

Development Applications

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

DA Number	DA 2024 / 00062
Applicant	Woolcott Surveys
Proposal	2 Lot Boundary Adjustment
Location	395 St Columba Falls Road, Pyengana (CT 176410/1 & CT228923/1)

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

Representations must be submitted in writing to the General Manager, Break O' Day Council, 32 -34 Georges Bay Esplanade, St Helens 7216 or emailed to admin@bodc.tas.gov.au, and referenced with the Application Number in accordance with section 57(5) of the abovementioned Act during the fourteen (14) day advertised period commencing on Saturday 13 April 2024 **until 5pm Monday 29 April 2024**.

John Brown
GENERAL MANAGER



LEGEND X - GATE IRRIGATION PIPELINE	PROPOSED BOUNDARY ADJUSTMENT 395 ST COLUMBA FALLS ROAD TAS 7216 C.T. 176410-1, C.T. 228923-1		 WOOLCOTT SURVEYS	10 Goodman Court Invermay TAS 7248 PO Box 593 Mowbray Heights TAS 7248 Phone (03) 6332 3760 Fax (03) 6332 3764 Email: office@woolcottsurveys.com.au		Job Number 231007	
				Drawn AJB	File name 231007 PROPOSAL180324mgaV2.dwg	Date 18/03/24	Scale 1:1000@A3



WOOLCOTT SURVEYS



EAST COAST
SURVEYING
CONSULTING SURVEYORS
& LAND PLANNERS

PLANNING SUPPORTING REPORT

Proposed subdivision (boundary adjustment)

395 ST COLUMBA FALLS ROAD, PYENGANA

March 2024

Job Number: 231007
Prepared by: Michelle Schleiger (michelle@woolcottsurveys.com.au)
Town Planner
Reviewed by: James Stewart (james@woolcottsurveys.com.au)
Senior Planner

© Woolcott Surveys Pty Ltd

ABN 63 159 760 479

All rights reserved pursuant to the Copyright Act 1968

No material may be copied or reproduced without prior authorisation

Launceston | St Helens | Hobart

woolcottsurveys.com.au

Contents

1.	Introduction.....	1
2.	Subject site and proposal.....	1
2.1	Site details.....	1
2.2	Proposal.....	2
2.3	Zones and overlays.....	4
3.	Planning Assessment.....	5
3.1	Planning Scheme Zone Assessment.....	5
3.2	Planning Scheme Code Assessment.....	7
4.	Conclusion.....	9
	Annexure 1 – Copy of title plan and folio text.....	9
	Annexure 2 – Proposal plan.....	9
	Annexure 3 – Bushfire assessment.....	9

1. Introduction

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

Proposed development
Subdivision of the land – boundary adjustment 2 lots to 2 lots

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

Document	Consultant
Proposal Plan	Woolcott Surveys
Bushfire Exemption	Woolcott Surveys

2. Subject site and proposal

2.1 Site details

Address	395 St Columba Falls Road, Pyengana TAS 7216
Property ID	9910925 & 9910925
Title	176410/1
Land area	184.3ha & 26.39ha (est.)
Planning Authority	Break O' Day Council
Easements	Road reserve (several) Wayleave easement Right of Way
Application status	Discretionary
Existing Access	Access from St Columba Falls Road (sealed Council road) via private vehicle tracks Several gates to the property for rural access.
Existing use	Resource Development
Zone	Agriculture
General Overlay	None
Code Overlay/s	Bushfire-prone areas Scenic road corridor Waterway and coastal protection area

	Low landslip hazard band
	Flood-prone areas

2.2 Proposal

The proposal is for a boundary adjustment. The proposal creates a new boundary over the southern parcel belonging to CT. 176410/1 and joins the separated land to CT.228923/1. The transferred land is labelled “Portion ‘A’” on the submitted proposal plan and equals 39.79ha of transferred land.

Lot 1 under the proposal will be 65.92ha with 365.15m frontage to St Columba Falls Road. Lot 2 will be 144.51ha and will have frontage to St Columba Falls Road on the north and south side of the road. The lot will be predominantly north of St Columba Falls Road with one section south of the road. This configuration contains the existing irrigation infrastructure on the land to proposed Lot 2.

No development is proposed and there is no change of use proposed as a part of this application.

