

CENTRAL COAST COUNCIL

PLANNING SUB-COMMITTEE

Notice of Meeting and

Agenda

5 FEBRUARY 2024

To all members

NOTICE OF MEETING

In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, notice is given of the next meeting of the Planning Sub-Committee of the Central Coast Council which will be held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on 5 February 2024. The meeting will commence at 6.00pm.

An agenda and associated reports and documents are appended hereto.

A notice of meeting was published in The Advocate newspaper, a daily newspaper circulating in the municipal area, on Saturday, 27 January 2024.

A live stream of the meeting will be available on the Central Coast Council – TAS YouTube page, or via a link on Council's website and Facebook page.

Dated at Ulverstone this 31st day of January 2024.

This notice of meeting and the agenda is given pursuant to delegation for and on behalf of the Chief Executive Officer.



Ian Brunt
EXECUTIVE SERVICES OFFICER

QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* (the Act), Section 65 provides as follows:

- “(1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
- (a) the general manager certifies, in writing –
 - (i) that such advice was obtained; and
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.”

In accordance with Section 65 of the Act, I certify:

- (i) that the reports within this Planning Sub-Committee agenda contain advice, information and recommendations given by persons who have the qualifications and experience necessary to give such advice, information or recommendation;
- (ii) where any advice is directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account another person's general advice who is appropriately qualified or experienced; and
- (ii) that copies of advice received from an appropriately qualified or experienced professional have been provided to the Planning Sub-Committee members.



Barry Omundson
CHIEF EXECUTIVE OFFICER

AGENDA

MEMBER ATTENDANCE

MEMBER APOLOGIES

EMPLOYEE ATTENDANCE

PUBLIC ATTENDANCE

LEGISLATIVE TERMINOLOGY – GENERAL MANAGER

At the Central Coast Council, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993*; and carries the same meaning for the purposes of the *Local Government Act 1993* and all other legislation administered by or concerning the Council.

DIGITAL RECORDING OF COUNCIL MEETINGS

At the commencement of the meeting, the Chairperson is to notify those present that the meeting will be digitally recorded and made publicly available through the Council's website.

Digital recordings will be conducted in accordance with Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* and the Council's Digital Recording Policy (109/2022 – 20.04.2022).

ACKNOWLEDGEMENT OF COUNTRY

The Central Coast Council acknowledges and pays respect to the traditional owners of lutrawita (Tasmania), the palawa/pakana people.

We acknowledge the Punnilerpanner tribe of this Northern Country, and in doing so, we celebrate one of the world's oldest continuing cultures.

STATEMENT OF VALUES

Guided by the diverse beliefs, experiences and backgrounds of the people we represent, we strive to make inspired and respectful decisions today that will build a better tomorrow.

BUSINESS

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1 MAYOR'S COMMUNICATIONS

1.1 Mayor's communications

The Mayor reports as follows:

“Under the terms of appointment of the Planning Sub-Committee, it acts in agreed circumstances as if it were the Council and, accordingly, as a planning authority under the *Land Use Planning and Approvals Act 1993*.

Members are reminded that the *Local Government (Meeting Procedures) Regulations 2015* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.

In the event that items listed for consideration are referred, under the terms of the Committee's appointment, to the Council (e.g. any matter the Committee cannot determine unanimously), or if the Committee is unable to make a determination within the relevant statutory time limit, such items will be referred to a meeting of the Council for a decision.

A suggested resolution is submitted for consideration.”

- “That the Mayor's report be received.”

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2 DECLARATIONS OF INTEREST

2.1 Declarations of interest

The Mayor reports as follows:

“Members are requested to indicate whether they have, or are likely to have, a pecuniary (or conflict of) interest in any item on the agenda.”

The Executive Services Officer reports as follows:

“The *Local Government Act 1993* provides that a member must not participate at any meeting of a special committee in any discussion, nor vote on any matter, in respect of which the member has an interest or is aware or ought to be aware that a close associate has an interest.

Members are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a member must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

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3 DEPUTATIONS

3.1 Deputations

The Executive Services Officer reports as follows:

“No requests for deputations to address the meeting or to make statements or deliver reports have been made.”

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4 OPEN REPORTS

4.1 Subdivision – 1 lot and 1 balance lot – Lot design; and reliance on *C13.0 Bushfire-Prone Areas Code* at 236 Pine Road, Penguin – Application No. DA2023311

The Director Community, Growth and Development reports as follows:

“The Planning Consultant has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DA2023311
<i>PROPOSAL:</i>	Subdivision – 1 lot and 1 balance lot – Lot design; and reliance on <i>C13.0 Bushfire-Prone Areas Code</i>
<i>APPLICANT:</i>	PDA Surveyors
<i>LOCATION:</i>	236 Pine Road, Penguin
<i>ZONE:</i>	Agriculture
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> (the planning scheme)
<i>ADVERTISED:</i>	16 December 2023
<i>REPRESENTATIONS EXPIRY DATE:</i>	8 January 2024
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	18 January 2024 (extension of time granted until 19 February 2024)
<i>DECISION DUE:</i>	5 February 2024
<i>PURPOSE</i>	

The purpose of this report is to consider an application for subdivision of the site into two separate titles. This would result in one lot of approximately 1ha and a balance lot of 26.4ha on the property known as 236 Pine Road, Penguin.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – photographs; and
- . Annexure 4 – representation.

