

From: [Newman, Luke \(DoJ\)](#)
To: [TPC Admin \(DoJ\)](#)
Subject: HPE CM: FW: Hawkins documents tendered at the 22nd May TPC Hearing
Date: Monday, 27 May 2019 10:41:14 PM
Attachments: [3019 Draft POS.PDF](#)
[3019 Proposal Plan.PDF](#)
[JB and RA Hawkins to Gill and Oliver at MVC finalised 19 May 2019.pdf](#)

From: Andrew Ricketts <AndrewRicketts@antmail.com.au>
Sent: Monday, 27 May 2019 2:50 PM
To: Newman, Luke (DoJ) <Luke.Newman@planning.tas.gov.au>
Subject: Hawkins documents tendered at the 22nd May TPC Hearing

Dear Luke

Please find attached the PDF digital copies of the paper plans which I tendered to the TPC on behalf of JB and RA Hawkins at the last hearing I attended.

I also tended a paper version of a letter from the Hawkins to Meander Valley Council, a PDF of this letter is also attached.

I trust this assists.

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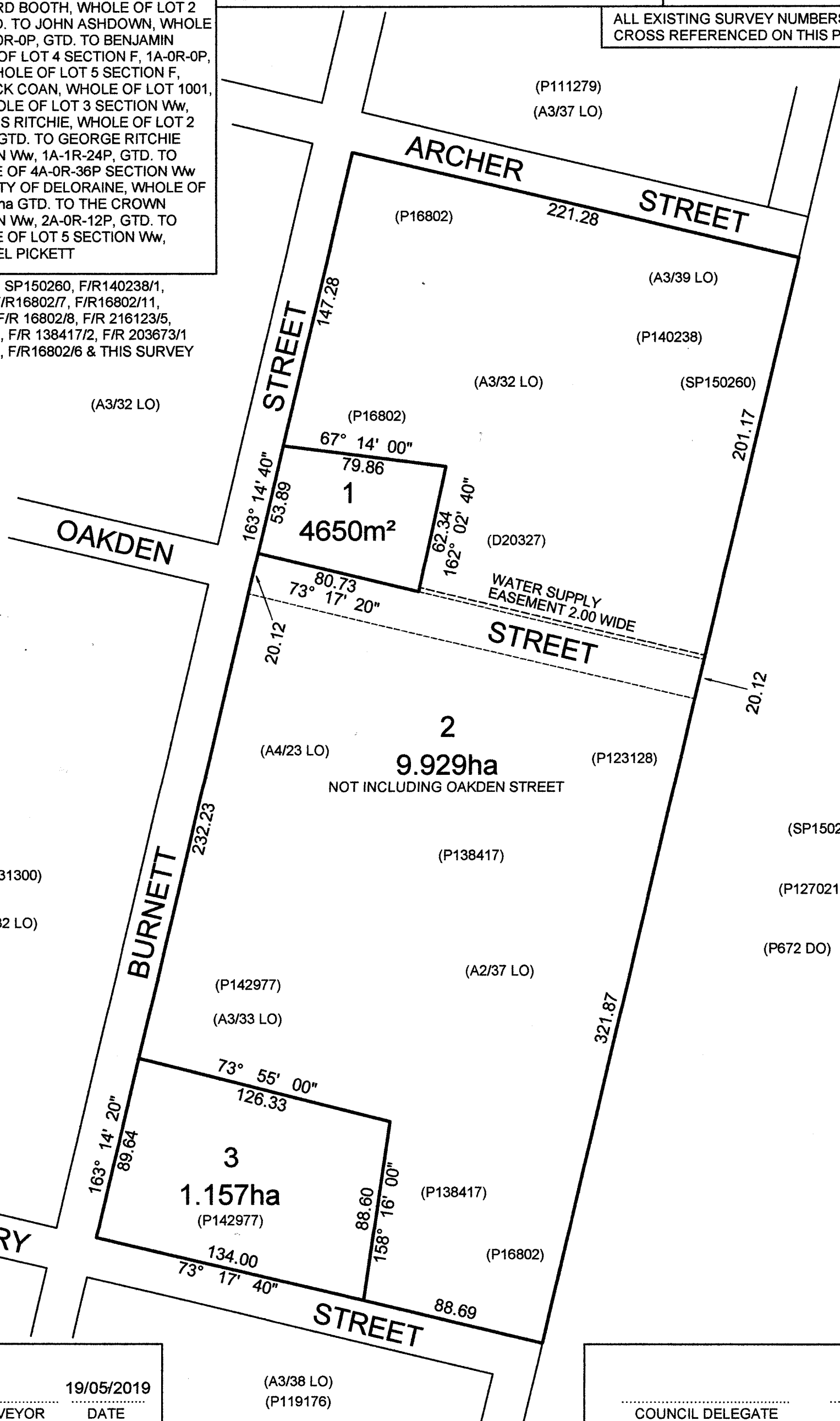
Sincerely
Andrew Ricketts
780 Larcombes Rd
Reedy Marsh 7304

