

Development Applications

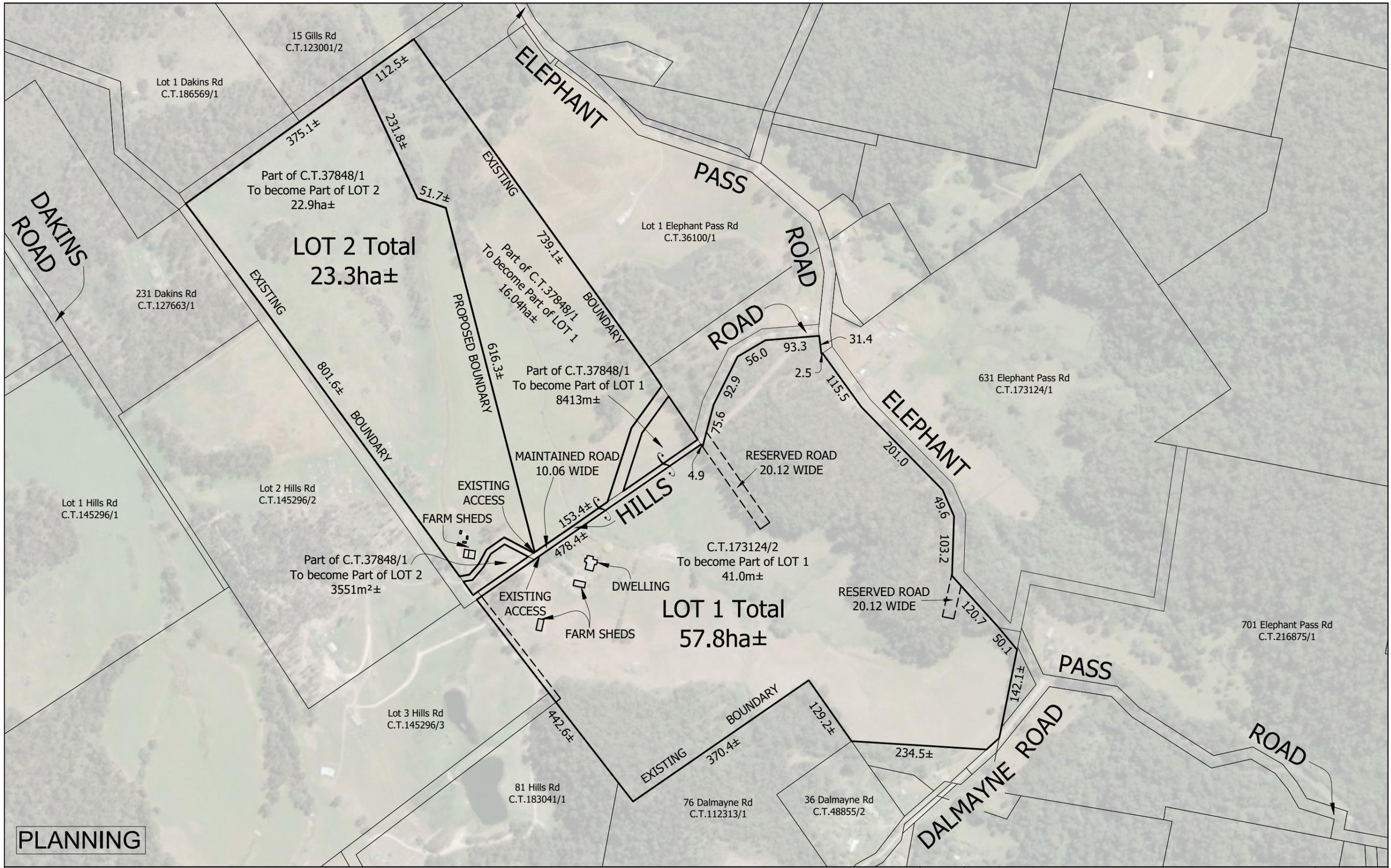
Notice is hereby given under Section 57(3) of the *Land Use Planning & Approvals Act 1993* that an application has been made to the Break O' Day Council for a permit for the use or development of land as follows:

DA Number DA 2026 / 00031
Applicant Woolcott Land Services Pty Ltd
Proposal Subdivision – 2 Lot Subdivision (Boundary Adjustment)
Location 67 Hills Road, Gray (CT 173124/2) & 78 Hills Road, Gray (CT 37848/1)

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 7th March 2026 **until 5pm Monday 23rd March 2026**.