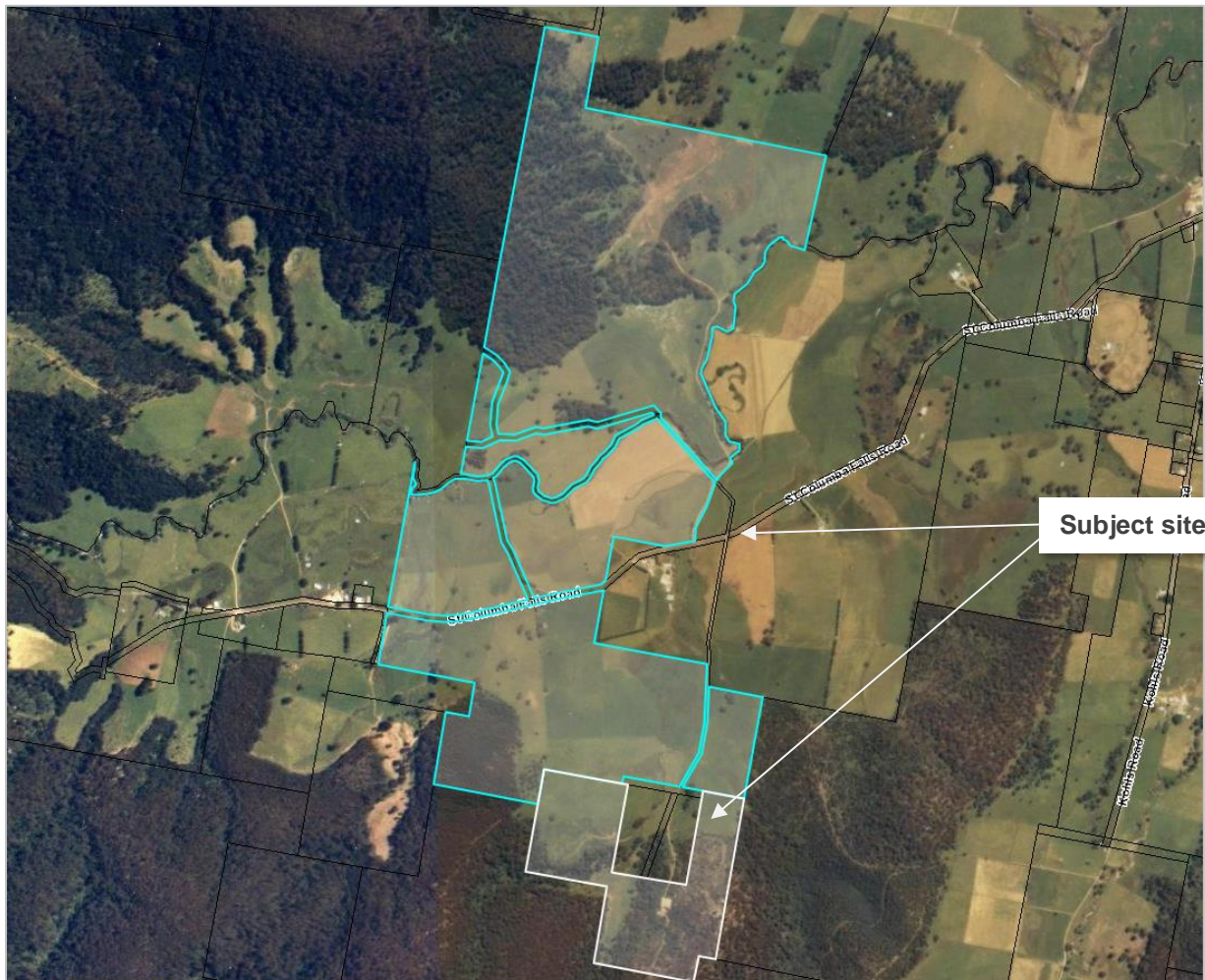


Figure 1 Aerial view of the subject site (Source: LISTMap)



Figure 2 Indication of new boundary and proposal.

2.3 Zones and overlays

The land is zoned Agriculture and is bordered in part by the Rural Zone.

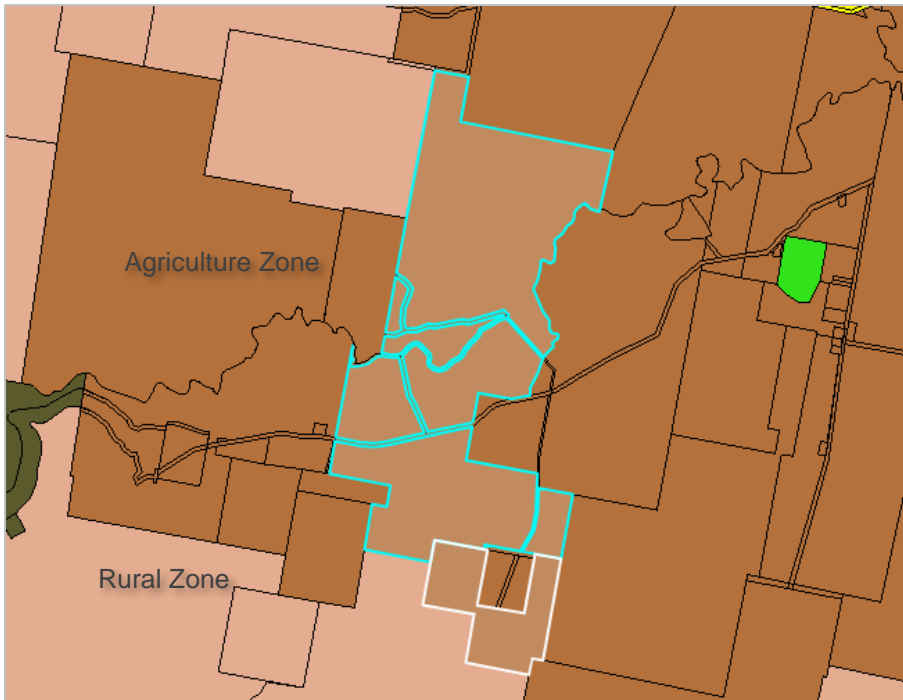


Figure 3 Zoning for the subject site and surrounding area (Source: LISTMap)

