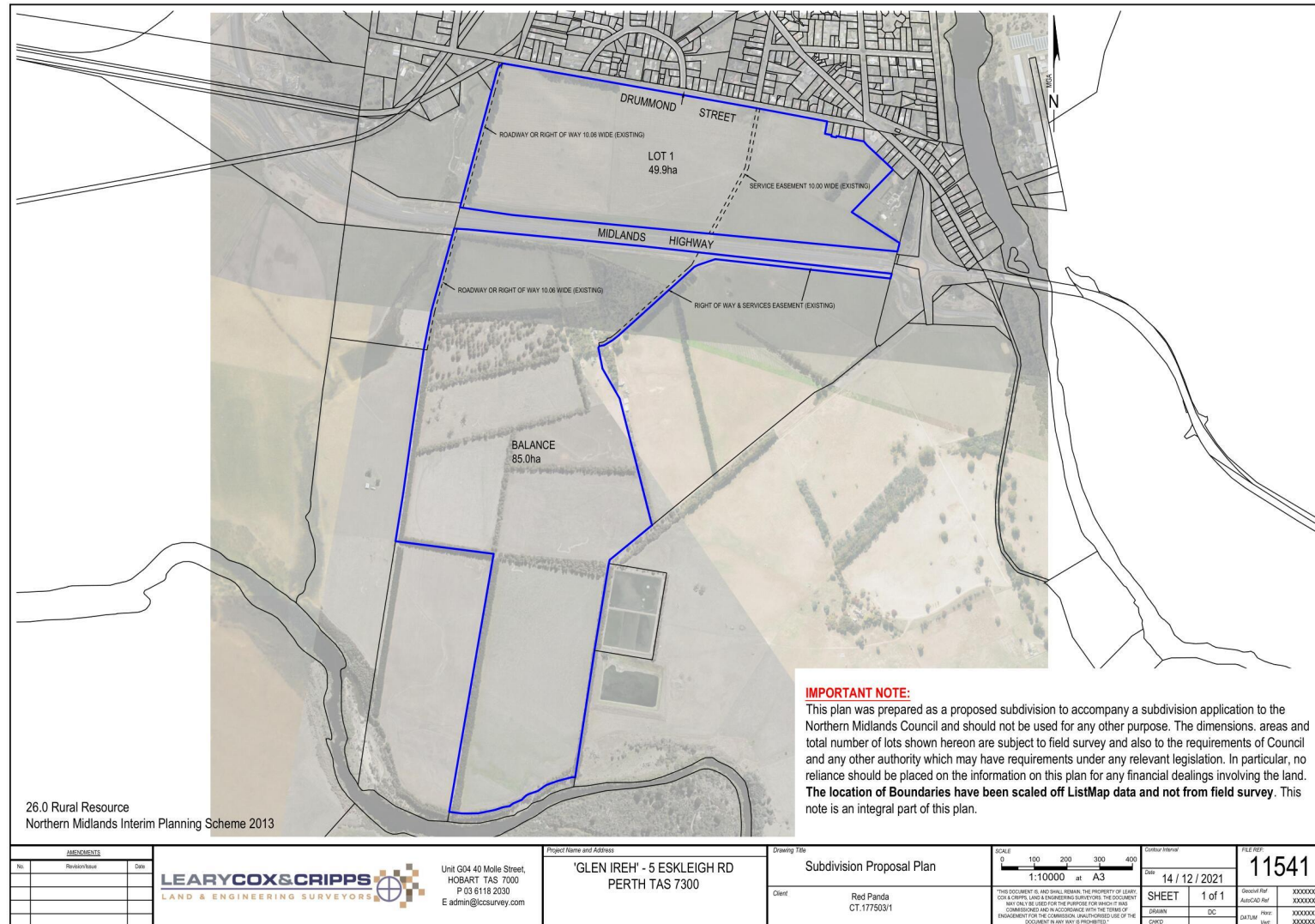
**Received**  
07.04.2022



**Figure 3: aerial image, lot 1**

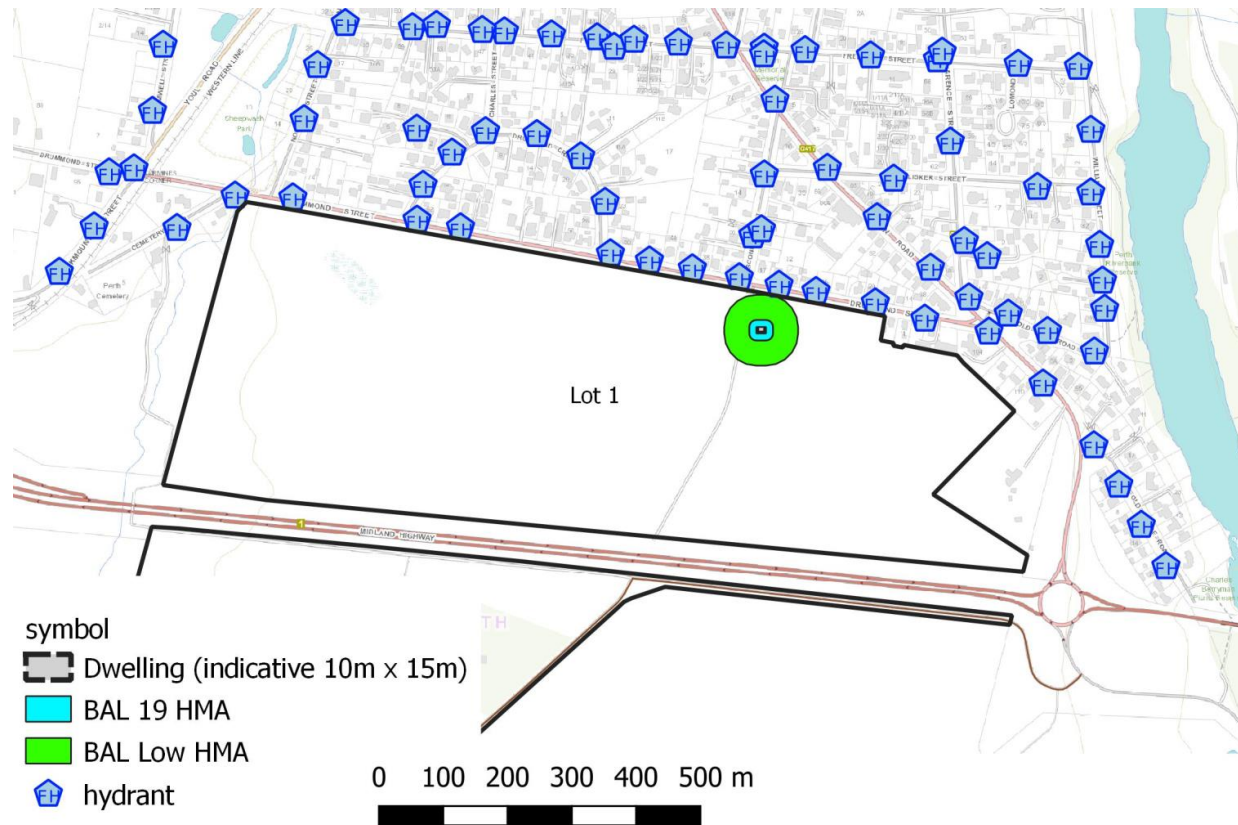
**Received**

07.04.2022

**Figure 4: Proposed Subdivision Plan***Bushfire Report**Livingston Natural Resource Services* 6



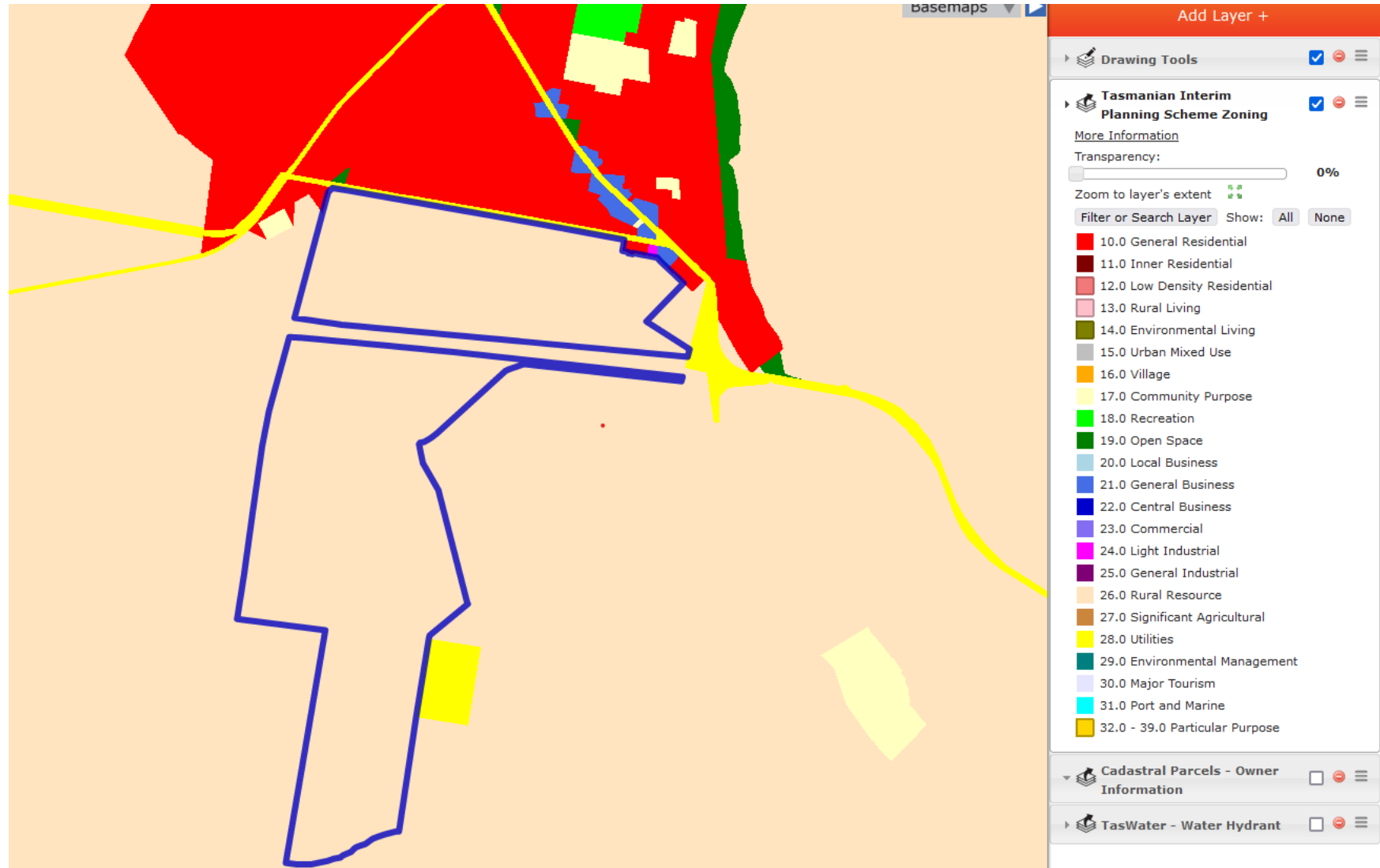
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**Figure 5: Indicative habitable building and HMA, Lot 1**

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**Figure 6: current zoning**



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**APPENDIX 2 – PHOTO**

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**Figure 7:** north across hwy to lot 1



**Figure 8:** west along Drummond St, lot 1 to south (left)

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**Figure 9 :south across lot 1**



**Figure 10: south from Drummond St, lot 1 western boundary**



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**Figure 11: Adams Distillery hydrant.**



**Figure 12: access and tanks (Adams Distillery)**



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**Figure 13: garden, balance lot**



**Figure 14: access balance lot**



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## BUSHFIRE-PRONE AREAS CODE

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

#### 1. Land to which certificate applies

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

Street address: 5 Eskleigh Road, Perth

Certificate of Title / PID: CT 177503/1, PID 9125532

#### 2. Proposed Use or Development

Description of proposed Use and Development: 2 lot from 1 lot Subdivision and rezoning

Applicable Planning Scheme: Northern Midlands Interim Planning Scheme 2013

#### 3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Hazard Management Report 5 Eskleigh Road, Perth	Scott Livingston	30/3/2022	1
Subdivision Proposal Plan	Leary & Cripps	14/12/2021	

#### 4. Nature of Certificate

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

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

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<input checked="" type="checkbox"/>	<b>E1.4 / C13.4 – Use or development exempt from this Code</b>	
	<b>Compliance test</b>	<b>Compliance Requirement</b>
<input checked="" type="checkbox"/>	E1.4(a) / C13.4.1(a)	Insufficient increase in risk

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

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

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

<input type="checkbox"/>	<b>E1.6.2 / C13.6.2 Subdivision: Public and fire fighting access</b>	
	<b>Acceptable Solution</b>	<b>Compliance Requirement</b>



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<input type="checkbox"/>	E1.6.2 P1 / C13.6.2 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input type="checkbox"/>	E1.6.2 A1 (a) / C13.6.2 A1 (a)	Insufficient increase in risk
<input type="checkbox"/>	E1.6.2 A1 (b) / C13.6.2 A1 (b)	Property Access complies with relevant Tables,

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

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07.04.2022

**5. Bushfire Hazard Practitioner**

<b>Name:</b>	Scott Livingston	<b>Phone No:</b>	0438 951 021
<b>Postal Address:</b>	299 Relbia Road, Relbia	<b>Email Address:</b>	scottlivingston.lnrs@gmail.com
<b>Accreditation No:</b>	BFP – 105	<b>Scope:</b>	1, 2, 3A, 3B, 3C

**6. Certification**

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

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

**Signed:**  
certifier



**Name:**

Scott Livingston

**Date:**

30/3/2022

**Certificate Number:**

SRL 22/18E

(for Practitioner Use only)



Our ref: 104200.385; PLN-21-0073  
Enquiries: Erin Miles



31.03.2021

Andrew McCullagh  
PO Box 666  
SANDY BAY 7005  
via email only: [andrew.mccullagh@redpandaproperty.com](mailto:andrew.mccullagh@redpandaproperty.com)

Dear Mr McCullagh

**Additional Information Required for Planning Application PLN-21-0073- 2 Lot Subdivision at 5 Eskleigh Road, Perth**

I refer to the abovementioned application, which has been further reviewed by Council's Planners. The following information is required to allow consideration of your application under the *Northern Midlands Interim Planning Scheme 2013*:

- Plan of subdivision - showing existing and proposed lot boundaries, lot areas, relevant easements etc.
- Submission addressing performance criteria of the subdivision provisions of the Rural Resource Zone.
- Bushfire Report to comply with requirements of the Bushfire Prone Areas Code.

Therefore, in accordance with Section 54 of the *Land Use Planning and Approvals Act 1993*, the statutory period for processing the application will not recommence until the requested information has been supplied to the satisfaction of the Planning Authority. It is a requirement of the Planning Authority that all correspondence, if emailed, is sent to [planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au) and referenced with the planning application number PLN-21-0073. If you have any queries, please contact Council's Planning Section on 6397 7301, or e-mail [planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au)

Yours sincerely



Erin Miles  
**Development Supervisor**

**Rosemary Jones**

---

**From:** Porto Amalfi <portogroup888@gmail.com>  
**Sent:** Thursday, 8 April 2021 7:06 AM  
**To:** NMC Planning; Lynda.Jones@noagroup.com.au; andrew@redpandaproperty.com;  
Paul Godier  
**Subject:** PLN -21-0073 Request

Hi Erin

Further to your correspondence of the 31st MArch, i have authorised Brett Woolcott to conduct the survey and that should be through in 7 - 10 days with boundaries etc.

The Bushfire report contained in the rezoning application should be relied upon for your request for information in relation to that area. Council already have a copy of that document as i understand it.

I will provide the performance criteria also in the immediate future.

Please advise if you have any further requests.

Regards

AM



## Rosemary Jones

---

**From:** Rosemary Jones  
**Sent:** Wednesday, 29 June 2022 8:34 AM  
**To:** NMC Planning  
**Subject:** FW: Additional information still required - PLN-21-0073 - 2-lot subdivision - 5 Eskleigh Road, Perth

*Rosemary Jones*



Administration Officer - Community & Development | Northern  
Midlands Council  
Council Office, 13 Smith Street (PO Box 156), Longford Tasmania 7301  
T: (03) 6397 7303 | F: (03) 6397 7331  
E: [rosemary.jones@nmc.tas.gov.au](mailto:rosemary.jones@nmc.tas.gov.au) | W: [www.northernmidlands.tas.gov.au](http://www.northernmidlands.tas.gov.au)

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**From:** NMC Planning  
**Sent:** Thursday, 14 April 2022 4:53 PM  
**To:** George Walker <[gwalker@6ty.com.au](mailto:gwalker@6ty.com.au)>  
**Subject:** Additional information still required - PLN-21-0073 - 2-lot subdivision - 5 Eskleigh Road, Perth

Dear George, thank you for the additional information.

I have had the amended Land Capability Assessment reviewed by Pinion Advisory which advises that while the soils and land capability component of the Doyle Soil Consulting report is strong, very technical and appropriate, the agricultural land use activity which can and could be conducted on the property (north and south of highway) in question is lacking and should be more detailed, regarding carrying capacity, types and intensity of crops which can and could be grown, irrigation/dryland production systems and potential future agricultural development opportunities (or lack thereof).

Therefore, in accordance with section 54 (3) of the Land Use Planning and Approvals Act 1993, I advise that the request for information has not been answered to the satisfaction of the planning authority and the following additional information is required:

Information on the agricultural land use activity which can and could be conducted on the property (north and south of highway), regarding carrying capacity, types and intensity of crops which can and could be grown, irrigation/dryland production systems and potential future agricultural development opportunities.

Information on the existing integration of the block with the balance of the property regarding is it a finishing and/or breeding block, is it where fodder is harvested and supplies the balance of the property.

Will the loss of cropping land mean a reduction in the cropping rotation length and consequently impact the viability of the balance of the property?

The financial impact on the loss of the productivity is lacking regarding reduction in stocking rate and crops grown. Sufficient information on how the land sales money could be spent regarding the comment on page 14, that "the management of the remainder of the farm south of the highway would become easier".

While mention is made that land sale income could be spent on drainage, irrigation, fencing and new crop enterprises, more specific information is required in relation to;

- the need for drainage would be appropriate and how this could benefit the balance of the block
- opportunity and scope/upgrading for new irrigation (increased area, new system)
- the opportunity to purchase more water, so is water available (the cost) and quantum of water required, is the property limit for access to irrigation water already?

- what new crops could be grown, be they perennial, polyhouse berry fruit or more seasonal cash crops.
- What will the new investment do relative to the financial performance of the business conducted on the balance of the property.