LOT 2 IS COMPILED FROM SP150260, F/R140238/1,
F/R16802/9, F/R228281/8, F/R16802/7, F/R16802/11,
F/R 16802/10, F/R20327/3. F/R 16802/8, F/R 216123/5,
F/R 123138/1, F/R 138417/1, F/R 138417/2, F/R 203673/1
F/R 142977/1, F/R 138417/3, F/R16802/6 & THIS SURVEY

LENGTHS IN METRES

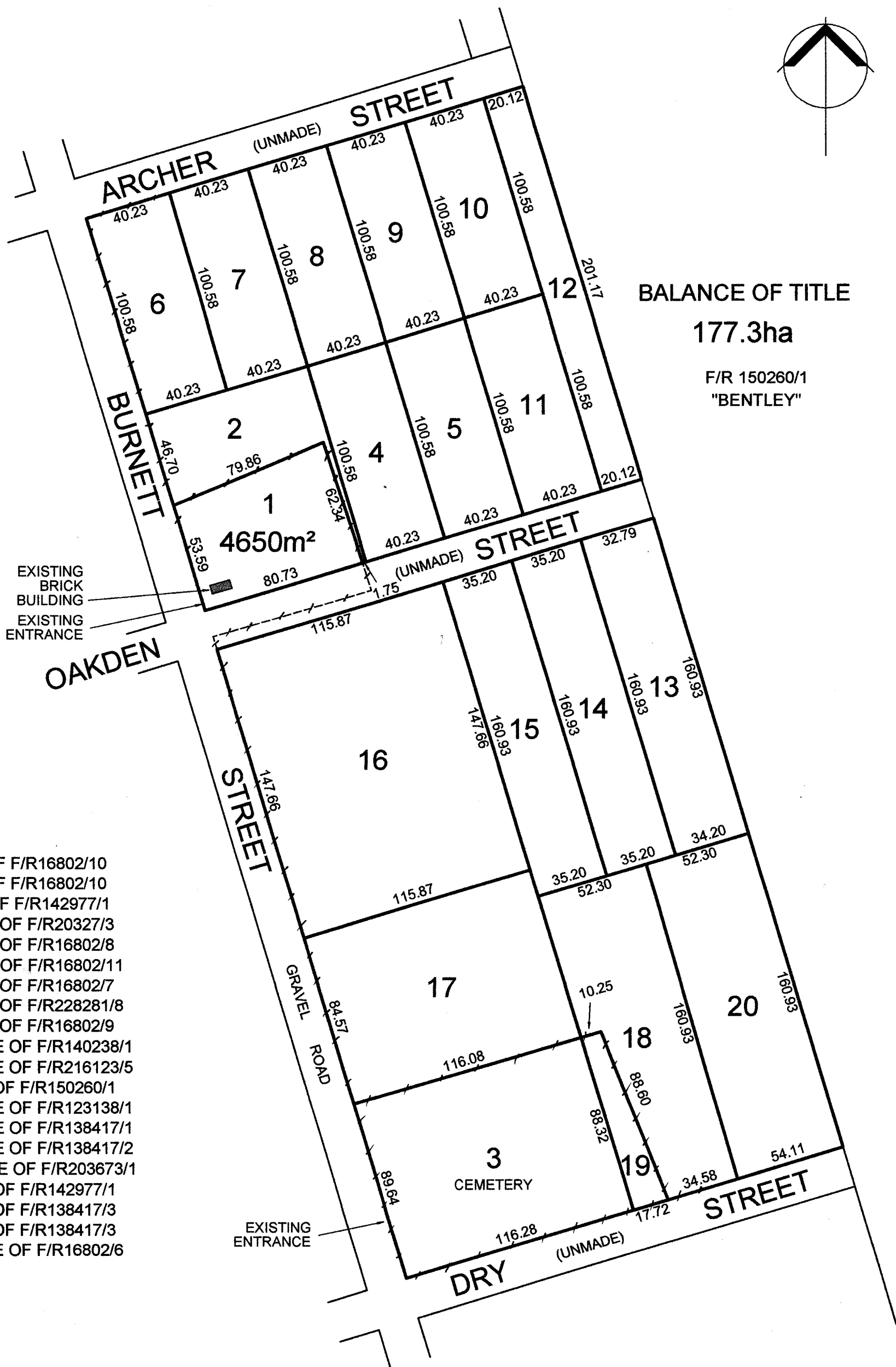
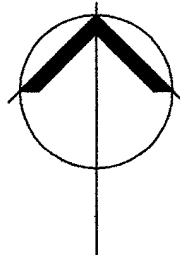
Recorder of Titles

