

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 / 00076
Applicant	Chris Triebe & Associates Town Planning Services
Proposal	Residential - Retrospective Approval for Placement of a Shipping Container & Retaining Wall
Location	71 Acacia Drive, Ansons Bay (CT 26971/21)

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 29th August 2026 **until 5pm Friday 11th September 2026.**

John Brown
GENERAL MANAGER

APPLICATION FOR STORAGE CONTAINER: LOT 21 71 ACACIA DRIVE ANSONS BAY
FOR DANIEL HOWE

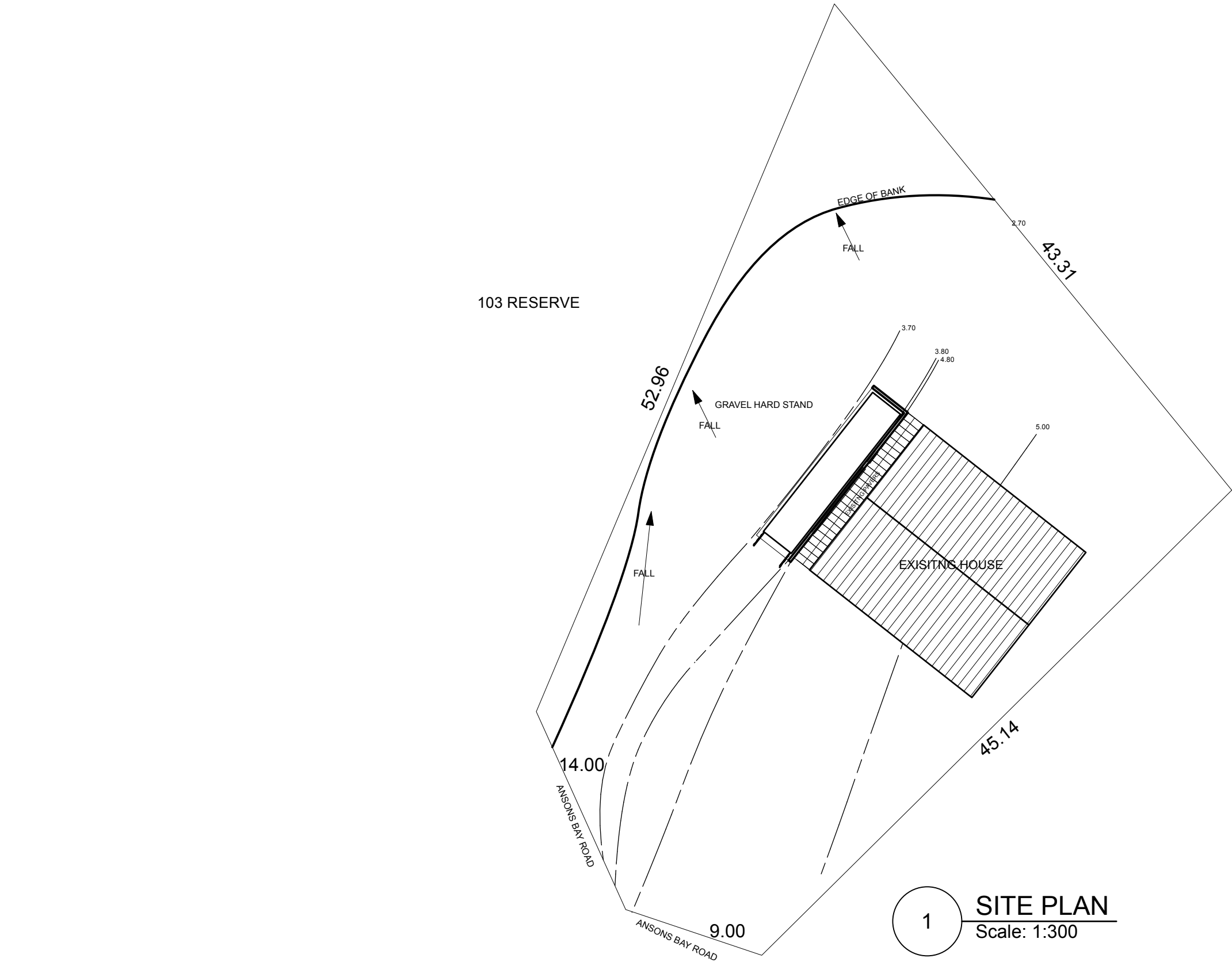
- CD:01 COVER PAGE
- CD.02 SITE PLAN : 1 - 300
- CD.03 SITE PLAN : 1- 100
- CD.04 ELEVATIONS

SITE AREA 1562 M2
FLOOR AREA TOTAL 39M2

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freeform designs Environmental Designer Custom builders	ADDRESS Freeform Designs & Constructions ABN 60461898695 67 Melbourne st South Launceston andrew@fdandc.com.au MOB: 0438062698	ACCREDITATION Accreditation : No CC224T Category/class: Building designer arch-res Category/class: Builder low Rise Category/class: Construction manager	PROJECT INFORMATION Address:71 ACACIA DRIVE ANSONS BAY Lot No:21 Property Id:7198005 Title Reference:26971:21 Client No:596.26	Planning: Bal : Soil: Wind:	01	PLANNING	04-07-26	CHECKED:	DRAWN :			DRAWING : CD:01			
								SCALE :	DATE : 04-07-26						
					No:	AMENDMENT:	DATE:								

71 ACACIA DRIVE ANSONS BAY
LOT 21
1562 M2
PROPERTY ID : 7198005
TITLE REF : 26971/21X



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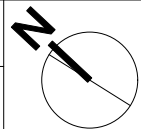
PROJECT INFORMATION
Address:71 ACACIA DRIVE ANSONS BAY
Lot No:21
Property Id:7198005
Title Reference:26971:21
Client No:596.26

Planning:
Bal :
Soil:
Wind:

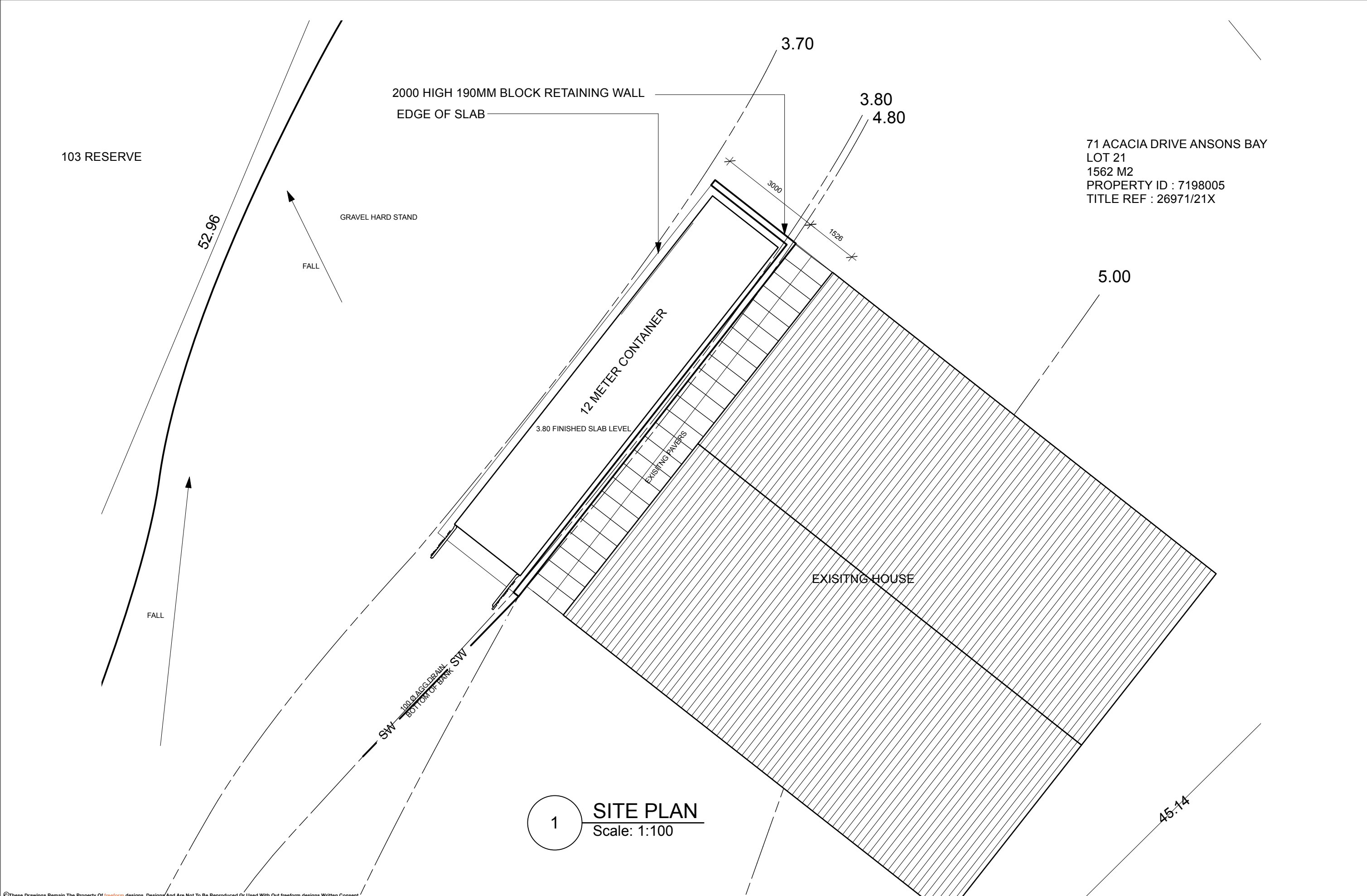
01	PLANNING	04-07-26
No:	AMENDMENT:	DATE:

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SCALE :