Please contact me if you would like to discuss.

Yours sincerely,

*Paul Godier*



Senior Planner | Northern Midlands Council  
Council Office, 13 Smith Street (PO Box 156), Longford Tasmania 7301  
T: (03) 6397 7303 | F: (03) 6397 7331  
E: [paul.godier@nmc.tas.gov.au](mailto:paul.godier@nmc.tas.gov.au) | W: [www.northernmidlands.tas.gov.au](http://www.northernmidlands.tas.gov.au)

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---

**From:** George Walker <[walker@6ty.com.au](mailto:walker@6ty.com.au)>  
**Sent:** Thursday, 7 April 2022 2:34 PM  
**To:** NMC Planning <[planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au)>  
**Cc:** Andrew McCullagh <[andrew.mccullagh@redpandaproperty.com](mailto:andrew.mccullagh@redpandaproperty.com)>  
**Subject:** Response to Council RFI - PLN-21-0073 - 2-lot subdivision - 5 Eskleigh Road, Perth

Good afternoon,

Please find our response to Council's request for additional information request attached.

Please let me know if any additional information is required.

Regards,

George



**George Walker**  
Director | Planning Consultant

**Measured form and function**

Tamar Suite 103, The Charles  
287 Charles Street, Launceston 72  
PO Box 63, Riverside 7250  
P 03 6332 3300  
E [walker@6ty.com.au](mailto:walker@6ty.com.au)  
W [6ty.com.au](http://6ty.com.au)  
ARCHITECTURE | SURVEYING |

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Received  
15.06.2022



Our Ref: 22.061

Measured form and function

15 June 2022

Mr Paul Godier  
Senior Planner  
Northern Midlands Council  
By email: [planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au)

6ty Pty Ltd  
ABN 27 014 609 900

Postal Address  
PO Box 63  
Riverside  
Tasmania 7250  
W [6ty.com.au](http://6ty.com.au)  
E [admin@6ty.com.au](mailto:admin@6ty.com.au)

Tamar Suite 103  
The Charles  
287 Charles Street  
Launceston 7250  
P (03) 6332 3300

57 Best Street  
PO Box 1202  
Devonport 7310  
P (03) 6424 7161

**DEVELOPMENT APPLICATION - RESPONSE TO FURTHER INFORMATION  
REQUEST - PLN-21-0073 - 2 LOT SUBDIVISION - 5 ESKLEIGH ROAD, PERTH**

I refer to Council's request for further information by email dated 20 April 2021. This letter provides information in response to the matters raised within the correspondence.

**Council Request Item 1**

*I have had the amended Land Capability Assessment reviewed by Pinion Advisory which advises that while the soils and land capability component of the Doyle Soil Consulting report is strong, very technical and appropriate, the agricultural land use activity which can and could be conducted on the property (north and south of highway) in question is lacking and should be more detailed, regarding carrying capacity, types and intensity of crops which can and could be grown, irrigation/dryland production systems and potential future agricultural development opportunities (or lack thereof).*

*Therefore, in accordance with section 54(3) of the Land Use Planning and Approvals Act 1993, I advise that the request for information has not been answered to the satisfaction of the planning authority and the following additional information is required:*

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*Sufficient information on how the land sales money could be spent regarding the comment on page 14, that "the management of the remainder of the farm south of the highway would become easier".*





Our Ref: 22.061

Measured form and function

*While mention is made that land sale income could be spent on drainage, irrigation, fencing and new crop enterprises, more specific information is required in relation to:*

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#### **6ty° Response**

Upon review of the information that has been requested, it is contended that the specific information that has been requested is not relevant or required to demonstrated compliance with Performance Criteria 26.4.2 P1(a) of the *Northern Midlands Interim Planning Scheme 2013* ("**the Scheme**") which states:

*The subdivision must demonstrate that the productive capacity of the land will be improved as a result of the subdivision.*

In this regard, the proposed 2-lot subdivision seeks to formalise established physical fragmentation of an existing lot and will not have any impact upon the productive capacity of the land in a detrimental or adverse sense.

The existing lot has been fragmented by the construction of the Midland Highway which bypasses Perth. The presence of the highway impedes accessibility between the northern parcel and the southern parcel of the lot. It was initially proposed to instal an underpass which would provide connectivity between the two parcels of the same lot. However, the underpass has been installed to the west of the lot, principally connecting the northern and southern parcels of the adjoining lot to the west which makes it difficult to transfer stock and machinery.

The northern parcel of the lot is not currently farmed contiguously with the land contained within the southern parcel of the lot. The fragmentation of land and difficulty associated with farming the northern and southern parcel of the lot in a contiguous manner has lead to the underutilisation of the northern parcel of the lot.

It is therefore contended that the northern parcel can be put to better productive use in isolation of the southern parcel of land through separate ownership which is an improvement of the productive capacity experienced in the current circumstance.

Our Ref: 22.061

Measured form and function



Please accept this as our formal response to Council's request for additional information and do not hesitate to contact me should you require any further information.

Yours faithfully

**6ty° Pty Ltd**

A handwritten signature in black ink, appearing to read "G. Walker", is positioned below the company name.

George Walker

Director/Planning Consultant



Our Ref: 22.061

Measured form and function

15 June 2022

Ms Paul Godier  
Senior Planner  
Northern Midlands Council  
By email: [planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au)

6ty Pty Ltd  
ABN 27 014 609 900

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**Received  
15.06.2022**





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Measured form and function

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Page 2 of 3

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Measured form and function



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Yours faithfully  
**6ty° Pty Ltd**

A handwritten signature in black ink, appearing to read "G Walker", is positioned above the printed name and title.

George Walker  
Director/Planning Consultant

**Received**  
**15.06.2022**  
Page 3 of 3



Our Ref: 22.061

Measured form and function

15 June 2022

Mr Paul Godier  
Senior Planner  
Northern Midlands Council  
By email: [planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au)

6ty Pty Ltd  
ABN 27 014 609 900

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Tamar Suite 103  
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287 Charles Street  
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- *the opportunity to purchase more water , so is water available (the cost) and quantum of water required, is the property limit for access to irrigation water already?*
- *what new crops could be grown, be they perennial, polyhouse berry fruit or more seasonal cash crops.*
- *what will the new investment do relative to the financial performance of the business conducted on the balance of the property.*

#### **6ty° Response**

Upon review of the information that has been requested, it is contended that the specific information that has been requested is not relevant or required to demonstrated compliance with Performance Criteria 26.4.2 P1(a) of the *Northern Midlands Interim Planning Scheme 2013* ("**the Scheme**") which states:

*The subdivision must demonstrate that the productive capacity of the land will be improved as a result of the subdivision.*

In this regard, the proposed 2-lot subdivision seeks to formalise established physical fragmentation of an existing lot and will not have any impact upon the productive capacity of the land in a detrimental or adverse sense.

The existing lot has been fragmented by the construction of the Midland Highway which bypasses Perth. The presence of the highway impedes accessibility between the northern parcel and the southern parcel of the lot. It was initially proposed to instal an underpass which would provide connectivity between the two parcels of the same lot. However, the underpass has been installed to the west of the lot, principally connecting the northern and southern parcels of the adjoining lot to the west which makes it difficult to transfer stock and machinery.

The northern parcel of the lot is not currently farmed contiguously with the land contained within the southern parcel of the lot. The fragmentation of land and difficulty associated with farming the northern and southern parcel of the lot in a contiguous manner has lead to the underutilisation of the northern parcel of the lot.

It is therefore contended that the northern parcel can be put to better productive use in isolation of the southern parcel of land through separate ownership which is an improvement of the productive capacity experienced in the current circumstance.

Our Ref: 22.061

Measured form and function



Please accept this as our formal response to Council's request for additional information and do not hesitate to contact me should you require any further information.

Yours faithfully

**6ty° Pty Ltd**

A handwritten signature in black ink, appearing to read "G. Walker", is positioned below the company name.

George Walker

Director/Planning Consultant

**Received**

07.04.2022

Our Ref: 22.061

Measured form and function



7 April 2022

Ms Erin Miles  
Development Supervisor  
Northern Midlands Council  
By email: [planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au)

6ty Pty Ltd  
ABN 27 014 609 900

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Tamar Suite 103  
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287 Charles Street  
Launceston 7250  
**P** (03) 6332 3300

57 Best Street  
PO Box 1202  
Devonport 7310  
**P** (03) 6424 7161

Dear Erin,

**DEVELOPMENT APPLICATION - RESPONSE TO FURTHER INFORMATION  
REQUEST - PLN-21-0073 - 2 LOT SUBDIVISION - 5 ESKLEIGH ROAD, PERTH**

I refer to Council's request for further information letter dated 31 March 2021. This letter provides information in response to the matters raised within the correspondence.

**Council Request Item 1**

*Plan of subdivision - showing existing and proposed lot boundaries, lot areas, relevant easements etc.*

**6ty° Response**

The Plan of Subdivision (File Ref. 11541 Sheet No. 1 of 1 dated 14/12/21) shows the lot boundaries for proposed Lot 1 and the Balance Lot. It also shows existing service and access easements.

---

**Council Request Item 2**

*Submission addressing performance criteria of the subdivision provisions of the Rural Resource Zone.*

**6ty° Response**

An addendum has been prepared for the Land Capability Assessment by Doyle Soil Consulting dated May 2020. The Land Capability Assessment and addendum detail that the proposed subdivision will improve the productive capacity of the land primarily on the basis that the land comprised within proposed Lot 1 is currently fragmented from and burdens land contained within the Balance Lot and the proposed subdivision will enable proposed Lot 1 to be farmed in its own right and will enable surplus capital to be expended on improving the agricultural capacity of the Balance Lot.

---

**Council Request Item 3**

*Bushfire Report to comply with requirements of the Bushfire Prone Areas Code.*

**6ty° Response**



**Received**

07.04.2022

Our Ref: 22.061

Measured form and function

**6ty°**

A Bushfire Hazard Management Report has been prepared by Livingston Natural Resource Services which addresses the applicable standards of the Bushfire-Prone Areas Code of the *Northern Midlands Council Interim Planning Scheme 2013*.

Please do not hesitate to contact me should you require any further information.

Yours faithfully

**6ty° Pty Ltd**



George Walker  
Director/Planning Consultant

**Rosemary Jones**

---

**From:** NMC Planning  
**Sent:** Thursday, 14 April 2022 4:53 PM  
**To:** George Walker  
**Subject:** Additional information still required - PLN-21-0073 - 2-lot subdivision - 5 Eskleigh Road, Perth

Dear George, thank you for the additional information.

I have had the amended Land Capability Assessment reviewed by Pinion Advisory which advises that while the soils and land capability component of the Doyle Soil Consulting report is strong, very technical and appropriate, the agricultural land use activity which can and could be conducted on the property (north and south of highway) in question is lacking and should be more detailed, regarding carrying capacity, types and intensity of crops which can and could be grown, irrigation/dryland production systems and potential future agricultural development opportunities (or lack thereof).

Therefore, in accordance with section 54 (3) of the Land Use Planning and Approvals Act 1993, I advise that the request for information has not been answered to the satisfaction of the planning authority and the following additional information is required:.

Information on the agricultural land use activity which can and could be conducted on the property (north and south of highway), regarding carrying capacity, types and intensity of crops which can and could be grown, irrigation/dryland production systems and potential future agricultural development opportunities.

Information on the existing integration of the block with the balance of the property regarding is it a finishing and/or breeding block, is it where fodder is harvested and supplies the balance of the property.

Will the loss of cropping land mean a reduction in the cropping rotation length and consequently impact the viability of the balance of the property?

The financial impact on the loss of the productivity is lacking regarding reduction in stocking rate and crops grown.

Sufficient information on how the land sales money could be spent regarding the comment on page 14, that "the management of the remainder of the farm south of the highway would become easier".

While mention is made that land sale income could be spent on drainage, irrigation, fencing and new crop enterprises, more specific information is required in relation to;

- the need for drainage would be appropriate and how this could benefit the balance of the block
- opportunity and scope/upgrading for new irrigation (increased area, new system)
- the opportunity to purchase more water , so is water available (the cost) and quantum of water required, is the property limit for access to irrigation water already?
- what new crops could be grown, be they perennial, polyhouse berry fruit or more seasonal cash crops.
- What will the new investment do relative to the financial performance of the business conducted on the balance of the property.

Please contact me if you would like to discuss.

Yours sincerely,

*Paul Godier*



Senior Planner | Northern Midlands Council  
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---

**From:** George Walker <gwalker@6ty.com.au>  
**Sent:** Thursday, 7 April 2022 2:34 PM  
**To:** NMC Planning <planning@nmc.tas.gov.au>  
**Cc:** Andrew McCullagh <andrew.mccullagh@redpandaproperty.com>  
**Subject:** Response to Council RFI - PLN-21-0073 - 2-lot subdivision - 5 Eskleigh Road, Perth

Good afternoon,

Please find our response to Council's request for additional information request attached.

Please let me know if any additional information is required.

Regards,

George



**George Walker**  
Director | Planning Consultant

**Measured form and function**

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287 Charles Street, Launceston 72  
PO Box 63, Riverside 7250  
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W [6ty.com.au](http://6ty.com.au)  
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Our ref: 104200.385; PLN-21-0073  
Enquiries: Erin Miles



30.04.2021

Andrew McCullagh  
PO Box 666  
SANDY BAY 7005  
via email: [andrew.mccullagh@redpandaproperty.com](mailto:andrew.mccullagh@redpandaproperty.com)

Dear Mr McCullagh

**Additional Information Required for Planning Application PLN-21-0073- 2 Lot Subdivision at 5 Eskleigh Road, Perth**

I refer to the abovementioned application and the further information supplied on the 22.04.2021 by Woolcott Surveys, which has been further reviewed by Council's Planners. Unfortunately, the further information requested on the 31.03.2021 in regard to meeting the performance criteria has not been adequately addressed.

As noted in discussions with your consultants, the following information is required to allow consideration of your application under the *Northern Midlands Interim Planning Scheme 2013*:

- Re-address Performance Criteria of the Rural Resource Zone, due to relying on an approved use (Adams Distillery), which is not located within the subject site.

Therefore, in accordance with Section 54 of the *Land Use Planning and Approvals Act 1993*, the statutory period for processing the application will not recommence until the requested information has been supplied to the satisfaction of the Planning Authority. It is a requirement of the Planning Authority that all correspondence, if emailed, is sent to [planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au) and referenced with the planning application number PLN-21-0073. If you have any queries, please contact Council's Planning Section on 6397 7301, or e-mail [planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au)

Yours sincerely



Erin Miles  
**Development Supervisor**



**Rosemary Jones**

---

**From:** Jason Lynch <jlynch@pinionadvisory.com>  
**Sent:** Tuesday, 12 April 2022 4:23 PM  
**To:** Faruq Isu; Paul Godier  
**Subject:** RE: Request for review of Agricultural Assessment

Hi Paul

Here's my comments.

The soils and land capability component of the Doyle Soil Consulting ag report is strong, very technical and appropriate, however:

- The agricultural land use activity which can and could be conducted on the property (north and south of highway) in question is lacking and should be more detailed, RE carrying capacity, types and intensity of crops which can and could be grown, irrigation/dryland production systems and potential future agricultural development opportunities (or lack thereof).
- There is no information on the existing integration of the block with the balance of the property RE is it a finishing and/or breeding block, is it where fodder is harvested and supplies the balance of the property.
  - o Will the loss of cropping land mean a reduction in the cropping rotation length and consequently impact the viability of the balance of the property?
- The financial impact on the loss of the productivity is lacking RE reduction in stocking rate and crops grown is absent and not shown?
- This type of land use activity information is very important as it frames the potential (or lack thereof) for conflict, fettering and negative impacts associated with existing and future land use activity on adjacent and nearby land (be it agricultural or non-agricultural use, and sensitive and/or sensitive uses).
- The comment on page 14, RE "the management of the remainder of the farm south of the highway would become easier" does not provide sufficient information on how the land sales money could be spent.
  - o Yes it does mention the land sale income could be spent on drainage, irrigation, fencing and new crop enterprises however more specific information should be provide in relation to;
    - the need for drainage would be appropriate and how this could benefit the balance of the block
    - opportunity and scope/upgrading for new irrigation (increased area, new system)
    - the opportunity to purchase more water , so is water available (the cost) and quantum of water required, is the property limit for access to irrigation water already?
    - what new crops could be grown, be they perennial, polyhouse berry fruit or more seasonal cash crops.
    - What will the new investment do relative to the financial performance of the business conducted on the balance of the property.

In preparing similar documents addressing the lack of information outlined is critical to yourself (the planner) being able to making sufficiently detailed informed decisions.

Without this information it does not show clear intent and ability to comply with 26.4.2 P1 a) or b).

Please feel free to contact me to discuss further.

Regards

**Jason Lynch**  
Senior Consultant  
Agribusiness





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**From:** Faruq Isu <[fisu@pinionadvisory.com](mailto:fisu@pinionadvisory.com)>  
**Sent:** Monday, 11 April 2022 3:43 PM  
**To:** [paul.godier@nmc.tas.gov.au](mailto:paul.godier@nmc.tas.gov.au)  
**Cc:** Jason Lynch <[jlynch@pinionadvisory.com](mailto:jlynch@pinionadvisory.com)>  
**Subject:** FW: Request for review of Agricultural Assessment

Hi Paul,

Thank you for your email. I am currently tied up on some urgent work. I am forwarding this to Jason Lynch (in cc), our senior consultant and he has kindly accepted to take a look at it.

Kind regards,  
Faruq

Faruq Isu  
Consultant  
Agribusiness





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**From:** Paul Godier <[paul.godier@nmc.tas.gov.au](mailto:paul.godier@nmc.tas.gov.au)>

**Sent:** Monday, 11 April 2022 3:25 PM

**To:** Faruq Isu <[fisu@pinionadvisory.com](mailto:fisu@pinionadvisory.com)>

**Subject:** Request for review of Agricultural Assessment

Hello Faruq,

Would you be able to review the attached report and advise whether the following provision of the planning scheme is met?

*26.4.2 P1 a) - The subdivision must demonstrate that the productive capacity of the land will be improved as a result of the subdivision.*

26.4.2 Subdivision

<b>Objective</b> To ensure that subdivision is only to: <ul style="list-style-type: none"> <li>a) improve the productive capacity of land for resource development and extractive industries; or</li> <li>b) enable subdivision for environmental and cultural protection or resource processing where compatible with the zone; or</li> <li>c) facilitate use and development for allowable uses by enabling subdivision subsequent to appropriate development.</li> </ul>	
Acceptable Solutions	Performance Criteria
<b>A1</b> Lots must be: <ul style="list-style-type: none"> <li>a) for the provision of utilities and is required for public use by the Crown, public authority or a municipality; or</li> <li>b) for the consolidation of a lot with another lot with no additional titles created; or</li> <li>c) to align existing titles with zone boundaries and no additional lots are created.</li> </ul>	<b>P1</b> The subdivision <ul style="list-style-type: none"> <li>a) must demonstrate that the productive capacity of the land will be improved as a result of the subdivision; or</li> <li>b) is for the purpose of creating a lot for an approved non-agricultural use, other than a residential use, and the productivity of the land will not be materially diminished.</li> </ul>

Please let me know if you would like to discuss.