John Brown
GENERAL MANAGER

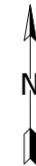


PLANNING

Notes:
 - 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 BASED OFF LISTMAP DATA, AND ARE APPROXIMATE AND SUBJECT TO SURVEY.

PROPOSED 2 LOT BOUNDARY ADJUSTMENT

67 & 78 Hills Road, Gray 7215
 C.T.173124/2 & C.T.37848/1



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Job Number
E250902

Drawn EGK	File name E250902_PropPlan_120226_v1.2.dwg	Date 12/02/26	Scale 1:6000@A3	Edition v1.2	Sheet 1/1
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February 2026

PLANNING REPORT

SUBDIVISION BY BOUNDARY ADJUSTMENT - 2

LOTS TO 2 LOTS

67 & 78 Hills Road GRAY



Prepared by
Woolcott Land Services Pty Ltd
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BUrbRegEnvPlan

Town Planner

Rev.no	Description	Date
1	Review	4 June 2025
2	Draft	11 February 2025
3	Draft	12 February 2026
4	Final	13 February 2026

References

Annexures

Annexure 1 Copy of Title plan and Folio text

Annexure 2 Proposal Plan - subdivision

Annexure 3 Bushfire Assessment

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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; 2 Lots to 2 lots.

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

Document	Consultant
Proposal plan - subdivision	Woolcott Land Services
Bushfire Hazard Assessment	Woolcott Land Services

2. Subject site and proposal

2.1 Site details

Address	78 HILLS ROAD GRAY TAS 7215 67 HILLS ROAD GRAY TAS 7215
Property ID	9883334 3513549
Title	37848/1 173124/2
Land area	39.91ha & 39.86ha
Planning Authority	Break O' Day Council
Planning Scheme	Tasmanian Planning Scheme – Break O' Day LPS (Scheme)
Easements	(road reserves)
Application status	Discretionary application
Existing Access	Provided from Hills Road
Zone	Rural
General Overlay	None
Overlays	Bushfire-prone areas Priority vegetation area

	Waterway and coastal protection area – Buffer area Low landslip hazard band Scenic road corridor – Elephant Pass Road
Existing development	CT. 37848/1 has farming sheds only. Single dwelling and outbuildings (farming sheds) to CT. 173124/2.
Existing services and infrastructure	
Water	Not serviced
Sewer	Not serviced
Stormwater	Not serviced

2.2 Proposal

The proposal is for boundary adjustment by subdivision, to realign the boundary between 2 lots. There is no change of use proposed for either lot and no development proposal.

Plans supplied at Annexure 2 provide further detail on the subdivision that seeks to include part of CT. 37848/1 (northern lot at 78 Hills Road) to be include to CT. 173124/2 (southern lot at 67 Hills Road) to increase this holding to be 57.8ha and for the northern lot to be 23.3ha.

Both lots are used for low level grazing. The class of agricultural land is low (Class 5 and 6) limiting agricultural activity, nevertheless, the net scale of agricultural activity remains unchanged in terms of potential, as no development or change of use is proposed for either holding. The proposal formalises existing activities, as the owner of 67 Hills Road frequently uses this land (area to be transferred) for grazing by agreement.

2.3 Subject site

The subject site consists of 2 lots, 67 Hills Road and 78 Hills Road, Gray. Both sites are accessed by Hills Road, which is Council maintained to the point of each site's existing access. See Figure 2.

The lot at 67 Hills Road includes a dwelling and two outbuildings used for farm storage (vehicles, machinery etc.) The lot at 78 Hills Road includes farm sheds and an animal enclosure. Both lots have frontage to Hills Road, with access points available from the maintained section. The road has been council maintained for the full extent of the road lot for at least 50 years.