DRAWN :
DATE :
04-07-26



DRAWING :
CD:02

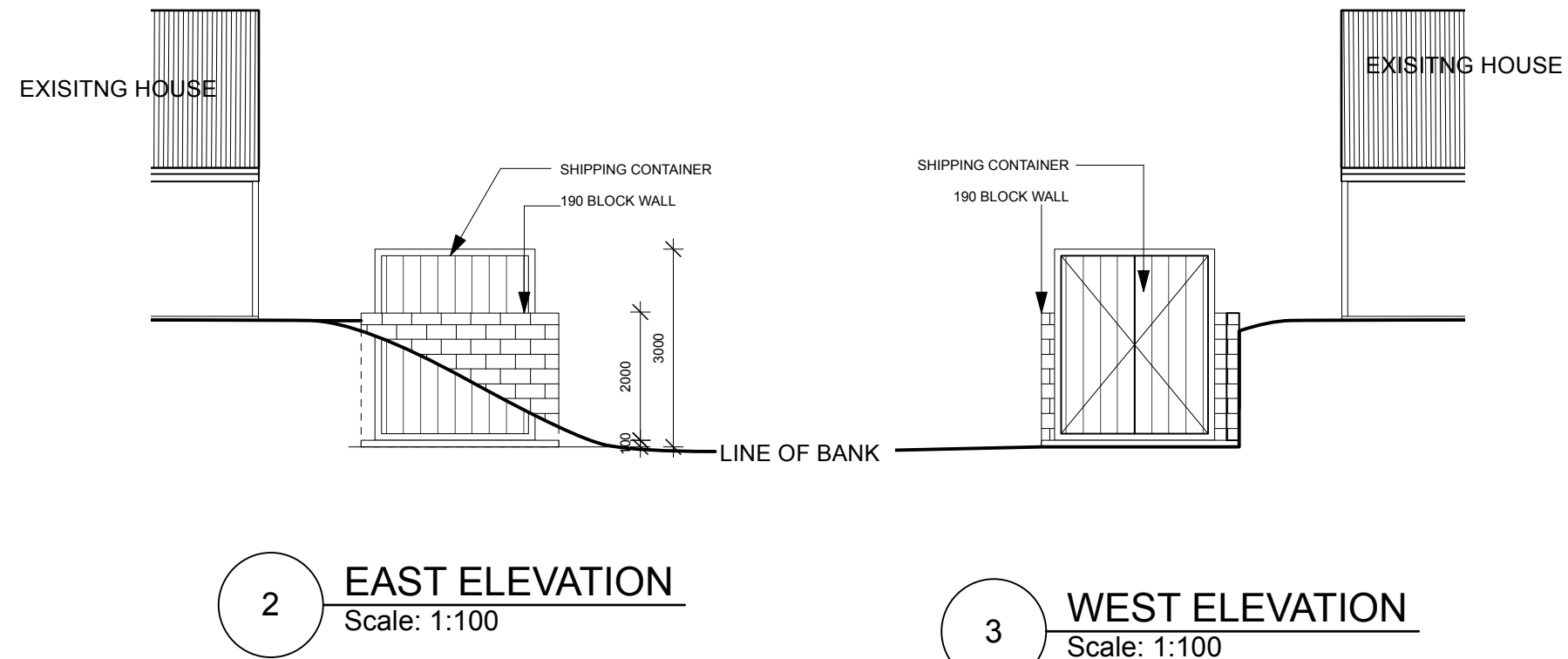
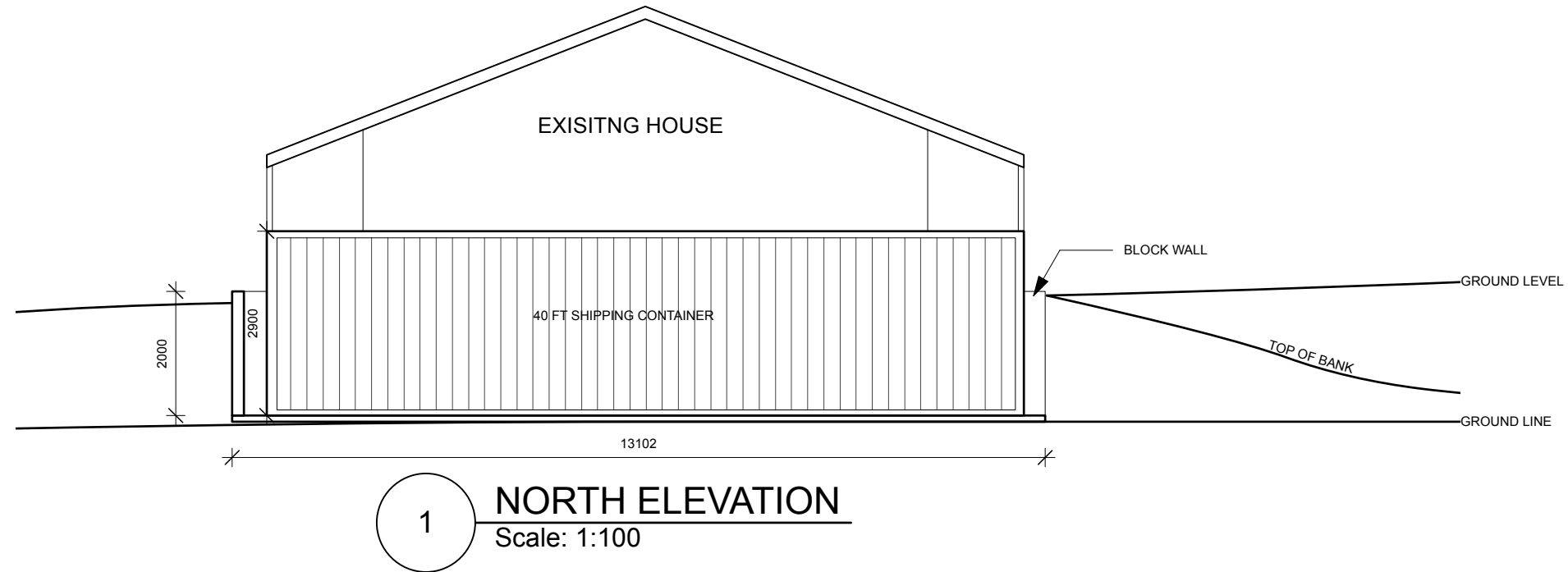


71 ACACIA DRIVE ANSONS BAY
LOT 21
1562 M2
PROPERTY ID : 7198005
TITLE REF : 26971/21X

1 SITE PLAN
Scale: 1:100

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								SCALE :	DATE : 04-07-26		
					No:	AMENDMENT:	DATE:				



ADDRESS

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Planning:
Bal :
Soil:
Wind:

01	PLANNING	04-07-26
No:	AMENDMENT:	DATE:

CHECKED:	DRAWN :
SCALE :	DATE :
	04-07-26

DRAWING :

CD:04

Submission addressing the
Tasmanian Planning Scheme - Break O'Day

Seeking retrospective approval for
the construction of a retaining wall and concrete slab for
the placement of an appurtenant outbuilding

at

71 Acacia Drive, Ansons Bay, 7264



Figure 1: LISTmap image of development site

05 August 2026

As amended 21 August 26

Written and submitted by

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1. INTRODUCTION

Chris Triebe and Associates Town Planning Services was engaged by Mr Daniel Howe to assist with the preparation and submission of a development application (DA) to Break O’Day Council in response to Enforcement Notice *EN 076-2026* dated 22 April 2026. The application is seeking retrospective approval for the construction of a retaining wall and concrete slab for the placement of a 40’ shipping container for use as an appurtenant outbuilding on the 1,562m² site located within the Low Density Residential Zone of Ansons Bay.