Regards,

*Paul Godier*



Senior Planner | Northern Midlands Council  
Council Office, 13 Smith Street (PO Box 156), Longford Tasmania 7301  
T: (03) 6397 7303 | F: (03) 6397 7331  
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**Rosemary Jones**

---

**From:** NMC Planning  
**Sent:** Wednesday, 22 June 2022 3:43 PM  
**To:** George Walker  
**Subject:** PLN-21-0073 - 2 lot subdivision- 5 Eskleigh Road, Perth - additional information still required  
**Attachments:** 22.061 - Response to Council RFI - PLN-21-0073 - 2-lot subdivision - 5 Eskleigh Road, Perth 15-06-2022.pdf; Additional information still required - PLN-21-0073 - 2-lot subdivision - 5 Eskleigh Road, Perth

Dear George,

Thank you for your letter dated 15 June 2022.

In accordance with section 54 (3) of the Land Use Planning and Approvals Act 1993, I advise that the request for information has not been answered to the satisfaction of the planning authority and the information requested in my email of 14 April 2022 (attached) is still required.

I note that 2.691ha of land to the north of the Midland Highway (comprised in certificate of title volume 173774 folio 10) was acquired by Council on or about 20 October 2021.

That land is comprised in the land the subject of the development application. Please provide revised plans to reflect the acquisition.

Please contact me if you would like to discuss either of these matters.

Yours sincerely,

*Paul Godier*



Senior Planner | Northern Midlands Council  
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E: [paul.godier@nmc.tas.gov.au](mailto:paul.godier@nmc.tas.gov.au) | W: [www.northernmidlands.tas.gov.au](http://www.northernmidlands.tas.gov.au)





**Rosemary Jones**

---

**From:** Hills, Garry <Garry.Hills@stategrowth.tas.gov.au>  
**Sent:** Friday, 29 April 2022 2:29 PM  
**To:** NMC Planning  
**Subject:** PLN-21-0073 - 5 Eskleigh Road Perth - DSG Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Our Ref: D22/99321

Hello NMC Planning – in reference to the above referral, I advise the Department have no comment to make noting the proposal is for subdivision only.

However it will be appreciated if you can include the below note on any permit issued by Council:

- Midland Highway is subject to a declaration of limited access pursuant to Part IVA of the *Roads and Jetties Act 1935*. With regards to the subject property, no direct access to/from Midland Highway is, or will be, permitted now, or in the future. The proclamation will apply to both to proposed Lot 1 and the Balance Lot, both sharing a common boundary with Midland Highway.

Thanks, Garry

**Garry Hills** | Principal Analyst Traffic Engineering  
Infrastructure Tasmania Division | Department of State Growth  
GPO Box 536, Hobart TAS 7001  
Phone: (03) 6777 1940  
[www.stategrowth.tas.gov.au](http://www.stategrowth.tas.gov.au)

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## Rosemary Jones

---

**From:** Rosemary Jones  
**Sent:** Wednesday, 29 June 2022 8:22 AM  
**To:** NMC Planning  
**Subject:** FW: Additional information still required - PLN-21-0073 - 2-lot subdivision - 5 Eskleigh Road, Perth

*Rosemary Jones*



Administration Officer - Community & Development | Northern  
Midlands Council  
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**From:** NMC Planning  
**Sent:** Thursday, 14 April 2022 4:53 PM  
**To:** George Walker <[gwalker@6ty.com.au](mailto:gwalker@6ty.com.au)>  
**Subject:** Additional information still required - PLN-21-0073 - 2-lot subdivision - 5 Eskleigh Road, Perth

Dear George, thank you for the additional information.

I have had the amended Land Capability Assessment reviewed by Pinion Advisory which advises that while the soils and land capability component of the Doyle Soil Consulting report is strong, very technical and appropriate, the agricultural land use activity which can and could be conducted on the property (north and south of highway) in question is lacking and should be more detailed, regarding carrying capacity, types and intensity of crops which can and could be grown, irrigation/dryland production systems and potential future agricultural development opportunities (or lack thereof).

Therefore, in accordance with section 54 (3) of the Land Use Planning and Approvals Act 1993, I advise that the request for information has not been answered to the satisfaction of the planning authority and the following additional information is required:.

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The financial impact on the loss of the productivity is lacking regarding reduction in stocking rate and crops grown. Sufficient information on how the land sales money could be spent regarding the comment on page 14, that "the management of the remainder of the farm south of the highway would become easier".

While mention is made that land sale income could be spent on drainage, irrigation, fencing and new crop enterprises, more specific information is required in relation to;

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- what new crops could be grown, be they perennial, polyhouse berry fruit or more seasonal cash crops.
- What will the new investment do relative to the financial performance of the business conducted on the balance of the property.

Please contact me if you would like to discuss.

Yours sincerely,

*Paul Godier*



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---

**From:** George Walker <[walker@6ty.com.au](mailto:walker@6ty.com.au)>  
**Sent:** Thursday, 7 April 2022 2:34 PM  
**To:** NMC Planning <[planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au)>  
**Cc:** Andrew McCullagh <[andrew.mccullagh@redpandaproperty.com](mailto:andrew.mccullagh@redpandaproperty.com)>  
**Subject:** Response to Council RFI - PLN-21-0073 - 2-lot subdivision - 5 Eskleigh Road, Perth

Good afternoon,

Please find our response to Council's request for additional information request attached.

Please let me know if any additional information is required.

Regards,

George



**George Walker**  
Director | Planning Consultant

**Measured form and function**

Tamar Suite 103, The Charles  
287 Charles Street, Launceston 72  
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<div>OWNER: BERNARD JOHN EINODER</div> <div>FOLIO REFERENCE: F/R139742/4 177503-1</div> <div>GRANTEE: Part of 523 Acres Gtd. to F.A. Ducroz and Part of 2240 Acres Gtd. to T. Ritchie.</div>	<div>PLAN OF SURVEY</div> <div>BY SURVEYOR: LEN C. MACKENZIE</div> <div>LOCATION: Land District of CORNWALL Parish of PERTH</div>	<div>REGISTERED NUMBER</div> <div>P176603</div>
<div>SCALE 1:6000      LENGTHS IN METRES</div>		<div>APPROVED</div> <div>EFFEKTIVE FROM .....</div>
<div>ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN</div>		<div>Recorder of Titles</div>
<div>TOWN OF PERTH</div> <div><p>DRUMMOND STREET</p><p>CEMETERY ROAD</p><p>MIDLAND HIGHWAY</p><p>1 2.691 ha</p><p>(P139741)</p><p>(P130836) (34/11 DO)</p><p>(D100598) (45/83 DO)</p><p>(P174676)</p><p>(P177503) (P139742)</p><p>(P121984) (D104517) (68/32 DO) (D499)</p><p>(P176706) (SP23295)</p><p>(SP23295)</p><p>(P1535 LO)</p><p>(P114189)</p><p>(P110638)</p><p>(P111148)</p><p>(P151007) (P174677)</p><p>(98/77 DO)</p><p>(Conv. 59/7354)</p><p>(D24158)</p><p>(D10059)</p><p>(ACQ E288053)</p><p>(P177503) (P139742)</p><p>(P23505) (P ) BAL.</p><p>(98°16'40" 159.46)</p><p>(98°16'40" 162.40)</p><p>(95°24'40" 1185.68)</p><p>(95°24'40" 1183.04)</p><p>(15°14'00" 20.15)</p><p>(94°06'28")</p><p>(D100682)</p><p>(P174676)</p></div>		
<div>Registered Land Surveyor</div> <div></div> <div>22/1/2019</div> <div>Date</div>	<div>Council Delegate</div> <div>Date</div>	



SURVEY NOTES		Registered Number		SURVEY CERTIFICATE	
SHEET 1 OF 2 SHEETS		P 176603		I, LEONARD CHARLES MACKENZIE of WYNVARD in Tasmania a Registered Land Surveyor HEREBY CERTIFY that: (a) this survey is based upon the best evidence that the nature of the case admits. (b) the survey notes have been truly compiled from surveys made by me or made under my supervision; and (c) this survey and accompanying survey notes comply with the relevant legislation affecting surveys and are correct for the purpose required.	
CROSS REFERENCE PLAN NUMBERS USED AS PART OF THIS SURVEY		LENGTHS IN METRES		Date 22 / 1 /2019	
Owner: BERNARD JOHN EINODER				Signature	
Folio Reference: F/R174679/1					
Purpose of Survey: Aquisition					
Survey Commenced: 25/9/2018		Survey Completed: 18/12/2018		Surveyors Ref: 3060-18-12-18	
Horizontal Datum: GDA94		Bearing Datum: MGA94		Combined Scale Factor: 0.999572569	
MGA94 COORDINATE ORIGIN					
SURCOM	Mark ID: SPM 9956	E 514230.850	N 5397077.729	EPU 0.040	
AUSPOS	Local coordinated mark:	E	N	EPU	Measurement Duration:
NRTK	Local coordinated mark:	E	N	EPU	CORS provider:
Single base station CORS		Local comparison information		SURCOM: E	N
CORS provider:		SURCOM Check Mark ID:		Measured: E	N
				△ E	△ N
		Local coordinated mark:		E	N
					EPU
MGA94 BEARING ORIGIN [If bearing origin is determined from SURCOM marks or GNSS observations, state the line adopted (station identifiers and bearing between) and ground distance comparison (where appropriate)].					
GDA 94 DATUM derived using GNSS Survey carried out using Topcon GR3 RTK GNSS.					
BOUNDARY REINSTATEMENT REPORT					
(Where not documented in the body of these survey notes, describe all evidence, (including statements by interested parties), comparisons and other information relevant to the reinstatement of boundaries)					
<ul style="list-style-type: none"><li>- All boundaries are open unless shown otherwise.</li><li>- All corner marks are cp unless otherwise stated.</li><li>- comparisons &amp; reinstatement described in body of notes</li><li>- No purpose served by marking disappearing boundaries</li><li>- # denotes P173779</li><li>- unless otherwise stated all old marks are from P173779</li></ul>					

[illegible]

**EXHIBITED**

This planning application is open for  
public comment until  
02 May 2022

Reference no	<b>PLN-21-0073</b>
Site	<b>5 ESKLEIGH ROAD PERTH</b>
Proposed Development	<b>2 Lot Subdivision in Rural Resource Zone</b>
Zone	<b>RURAL RESOURCE ZONE -</b>
Use class	<b>Resource Development</b>
Development Status	<b>Discretionary</b>

Written representations may be made during this time to the General Manager;  
mailed to PO Box 156, Longford, Tasmania 7301,  
delivered to Council offices or  
a pdf letter emailed to [planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au)

(no special form required)

EXHIBITED

## PLANNING APPLICATION

## Proposal

Description of proposal:

2 lot subdivision

(attach additional sheets if necessary)

If applying for a subdivision which creates a new road, please supply three proposed names for the road, in order of preference:

1..... N/A ..... 2..... 3.....

Site address:

35 Drummond St Perth.

CT no: 177503/1

Estimated cost of project

\$10,000 at this point.

(include cost of landscaping, car parks etc for commercial/industrial uses)

Are there any existing buildings on this property? Yes / No

If yes – main building is used as

house + distillery

If variation to Planning Scheme provisions requested, justification to be provided:

The Property is located and identified into  
the Urban Growth Strategy. Currently going through  
refining process.

(attach additional sheets if necessary)

Is any signage required?

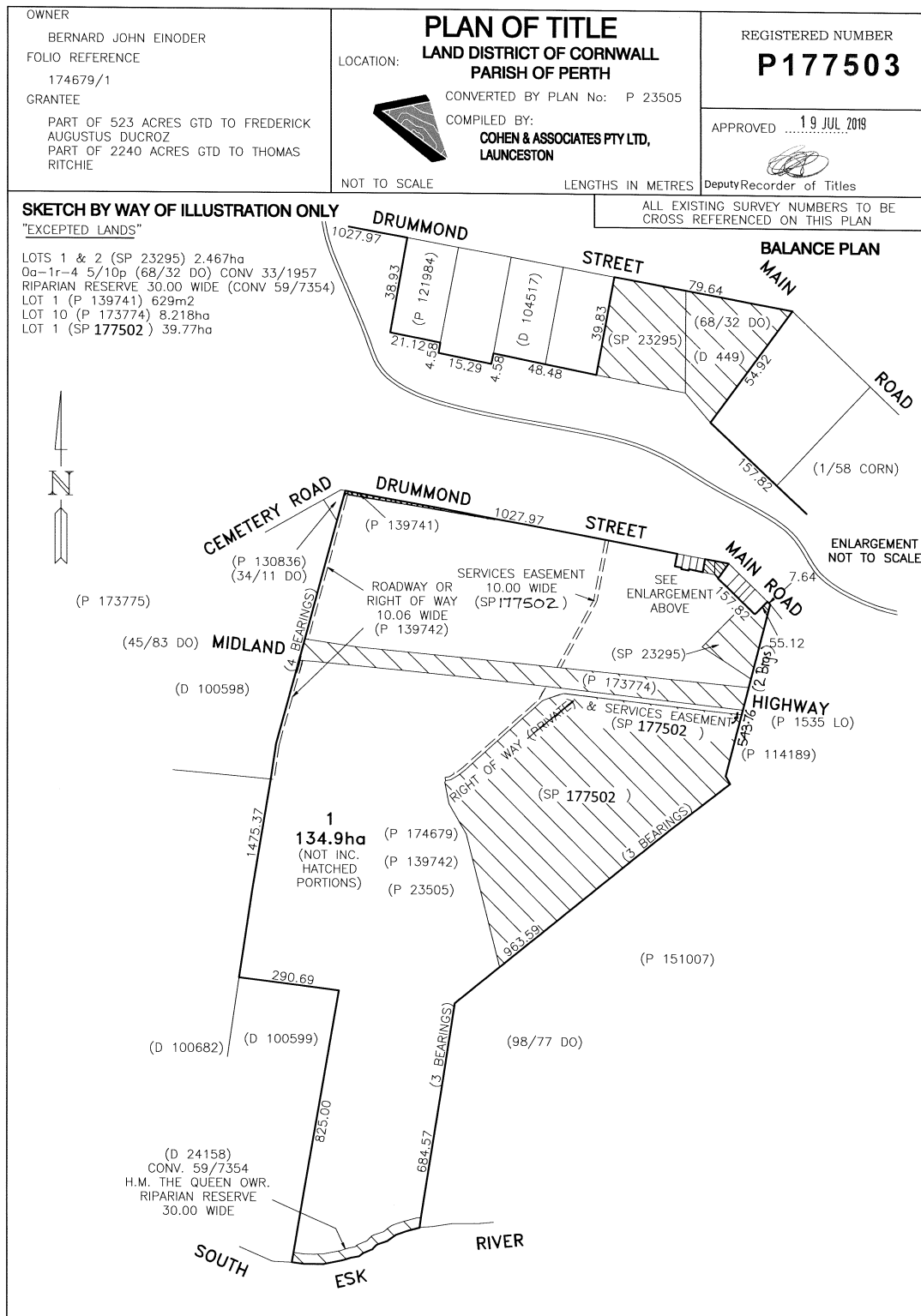
NOT AT THIS STAGE

(if yes, provide details)

**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





**Received**

07.04.2022

Our Ref: 22.061

**EXHIBITED**

Measured form and function



7 April 2022

Ms Erin Miles  
Development Supervisor  
Northern Midlands Council  
By email: [planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au)

Dear Erin,

**DEVELOPMENT APPLICATION - RESPONSE TO FURTHER INFORMATION  
REQUEST - PLN-21-0073 - 2 LOT SUBDIVISION - 5 ESKLEIGH ROAD, PERTH**

I refer to Council's request for further information letter dated 31 March 2021. This letter provides information in response to the matters raised within the correspondence.

**Council Request Item 1**

*Plan of subdivision - showing existing and proposed lot boundaries, lot areas, relevant easements etc.*

**6ty° Response**

The Plan of Subdivision (File Ref. 11541 Sheet No. 1 of 1 dated 14/12/21) shows the lot boundaries for proposed Lot 1 and the Balance Lot. It also shows existing service and access easements.

---

**Council Request Item 2**

*Submission addressing performance criteria of the subdivision provisions of the Rural Resource Zone.*

**6ty° Response**

An addendum has been prepared for the Land Capability Assessment by Doyle Soil Consulting dated May 2020. The Land Capability Assessment and addendum detail that the proposed subdivision will improve the productive capacity of the land primarily on the basis that the land comprised within proposed Lot 1 is currently fragmented from and burdens land contained within the Balance Lot and the proposed subdivision will enable proposed Lot 1 to be farmed in its own right and will enable surplus capital to be expended on improving the agricultural capacity of the Balance Lot.

---

**Council Request Item 3**

*Bushfire Report to comply with requirements of the Bushfire Prone Areas Code.*

**6ty° Response**

6ty Pty Ltd  
ABN 27 014 609 900

**Postal Address**  
PO Box 63  
Riverside  
Tasmania 7250  
**W** [6ty.com.au](http://6ty.com.au)  
**E** [admin@6ty.com.au](mailto:admin@6ty.com.au)

Tamar Suite 103  
The Charles  
287 Charles Street  
Launceston 7250  
**P** (03) 6332 3300

57 Best Street  
PO Box 1202  
Devonport 7310  
**P** (03) 6424 7161

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Our Ref: 22.061

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**6ty°**

A Bushfire Hazard Management Report has been prepared by Livingston Natural Resource Services which addresses the applicable standards of the Bushfire-Prone Areas Code of the *Northern Midlands Council Interim Planning Scheme 2013*.