(P111364)



DATE _____

DATE _____



BALANCE OF TITLE
177.3ha
F/R 150260/1
"BENTLEY"

- LOT 1 = 4650m² = PART OF F/R16802/10
LOT 2 = 3444m² = PART OF F/R16802/10
LOT 3 = 1.034ha = PART OF F/R142977/1
LOT 4 = 4047m² = WHOLE OF F/R20327/3
LOT 5 = 4047m² = WHOLE OF F/R16802/8
LOT 6 = 4047m² = WHOLE OF F/R16802/11
LOT 7 = 4047m² = WHOLE OF F/R16802/7
LOT 8 = 4047m² = WHOLE OF F/R228281/8
LOT 9 = 4047m² = WHOLE OF F/R16802/9
LOT 10 = 4047m² = WHOLE OF F/R140238/1
LOT 11 = 4047m² = WHOLE OF F/R216123/5
LOT 12 = 4047m² = PART OF F/R150260/1
LOT 13 = 5387m² = WHOLE OF F/R123138/1
LOT 14 = 5666m² = WHOLE OF F/R138417/1
LOT 15 = 5666m² = WHOLE OF F/R138417/2
LOT 16 = 1.710ha = WHOLE OF F/R203673/1
LOT 17 = 9894m² = PART OF F/R142977/1
LOT 18 = 7162m² = PART OF F/R138417/3
LOT 19 = 1235m² = PART OF F/R138417/3
LOT 20 = 8549m² = WHOLE OF F/R16802/6

NOTES
ALL DIMENSIONS ARE SUBJECT TO THE FINAL TITLE SURVEY
ALL OF THE SUBJECT TITLES ARE IN THE OWNERSHIP OF JOHN & ROBYN HAWKINS
LOTS 4 - 18 (INCLUSIVE) & LOT 20 ARE TO BE ADDED TO LOT 2 AND BE SHOWN AS LOT 2 ON THE FINAL PLAN OF SURVEY
LOT 19 IS TO BE ADDED TO LOT 3 AND BE SHOWN AS LOT 3 ON THE FINAL PLAN OF SURVEY
THE BALANCE OF TITLE 150260/1 IS TO BE SHOWN ON A BALANCE TITLE PLAN

SCALE 1:2000 (A3)

Job No. 1445-1930

DRAFT
Registered Land Surveyor

19/05/2019
Date

Plan Number
3019-01DA

D.J.McCULLOCH Surveying
AUTHORISED LAND, ENGINEERING & MINING SURVEYORS

PO BOX 725 PHONE 03 63271394 EMAIL: mcculldj@bigpond.net.au
RIVERSIDE MOBILE 0417526589
TAS 7250

PROPOSED SUBDIVISION

Burnett Street, Chudleigh
John & Robyn Hawkins Owners
Title References - See Plan
Development Application for Planning Permit
Meander Valley Council

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



BENTLEY
Mole Creek Road
Chudleigh
Tasmania 7304

TEL: 61 (0)3 6363 6131 • FAX: 61 (0)3 6367 6262

John B. Hawkins
J.B. and R.A. Hawkins
Email: jhawkins@acenet.com.au

19th May 2019

Martin Gill, General Manager
Jo Oliver, Senior Strategic Planner
Meander Valley Council
26 Lyall Street
Westbury 7303
By Email to: Martin.Gill@mvc.tas.gov.au

And: Jo.Oliver@mvc.tas.gov.au

New Dwelling and Protection of The Arboretum Land on Bentley

Dear Martin and Jo,

I am writing to appraise you both of our current plans for our land within the gazetted town of Chudleigh township, currently a part of the Bentley estate.