The property, located against the southern bank of an un-named minor tributary has an existing 3 bedroom, single storey dwelling with deck located just north of the Title centre. The container will be placed beside the northern wall of the dwelling.

The purpose of this report and documentation forming the application is to demonstrate compliance with the relevant Zone and Codes of the *Tasmanian Planning Scheme – Break O’Day* and the *Break O’Day Local Provisions Schedule* (the Planning Scheme) as well as the Objectives and more specifically, Section 58, of the *Land Use Planning and Approvals Act 1993* (the Act).

2. DEVELOPMENT SITE

2.1: Ownership and Title Information

A review of the sixth Edition of the Folio Text notes the current Title was transferred to the current owner Daniel John Howe on 23 February 2023.

2.1.1: Folio Text and Plan

The site is identified by Property Identification Number (PID) 7198005 and Certificate of Title 26971 Folio 21. The current owner / developer Mr Daniel J. Howe purchased the property on 23 February 2023 and has the postal address of 71 Acacia Dr, Ansons Bay, Tasmania 7264. The Folio Text submitted with this report confirms the Title neither benefits nor is burdened by any easements or Rights of Way. The original subdividers placed a Fencing Provision and 4 Restrictive Covenants on the Final Plan; they are as follows:

The Fencing Provision states Tasman Quest Pty Ltd as vendor is not required to fence. This relates to the original subdivision and does not impact the current DA.

- 1. Not to excavate carry away or remove or permit or suffer to be excavated carried away or removed from the said Lot or any part thereof any earth clay stone gravel or sand except such as may be necessary for levelling or filling the said Lot or for excavating the foundations of any dwelling or outbuilding associated therewith to be erected thereon;*
- 2. Not to carry on or permit or suffer to be carried on upon any part of the said Lot any trade or business;*

3. *Not to affix or display upon the said Lot or upon any wall or fence upon the said Lot or any part thereof any posters bills or advertisements or erect any hoarding or structure upon the said Lot or any part thereof for use as a bill posting or advertising station;*
4. *Not to erect on the said Lot or any part thereof any dwelling house of a less value (exclusive of outbuildings) than \$3,500.00 such value to be the actual costs of labour and materials only priced on the cost of labour and materials for the erection of a dwelling house of the same design as at the 30th day of June, 1989 and any question as to value shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1892 or any statutory reenactment or modification thereof then in force.*

2.2: The Site

The multi-sided, partially fenced and predominantly cleared Title of 1,562m² is located on the western side of Acacia Drive, a bit south of centre. The LIST Contours (5 metres) overlay indicates the property slopes down from the approximate 7m contour on the southern boundary corner, down to the approximate 1m contour on the north-eastern boundary corner beside the tributary.

The development site abuts a similarly zoned, private and internal Title abutting the southern and eastern boundaries while the western boundary abuts Acacia Drive, a sealed through road owned and maintained by BODC. The north-western boundary abuts Crown land zoned Environmental Management and has the tributary passing through it. Except the road reserve, all adjoining Titles are vacant.

The site is not connected to any reticulated, potable water or sewer infrastructure though has access to the reticulated power and some mobile wireless telephony. The review of the nbnc website (<https://www.nbnco.com.au/results> viewed 07 July 2026 15³⁷hrs) noted the site may be connected via nbn Satellite.

2.3: Proposal

This proposal is seeking retrospective approval for the construction of a retaining wall and concrete slab for the placement of a 40' shipping container for use as an appurtenant outbuilding beside the existing dwelling on the 1,562m² site located within the Low Density Residential Zone of Ansons Bay. To assist with these works blending into the surrounding vegetation, the container will be painted either a non-reflective dark blue or green. Due to his work on the other side of the State, a building that may be securely locked up is required for the safe storage of his personal effects as well as equipment used in the maintenance of the property.

2.4: Discretions

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area P1.1 and P1.2: buildings and works not within a building envelope on a sealed plan;

3. Part D ZONE

3.1: 10.0 Low Density Residential Zone

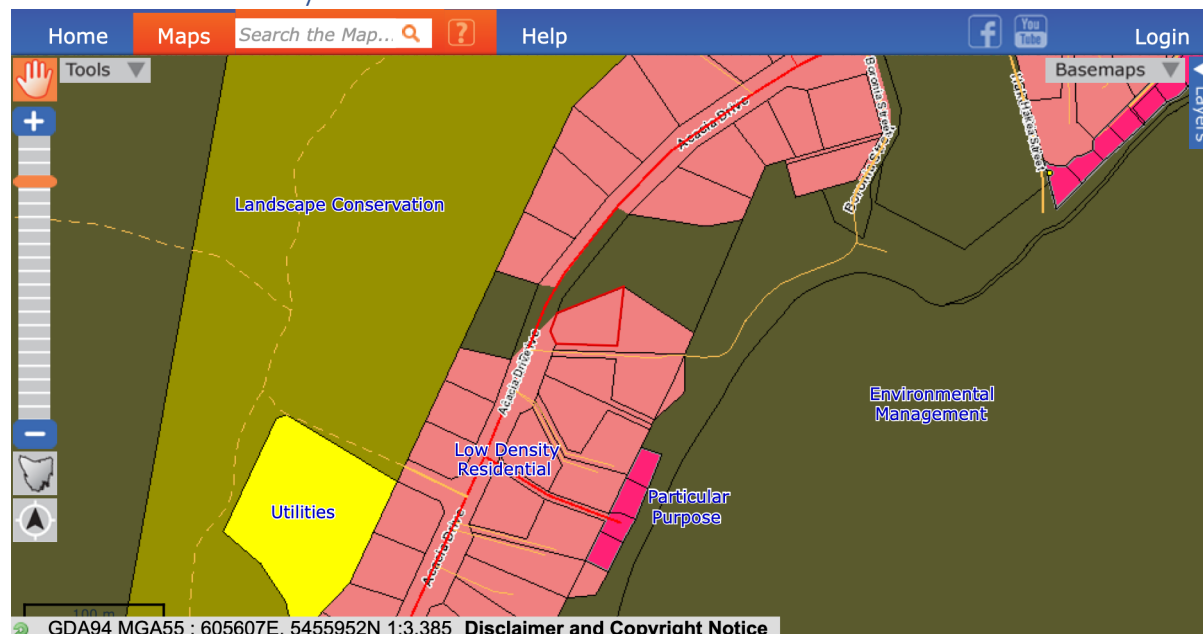


Figure 2: Zoning of surrounding properties as shown on the LIST

10.1 Zone Purpose

The purpose of the Low Density Residential Zone is:

- 10.1.1: To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.
- 10.1.2: To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.
- 10.1.3: To provide for Visitor Accommodation that is compatible with residential character.

10.2 Use Table

The application for the placement of an outbuilding appurtenant to a single dwelling is listed as a qualified No Permit Required Use under this Table.

10.3 Use Standards

10.3.1 Discretionary Uses

Objective: That Discretionary Uses do not cause an unreasonable loss of amenity to adjacent sensitive uses.

Not Applicable

This application is for the construction of a single outbuilding appurtenant to a single dwelling that is a qualified No Permit Required Use.

10.3.2 Visitor Accommodation

Objective: That Visitor Accommodation:

- (a) is compatible with the character and use of the area;

- (b) does not cause an unreasonable loss of residential amenity; and
- (c) does not impact the safety and efficiency of local roads or rights of way.

Not Applicable

This application is for works associated with an existing Residential Use through the existing single dwelling.

10.4 Development Standards for Dwellings

10.4.1 Residential density for multiple dwellings

Objective: That the density of multiple dwellings:

- (a) is appropriate for the low density nature of the zone; and
- (b) is consistent with the availability of infrastructure services and any constraints to development.

Not Applicable

This application is for the construction of a non-habitable outbuilding that is appurtenant to an existing on-site dwelling. As this is not a dwelling, this part of the Zone is not applicable.

10.5 Development Standards for Non-dwellings

10.5.1 Non-dwelling development

Objective: That all non-dwelling development:

- (a) is compatible with the streetscape;
- (b) is compatible with the form and scale of existing residential development; and
- (c) does not cause an unreasonable loss of amenity to adjoining properties.

A1 – Acceptable Solution

The east elevation provided on Drawing CD:04 demonstrates the outbuilding will have a maximum height not exceeding 3m above existing ground level.

A2 – Acceptable Solution

The site plan provided on Drawing CD:02 confirms the outbuilding proposed in this application has been placed with a frontage setback exceeding 18.5m.

A3 – Acceptable Solution

The outbuilding and all associated structures have been setback a minimum 8.7m from the side and rear boundaries.

A4 – Acceptable Solution

The proposed outbuilding will have a total site coverage of 13.2m by 3m or 39.6m² of the 1,562m² lot size or approximately 2.5 per cent.

P5 – Not applicable

This discretion was addressed because an acceptable solution was not offered. However, the application neither proposes nor requires a fence along the frontage boundary.

A6 – Acceptable Solution

This application neither proposes nor requires any outdoor storage areas. All items will be stored within the outbuilding, so they are not visible from a road or public open space adjoining the site.

A7 – Not Applicable

No air extraction, pumping, refrigeration system or compressor will be fitted to the shed.

10.6 Development Standards for Subdivision**Not Applicable**

This application does not propose a subdivision.

4. PART E – CODES

A review of the electronic database, the LIST (Land Information System Tasmania) and as shown in Figure 4 below, the development site is burdened by the following overlays:

- C7 Natural Assets Code - Priority vegetation area;
- C7 Natural Assets Code – Waterway and coastal protection area: wetland;
- C7 Natural Assets Code – Waterway and coastal protection area: buffer area;
- C11 Coastal Inundation Hazard Code – Low coastal inundation hazard band;
- C11 Coastal Inundation Hazard Code – Medium coastal inundation hazard band;
- C13 Bushfire-prone Areas Code – Bushfire-prone areas

All will be discussed in further detail below.