Several overlays affect the subject site. Bushfire-prone areas; Scenic road corridor; Waterway and coastal protection area; Low landslip hazard band; and Flood-prone areas.

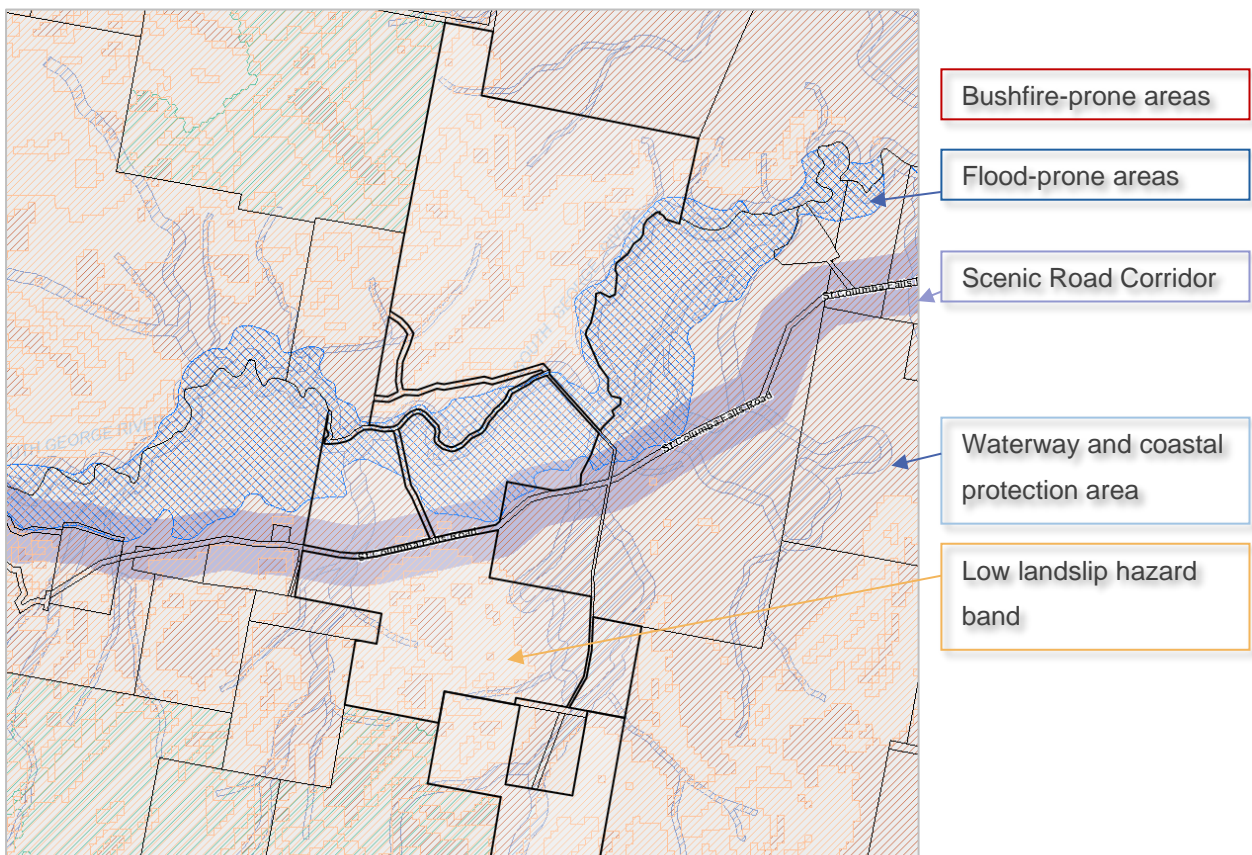


Figure 4 Overlays affecting the subject site (Source: LISTMap)

3. Planning Assessment

3.1 Planning Scheme Zone Assessment

21.0 Agriculture Zone

21.1 Zone Purpose

Zone purpose	
	The purpose of the Agriculture Zone is:
21.1.1	To provide for the use or development of land for agricultural use.
21.1.2	To protect land for the use or development of agricultural use by minimising: <ul style="list-style-type: none"> a. conflict with or interference from non-agricultural uses; b. non-agricultural use or development that precludes the return of the land to agricultural use; and c. (c) use of land for non-agricultural use in irrigation districts.
21.1.3	To provide for use or development that supports the use of the land for agricultural use.