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



Figure 2 Hills Road looking east along maintained section



Figure 3 Existing access to 67 Hills Road



Figure 4 Farm access to 78 Hills Road

3. Zoning and overlays

3.1 Zoning

The site is zoned Rural under the Scheme.

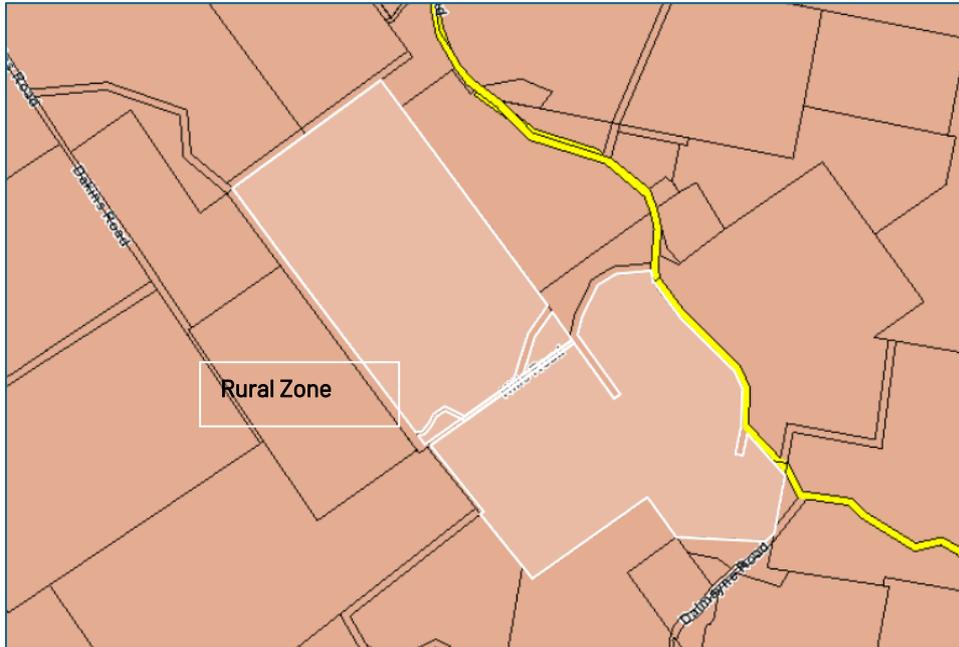


Figure 5 Zoning for the subject site (Source: LIST)

3.2 Overlays

The following image provides an indication of overlays as applied to the land. No General Overlays are applied.