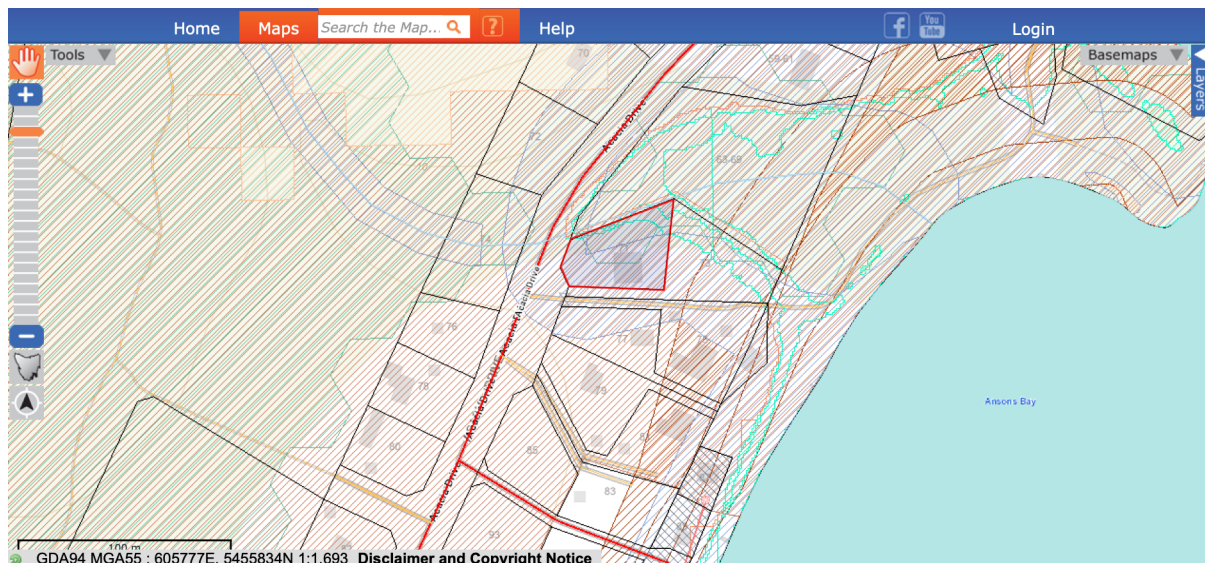


Figure 3: Coastal Erosion Hazard and Bushfire-prone Areas Overlays

C1.0 Signs Code

Not Applicable

C1.1 Code Purpose

The purpose of the Signs Code is:

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

C1.2 Application of this Code

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

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

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

Not Applicable

This Code is not applicable because no forms of signage are required for the private Residential Use proposed in this application.

C2.0 Parking and Sustainable Transport Code

Not Applicable

C2.1 Code Purpose

The purpose of the Parking and Sustainable Transport Code is:

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

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

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

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

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

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

Not Applicable

It is put to the Planning Authority this Code is not applicable to this application for works associated with an outbuilding appurtenant to the existing dwelling and no additional car parking spaces are required. The minimum 2 uncovered car parking spaces required under Table 2.1 of the Tasmanian Planning Scheme will continue to be provided within the property boundaries and as a result, this Code has not been addressed.

C3.0 Road and Railway Assets Code

Not Applicable

C3.1 Code Purpose

The purpose of the Road and Railway Assets Code is:

C3.1.1: To protect the safety and efficiency of the road and railway networks; and

C3.1.2: To reduce conflicts between sensitive uses and major roads and the rail network.

C3.2 Application of this Code

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

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

Not Applicable

The approval of the non-habitable outbuilding will not increase the potential number of vehicle movements over the existing crossover; the site is not on or near a rail network and a subdivision or habitable building is not proposed within a road or railway attenuation area. It is therefore put to the Planning Authority this Code is not applicable.

C4.0 Electricity Transmission Infrastructure Protection Code

Not Applicable

C4.1 Code Purpose

The purpose of the Electricity Transmission Infrastructure Protection Code is:

- C4.1.1:** To protect use and development against hazards associated with proximity to electricity transmission infrastructure.
- C4.1.2:** To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure.
- C4.1.3:** To maintain future opportunities for electricity transmission infrastructure.

C4.2 Application of this Code

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

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

Not Applicable

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

C5.0 Telecommunications Code

Not Applicable

C5.1 Code Purpose

The purpose of the Telecommunications Code is:

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

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

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

C5.2 Application of this Code

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

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

C5.4 Use or Development Exempt from this Code

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

Not Applicable

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

C6.0 Local Historic Heritage Code

Not Applicable

C6.1 Code Purpose

The purpose of the Local Historic Heritage Code is:

C6.1.1: To recognise and protect:

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

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

C6.2 Application of this Code

C6.2.1: This Code applies to:

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

(b) the lopping, pruning, removal or destruction of a significant tree as defined in this Code.

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

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

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

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

C6.4 Development Exempt from this Code

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

The development site is located within the coastal village of Ansons Bay. The Planning Scheme overlays have been reviewed and the property not identified. In addition, the slab and wall have been located over ground previously disturbed during the installation of the existing dwelling. For this reason, it is proposed the existing property is unlikely to contain any Local Heritage significance and this Code is not applicable.

4.1: C7.0 Natural Assets Code

A review of the Planning Scheme mapping indicates the development site is burdened by the following overlays:

- Priority vegetation area;
- Waterway and coastal protection area: wetland; and
- Waterway and coastal protection area: buffer area;

In accordance with subclause C7.2.1 (xii), the *priority vegetation area* overlay is not applicable to the development of land within the Low Density Residential Zone unless it is for subdivision. As this exemption does not include development within the waterway and coastal protection areas: wetland and buffer areas, they have been addressed below.

C7.1 Code Purpose

The purpose of the Natural Assets Code is:

C7.1.1: To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.

C7.1.2: To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.

C7.1.3: To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.

C7.1.4: To minimise impacts on identified priority vegetation

C7.1.5: To manage impacts on threatened fauna species by minimising clearance of significant habitat.

C7.2 Application of this Code

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

- (a) a waterway and coastal protection area;
- (b) a future coastal refugia area; and
- (c) a priority vegetation area only if an application for subdivision.

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

C7.4 Use or Development Exempt from this Code

C7.4.1: The Uses and development listed under this subclause were reviewed and none deemed appropriate.

C7.5 Use Standards

C7.5.1 There are no use standards in this code.

C7.6 Development Standards for Buildings and Works

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

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

P1.1 Performance Criterion

Although the works have been undertaken within a waterway and coastal protection area, they have been located and designed to avoid any potentially adverse impacts on natural assets, having regard to the following:

- (a) **impacts caused by erosion, siltation, sedimentation and runoff:** the current developer has owned the property for approximately 2.5 years. The current works have specifically been located over ground that was previously disturbed, cleared and grassed for stabilisation as well as bushfire protection after the dwelling was constructed by a previous owner/developer. These factors are important to the current developer who will continue to re-grass the areas around the foundation and retaining wall as well as improve that between the existing drive and watercourse bank with appropriate native grasses. This will minimise/prevent any erosion, siltation, sedimentation and runoff in accordance with this discretion;
- (b) **impacts on riparian or littoral vegetation:** the area on which the works have occurred, was cleared and maintained by a previous landowner for many years to protect the dwelling from bushfire and to enable vehicle manoeuvrability. Therefore these works have not required the disturbance of any on-site riparian or littoral vegetation;