7.10 Development not Required to be Categorised into a Use Class

7.10.1 An application for development that is not required to be categorised into one of the Use Classes under subclause 6.2.6 of this planning scheme and to which 6.8.2 applies, excluding adjustment of a boundary under subclause 7.3.1, may be approved at the discretion of the planning authority.

6.2.6 Notwithstanding subclause 6.2.1 of this planning scheme, development which is for subdivision, a sign, land filling, retaining walls or coastal protection works does not need to be categorised into one of the Use Classes.

Response

The proposed subdivision does not need to be categorised into a use class. The subdivision is consistent with the purpose of the zone. The existing use is Resource Development and no change of Use is proposed.

21.5 Development Standards for Subdivision

21.5.1 Lot design

Objective	
	To provide for subdivision that: <ul style="list-style-type: none"> a. relates to public use, irrigation infrastructure or Utilities; and b. protects the long term productive capacity of agricultural land.
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of	P1 Each lot, or a lot proposed in a plan of

<p>subdivision, must:</p> <ul style="list-style-type: none"> a) be required for public use by the Crown, a council or a State authority; b) be required for the provision of Utilities or irrigation infrastructure; or c) be for the consolidation of a lot with another lot provided both lots are within the same zone. 	<p>subdivision, must:</p> <ul style="list-style-type: none"> b) be for the reorganisation of lot boundaries that satisfies all of the following: <ul style="list-style-type: none"> i. provides for the operation of an agricultural use, having regard to: <ul style="list-style-type: none"> a. not materially diminishing the agricultural productivity of the land; b. the capacity of the new lots for productive agricultural use; c. any topographical constraints to agricultural use; and d. current irrigation practices and the potential for irrigation; ii. all new lots must be not less than 1ha in area; iii. existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2; iv. all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use; and v. it does not create any additional lots;
---	--

Response

P1 The performance criteria (b) are addressed. The proposal is for a reorganisation of boundaries from 2 lots, to 2 lots.

- i. There is no change of use proposed and the land will continue to be used in the same way as it is currently with each parcel according to its agricultural capacity. The result of the boundary alignment is net equal ability to use productive land.
 - a. As there is no development proposed and no change to the land Use, the agricultural productivity of the land is not diminished. The new boundary poses no constraint to productivity.
 - b. The productive value of the land is not altered by the boundary adjustment. Each lot has net equal overall capacity for production across the site.
 - c. Topographical constraints have no bearing on the agricultural use according to current use of the land. The land is undulating, grading to mountainous, and intersected with waterways. The land is predominantly cleared with heavy vegetation at the northern and southern sections.
 - d. The subject site is not in an irrigation district. Irrigation infrastructure, as existing, will be confined to proposed Lot 2 (pump shed and pipeline).
- ii) Each lot is compliant in area, being more than 1ha each.
- iii) The boundary adjustment has no bearing on the setback to existing buildings in the area, and the subject site has no existing buildings.
- iv) Each lot has frontage that is suitable for the use, being agricultural. There is no change to the use, so no additional requirements for access are necessary.

- v) No additional lots are created.

<p>A2 Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p>P2 Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> a) the topography of the site; b) the distance between the lot or building area and the carriageway; c) the nature of the road and the traffic, including pedestrians; and d) the pattern of development existing on established properties in the area.
--	---

Response

- P2 The performance criteria are addressed. Each lot has frontage and can be accessed from St Columba Falls Road. Access is rural in nature, and the front boundaries include gated entries. These are indicated on the proposal plan. The use will not be altered and the lots can be accessed as needs be for agricultural purposes.
- a. The topography has little bearing on potential access.
 - b. The lots as proposed each have direct road frontage. The road reserve that extends to CT. 242881/1 affords access to the eastern side of the subject site, and to proposed Lot 1.
 - c. St Columba Falls Road is a local Council road servicing the rural area and terminating at the St Columba Falls track. The road has no pedestrian infrastructure.
 - d. Existing development in the area is sparse and generally connected to agricultural pursuit. The boundary adjustment has little bearing on the existing pattern of development, creating minimal change overall.

3.2 Planning Scheme Code Assessment

C2.0 Parking and Sustainable Transport Code

C2.5 Use Standards

C2.5.1 Car parking numbers

Response

Table 2.1 has no requirement for Resource Development.

C2.6 Development Standards for Buildings and Works

Response

No development is proposed for access.

C7.0 Natural Assets Code

C7.6 Development Standards for Buildings and Works

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

Response

- A1 The acceptable solution (e) is achieved. There are no works proposed.
- A2 Not applicable
- A3 The acceptable solution is achieved, no stormwater point of discharge is proposed.
- A4 Not applicable
- A5 Not applicable

C8.0 Scenic Protection Code

- C8.4.1 The following development is exempt from this code:
(d) subdivision not involving any works;

Response

The submission is exempt from this code.