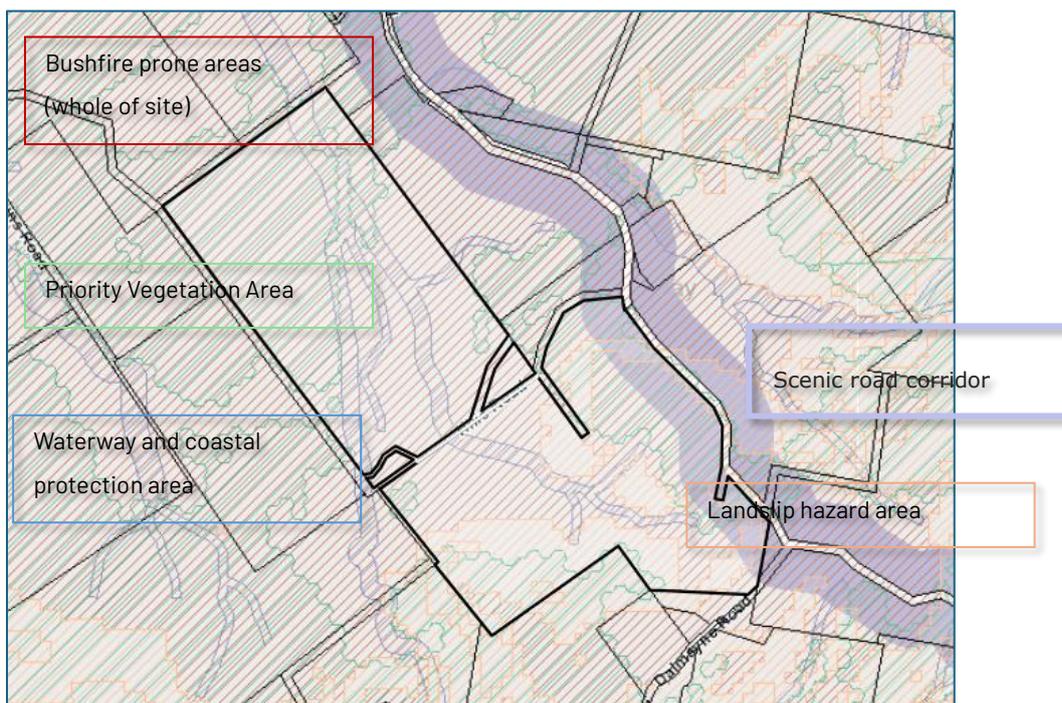


Figure 6 Overlays as they are applied to the subject site (Source: LIST)

4. Planning Scheme Assessment

4.1 Zone assessment

20.0 Rural Zone

20.1 Zone Purpose

20.1.1	To provide for a range of use or development in a rural location: <ul style="list-style-type: none">a. where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;b. that requires a rural location for operational reasons;c. is compatible with agricultural use if occurring on agricultural land; andd. minimises adverse impacts on surrounding uses.
20.1.2	To minimise conversion of agricultural land for non-agricultural use.
20.1.3	To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

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 application for subdivision is not required to be defined under a Use, according to 7.10.1. The lot at 67 Hills Road contains an existing dwelling. No additional use or change of use is proposed as a part of this application, notwithstanding the provisions of 20.5.1.

20.5 Development Standards for Subdivision

20.5.1 Lot design

Objective	
To provide for subdivision that: <ul style="list-style-type: none">a) relates to public use, irrigation or Utilities; orb) facilitates use and development for allowable uses in the zone.	
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must:	P1 Each lot, or a lot proposed in a plan of subdivision, must:

<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; c) be for the consolidation of a lot with another lot provided each lot is within the same zone; or d) be not less than 40ha with a frontage of no less than 25m and existing buildings are consistent with the setback and separation distance required by clause 20.4.2 A1 and A2. 	<ul style="list-style-type: none"> a) have sufficient useable area and dimensions suitable for the intended purpose, excluding Residential or Visitor Accommodation, that: <ul style="list-style-type: none"> i. requires the rural location for operational reasons; ii. minimises the conversion of agricultural land for a non-agricultural use; iii. minimises adverse impacts on non-sensitive uses on adjoining properties; and iv. is appropriate for a rural location; or b) be for the excision of a dwelling or Visitor Accommodation existing at the effective date that satisfies all of the following: <ul style="list-style-type: none"> i. the balance lot provides for the sustainable operation of a Resource Development 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 balance lot for productive agricultural use; and c. any topographical constraints to agricultural use; ii. an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot; iii. the existing dwelling or Visitor Accommodation must meet the setbacks required by subclause 20.4.2 A2 or P2 in relation to setbacks to new boundaries; iv. it is demonstrated that the new lot will not unreasonably confine or restrain the operation of any adjoining site used for agricultural use; and c) be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to: <ul style="list-style-type: none"> i. the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; ii. the topography of the site;
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		<ul style="list-style-type: none"> iii. the functionality and useability of the frontage; iv. the anticipated nature of vehicles likely to access the site; v. the ability to manoeuvre vehicles on the site; vi. the ability for emergency services to access the site; and vii. the pattern of development existing on established properties in the area.
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>P2 Each lot, or a lot proposed in a plan of subdivision, is 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

P1 The performance criteria are addressed.