- (c) **maintaining natural streambank and streambed condition, where it exists:** all existing works have occurred within and toward the centre of the property boundaries. The developer has not undertaken any works within or near the natural streambank that may potentially and adversely impact the natural streambank or streambed condition. Where necessary, some native grasses may be planted in select locations between the existing driveway and bank. Otherwise, the existing water quality will not be adversely impacted by these works;
- (d) **impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation:** no works have or will occur within any nearby watercourse that will or may potentially impact that natural habitat;



Figure 4: LISTmap Waterway and Coastal Protection – Buffer and Wetland Areas

- (e) **the need to avoid significantly impeding natural flow and drainage:** the location of the works ensures the natural flow and drainage have not been impeded or altered;
- (f) **the need to maintain fish passage, where known to exist:** no works have or will be undertaken within the watercourse ensuring any existing fish passage, if there, will be maintained;
- (g) **the need to avoid land filling of wetlands:** no works have or will be undertaken that will result in the filling of wetlands or other forms of watercourse;
- (h) **the need to group new facilities with existing facilities, where reasonably practical:** while not a facility, the outbuilding is ancillary to and been appropriately located beside the existing dwelling;
- (i) **minimising cut and fill:** the foundation, retaining wall and container have all been located in an area of fill associated with the dwelling to which the outbuilding is appurtenant too. Therefore no additional cut or fill has been undertaken;
- (j) **building design that responds to the particular size, shape, contours or slope of the land:** when viewing the contour of the property, it is clear to see the works have occurred over a section of the natural ground level. That is, on the ground level prior to the dwelling being constructed. Furthermore, the overall height and width of the shipping container as well as its location ensures the visual bulk has been minimised when viewed from off-site. This is also assisted with facing the narrow end of the container to the road, painting the container with a dark, natural exterior colour and retaining the existing native screening vegetation growing on or inside the frontage boundary. By placing the development beside the dwelling enables it to be 'lost' in the vegetation to the east and behind the structure. These factors enable the works to complement the shape and contours of the property and existing on-site development;

- (k) **minimising impacts on coastal processes, including sand movement and wave action:** the development site is setback approximately 91.4m from the Ansons Bay high water mark ensuring the building and works will not have any potential impact on coastal processes of any kind;



Figure 5: Photos taken 09 May 26 of the existing screening vegetation on the frontage boundary

- (l) **minimising the need for future works for the protection of natural assets, infrastructure and property:** the foundation, retaining wall and container have been located beside the dwelling over an area that has been maintained as a yard and driveway for many years. By positioning them in this location ensures there will be no need for future works to protect the natural assets or on-site infrastructure;
- (m) **the environmental best practice guidelines in the Wetlands and Waterways Works Manual:** the seven guidelines of this Manual were reviewed. The works have been located toward the centre of the property in an area partially covered by the driveway and away from the nearby watercourse. This is an area where the native vegetation was previously removed, driven over and used as a private open space for enjoying the property and not adversely impact any of the seven environmental best practice guidelines within the Wetlands and Waterways Works Manual; and
- (n) **the guidelines in the Tasmanian Coastal Works Manual:** all works have been undertaken on ground cleared by a previous landowner, within the boundaries of a privately owned property away from Ansons Bay. It is put to the Planning Authority these guidelines are not applicable to this application.

P1.2 – Performance Criterion

Not applicable. All works have been located on or near the centre of the property, ensuring they are not within the spatial extent of tidal waters. The Low Density zoned Title is setback approximately 91.4m to the east of the highwater mark of Ansons Bay, ensuring the development will not adversely impact any tidal waters.

A2 – Not Applicable

The development site is not burdened by the future coastal refugia area.

A3 – Acceptable Solution

Figure 4 above demonstrates development has occurred within the waterway and coastal protection buffer and wetland areas burdening the development site; the future coastal

refugia area does not burden this Title. However the works have not and will not create or involve a new stormwater point discharge into the nearby watercourse, wetland or lake as per this acceptable solution.

A4 – Acceptable Solution

This application neither requires nor proposes any dredging or reclamation works ensuring the acceptable solution of this subclause is complied with.

A5 – Not Applicable

This application neither requires nor proposes any coastal protection works or watercourse erosion or inundation protection works within the waterway and coastal protection area; the site is not burdened by a future coastal refugia area.

C7.6.2 Clearance within a priority vegetation area

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

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

Not Applicable

In accordance with subclause C7.2.1 (xii), the *priority vegetation area* overlay is not applicable to the development of land within the Low Density Residential Zone unless it is for subdivision.

C7.7 Development Standards for Subdivision

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

Objective: That:

- (a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and
- (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.

Not Applicable

This application does not propose a subdivision.

C8.0 Scenic Protection Code

Not Applicable

C8.1 Code Purpose

The purpose of the Scenic Protection Code is:

C8.1.1: to recognise and protect landscapes that are identified as important for their scenic values.

C8.2 Application of this Code

C8.2.1: This Code applies to development on land within a scenic protection area or scenic road corridor and in the Rural Zone making it not applicable to this application.

The development site is located within a defined urban area that is not covered by this overlay; this Code is therefore not applicable to this application.

C9.0 Attenuation Code

Not Applicable

C9.1 Code Purpose

The purpose of the Attenuation Code is:

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

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

C9.2 Application of this Code

C9.2.1: This Code applies to:

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

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

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

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

C9.4 Use or Development Exempt from this Code

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

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

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

C10.0 Coastal Erosion Hazard Code

Not Applicable

C10.1 Code Purpose

The purpose of the Coastal Erosion Hazard Code is:

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

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

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

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

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

C10.2 Application of this Code

C10.2.1: This Code applies to:

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

The development site is not burdened by this overlay ensuring this Code is not applicable in accordance with subclause C10.2.1 of this Planning Scheme.