Our current intent is to sell the majority of Bentley, and retain ownership of the land bounded by Archer Street, Burgess Street, Dry Street and Burnett Street in the gazetted town of Chudleigh.

I confirm that we will be seeking a consolidation of the land titles within our land bounded by Archer Street (the southern boundary not including the reserve), Burgess Street (the eastern boundary of, including the former reserve), west of the drain, Dry Street (the northern boundary of the reserve) and Burnett Street (the eastern boundary of the Council's road alignment) in Chudleigh. Recently we have engaged the registered surveyor, Dallas McCulloch. The survey purpose is to implement that subdivision and consolidation of titles down to only 3. The application for the subdivision would accompany a Part Five Application and Agreement.

That consolidation of some 16 land titles down to three titles: one for The Arboretum, one for the cemetery and one for the chapel/house block on Burnett Street will accompany and support the protection of the Arboretum through a Part Five Agreement. That is, our proposal to Council is that the consolidation of titles is considered a contribution in partnership with the Part Five Agreement, explicitly aiming to protect in-perpetuity the Arboretum.

Currently about 10.25 ha of the subject land contains the Arboretum, now known as: **'The Robyn Mayo Arboretum of Tasmanian Species'**. A proposal plan is being drafted by Mr McCulloch and would accompany the application. Mr Ricketts is drafting the Part Five Agreement. The subdivision application will be lodged by Mr McCulloch in June, we expect. The finalised 3 titles are intended to neatly align with the zone boundaries proposed for the MV LPS of the TPS, once the Burgess Street zone matter and other slight anomalies re zone boundaries are rectified in the hearing.

At 41 Burnett Street there is an existing structure, which we know as a chapel, but which was a cottage and dates back to the 19th century. It was recommended by Council's expert consultant, Davies for Heritage listing, at the State level, in about 2006. The subject land also supports the former Presbyterian Church cemetery, which is currently zoned Community Purpose under the MV IPS.

Some time ago, you offered Council's support for the in-perpetuity protection of The Robyn Mayo Arboretum of Tasmanian Species. The verbal agreement and position we reached with Council was via a meeting at the Bentley Chapel in Burnett Street, Chudleigh on the 27th April 2018. This is both appreciated and accepted.

Since that time, we have had some revisions and changes to our plans. I hope you can understand that Robyn's medical condition has caused uncertainty and has been and remains challenging. It is because of these facts that I felt the need to provide Council with an update, seeking to both inform you and importantly to obtain a confirmation that our current plans were aligned with Council's aspirations.

Our current plans remain to protect The Robyn Mayo Arboretum of Tasmanian Species, through Council driven processes, if at all possible, including the Part Five Agreement mechanism. We seek confirmation of that aspect.

The Robyn Mayo Arboretum of Tasmanian Species, currently has no protection, remains in the Rural Resource Zone of the Meander Valley Interim Planning Scheme 2013 (MVIPS 2013), and remains comprised of many small titles. It is immensely obvious that this Arboretum is not an agricultural pursuit and has no agricultural capacity. Fencing of the area has recently been completed.

Further, we have also decided to revisit and reinstate our plan to build a dwelling on the block at 41 Burnett Street. Plans are currently being drafted by the senior architect Mr Knight of Westbury.

I am aware that Mr Ricketts has been in recent discussion with Ms Oliver over some of these plans, seeking Council's support informally, and determining the extent of supporting documentation which may be required and discussing the process and

timing. To that extent I seek confirmation whether Council requires both a Karst Report and a Bushfire Hazard Report. Also confirmation as to whether the Bushfire Hazard Report would need to cover only 41 Burnett Street. The area is mapped as Low Priority Karst. On the matter of timing, we consider the resolution of the various matters to be an urgent priority.