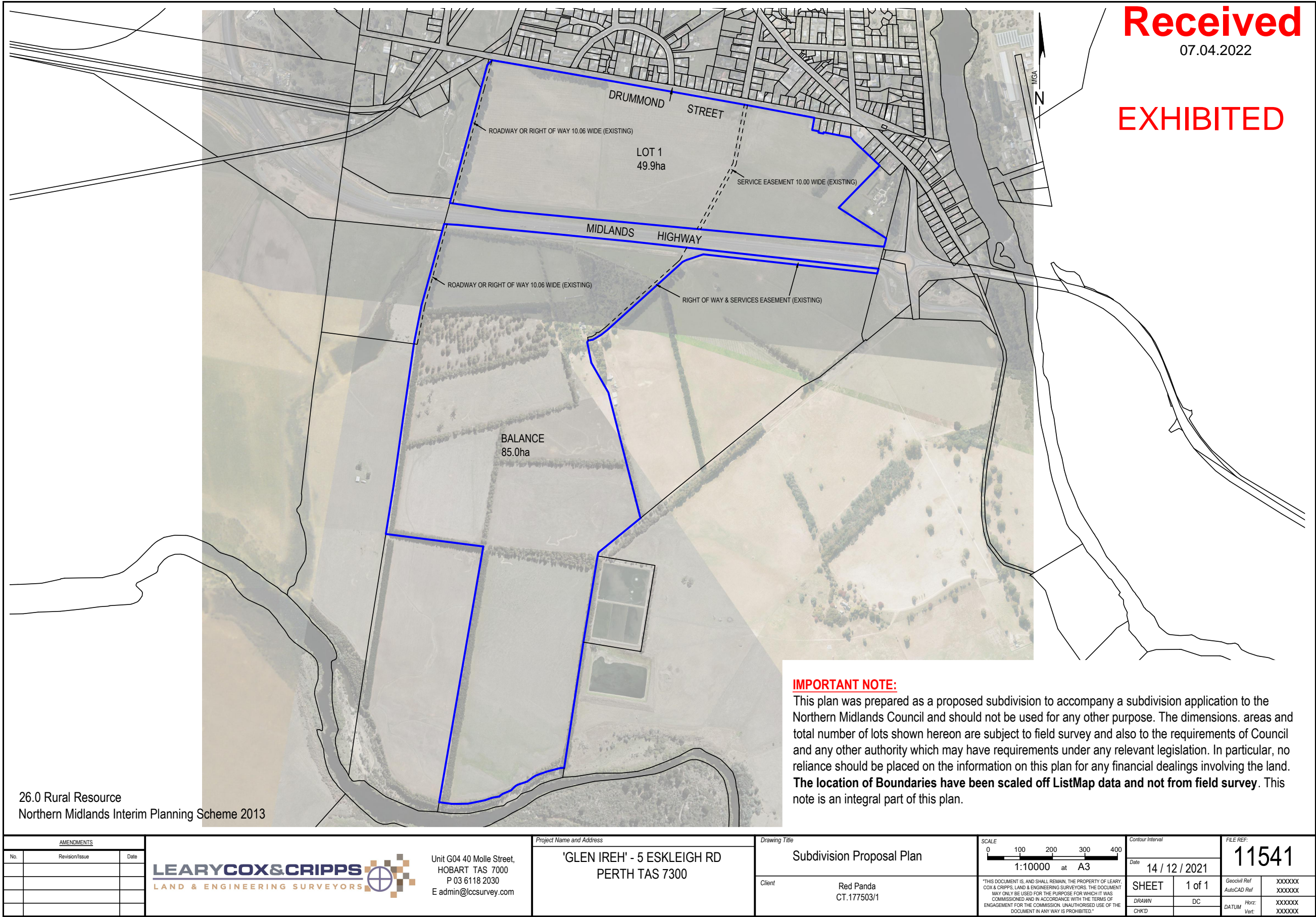
Please do not hesitate to contact me should you require any further information.

Yours faithfully

**6ty° Pty Ltd**



George Walker  
Director/Planning Consultant





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07.04.2022

**EXHIBITED**

# **Bushfire Hazard Management Report: Subdivision**

**Report for:** 6TY Pty Ltd

**Property Location:** 5 Eskleigh Road, Perth

**Prepared by:** Scott Livingston  
Livingston Natural Resource Services  
299 Relbia Road  
Relbia, 7258

**Date:** 30<sup>th</sup> March 2022  
**Version:** 1



**Received**

07.04.2022

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**Summary**

**Client:** 6TY Pty Ltd obo Red Panda Property

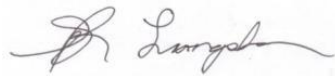
Current zoning: Rural Resource Northern Midlands Interim Planning Scheme 2013

**Property**

**identification:** CT 177503/1, PID 9125532  
5 Eskleigh Road, Perth

**Proposal:** A 2 lot from 1 lot Subdivision and partial rezoning is proposed from an existing title CT 177503/1 at Drummond Street, Perth.

**Assessment  
by:**



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Scott Livingston,  
Master Environmental Management,  
Natural Resource Management Consultant.  
Accredited Person under part 4A of the Fire Service Act 1979:  
Accreditation # BFP-105.



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**EXHIBITED**

## Contents

DESCRIPTION .....	1
BAL AND RISK ASSESSMENT .....	1
ROADS, PROPERTY ACCESS .....	2
WATER SUPPLY .....	2
CONCLUSIONS .....	2
REFERENCES .....	2
APPENDIX 1 – MAPS .....	3
APPENDIX 2 – PHOTO .....	9
CERTIFICATE UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS ACT 1993 .....	13
Figure 1: Location existing title in blue .....	3
Figure 2: Aerial Image .....	4
Figure 3: aerial image, lot 1 .....	5
Figure 4: Proposed Subdivision Plan .....	6
Figure 5: Indicative habitable building and HMA, Lot 1 .....	7
Figure 6: current zoning .....	8
Figure 7: north across hwy to lot 1 .....	9
Figure 8: west along Drummond St, lot 1 to south (left) .....	9
Figure 9 :south across lot 1 .....	10
Figure 10: south from Drummond St, lot 1 western boundary .....	10
Figure 11: Adams Distillery hydrant .....	11
Figure 12: access and tanks (Adams Distillery) .....	11
Figure 13: garden, balance lot .....	12
Figure 14: access balance lot .....	12

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## **DESCRIPTION**

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A 2 lot from 1 lot Subdivision and partial rezoning is proposed from an existing title CT 177503/1 at 5 Eskleigh Road, Perth. The area is mapped as bushfire prone.

The existing lot is formed by 2 discrete polygons, the proposal is to subdivide the land (49.9ha) north of the Midlands Hwy (Perth Bypass), with a 85.0 ha balance lot on the portion south of the highway. Lot 1 is planned for rezoning to residential use.

Lot 1 is currently pasture. Land to the north and east is residential, land to the south is the highway with grassland beyond. Land to the west is grassland. The lot has frontage to Drummond Street which forms the northern boundary and is serviced by a reticulated water supply.

The balance lot is managed for agricultural uses with extensive gardens around the existing dwelling and shelterbelts with some woodland to the west of the dwelling. The gardens contain areas with high density trees, but these have maintained gardens and mown lawns beneath the canopy. Adams Distillery is to the southeast of the dwelling on an adjacent lot and buildings, hard stand and dam give are low threat with grassland to the east. The lot is accessed from Eskleigh Road via a private road, and is shared with access to Adams Distillery, that the road is dual lane and around 1.2km from Eskleigh Road to the dwelling turn in. The balance lot is not serviced by a reticulated supply.

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

## **BAL AND RISK ASSESSMENT**

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The land is mapped as Bushfire Prone. The balance lot has an existing dwelling with extensive gardens. Land to the north, east and south is maintained as low threat for more than 50m with grassland beyond which is sufficient for a BAL low rating. Land to the west is managed as low threat to around 30m with forest (plantation) for 40m beyond which is sufficient for a BAL 19 rating.

Lot1 if rezoned to residential use is likely to be subject to further subdivision prior to the construction of any habitable building. There is no increase in risk to any existing habitable building from the subdivision or rezoning. lot 1 at 49.9ha can easily contain a hazard management area around an indicative 10x15m habitable building at BAL Low with setbacks to grassland.

Lots 1 and the balance lot are considered exempt from Bushfire provision under E1.4(a) / C13.4.1(a) for the purposes of the proposed subdivision. Any future subdivision or construction of a habitable building on any lot will be subject to assessment under the Bushfire Code.

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### **ROADS, PROPERTY ACCESS**

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No roads are required as part of the subdivision. The existing access to the balance lot dwelling exceeds requirements

### **WATER SUPPLY**

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Lot 1 has a 1km frontage to Drummond Street which has 10 existing hydrants. No habitable buildings exist on the lots or are proposed under this exemption from Bushfire Code provisions. Not requirements apply for access or water supply.

The existing dwelling has a large water revivor to the northeast of the dwelling with a 2" supply main the dwelling, note this include above ground components that are not compliant (poly). The Adams Distillery has 2 new large water supply tanks and existing hydrants adjacent to hardstand, these within 120m of the furthest extent of the balance lot dwelling, the farmland portion of the Adams distillery lot is farmed in conjunction with the balance lot, the supply point although not with the lots is considered to meet requirements.

### **CONCLUSIONS**

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A 2 lot from 1 lot Subdivision and partial rezoning is proposed from an existing title CT 177503/1 at 5 Esklegh Road, Perth. The area is mapped as bushfire prone.

Lot 1 and the balance lot are considered exempt from Bushfire provision under E1.4(a) / C13.4.1(a) for the purposes of the proposed subdivision. Any future subdivision or construction of a habitable building on either lot will be subject to assessment under the Bushfire Code.

### **REFERENCES**

---

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

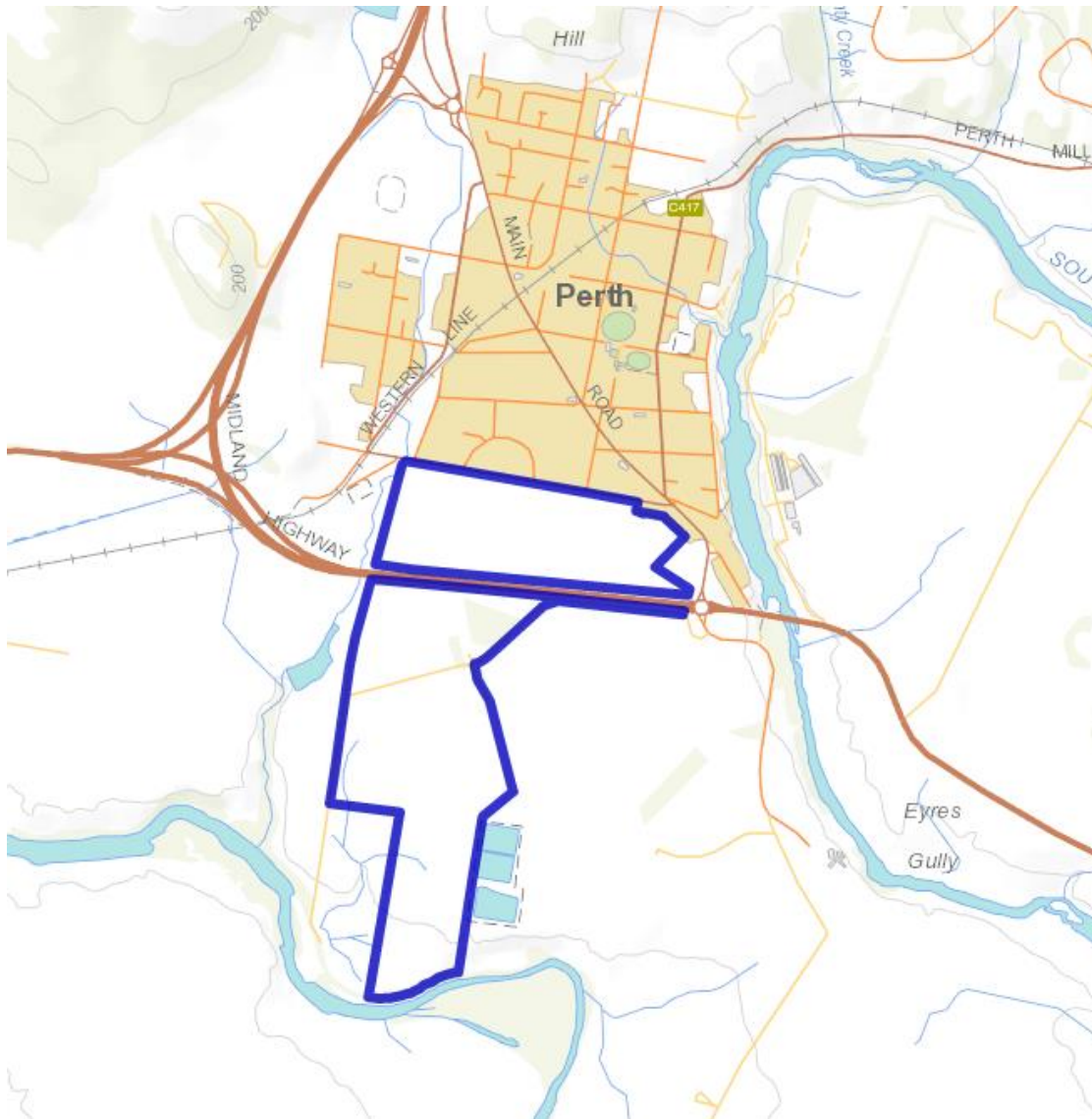
Standards Australia. *AS 3959-2018 Construction of Buildings in Bushfire Prone Areas*

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**APPENDIX 1 – MAPS**

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**Figure 1: Location existing title in blue**



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**Figure 2: Aerial Image**

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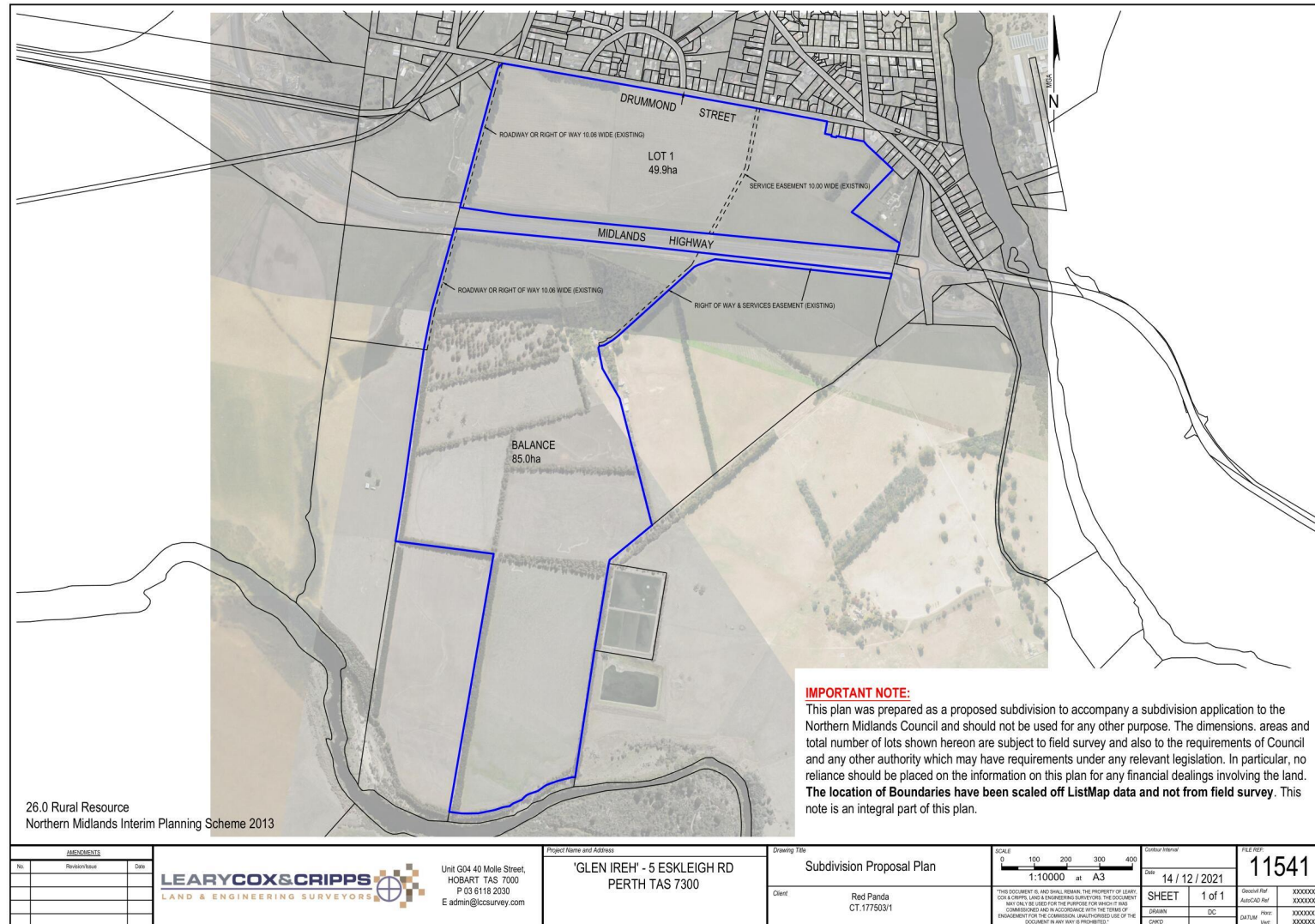


**Figure 3: aerial image, lot 1**



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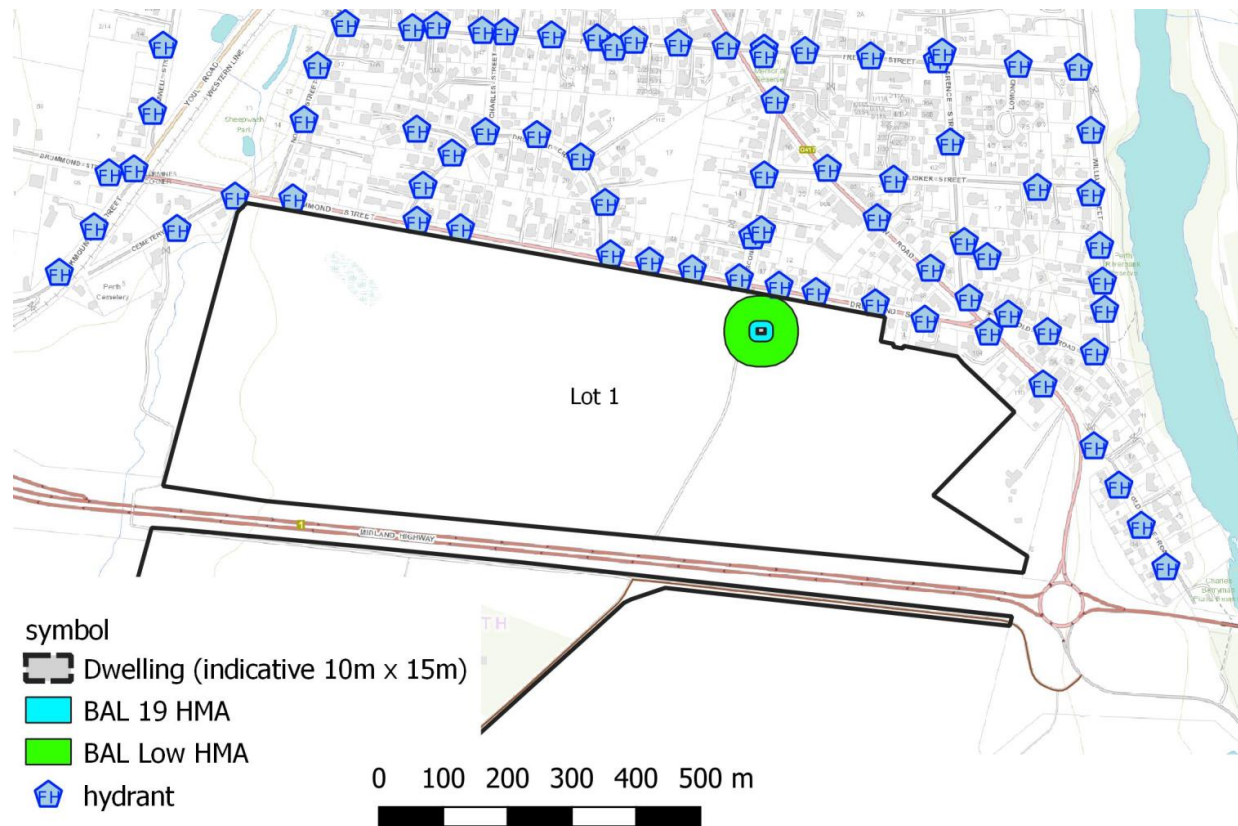
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**Figure 4: Proposed Subdivision Plan**