4.2: C11.0 Coastal Inundation Hazard Code

Not Applicable

A review of the Planning Scheme mapping indicates a small area inside the northern and north-eastern Title boundary are burdened by the low and medium coastal inundation hazard bands.

C11.1 Code Purpose

The purpose of the Coastal Inundation Hazard Code is:

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

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

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

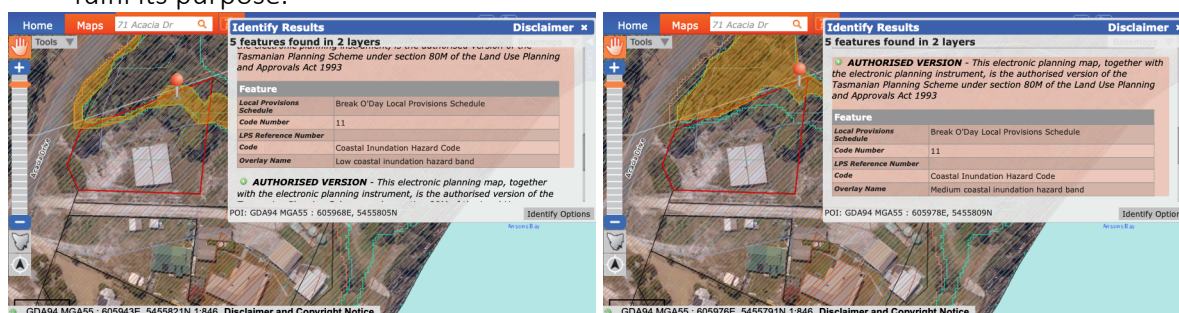


Figure 6: LISTmap Low and Medium Coastal Inundation Hazard Overlays

C11.2 Application of this Code

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

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

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

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

C11.4 Use or Development Exempt from this Code

This Clause was reviewed though not included due to the extensive list. In accordance with subclause C11.4.1(a), it is put to the Planning Authority the works proposed in this application are exempt from this Code. That is, the works are not for critical, hazardous or vulnerable uses though are defined in the *Building Act 2016* as follows:

“building work means work consisting of, or relating to –

- (a) erecting, re-erecting, constructing, altering, repairing, underpinning, demolishing or removing a building; or
- (b) adding to a building; or
- (c) excavating, or filling, that is incidental to an activity referred to in paragraph (a) or (b); or
- (d) any other prescribed work;” (viewed <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2016-025> 10 July 2026 16⁴⁰hrs).

Furthermore, the container, associated slab and retaining wall will be setback approximately 6m from the southern boundary of the Low Coastal Inundation Hazard Band and approximately 7.6m from the Medium Coastal Inundation Hazard Band. Based on the aforementioned exemption, this Code has not been addressed.

C12.0 Flood-Prone Areas Hazard Code

Not Applicable

C12.1 Code Purpose

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

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

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

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

C12.2 Application of this Code

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

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

C12.2.3: this Code applies to use in a habitable building, or development of land, identified in a report prepared by a suitably qualified person, that is lodged with an application for a

permit, or required in response to a request under Section 54 of the Act, as subject to risk from flood or that has the potential to cause increased risk from flood.

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

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

As the development site is not covered by the Flood-Prone Areas Overlay, this Code is not applicable.

4.4: C13.0 Bushfire-Prone Areas Code

Not Applicable

C13.1 Code Purpose

The purpose of the Bushfire-Prone Areas Code is:

C13.1.1: To ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

C13.2 Application of this Code

C13.2.1: This Code applies to:

- (a) subdivision of land that is located within, or partially within, a bushfire-prone area; and
- (b) a use on land that is located within, or partially within, a bushfire-prone area, that is a vulnerable use or hazardous use.

The development site is burdened by the Bushfire-prone areas Overlay though this application does not propose a subdivision nor propose a vulnerable or hazardous use. Based on subsection C13.2.1 above, this Code is not applicable to this application for a Planning Permit.

C14.0 Potentially Contaminated Land Code

Not Applicable

C14.1 Purpose of the Potentially Contaminated Land Code

The purpose of the Potentially Contaminated Land Code is:

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

C14.2 Application of this Code

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

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

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

C15.0 Landslip Hazard Code

Not Applicable

C15.1 Code Purpose

The purpose of the Landslip Hazard Code is:

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

C15.2 Application of this Code

C15.2.1: This Code applies to:

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

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

Based upon the property not burdened by an overlay relating to land instability, it is put to the Planning Authority, this Code is not applicable.

C16.0 Safeguarding of Airports Code

Not Applicable

C16.1 Code Purpose

The purpose of the Safeguarding of Airports Code is:

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

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

C16.2 Application of this Code

C16.2.1: This Code applies to:

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

C16.4 Use or Development Exempt from this Code

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

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

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

5. CONCLUSION

Following the issuance of Enforcement Notice EN 076-2026 dated 22 April 2026 by Break O'Day Council, this application is seeking retrospective approval for the construction of a retaining wall and concrete slab for the placement of a 40' shipping container for use as an appurtenant outbuilding. The partially fenced development site is within the Low Density Residential Zone beside an un-named tributary and has an existing 3 bedroom, single storey dwelling with deck located just south of the latitudinal Title centre.

This report has been written in conjunction with the accompanying documents and demonstrates compliance with the relevant development standards within the *Tasmanian Planning Scheme – Break O'Day* as well as the *Break O'Day Local Provisions Schedule*. Planning approval is therefore sought for this application in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993*.

6. APPENDICES

- Enforcement Notice EN 076-2026: Unapproved Shipping Container;
- Planning report;
- Site Plan with elevations of outbuilding and Form 35;
- Certificate of Title:
 - Folio Text;
 - Folio Plan;
 - Schedule of Easements;
 - Council Certificate
 - Survey Notes; and
 - Property Information Report.