The whole of the subject land, being within the MV IPS Rural Resource Zone, is potentially open to requiring an Agricultural Report. However, in our view, and Ms Oliver's, it is immensely obvious that this land, within the gazetted township of Chudleigh and considering the proposal to formally protect the existing Robyn Mayo Arboretum of Tasmanian Species, means that the land is not agricultural land and that no report should be required in this case. We seek confirmation on that aspect please.

Within the subject land lies the Crown Road Reserve of Oakden Street. I thought I had purchased this roadway, but it seems not. An application will be lodged for purchase shortly and Mr McCulloch is aware of the problem. Part would be adhered to 41 Burnett St and part to the Arboretum block. The subdivision is proposed to proceed before a purchase is necessarily finalised.

Mr Phil Cullen has been engaged to provide a Karst Report and a choice is yet to be made on a consultant for a bushfire report, if it is needed. Mr Cullen was recommended by Council. I must say I am having trouble understanding the need for a Bushfire Hazard report given the circumstances, the level of suburban clearing to our West and so forth the Council maintained road of Burnett Street et cetera. There remains a generous cleared setback to the Arboretum from proposed development of the dwelling.

Regarding the Building Application. A building surveyor has been sought but no decision as to whom to engage has been finalised. We understand this is now our responsibility. We would welcome Council's list of local practitioners.

An engineer has also been engaged. The development plans, reports and building application will be lodged in one package in June 2019 I expect.

Mr Ricketts has been charged with advocating the various land use planning zones and supporting our LPS representation to Meander Valley's Local Planning Schedule. I continue with the view that The Robyn Mayo Arboretum of Tasmanian Species should be zoned Open Space, that 41 Burnett Street be zoned Low Density Residential.

As you already know, we decided, in the context of our decision to sell the majority of Bentley, to not proceed with a Specific Area Plan under the Tasmanian Planning Scheme's MVLPS.

In the MV LPS hearing process, post the directions hearing, the issue of 17 Sorell Street has apparently come up for some arcane reason. No 17 Sorell Street, is at the start of the eastern end of the main street of Chudleigh, a block of some 4047 m² contains a residential dwelling. This is relatively small for Chudleigh. Sorell Street has a named extent which coincides with the township of Chudleigh, which in itself should be sufficient reason for it to remain in the Village Zone. Currently number 17 is within the Village Zone of the MVC IPS. This property, CT 34768/1, is owned by Robyn Hawkins

and is separately rated to Bentley. It has been in the Village Zone for quite some time. The house at No 17, itself dates back at least to the 1960s on what must surely be considered to be a residential block. It is within the 60 km/h speed limit zone for Chudleigh. The town sign of Chudleigh sets on the verge directly outside the house. The house is a part of the village townscape. This block has no agricultural purpose and should remain, in our humble view, within the Village Zone. We thus seek Council support on this issue.

Although we remain languishing within the quagmire that is the Liberal Government inspired shambles of the only partially resolved Interim Planning Schemes in Tasmania, we have chosen to proceed with the various planning and building applications in June 2019, both for the matter of a subdivision and consolidation of titles and associated part five agreement for The Robyn Mayo Arboretum of Tasmanian Species and for the planning and building approvals to build a dwelling at 41 Burnett Street.

Because of Robyn's illness, our plans have a degree of urgency and priority. In that context we seek the Council's advice, as to any impediments which it may perceive would impact on our plans.

The Robyn Mayo Arboretum of Tasmanian Species is the product of about 15 years work by Robyn. It performs an amenity function, a function of landscape modification, as well as its other function as a diligent collection of Tasmanian native tree species and was always intended to be permanent.

It would seem that there is an array of applications reports and processes which in fact have been commenced and where formal applications to Council are intended to occur in June 2019. I wish to ensure there is an overall understanding of the range of actions, conveyances, planning applications, building applications and other approvals, which I propose would be channelled through your office.

Conclusion

I trust this letter seeking cooperation, has sufficiently clarified and proposed plans and intent for Bentley. Please note, we are intending to proceed in the near future with the various Council applications within the subject land, remaining a part of Bentley, albeit excluded from sale and within the current rural resource zone.

We await Council's consideration of the issues and proposals we have raised and look forward to an early response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John B. Hawkins', with a stylized flourish at the end.

John B. Hawkins