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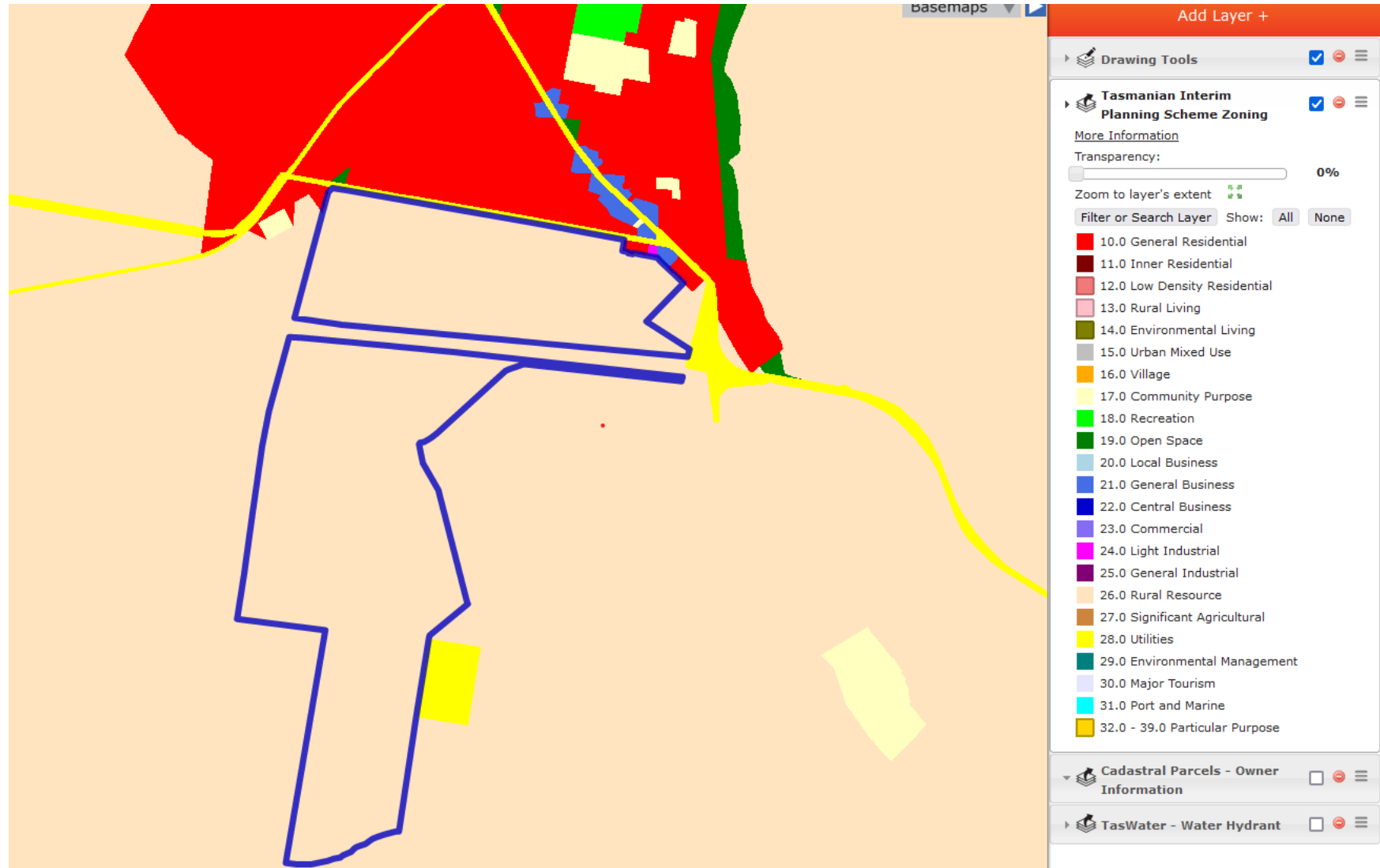
**EXHIBITED**



**Figure 5: Indicative habitable building and HMA, Lot 1**

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**Figure 6: current zoning**



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**APPENDIX 2 – PHOTO**

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**Figure 7:** north across hwy to lot 1



**Figure 8:** west along Drummond St, lot 1 to south (left)

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**Figure 9 :south across lot 1**



**Figure 10: south from Drummond St, lot 1 western boundary**



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**Figure 11: Adams Distillery hydrant.**



**Figure 12: access and tanks (Adams Distillery)**



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**Figure 13: garden, balance lot**



**Figure 14: access balance lot**

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## BUSHFIRE-PRONE AREAS CODE

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

#### 1. Land to which certificate applies

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

Street address:

5 Eskleigh Road, Perth

Certificate of Title / PID:

CT 177503/1, PID 9125532

#### 2. Proposed Use or Development

Description of proposed Use and Development:

2 lot from 1 lot Subdivision and rezoning

Applicable Planning Scheme:

Northern Midlands Interim Planning Scheme 2013

#### 3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Hazard Management Report 5 Eskleigh Road, Perth	Scott Livingston	30/3/2022	1
Subdivision Proposal Plan	Leary & Cripps	14/12/2021	

#### 4. Nature of Certificate

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

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

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<input checked="" type="checkbox"/>	<b>E1.4 / C13.4 – Use or development exempt from this Code</b>	
	<b>Compliance test</b>	<b>Compliance Requirement</b>
<input checked="" type="checkbox"/>	E1.4(a) / C13.4.1(a)	Insufficient increase in risk

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

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

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

<input type="checkbox"/>	<b>E1.6.2 / C13.6.2 Subdivision: Public and fire fighting access</b>	
	<b>Acceptable Solution</b>	<b>Compliance Requirement</b>

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<input type="checkbox"/>	E1.6.2 P1 / C13.6.2 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input type="checkbox"/>	E1.6.2 A1 (a) / C13.6.2 A1 (a)	Insufficient increase in risk
<input type="checkbox"/>	E1.6.2 A1 (b) / C13.6.2 A1 (b)	Property Access complies with relevant Tables,

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

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### 5. Bushfire Hazard Practitioner

<b>Name:</b>	Scott Livingston	<b>Phone No:</b>	0438 951 021
<b>Postal Address:</b>	299 Relbia Road, Relbia	<b>Email Address:</b>	scottlivingston.lnrs@gmail.com
<b>Accreditation No:</b>	BFP – 105	<b>Scope:</b>	1, 2, 3A, 3B, 3C

### 6. Certification

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

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

**Signed:**  
certifier



**Name:**

Scott Livingston

**Date:**

30/3/2022

**Certificate Number:**

SRL 22/18E

(for Practitioner Use only)



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# **DOYLE** **SOIL** **CONSULTING**



## **Land Capability Assessment**

**35 Drummond St**

**Perth**

**May 2020**

**Amended March 2022**

Doyle Soil Consulting -150 Nelson Rd Mt Nelson 7007-0488 080 455 -robyn@doylesoilconsulting.com.au



**Received**

07.04.2022

**EXHIBITED**

Doyle Soil Consulting -Site and Soil Assessment – 35 Drummond St, Perth

## SITE INFORMATION

**Client:** Red Panda Property

**Address:** 35 Drummond St, Perth (CT 177503/1)

**Site Area:** Approximately 49 Ha

**Date of inspection:** 17/05/2020

**Services:** fully serviced

**Planning Overlays:** Bush fire prone areas

**Mapped Geology and Soils:** Tertiary gravel and sand (Brickendon soil association with Panshanger sands) with pockets of Quaternary aeolian sand – the LIST MAP soils and geological layers – MRT and CSIRO

**Soil Depth:** 1.10 – 1.45m

**Subsoil Drainage:** Moderately well to imperfectly drained soils

**Vegetation:** Pasture

**Rainfall in previous 7 days:** Approximately 10 mm

**Slope:** Flat to very gently undulating

## Site Assessment and Sample Testing

On-site investigation, land assessment, soil profiling and classification in to assess current land capability assessment vs on-ground conditions with considerations for residential development.

Multiple drill cores to 1.6 m, observation of significant road cuttings and paddock walks.

## Introduction

The site is located to the south of Drummond Street in Perth and consists of approximately 50 ha (Figures 1 and 2). The area is currently mapped as a “Rural Resource”. This land use zone is generally applied to land, outside of major settlements, that is essentially rural in character, and is suitable for broad scale agricultural purposes. The land directly to the north, east and west is zoned ‘General Residential’ and with the Midlands Highway close to the eastern boundary and Illawarra Road to the west, and a new Midlands Highway bypass road being developed along the southern boundary, it is proposed that this parcel of land have the

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**EXHIBITED**

Doyle Soil Consulting -Site and Soil Assessment – 35 Drummond St, Perth

zoning amended to 'General Residential as it has now become fully isolated from the other rural land to the south.

Doyle Soil Consulting was asked to examine the zoning based on the mapped present DPIPWE Land Capability Classification and assess on-site (ground-truth) whether the current State Government assessment of land capability is accurate along with determining the primary land capability limitations for use which are so far not mapped/identified.

We visited the site and excavated soil profiles across the range of landforms on property and completed brief soil profile descriptions. The geology and soil profiles were described in combination with landform and climatic data and compared to the existing/mapped Tasmanian Land Capability Class (Interim Planning Scheme layer as provided in the LIST Map). The mapped Land Capability has a major bearing on the assessed likely 'productive agricultural' use potential. If this assessment inaccurate and not field checked then the land may be classified as 'Significant Agricultural Land' when this is not the case. Also, the state-wide mapping does not map to, nor provide the dominant Subclasses (land use limitation/s) in the standard 1:100,000 scale Class mapping system and these can be a significant hindrance to agricultural uses (Classes 1 – 7, from best to worst).

This report has utilised the published 1:25,000 geological mapping and 1:63,360 soil mapping (Figure 3), and existing land capability layers from the LIST MAP web site of DPIPWE Tasmania (Figure 4). The report involved field soil and land survey of the site and a review of the current Tasmanian Interim Planning Scheme. The land, soils and surface geological materials were examined in auger borings, outcrops, road cuttings.

Historically the property has been utilised for dryland grazing-based farming. The site is not within any current or planned irrigation district and so land uses will be limited due to low mean annual rainfall. The two key soil type are;

- 1) Deep sands loose sand of the Panshangar soil type
- 2) Shallow sandy loams over thick heavy clay poorly structured subsoils of the Brickendon soil type.

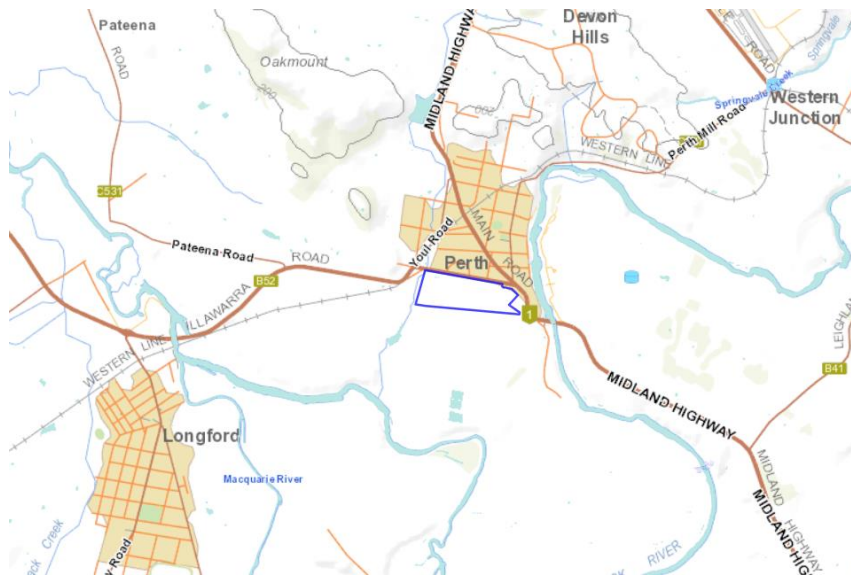
The key land use limitations for more agricultural use are the significant potential for wind erosion in the Panghangar sands (these are derived from windblown deposits) and imperfect subsoil drainage and very gravelly lower topsoils in the case of the Brickendon soils. See soil profile and photographs below.

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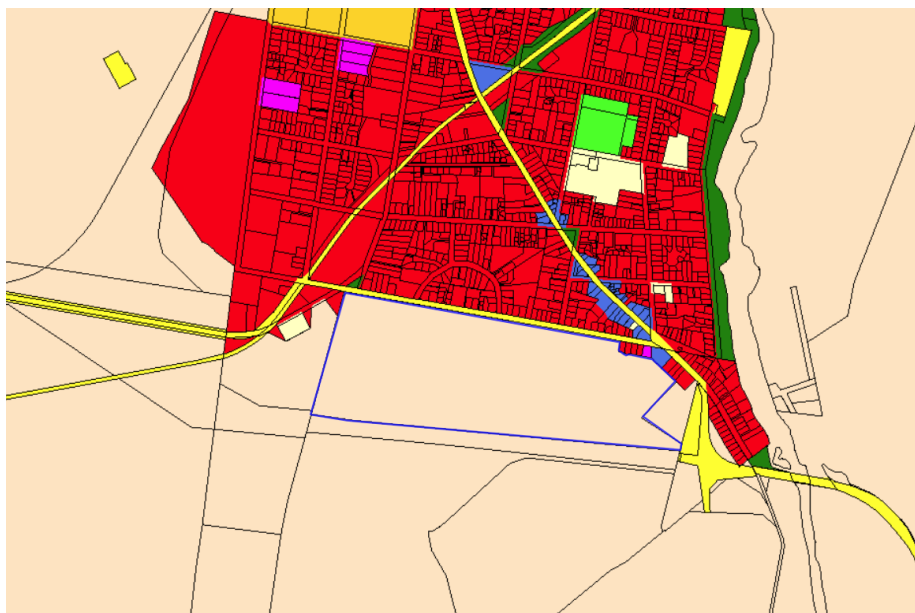
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**Figure 1** The site is shown in blue outline and is situated to the south of Perth township and to the northeast of Longford township



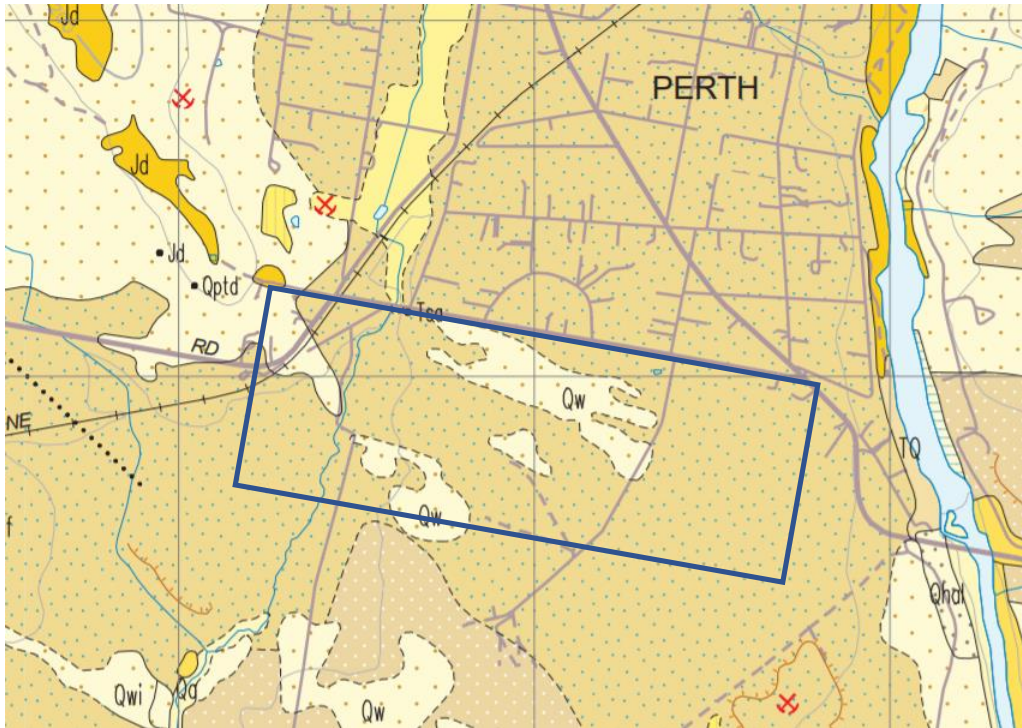
**Figure 2** This LIST image shows the areas of Rural Resource Land in cream and the existing Residential Land in red with the property boundary shown in blue outline. Existing older roads are marked in yellow, except for the newly constructed bypass/highway which now runs along the southern boundary of the site. This shows the site is essentially isolating by major roading and residential developments from other farmland.

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**Figure 3** Geological map of the site shows Tertiary sediments (dominantly clays) with siliceous pebble gravel and sand (tan colour with blue dots – TQaf), these materials form the Brickendon soil association. Also shown are the Quaternary aeolian sand deposits (Qw - cream with tan spots) which form the Panshangar sand soils. Hence the geology and local soil types are very strongly related.

### Overview of site and the Rural Resource Zone

The area lies within the Rural Resource Zone which provides for the ongoing sustainable use or development of resources for agricultural and other similar primary production uses.