C12.0 Flood-Prone Areas Hazard Code

C12.7 Development Standards for Subdivision

C12.7.1 Subdivision within a flood-prone hazard area

Response

- A1 The acceptable solution is achieved.
 - a. The subdivision, although the application proposes no development, does not create an opportunity for development in a flood prone hazard area. Existing access is outside of the hazard area.

C13.0 Bushfire-Prone Areas Code

Please refer to Annexure 3 for this response.

C15.0 Landslip Hazard Code

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

(e) development, including subdivision, on land within a low landslip hazard band, if it does not involve significant works;

Response

The application is exempt.

4. Conclusion

The proposal meets the standards of the zone and relevant codes. A planning permit for use and development is sought from Council.

Annexure 1 – Copy of title plan and folio text

Annexure 2 – Proposal plan

Annexure 3 – Bushfire assessment



WOOLCOTT SURVEYS

Land Surveying | Town Planning | Project Management

w woolcottsurveys.com.au **e** office@woolcottsurveys.com.au

Launceston

Head office
10 Goodman Court
Invermay 7250
p (03) 6332 3760

St Helens

East Coast office
48 Cecilia Street
St Helens 7216
p (03) 6376 1972

Hobart

South office
Rear studio, 132 Davey Street
Hobart 7000
p (03) 6227 7968



WOOLCOTT SURVEYS

BUSHFIRE HAZARD EXEMPTION REPORT

Two (2) Lot Boundary Adjustment

Owners:

Kevin Rattray

Property address:

395 St Columba Falls Road, Pyengana

Break O'Day Council

Agriculture Zone

Author

James Stewart

Woolcott Surveys

(03) 6332 3760

Contents

Executive Summary.....	2
1. Proposal	3
2. Site Details	4
3. Vegetation Classification.....	5
4. Land Use Planning.....	6
5. Access.....	7
6. Water	7
7. Slope.....	7
8. Conclusions and Justification	7
9. Recommendations	7
Annexure 1 – Proposal Plan	8
Annexure 2 – Bushfire Prone Areas Certificate	9

Executive Summary

The proposed two (2) lot boundary adjustment is subject to a bushfire threat, with the land impacted by the Bushfire Prone Areas Overlay under the *Tasmanian Planning Scheme – Break O’Day* (the scheme).

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 boundary adjustment does not increase the bushfire risk to the site, as no additional titles are created as a result of the change.
- The smallest lot being created will have a size of 65ha. Each lot provides ample room to provide a bushfire hazard management area associated with both the existing dwelling and any future development.
- The land is used for primary industry uses with the boundary adjustment is not being done for residential purposes.
- The boundary adjustment has no impact on water or access provisions to the site. There is no change to existing arrangements.
- The land is vacant with no dwellings contained onsite.

Client: Kevin Rattray

Council: Break O’Day Council

Zoning: Agriculture Zone.

Property details: 395 St Columba Falls Road, Pyengana

Proposal: Two (2) lot Boundary Adjustment

Conclusions and

Recommendations: The proposed 2 Lot boundary adjustment is considered exempt under clause C13.4.1 (a) of the Bushfire Prone Areas Code under the *Tasmanian Planning Scheme – Break O’Day*

Author	Version number	Date
James Stewart	1.0	20/03/2024

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 2-lot boundary adjustment of land across two titles at 395 St Columba Falls Road, Pyengana

All the lots are utilised for primary industry purposes.

Lots will retain their existing access arrangements onto St Columba Falls Road.

The existing and updated lot sizes is shown below:

Address	Property	Current Size	Proposed Size
395 St Columba Falls Road, Pyengana (Lot 1)	CT228923/1	26ha	65.9ha
395 St Columba Falls Road, Pyengana (Lot 2)	CT176410/1	184ha	144ha

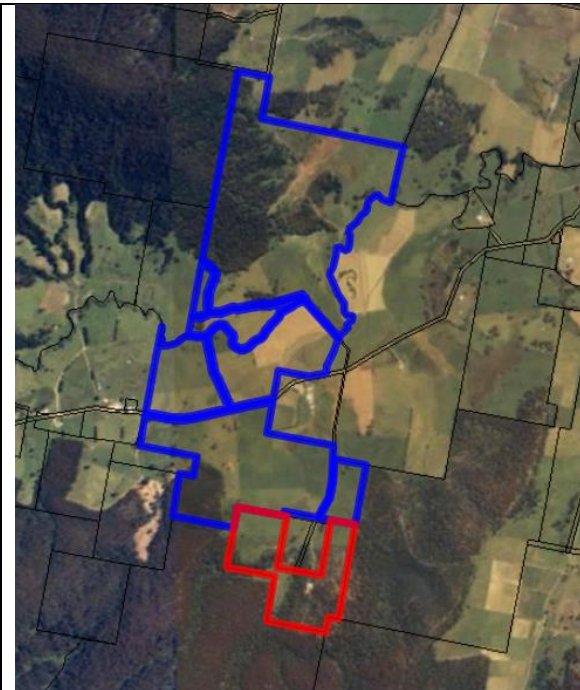


Figure 1 - existing title boundaries.