- a. Each lot will have an area of land suitable for an intended purpose. Lot 2 will sufficiently accommodate the existing use being a small farm operation with limited low level grazing and keeping of (limited) livestock. The are of land to be transferred to 67 Hills Road is superfluous to the needs of the operator.

The lot at 67 Hills Road also includes low level grazing and will utilise the transferred land for a continuation of this. The land transfer effectively promotes a higher effectiveness of the land for rural purposes, as the ~16ha+ to be transferred will be used more actively. The lot at 67 Hills Road has an existing dwelling, but, to be clear, the subdivision does not include an intended use of residential or visitor accommodation as a result of the proposal. The intended use of the land to be transferred is rural grazing land and it formalises current practice and activity.

- i. The land is Class 5, and Class 6. Large areas of vegetation and lower order land prevent intensification of farming activities. The transfer of the land allows a minor expansion of one farm, utilising land that is not needed to the smaller operation. Both lots will remain in the current use class and both lots will retain rural pursuit.
- ii. No land will be taken out of productive use, the transfer results in a higher utilisation of available land for production, within the limitations of the land capability.

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- iii. No impacts to non-sensitive uses are anticipated. No change of use, or activity is proposed.
 - iv. The proposed makes no change to the current rural activity, which is appropriate for the site and rural location.
 - c. Each lot has frontage to Hills Road with existing access from what is established as Council maintained road.
 - i. No lots require a right of carriageway from the road.
 - ii. The topography has little bearing on the proposal.
 - iii. The frontage is a Council maintained, unsealed road entirely suited to the rural location and function of access to the properties in the area.
 - iv. No change in the nature, type or volume of vehicles is anticipated to access each site. The lot at 67 Hills Road is provisioned with suitable vehicle access to the dwelling. The lot at 78 Hills Road is provisioned with a farm gate for rural access.
 - v. Each lot has vehicle manoeuvrability access commensurate to the needs.
 - vi. The access arrangements are suited to emergency vehicle access.
 - vii. There is no effective change to the pattern of development in regard to access arrangements.

P2 The acceptable solution is achieved. Each lot will have vehicular access as existing.

4.2 Code Assessment

C2.0 Parking and Sustainable Transport Code

C2.5 Use Standards

C2.5.1 Car parking numbers

Each lot has car parking capacity commensurate to the existing use. Lot 1 has parking provision suited to the existing dwelling both undercover (outbuilding) and open.

C2.6 Development Standards for Buildings and Works

No development is proposed.

C7.0 Natural Assets Code

C7.7 Development Standards for Subdivision

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

A1 The acceptable solution (e) is achieved. No works within an overlay area are proposed. The proposed new boundary is according to existing fencing (with minor variations and alignments).

C7.7.2 Subdivision within a priority vegetation area

Response

A1 The acceptable solution (e) is achieved. No works within an overlay area are proposed. The proposed new boundary is according to existing fencing (with minor variations and alignments).

C8.0 Scenic Protection Code

C8.4 Use or Development Exempt from this Code

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

- (d) subdivision not involving any works;

Response

No works are proposed and the overlay area is not triggered.

C13.0 Bushfire-Prone Areas Code

Response

Please refer to Annexure 3 for a response to this Code.

C15.0 Landslip Hazard Code

C15.4 Use or Development Exempt from this Code

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

- (d) development (including subdivision) on land:
 - (i) within a low landslip hazard band, if for:
 - a. building work or plumbing work as defined in the Building Act 2016 including significant works related to the building work and plumbing work, or
 - b. works if it does not involve significant works;

Response

The proposal includes no significant works.

5. Conclusion

This proposal is for a subdivision in the Rural Zone. No works are proposed and the subdivision is an effective boundary adjustment to transfer land from one lot to the other creating no new discrete lots. The proposal transfers land that is superfluous to one operator's needs, and allows it to be added to the rural holdings of 67 Hills Road.

A permit for subdivision of the land from 2 lots to 2 lots is sought from Council according to the provisions of the Break O' Day Local Provisions Schedule and the Tasmanian Planning Scheme.