The property has been assessed for Land Capability by the State Government at regional scales (100,000 scale mapping – see Figure 4) and part of our assessment was to determine whether the overlay as shown on the LIST MAP was accurate at paddock and farm scales and also to determine the primary land use limitations or subclasses in the land capability system (Grose 1999) which are currently not mapped.

Agricultural Land Capability assessment has been developed in Tasmania by the Department of Primary Industries Water and Environment according to the guidelines provided by Grose (1999). The system uses a rating system of seven Classes (1 = best to 7 = non-agricultural land) to rank land according to its ability to sustain a range of agricultural uses without suffering degradation, i.e. for sustained agricultural use. Agricultural land capability is generally based upon the permanent biophysical features of the land such as geology, soils, slope, climate, erosion hazard etc and does not include economic or social factors. It does not identify nor

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map the Subclasses (key limitations) to agricultural use in the rank lands (1 – 7). However, these major land use limitations are defined by Grose (1999) and are provided below. We have evaluated and classified the two major limitations for each soil type at the local scale for this land assessment. Panshangar soils are Class 4ap and the Brickendon soils are Class 4dg

- e - erosion
  - a (aeolian). Erosion caused by the effects of strong wind. Usually affects sandy or poorly aggregated soils and can occur on slopes of very low gradient.
  - h (water). Erosion resulting from the effects of rainfall, either directly through raindrop impact or through secondary effects of overland flow and surface runoff (including stream bank erosion). – m (mass movement). Landslip, slumping, soil creep and other forms of mass movement.
- w - wetness
  - f (flooding). Limitations created through the surface accumulation of water either from overbank flow from rivers and streams, run-on from upslope areas or because the area lies in a topographic depression.
  - d (drainage). Limitations resulting from the occurrence of a ground water table, or restricted or impeded permeability within the soil profile, leading to the development of anaerobic conditions.
- s - soils
  - g (coarse fragments). Limitations caused by excess amounts of coarse fragments (particles of rock 2 - 600mm in size), including gravel, pebbles and stones, which impact on machinery, damage crops or limit growth. Coarse fragments may occur on the soil surface or throughout the profile.
  - r (rockiness). Limitations caused by boulders or outcrops of bedrock material greater than 600mm in size (cf coarse fragments, above).
  - k (conductivity). Land at risk from salinity (as indicated by high electrical conductivity readings of a 1:5 ratio soil: water paste).
  - l (limiting layer). Rooting depth or depth to some limiting layer.
- c - climate
  - p (precipitation). Limitations resulting from insufficient or uneven distribution of rainfall.
  - t (temperature). Limitations caused by frost risk or by reduced length of growing season due to low temperatures.
- x - complex topography
  - Limitations caused by irregular, uneven or dissected topography which limit ease of management or divide land into parcels difficult to manage individually at the paddock scale.

Prime Agricultural Lands – Classes 1 – 3 are considered suitable for cropping or arable uses and are subject to increasing limitations for each Class 1 – 3 with Class 1 having little or no limitations through to Class 3 with moderate limitations for cropping. The number and degree of limitations which need appropriate management, or which might restrict the range of crops that can be grown or the frequency of cropping phases. According to the State Policy on the Protection of Agricultural Land (2000), land classified as Class 1 – 3 is defined as Prime Agricultural Land due to its arable capability and general wide diversity of land use options.

Class 4 is a transitional arable class of land but is more suited to pastoral uses, Classes 5 and 6 are generally suitable only for grazing with increasing requirements for land management inputs and also limitations to production as Class increases from 5 to 6. These might relate to issues such as increasing potential for soil erosion or lower soil productivity due to stoniness or rockiness, and Class 7 land is unsuitable for agricultural use (Grose, 1999).



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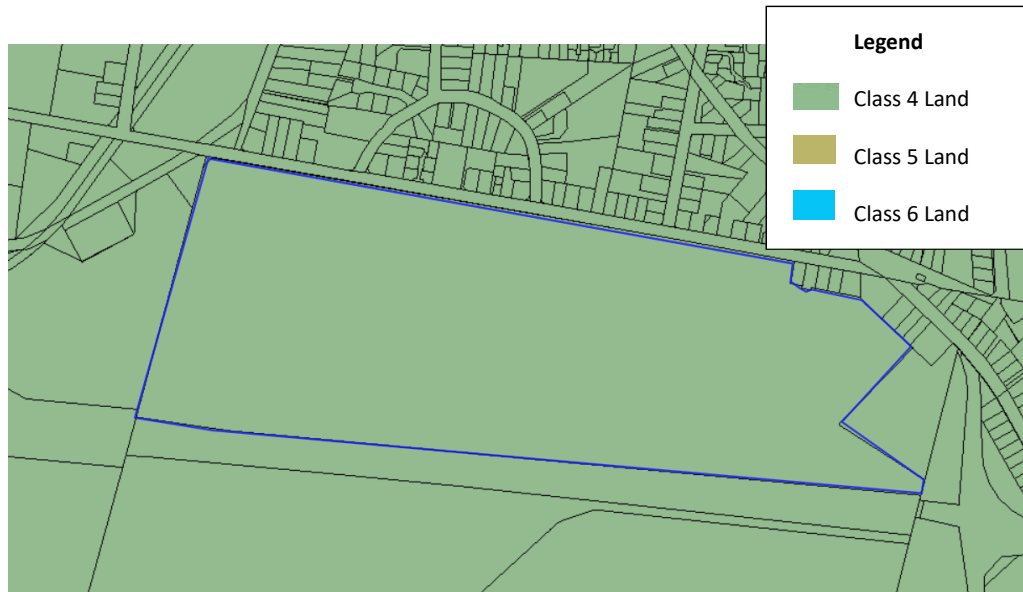
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**DPIPWE Agricultural Land Capability Assessment of the area**

The land contained within the study area was assessed according to the methodology of the land capability handbook of Grose (1999) and has indicated Class 4 land by the DPIPWE regional mapping on this property (see Figure 4).



**Figure 4** DPIPWE Agricultural Land Capability Mapping of the Site showing the dominance of Class 4 land (property boundary in blue).

Doyle Soil Consulting undertook an onsite survey to examine and assess the soil types and their distribution, the topography, the land and soil drainage, the susceptibility to soil erosion, the climatic conditions (monthly rainfall data for Perth is shown below) which may limit agricultural use and determined the key agricultural land use limitations.

Statistics for this station calculated over all years of data

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
<b>Mean</b>	44.2	31.7	43.9	47.1	55.2	54.8	67.4	67.8	57.9	46.3	51.9	48.9	637.2
<b>Lowest</b>	0.0	0.0	0.0	1.0	0.0	3.8	22.9	13.2	6.7	2.0	6.8	2.3	353.4
<b>5th percentile</b>	6.3	2.3	3.5	10.4	9.7	11.4	26.9	20.9	19.5	10.6	18.5	10.6	437.3
<b>10th percentile</b>	10.8	5.2	5.9	13.1	15.5	21.4	30.8	24.8	28.1	14.1	21.3	11.6	458.8
<b>Median</b>	37.5	22.2	36.4	40.8	45.5	53.2	61.4	62.6	54.2	44.8	50.5	44.8	638.8
<b>90th percentile</b>	70.3	58.8	85.7	87.0	105.5	88.2	106.2	116.9	91.1	91.1	86.2	82.0	832.6

Five key soil profiles were photographed and described below.

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Panshangar Sand		
TH 1 Depth (m)	Horizon	Description and field texture grade
0.0 – 0.15	A1	Brown 10YR 4/3, <b>Sand</b> , single grain slightly moist consistency, abundant roots
0.15 – 0.75	A3	Yellowish brown 10YR 5/6, <b>Sand</b> single grain, moist medium dense consistency
0.75 – 0.85	B2	Reddish yellow 7.5YR 6/6 <b>Sandy Clay Loam</b> , moderate medium angular blocky structure
0.85 – 1.10	BC	White 7.5 YR 8/1 <b>Coarse Sand</b> , abundant quartz rocks and gravels, refusal on rock



Panshangar sand		
TH 2 Depth (m)	Horizon	Description and field texture grade
0.0 – 0.15	A1	Brown 10YR 4/3, <b>Sand</b> , single grain slightly moist consistency, abundant roots
0.15 – 1.15	A3	Yellowish brown 10YR 5/6, <b>Sand</b> single grain, moist medium dense consistency
1.15 – 1.20	B2 <sub>1</sub>	Light grey 10YR 7/1, <b>Sandy Clay Loam</b> , massive, moist medium consistency
1.20 – 1.30	B2 <sub>2</sub>	Brownish yellow 10YR 6/6, <b>Loamy Sand</b>

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Brickendon soil		
TH 3 Depth (m)	Horizon	Description and field texture grade
0.0 – 0.10	A1	Dark brown 10YR 3/3, <b>Loamy Sand</b> , moderate fine angular blocky structure, moist soft consistency, few roots
0.10 – 0.35	A2	Brown 10YR 5/3, <b>Sand</b> , common weak fine angular blocky structure & single grain, gravels, moist medium consistency, stone line @ 0.40
0.35 – 0.90	B2 <sub>1</sub>	Light olive brown 2.5YR 5/3 with common medium brownish yellow 10YR 6/8 mottles, <b>Sandy Medium Clay</b> , weak coarse blocky structure, moist firm consistency
0.90 – 1.25	B2 <sub>2</sub>	Brownish yellow 10YR 6/6 with common grey 10YR 6/1 mottles, <b>Sandy Light Clay</b> , massive, slightly moist stiff consistency, no refusal



Brickendon soil		
TH 4 Depth (m)	Horizon	Description and field texture grade
0.0 – 0.15	A1	Dark brown 10YR 3/3, <b>Loamy Sand</b> , moderate fine angular blocky structure, moist soft consistency, few roots
0.15 – 0.30	A2	Dark greyish brown 10YR 4/2, <b>Sand</b> , moist soft weak fine moderate angular blocky structure consistency
0.30 – 0.70	B2 <sub>1</sub>	Mottled brownish yellow 10YR 6/8 & dark grey 10YR 4/1, <b>Sandy Medium Clay</b> , moist soft, massive
0.70 – 1.05	B2 <sub>2</sub>	Grey 10YR 5/1 and yellowish brown 10YR 5/4, <b>Sandy Medium Clay</b> , moist firm, massive
1.05 – 1.20	B2 <sub>3</sub>	Clayey gravels in a yellowish brown 10YR 5/4, <b>Sandy Medium Clay</b> matrix, moist stiff/hard abundant gravels
1.20 – 1.45	B2 <sub>r4</sub>	Grey 10YR 5/1 with common brownish yellow 10YR 6/6 mottles, slightly moist, stiff, massive, <b>Sandy Medium Clay</b>

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Brickendon soil		
TH 5 Depth (m)	Horizon	Description and field texture grade
0.0 – 0.15	A1	Dark brown 10YR 3/3, <b>Sandy Clay Loam</b> , moist firm consistency, strong fine angular blocky structure, common roots
0.15 – 0.25	B2 <sub>1</sub>	Light brownish grey 10YR 6/2, <b>Sandy Light Clay</b> , Common gravels, moist soft consistency, massive
0.25 – 1.20	B2 <sub>2</sub>	Brown 7.5YR 5/3 with common fine strong brown 7.5YR 5/6 mottles, <b>Sandy Medium Clay</b> , massive, moist firm consistency, few gravels
1.20 – 1.40	B2r <sub>3</sub>	Light olive brown 2.5YR 5/3, <b>Silty Medium Clay</b> , weak coarse angular blocky structure, moist firm consistency

### Definition of Class 4 Land (DPIPWE)

“Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during ‘normal’ years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited.” Grose (1999).



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**Figure 5** Waterlogging due to impermeable heavy clay subsoils on the Brickendon soils.



**Figure 6** Brickendon soils – shallow, gravelly, sandy loam topsoils (dark greyish brown) over very slowly permeable, heavy clay, subsoils (light brown).



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**Figure 7** Deep, loose, windblown sands (Panshangar soils) over gravels and then heavy clay subsoils at depth.



**Figure 8** Localised wind erosion, even with pasture cover and windbreaks, in the sandy Panshangar soils.

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### Summary and Recommendations

The site is currently zoned Rural Resource however, with the construction of the new Perth by-pass to the south of the site it is proposed to change the zoning to General Residential as it becomes cut-off from all the other land zoned 'Rural Resource' by major roadways and existing residential zoned areas. The land is mapped as Class 4 by the DPIPW (LIST Map) and we have determined the main subclasses (key limitations) in the two major soil types as;

- 1) Brickendon soils – poor subsoil drainage (4w-d) and gravelly topsoils (4s-g)
- 2) Panshangar sands – wind erosion (4e-g) and soil moisture limitations due sand soils (4c-p) and low mean annual precipitation (637 mm/yr).

The small size of the site (approx. 50 ha) would make such land capability ranking make the site unviable for economical and sustainable broadscale agricultural use.

Thus our site assessment indicates that the area shown is of generally low land capability class (Class 4) and while flat to very gently undulating the land is prone to a range of limitations principally wind erosion, stoniness and poorly permeable subsoil drainage and thus has significant limitations to arable or intensive agricultural use. We believe this merits reclassification of the zoning to residential uses.

### Addendum March 2022

This report is amended with the following updates and comments to support the proposed subdivision.

- 1) The area at Drummond Street is being proposed for housing subdivision.
- 2) 35 Drummond St is not Prime Agricultural Land as defined by the State Policy on the Protection of Agricultural Land 2009
- 3) The area has become cut-off from the remainder of the farming property and is in effect surrounded by busy roads/highways on all sides and on part of two sides by housing.
- 4) The underpass has been placed to join the northern and southern sections of Lot 1 Illawarra Rd, Perth, with access granted to 35 Drummond St in the far south-western corner. This is at least 770 m from the road in 5 Eskleigh Rd Perth (the southern part

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of the property)), which is not conducive to efficient stock movement north and south of the highway.

- 5) The soils are land capability class 4 and are showing signs of degradation such as wind erosion of the sandier soils and waterlogging due to adjoining roads and neighbouring stormwater infrastructure as shown in Figure 5.
- 6) The land has been earmarked as a priority investigation area for residential purposes (appendix 1).
- 7) The management of the remainder of the farm to the south of the highway would become easier and any the funds from the subdivision would allow either new land purchases or investment in agricultural developments such as irrigation, fencing, drainage, and new crop enterprises.



**Dr Richard Doyle**

B.Sc.(hons) M.Sc.(Geol), Ph.D. (Soil  
Sci.), CPSS (Certified Prof Soil Scientist)  
**Geologist and Soil Scientist**



**Ms Robyn Doyle**

B.Agr.Sc.

**Soil Scientist and  
Wastewater Designer**



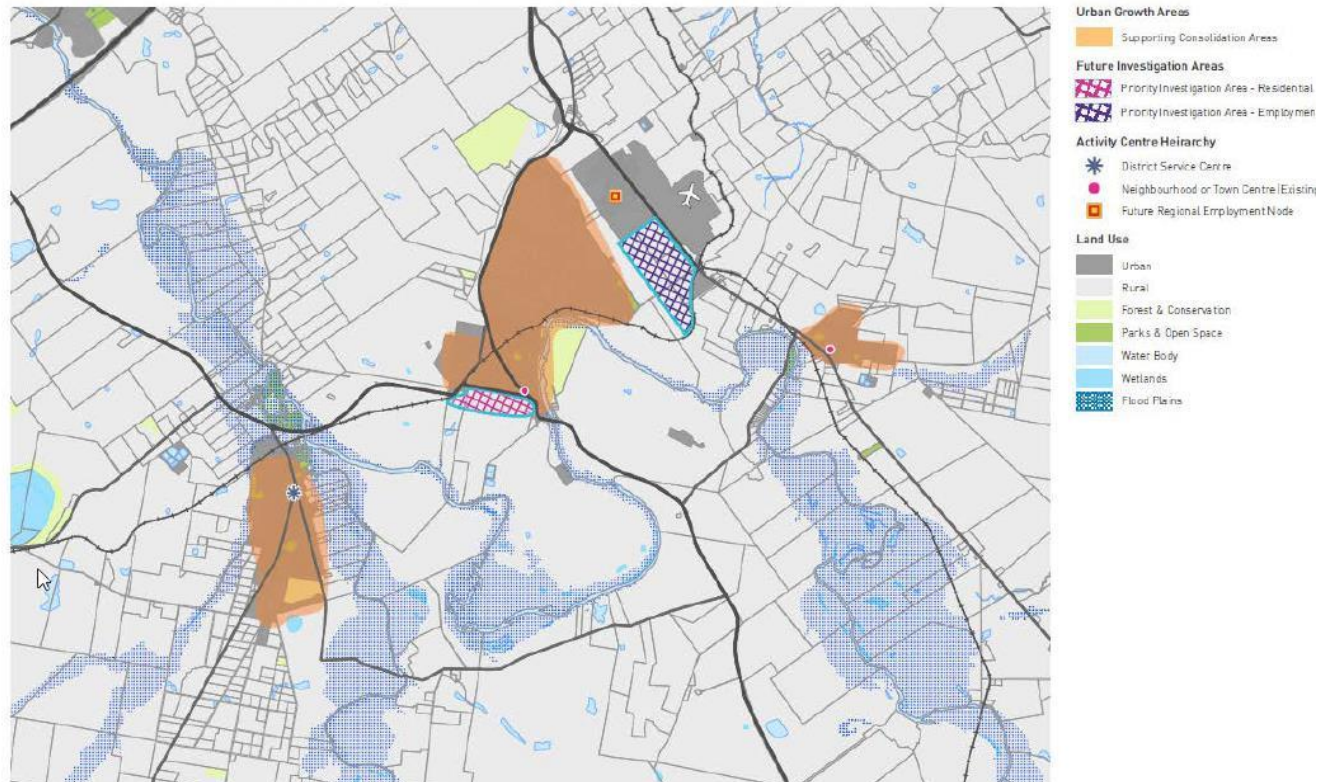
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## Appendix 1 NORTHERN TASMANIA REGIONAL LAND USE STRATEGY

### **D** REGIONAL LAND USE CATEGORIES

Map D.3 Regional Framework Plan: Northern Townships (Longford, Perth and Evandale)



18

NORTHERN TASMANIA REGIONAL LAND USE STRATEGY

15



Our Ref: L210328

Date 22/04/21

Planning Department  
Northern Midlands Council

By email: [planning@nmc.tas.gov.au](mailto:planning@nmc.tas.gov.au)

Dear Planning Department

**RE: PLN 21-0073: TWO (2) LOT SUBDIVISION, 5 ESKLEIGH ROAD, PERTH.**

Application is made for a two-lot subdivision at the above-mentioned address. The Rural Resource zoned site is currently transected by the Midland Highway, resulting in two parts of the title either side of the Highway. It is requested that the area north of the Highway, be separated from the land south of the highway.