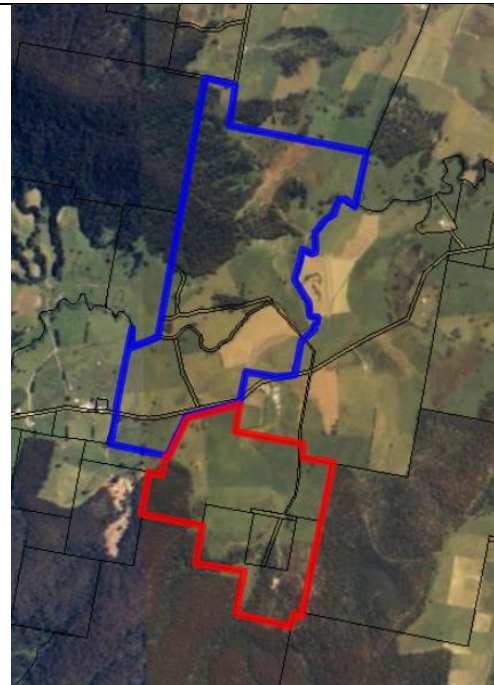


Figure 2 - proposed title boundaries.

2. Site Details

The subject site (two titles) are located at 395 St Columba Fall Road, Pyengana.

All lots are irregular in shape. The land is currently vacant with no dwelling or outbuildings. The site is used for grazing purposes and worked as part of a larger farm holding. The site is approximately 1.5km west of Pyengana.

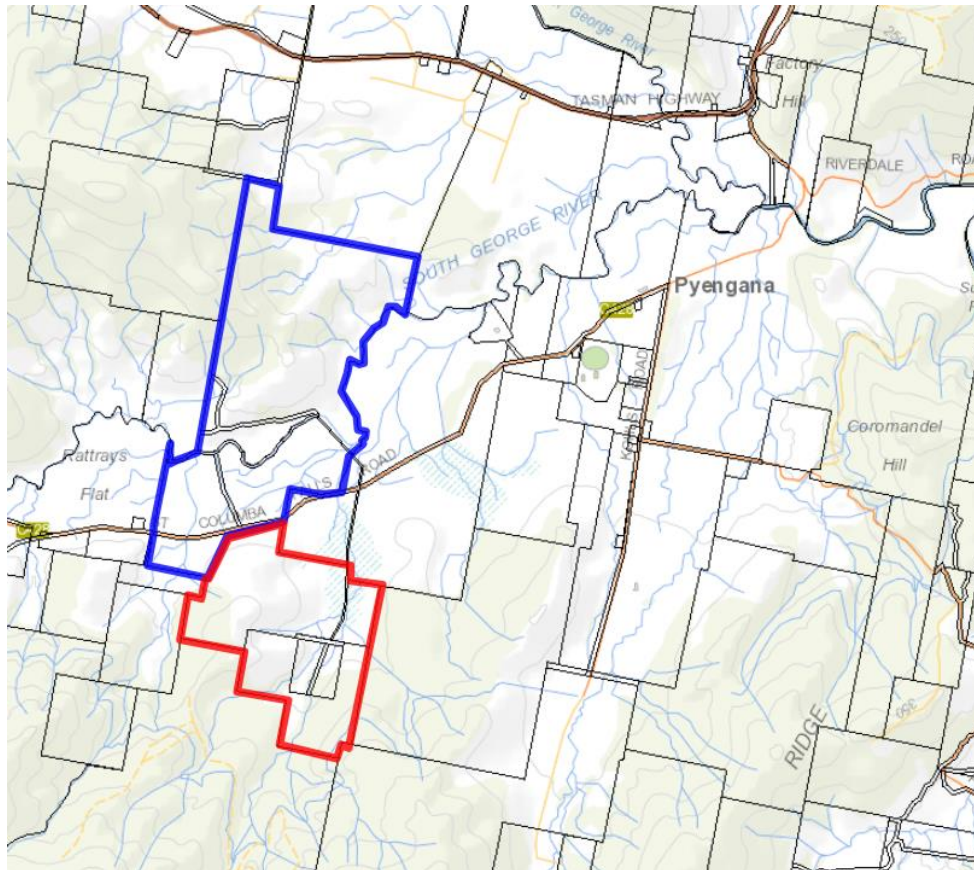


Figure 3 - Subject site in relation to Pyengana township

3. Vegetation Classification

The subject site is generally clear of established vegetation, with a larger patch of unmanaged bush located in the north west of lot 2. There are several smaller patches of unmanaged vegetation across the site. The majority of the site is mapped as FAG, being used for agricultural purposes.

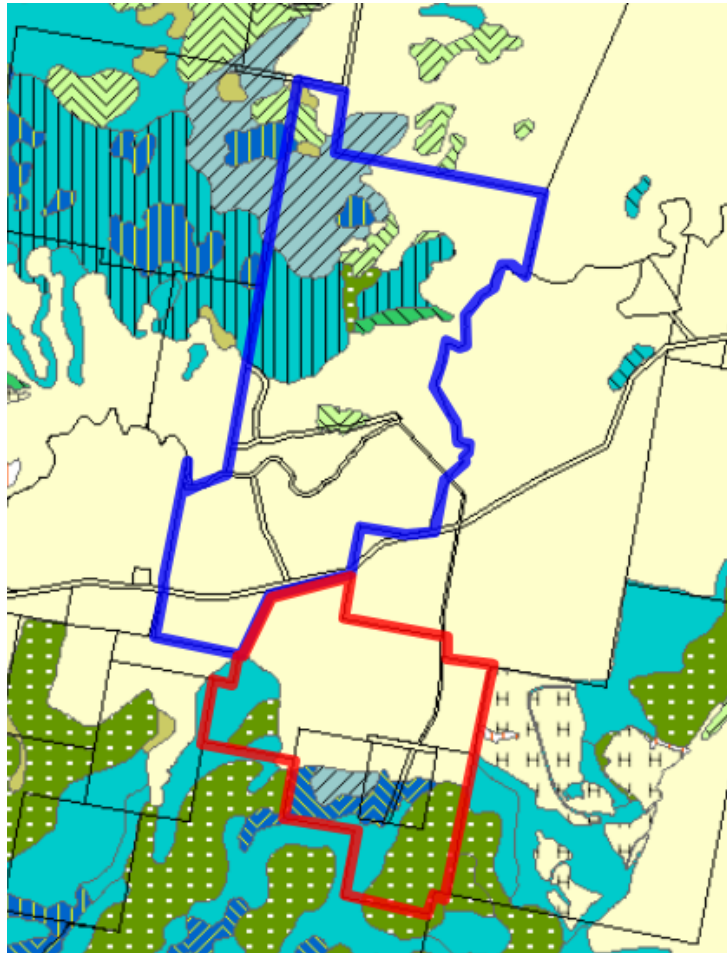


Figure 4 - TasVeg 4 mapping for the portion of land subject to the boundary adjustment.

4. Land Use Planning

The subject site is within the Agriculture Zone, under the *Tasmanian Planning Scheme – Break O’Day*

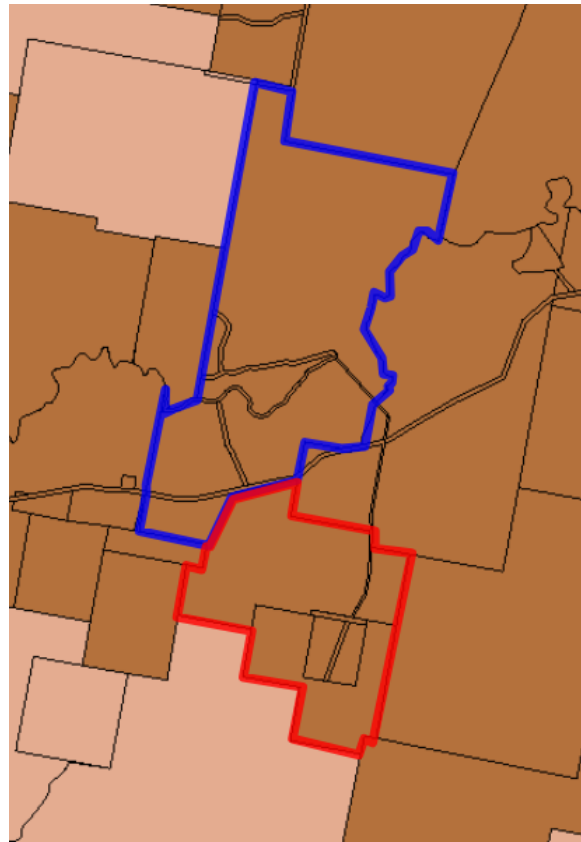


Figure 5 - Zoning of the site and surrounds.

The land is subject to the bushfire prone areas overlay, which covers the entirety of both lots. While there are a number of other overlays which impact on both sites, no other overlays are considered relevant to this assessment.