It is noted that the area of lot 1 is the land referred to as the 'South Perth ODP Area' under the Perth Structure Plan. The subdivision will allow for the creation of a new lot as per the plan, thus furthering future rezoning and development of Perth in accordance with the Structure Plan.

A response has been provided to the current subdivision criteria under the zone:

**26.4.2 Subdivision**

<b>Objective</b> To ensure that subdivision is only to: <ul style="list-style-type: none"> <li>a) improve the productive capacity of land for resource development and extractive industries; or</li> <li>b) enable subdivision for environmental and cultural protection or resource processing where compatible with the zone; or</li> <li>c) facilitate use and development for allowable uses by enabling subdivision subsequent to appropriate development.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> Lots must be: <ul style="list-style-type: none"> <li>a) for the provision of utilities and is required for public use by the Crown, public authority or a municipality; or</li> <li>b) for the consolidation of a lot with another lot with no additional titles created; or</li> </ul>	<b>P1</b> The subdivision <ul style="list-style-type: none"> <li>a) must demonstrate that the productive capacity of the land will be improved as a result of the subdivision; or</li> <li>b) is for the purpose of creating a lot for an approved non-agricultural use, other than</li> </ul>

**LAUNCESTON**

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P 03 6332 3760

**ST HELENS**

48 Cecilia St, St Helens  
PO Box 430, St Helens TAS 7216  
P 03 6376 1972

**HOBART**

Rear Studio, 132 Davey St,  
Hobart TAS 7000  
P 03 6227 7968

**DEVONPORT**

2 Piping Lane,  
East Devonport TAS 7310  
P 03 6332 3760

**ABN 63 159 760 479**





c) to align existing titles with zone boundaries and no additional lots are created.	a residential use, and the productivity of the land will not be materially diminished.
--	--

**Response:**

The application relies on performance criteria. The proposal complies with part b) of the performance criteria.

The subdivision will allow for the Adams Distillery, along with a dwelling which is not associated with Adams Distillery, to be put onto its own lot (lot 2), separate from the land to the north of the highway (lot 1). This will result in a new final plan being produced, thus creating two new lots under the subdivision.

Further to the above, this subdivision will not impact the productivity of the land. The area under lot 1 is already constrained due to the Highway separating it from the remainder of the land. Lot 1 is further constrained due to the close proximity of residential uses which run along Drummond Street, rendering agricultural use other than grazing difficult. The grazing which currently occurs on lot will not be impacted by the subdivision. Lot 2 will continue to farm the land separate from lot 1, as is currently the situation on site.

The *Macquarie Concise Dictionary 7<sup>th</sup> Edition* defines 'materially' as:

***Materially:*** to an important degree; considerably.

Based on the above and after consideration of the existing uses on site, it is our view that the subdivision can be approved subject to meeting P1b).

The subdivision allows Council and the land owner to recognise and respond to an existing constraint on the site, in the form the transecting highway. We request Councils subsequent support of the application.

If you have any questions regarding the contents of this letter, please don't hesitate to contact me on the numbers provided.

Kind regards  
Woolcott Surveys



James Stewart  
Town Planner

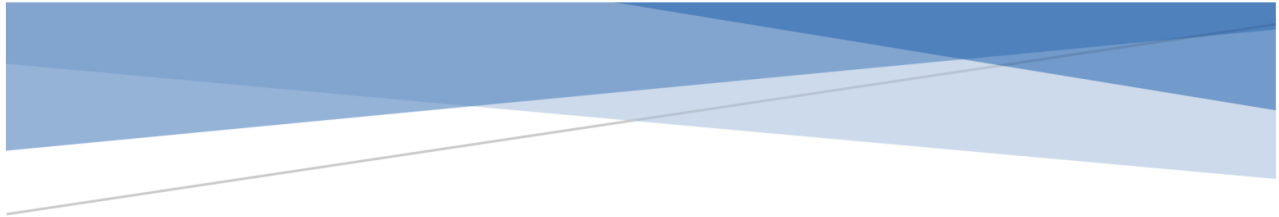
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**WOOLCOTT SURVEYS**

# BUSHFIRE HAZARD EXEMPTION REPORT

Two (2) Lot Subdivision

**Owners:**

Bernard John Einoder

**Property address:**

5 Eskleigh Road

Perth

CT177503/1

Northern Midlands Council

Rural Resource Zone

**Author**

James Stewart

Woolcott Surveys

(03) 6332 3760

**Contents**

Executive Summary..... 2

1. Proposal ..... 3

2. Site Details ..... 3

3. Land Use Planning..... 5

4. Access..... 5

5. Water ..... 6

6. Slope..... 6

7. Vegetation Analysis..... 7

8. Conclusions and Justification ..... 8

9. Recommendations ..... 8

Annexure 1 – Proposal Plan ..... 9

Annexure 2 – Bushfire Prone Areas Certificate ..... 10

### Executive Summary

The proposed two (2) lot subdivision is subject to a bushfire threat, the site being shown on a bushfire prone area overlay map.

It is assessed that there is insufficient increase in risk to warrant a bushfire hazard management plan for this application. This assessment is based on:

- The only identified vegetation within 100m of the sites is grassland.
- The land is zoned Rural Resource, being generally used for agricultural purposes.
- The site is currently transected by the Midland Highway, the subdivision seeks to create title on either side of the highway.
- The lots are 48ha and 86ha respectively, the size and nature of the lots does not present any increased risk, ensuring ample room for hazard management areas remains should a future dwelling be constructed. The land north of the Highway will be further subdivided in the future.
- The existing dwelling is within 120m of a Hydrant located on the balance lot.
- The existing dwelling provides and maintains an existing hazard management area around the building.
- The existing access to the balance lot meets all access requirements for development within a bushfire prone area.
- Lot 1 provides numerous areas to build within 120m of a hydrant. There are numerous hydrants along Drummond St.
- The site is within an Irrigation district and subject to agricultural activities.

**Client:** Red Panda Property Group

**Council:** Northern Midlands Council

**Zoning:** Rural Resource Zone

**Property details:** 5 Eskleigh Road, Perth.

**Proposal:** Two (2) Lot Subdivision.

### Conclusions and

**Recommendations:** The proposed two (2) lot subdivision is considered exempt under clause E1.4A of the *Planning Directive No 5.1 Bushfire Prone Areas Code*.

Author	Version number	Date
James Stewart	1.0	22/04/2020

### DISCLAIMER

This report deals with the potential bushfire risk only, all other statutory assessments sit outside of this report. This report is not to be used for future or further development on the site, other than what has been specifically provided for in the certified plans attached. Woolcott Surveys accepts no responsibility to any purchaser, prospective purchaser or mortgagee of the property who in any way rely on this report. This report does not guarantee that buildings will survive in the event of a bushfire event. If characteristics of the property change or are altered from those which have been identified, the exempt classification may be different to that which has been identified in this report. In this event the report is considered to be void.

Signed:



**Author:** James Stewart

**Position:** Town Planner and Accredited Bushfire Practitioner BFP 157

## 1. Proposal

Application is made for a two lot subdivision for land at 5 Eskleigh Road, Perth. The lot is within the Rural Resource Zone. The subdivision seeks to subdivide the land which is currently transected by the Midland Highway. The land will result in a lot to the north of the Midland Highway, which has frontage onto Drummond Street, and a balance lot to the south of the highway.

The details of the subdivision are below:

Lot Number	Proposed Lot Size
<b>Lot 1</b>	48.1ha
<b>Lot 2 (Balance Lot)</b>	86.8ha

The proposed layout for the subdivision is shown below:

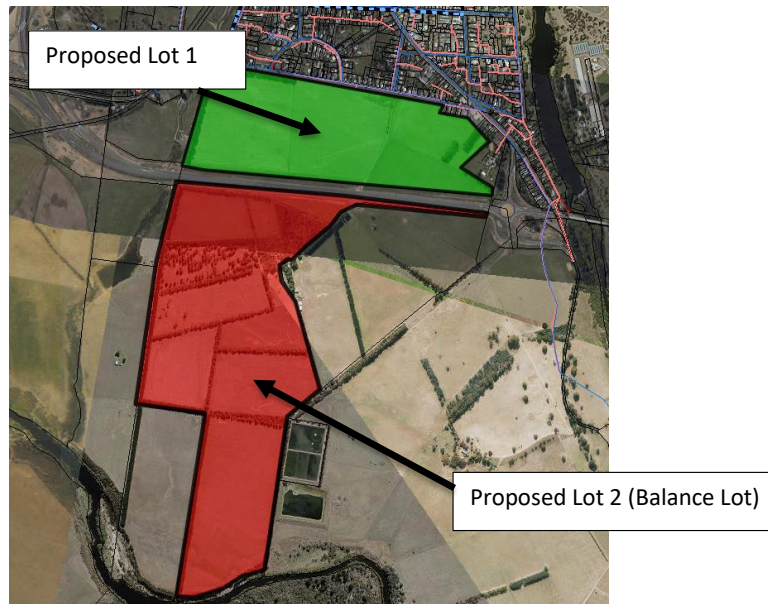
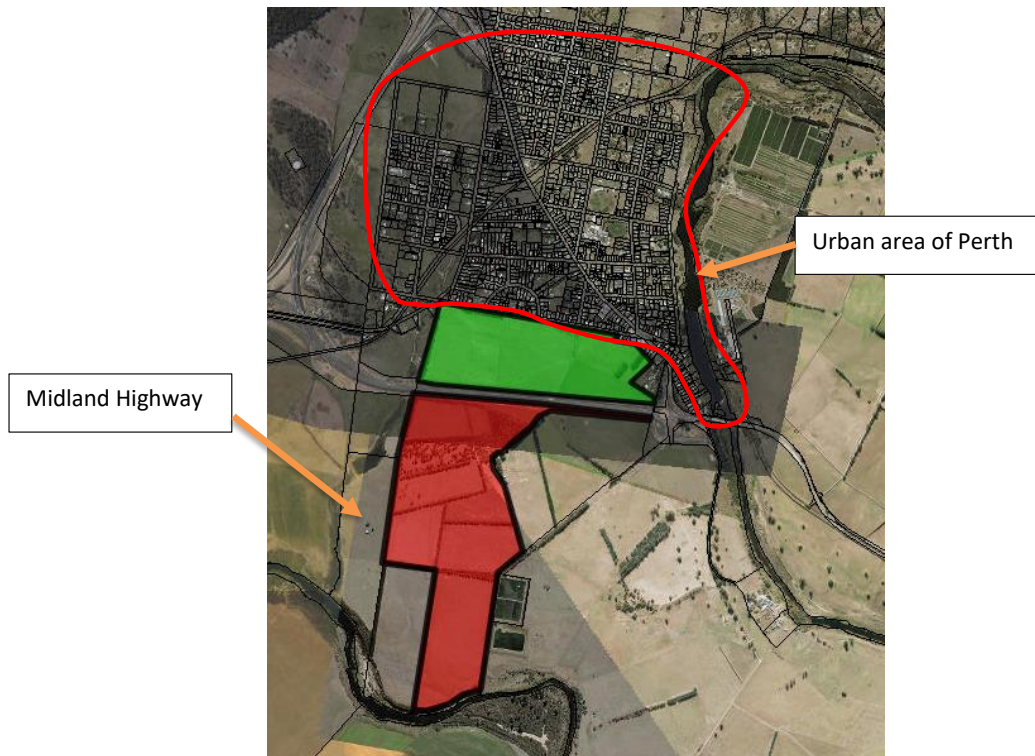


Figure 1 - Proposed subdivision layout.

## 2. Site Details

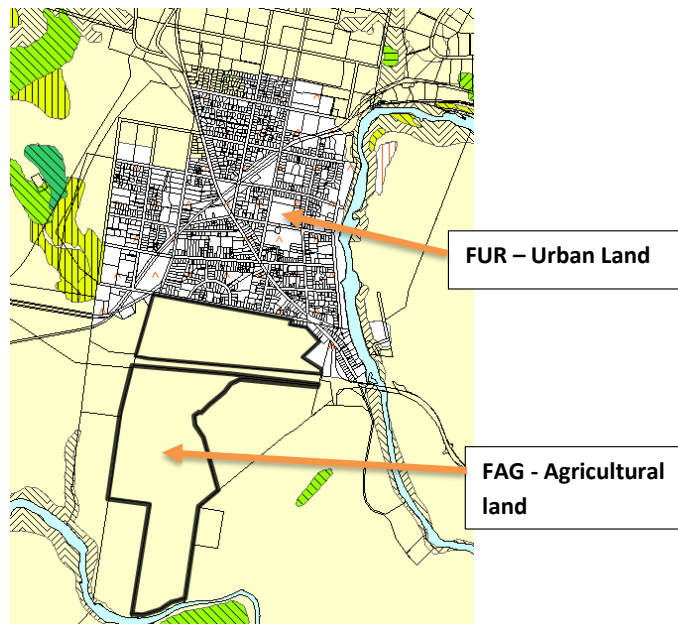
The site is within an urban and rural area. The site has an existing size of 134ha. The northern part of the lot provides frontage onto Drummond Street, Perth. The southern part of the title has frontage onto Eskleigh Road. The land was physically split into two as a result of the Midland Highway Perth bypass which was constructed over recent years. Subsequently, the site is now on the northern, and southern side of the Highway. The southern (or balance) lot will continue to operate in the existing manner. There is a single dwelling and the Adam's distillery currently on the balance lot. The northern lot is vacant and used for low order grazing activities. The existing dwelling on lot 2 contains a large managed garden (approx. 7 acres).





*Figure 2 - Aerial view to show the locality and surrounding area.*

According to TasVeg 3.0 the site and surrounding sites are classified as Urban and agricultural.



*Figure 3 - TasVeg 3 mapping*

### 3. Land Use Planning

Both lot 1 and 2 are within the Rural Resource Zone of the Northern Midlands Interim Planning Scheme. The subject site is impacted by the Bushfire Prone Areas overlay. The application will be assessed under the subdivision criteria of the Northern Midlands Interim Planning Scheme 2013.

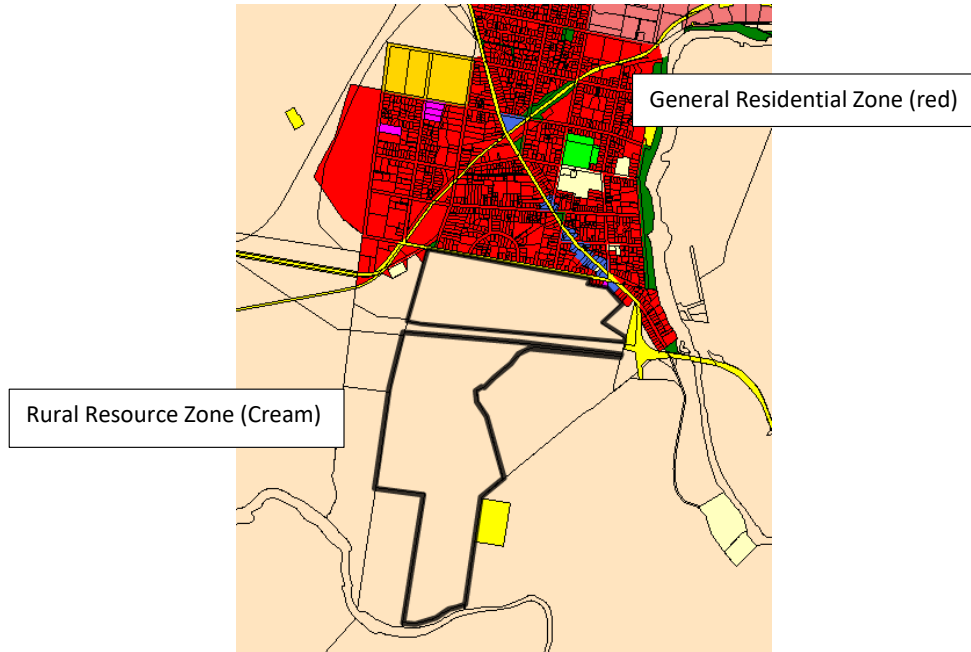


Figure 4 - Zoning of the site and surrounds.

### 4. Access

The subdivision will result in one additional lot. All lots will have direct access to a Council maintained road. The details of the access and frontage is shown below.

<b>Lot 1</b>	Direct 1000m+ frontage to Drummond Street.
<b>Lot 2</b>	Direct 15m frontage to Eskleigh Road

It is expected that lot 1 will be further subdivided in the future, noting that access is not an issue given the frontage to Drummond Street. Access to lot 2 will not alter from what is existing.

## 5. Water

Fire Hydrants are currently located out the front of lot 1 at numerous points along Drummond Street. A site inspection of the dwelling on lot 2 indicated that there was an existing hydrant on the land, associated with the Adam's distillery. This hydrant was within 120m of all parts of the dwelling.



Figure 5- Aerial view showing fire hydrant locations relative for lot 1.

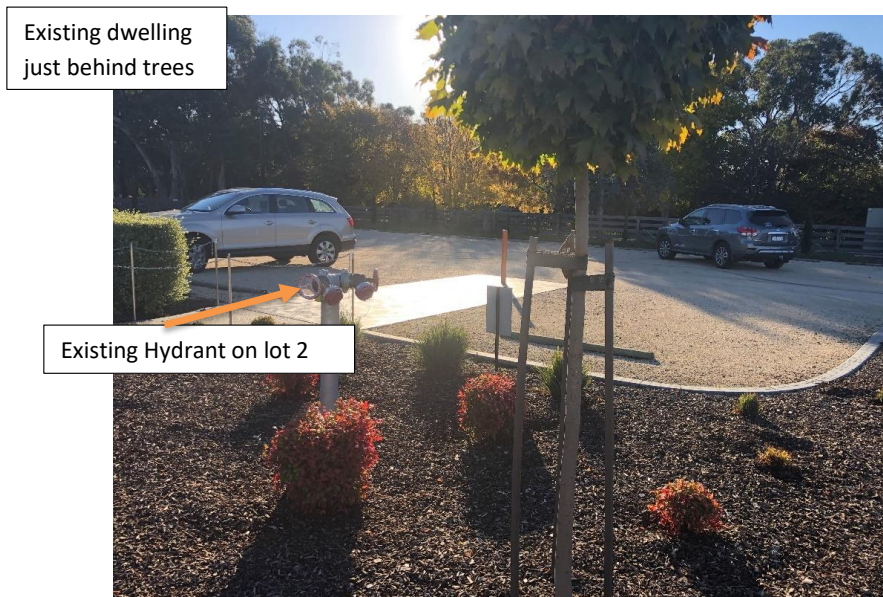


Figure 6 - Existing hydrant on lot 2 within 120m of dwelling.

## 6. Slope

The titles are generally flat. There is no visible slope on the site, however contours indicate a very gradual fall to the south and the South Esk River.



## 7. Vegetation Analysis

The subject titles are situated within 100m of bushfire prone vegetation. A brief analysis has been shown below to understand the land and surrounding area.

### Lot 1

Lot 1 is currently vacant, it will have a size of 48ha. The site is currently used for grazing purposes. At the time of inspection all grass was under 100mm due to stock grazing. All vegetation on this site and within 100m of the site is classified as grassland. The aerial view in figure 2 and TasVeg map in figure 3 demonstrate the vegetation in proximity to lot 1.



*Figure 7 - view over lot 1 from Drummond street, all of lot 1 is in this state.*

### Lot 2

Lot 2 currently contains a dwelling and whiskey distillery. The dwelling and distillery both provide a managed area around the buildings. The remainder of the lot is classified as grassland as seen in figures 2 and 3.



*Figure 8 – looking north west at managed neighbour's land.*



*Figure 9 – Existing dwelling and access.*

## 8. Conclusions and Justification

The area is bushfire prone, being mapped on a bushfire prone area planning scheme overlay map. There is however an insufficient increase in risk from the development to warrant the provision of bushfire hazard management measures for the development.

The risk is considered low given the nature of the subdivision. This exemption is based on the following:

- The only identified vegetation within 100m of the sites is grassland.
- The land is zoned Rural Resource, being generally used for agricultural purposes.
- The site is currently transected by the Midland Highway, the subdivision seeks to create title on either side of the highway.
- The lots are 48ha and 86ha respectively, the size and nature of the lots does not present any increased risk, ensuring ample room for hazard management areas remains should a future dwelling be constructed. The land north of the Highway will be further subdivided in the future.
- The existing dwelling is within 120m of a Hydrant located on the balance lot.
- The existing dwelling provides and maintains an existing hazard management area around the building.
- The existing access to the balance lot meets all access requirements for development within a bushfire prone area.
- Lot 1 provides numerous areas to build within 120m of a hydrant. There are numerous hydrants along Drummond St.
- The site is within an Irrigation district and subject to agricultural activities.

It is therefore concluded that there is an insufficient increase in the bushfire risk as a result of the proposed two (2) lot subdivision.

## 9. Recommendations

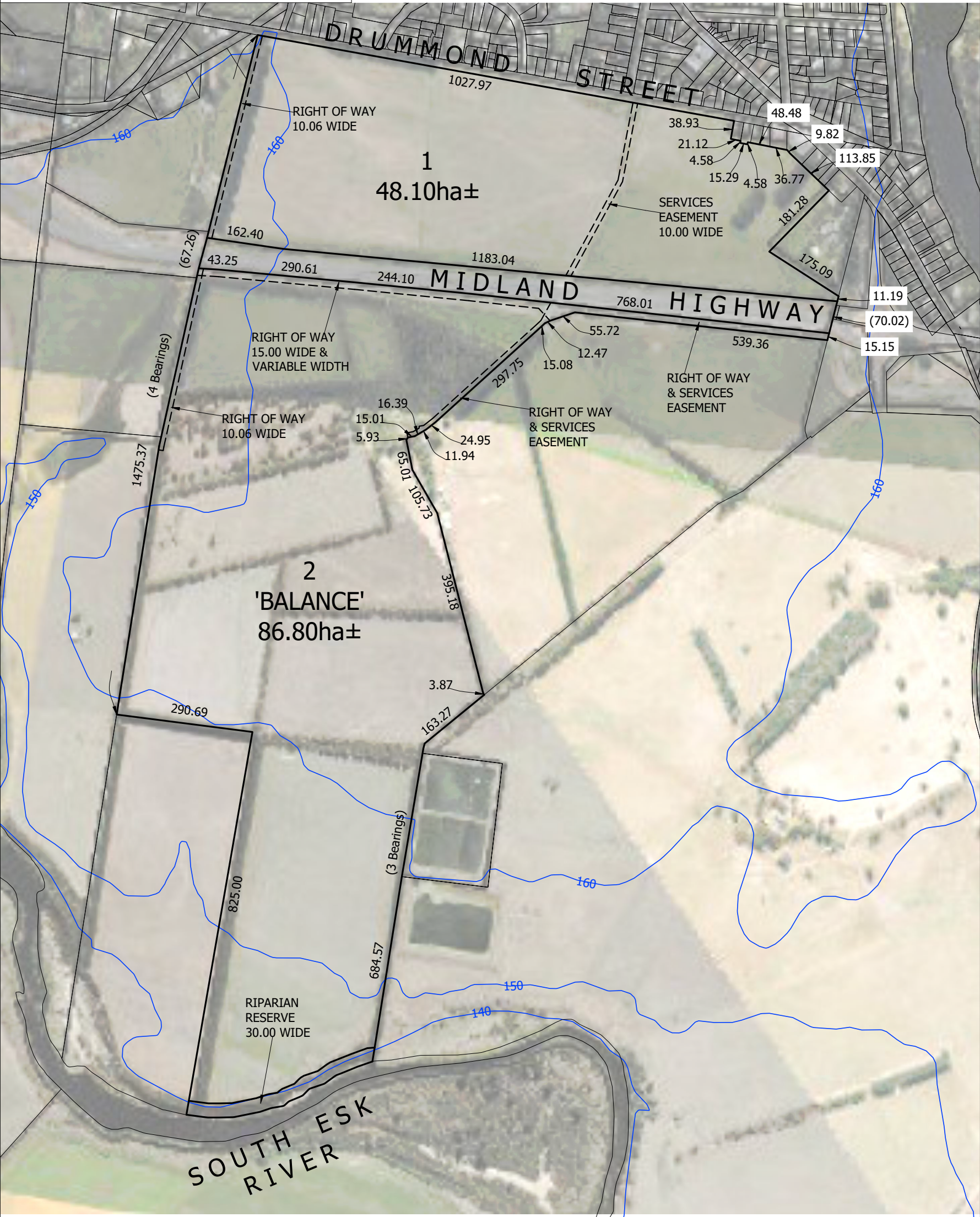
The proposed two (2) lot subdivision is considered exempt under clause E1.4A of the *Planning Directive no 5.1 of the bushfire prone areas code*.



## **Annexure 1 – Proposal Plan**

PLANNING

THIS PLAN WAS PREPARED AS A PROPOSAL PLAN TO ACCOMPANY A DEVELOPMENT APPLICATION TO COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. ALL MEASUREMENTS AND AREAS ARE SUBJECT TO SURVEY.



Notes:  
All measurements and areas shown are approximate and subject to survey.  
Contours are per the LIST prior to Midland Highway development.  
Contour interval is 10m.

PROPOSED 2 LOT SUBDIVISION  
OWNER: BERNARD EINODER  
'GLEN IREH', 5 ESKLEIGH ROAD, PERTH  
C.T. 177503/1



**WOOLCOTT SURVEYS**

10 Goodman Court Invermay TAS 7248  
PO Box 593 Mowbray Heights TAS 7248  
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Email: office@woolcottsurveys.com.au

Job Number  
L210328

Drawn RA	File name L210328_Site_Development_Plan_130421_Plane_2D	Date 14/04/21	Scale 1:7500 @A3	Edition v1.0	Sheet 1/1
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**Annexure 2 – Bushfire Prone Areas Certificate**

## BUSHFIRE-PRONE AREAS CODE

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

#### 1. Land to which certificate applies

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

Street address:

5 Eskleigh Road, Perth

Certificate of Title / PID:

CT177503/1, PID9333679

#### 2. Proposed Use or Development

Description of proposed Use and Development:

2 Lot Subdivision

Applicable Planning Scheme:

Northern Interim Planning Scheme 2013

#### 3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Hazard Exemption Report	Woolcott Surveys	22/04/2021	1
Proposed 2 Lot Subdivision	Woolcott Surveys	14/04/2021	1

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

#### 4. Nature of Certificate

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

<input checked="" type="checkbox"/>	<b>E1.4 / C13.4 – Use or development exempt from this Code</b>	
	<b>Compliance test</b>	<b>Compliance Requirement</b>
<input checked="" type="checkbox"/>	E1.4(a) / C13.4.1(a)	Insufficient increase in risk

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

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

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



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

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

**5. Bushfire Hazard Practitioner**

<b>Name:</b>	James Stewart	<b>Phone No:</b>	0467 676 721
<b>Postal Address:</b>	PO BOX 593, Mowbray, Tas, 7248	<b>Email Address:</b>	james@woolcottsurveys.com.au
<b>Accreditation No:</b>	BFP – 157	<b>Scope:</b>	1, 2, 3B

**6. Certification**

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

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

**Signed:**  
certifier



**Name:**

James Stewart

**Date:**

22/04/2021

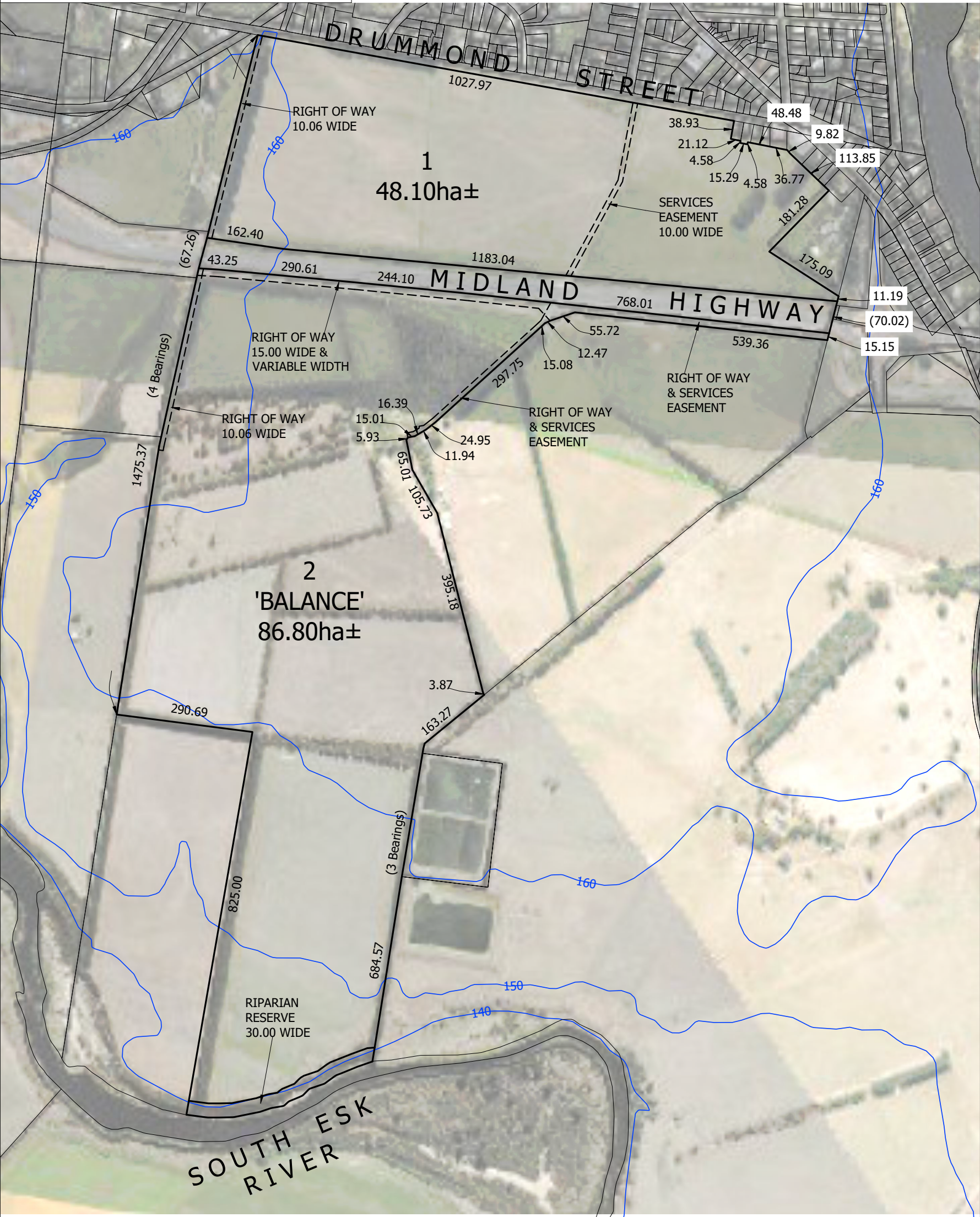
**Certificate Number:**

WS-20

(for Practitioner Use only)

PLANNING

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Contour interval is 10m.

PROPOSED 2 LOT SUBDIVISION  
OWNER: BERNARD EINODER  
'GLEN IREH', 5 ESKLEIGH ROAD, PERTH  
C.T. 177503/1



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Job Number  
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Drawn RA	File name L210328_Site_Development_Plan_130421_Plane_2D	Date 14/04/21	Scale 1:7500 @A3	Edition v1.0	Sheet 1/1
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**Rosemary Jones**

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**From:** TasWater Development Mailbox <Development@taswater.com.au>  
**Sent:** Thursday, 28 April 2022 9:55 AM  
**To:** NMC Planning  
**Cc:** Karen Jenkins  
**Subject:** TasWater Advice RE: Planning Authority Notice, TWDA 2022/00533-NMC, for Council permit PLN-21-0073

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Karen,

Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1) TasWater has assessed the application for the above mentioned permit and has determined that the proposed development does not require a submission from TasWater.

If you have any queries, please contact me.

Regards,

Al Cole

Senior Assessment Officer

D 0439 605 108  
F 1300 862 066  
A GPO Box 1393, Hobart TAS 7001  
E [al.cole@taswater.com.au](mailto:al.cole@taswater.com.au)  
W <http://www.taswater.com.au/>

Have I been helpful? Please provide feedback by clicking [here](#).



**Disclaimer**

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**REFERRAL OF DEVELOPMENT APPLICATION PLN-21-0073 TO WORKS & INFRASTRUCTURE  
DEPARTMENT**

**Property/Subdivision No:** 104200.385

**Date:** 12 April 2022

**Applicant:** Drummond Street Developments Pty Ltd

**Proposal:** 2 Lot Subdivision in Rural Resource Zone

**Location:** 5 Eskleigh Road, Perth

W&I referral PLN-21-0073, 5 Eskleigh Road, Perth

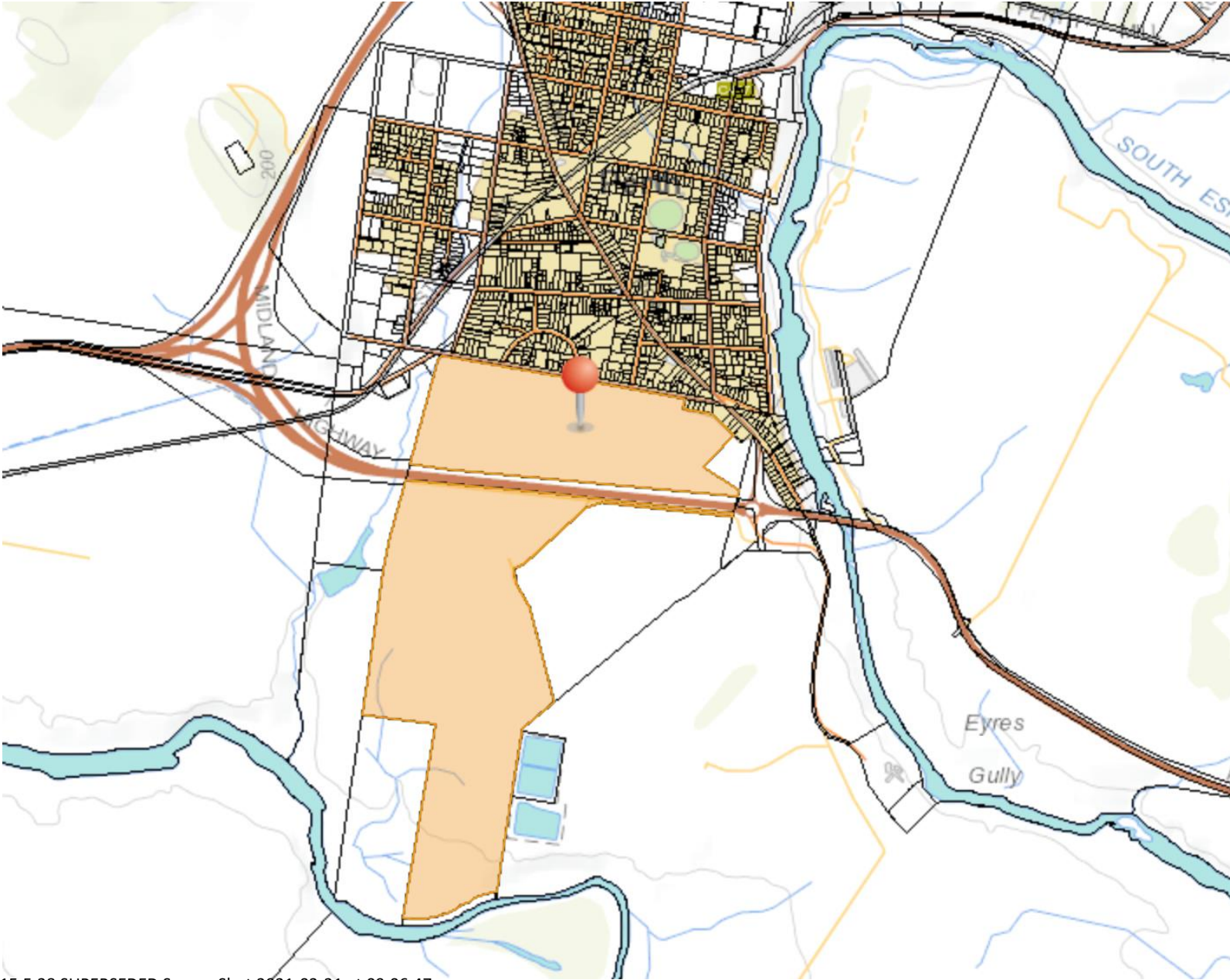
Planning admin: W&I fees paid.

No W&I comment

*Jonathan Galbraith (Engineering Officer)*

*Date: 12/4/22*





**Identify Results**Disclaimer

One feature found in one layer

▼ Cadastral Parcels - Owner Information (one feature)

Warning - Property boundaries are indicative only. See explanation [here](#).

Feature	
Property Address	'GLEN IREH' - 5 ESKLEIGH RD PERTH TAS 7300
Property ID	9333679 <a href="#">View Details</a>
Title Reference	177503/1 <a href="#">View Details</a>
Owner Name(s)	BERNARD JOHN EINODER
Postal Address	QUEEN VICTORIA TOWER SUITE 1 11 HIGH ST EAST LAUNCESTON TAS 7250

POI: GDA94 MGA55 : 514175E, 5396893N

the list

Providing all the information

Identify Options