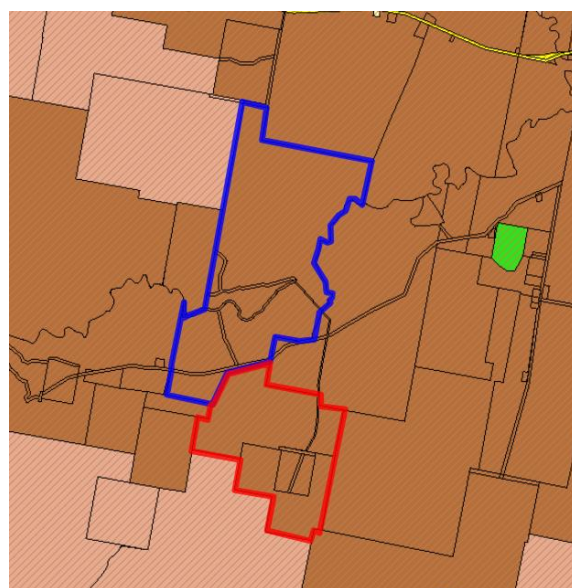


Figure 6 - Subject site showing extent of bushfire prone area overlay mapping.

5. Access

The boundary adjustment will not impact on either properties ability to access the site. Existing access is provided to both lots via St Columba Falls Road.

6. Water

The boundary adjustment will not impact on either properties ability to provide water. Future residential development of the land would require a compliant water supply of 10,000L onsite.

7. Slope

The land has undulating topography given its large size. The slope of the land is not impacted by the boundary adjustment.

8. Conclusions and Justification

C13.0 Bushfire Prone areas code applies, as the boundary adjustment is occurring on land which is mapped as bushfire prone on a planning scheme overlay. 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 there are no additional lots being created. The adjustment is occurring on farming land which is used for primary industry purposes. Each lot is large enough to provide suitable hazard management areas to accommodate future development.

The access and water arrangements for the site will not be impacted as a result of the boundary adjustment.

9. Recommendations

The proposed 2 Lot boundary adjustment is considered exempt under clause C13.4.1 (a) of the Bushfire Prone Areas Code under the *Tasmanian Planning Scheme – Break O’Day*

Annexure 1 – Proposal Plan



LEGEND X - GATE IRRIGATION PIPELINE	PROPOSED BOUNDARY ADJUSTMENT 545 ST COLUMBA FALLS ROAD TAS 7216 C.T. 176410-1, C.T. 228923-1	 WOOLCOTT SURVEYS	10 Goodman Court Invermay TAS 7248 PO Box 593 Mowbray Heights TAS 7248 Phone (03) 6332 3760 Fax (03) 6332 3764 Email: office@woolcottsurveys.com.au		Job Number 231007	
			Drawn AJB	File name 231007 PROPOSAL180324mgaV2.dwg	Date 18/03/24	Scale 1:1000@A3

Annexure 2 – Bushfire Prone Areas Certificate

BUSHFIRE-PRONE AREAS CODE

CERTIFICATE¹ UNDER S51(2)(d) *LAND USE PLANNING AND APPROVALS ACT 1993*

1. Land to which certificate applies

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

Street address:

395 St Columba Falls Road, Pyengana

Certificate of Title / PID:

CT228923/1, CT176410/1, PID9910925

2. Proposed Use or Development

Description of proposed Use and Development:

Two Lot Boundary Adjustment

Applicable Planning Scheme:

Tasmanian Planning Scheme – Break O’Day

3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Hazard Exemption Report	Woolcott Surveys	20/03/2024	1
Proposed Boundary Adjustment	Woolcott Surveys	18/03/2024	1

¹ 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"/>	E1.4 / C13.4 – Use or development exempt from this Code	
	Compliance test	Compliance Requirement
<input checked="" type="checkbox"/>	E1.4(a) / C13.4.1(a)	Insufficient increase in risk

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

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

<input type="checkbox"/>	E1.6.1 / C13.6.1 Subdivision: Provision of hazard management areas	
	Acceptable Solution	Compliance Requirement
<input type="checkbox"/>	E1.6.1 P1 / C13.6.1 P1	<i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i>
<input 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"/>	E1.6.2 / C13.6.2 Subdivision: Public and fire fighting access	
	Acceptable Solution	Compliance Requirement
<input type="checkbox"/>	E1.6.2 P1 / C13.6.2 P1	<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"/>	E1.6.3 / C13.1.6.3 Subdivision: Provision of water supply for fire fighting purposes	
	Acceptable Solution	Compliance Requirement
<input type="checkbox"/>	E1.6.3 A1 (a) / C13.6.3 A1 (a)	Insufficient increase in risk
<input type="checkbox"/>	E1.6.3 A1 (b) / C13.6.3 A1 (b)	Reticulated water supply complies with relevant Table
<input type="checkbox"/>	E1.6.3 A1 (c) / C13.6.3 A1 (c)	Water supply consistent with the objective
<input 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

Name:

James Stewart

Phone No:

0467 676 721

Postal Address:

PO BOX 593, Mowbray, Tas, 7248

Email Address:

james@woolcottsurveys.com.au

Accreditation No:

BFP – 157

Scope:

1, 2, 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:

James Stewart

Date:

20/03/2024

Certificate Number:

WS 166

(for Practitioner Use only)