BACKGROUND

Development description -

Application is made for subdivision of the property into two separate titles resulting in one lot of approximately 1 ha and a balance lot of 26.4ha.

Site description and surrounding area -

Certificate of Title 47330/1 (236 Pine Road, Penguin) has a land area of 27.4ha and is zoned Agriculture. The site is subject to the Bushfire-Prone Areas Overlay under the *C13.0 Bushfire-Prone Areas Code* and also contains pockets of land within the low and medium landslip hazard bands under *C15.0 Landslip Hazard Code*. It is however, exempt from the Landslip Hazard Code under the planning scheme's Clause 5.41(e), (h) and (i). The site also contains two dams making the *C7.0 Natural Assets Code* applicable.

The site contains a dwelling and outbuildings. The majority of the land is cleared of native vegetation for agricultural purposes. The property contains a number of differing slopes, up to a peak in the western side of the property.

There are two existing road accesses from Pine Road. Adjoining properties are within the Agriculture Zone and contain a mixture of cropping, grazing and some single dwellings, in a similar pattern to the subject site.

The development site is not connected to reticulated services.

History -

The property known as 236 Pine Road, Penguin was the subject of an application for a permit for a new shed in 2014. There is no other history relevant to this application.

DISCUSSION

The following Table is the Planning Consultant's assessment against the planning scheme provisions:

21.0 Agriculture Zone

21.1 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:

- (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) 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.

Planners comment

The proposal satisfies the Zone Purpose in that it would provide for development without impacting agricultural use. The agricultural use(s) of the property and adjoining properties will continue without impact with the subdivision of the land which will be divided along an existing physical barrier. No change in use is proposed.

No agricultural land is being converted as a result of the development.

CLAUSE	COMMENT	
21.3 Use Standards		
21.3.1 Discretionary uses	Not applicable	Assessment
21.3.1-(A1) No acceptable solution.	<input checked="" type="checkbox"/>	The provision of this Clause relates to a use listed as Discretionary, excluding Residential or Resource Development. No change in use is proposed, which is both Residential and Resource Development.
21.3.1-(A2) No acceptable solution.	<input checked="" type="checkbox"/>	The provision of this Clause relates to a use listed as Discretionary, excluding Residential.

		No change in use is proposed, which is both Residential and Resource Development.
21.3.1–(A3) No acceptable solution.	<input checked="" type="checkbox"/>	The provision of this Clause relates to a use listed as Discretionary, excluding Residential. No change in use is proposed, which is both Residential and Resource Development.
21.3.1–(A4) No acceptable solution.	<input checked="" type="checkbox"/>	The provision of this Clause relates to a use listed as Discretionary and includes Residential. No change in use is proposed. Residential use is existing and is therefore considered Permitted under Clause 7.2 of the planning scheme.
21.4 Development Standards for Buildings and Works		
21.4.1 Building height	Not applicable	Assessment
21.4.1–(A1) Building height must be not more than 12m.	<input checked="" type="checkbox"/>	No new buildings are proposed.
21.4.2 Setbacks	Not applicable	Assessment
21.4.2–(A1) Buildings must have a setback from all boundaries of: (a) not less than 5m; or (b) if the setback of an existing building is within 5m, not less than the existing building.	<input checked="" type="checkbox"/>	No new buildings are proposed. Setbacks under this Clause is assessed below in the discussion for Clause 21.5.1-(P1)(c) in relation to the existing single dwelling.
21.4.2–(A2)	<input checked="" type="checkbox"/>	No new buildings are proposed.

<p>Buildings for a sensitive use must have a setback from all boundaries of:</p> <p>(a) not less than 200m; or</p> <p>(b) if the setback of an existing building for a sensitive use on the site is</p> <p style="padding-left: 40px;">within 200m of that boundary, not less than the existing building.</p>		<p>Setbacks under this Clause is assessed below in the discussion for Clause 21.5.1-(P1)(c) in relation to the existing single dwelling.</p>
<p>21.4.3 Access for new dwellings</p>	<p>Not applicable</p>	<p>Assessment</p>
<p>21.4.3–(A1)</p> <p>New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>No new dwellings are proposed.</p>
<p>21.5 Development Standards for Subdivision</p>		
<p>21.5.1 Lot design</p>	<p>Not applicable</p>	<p>Assessment</p>
<p>21.5.1–(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) be required for public use by the Crown, a council or a State authority;</p> <p>(b) be required for the provision of Utilities or irrigation infrastructure; or</p> <p>(c) be for the consolidation of a lot with another lot provided both lots are within the same zone.</p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p>(a) Refer to (c).</p> <p>(b) Refer to (c).</p> <p>(c) Non-compliant. The subdivision is not for a consolidation.</p> <p>Refer to the “Issues” section of this report.</p>
<p>21.5.1–(A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a</p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p>Compliant via conditions provided by Infrastructure Services. Each existing access will require some upgrades.</p>

vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.		
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CODES	NOT APPLICABLE	APPLICABLE
C1.0 Signs Code	<input checked="" type="checkbox"/>	
C2.0 Parking and Sustainable Transport Code		Refer to table below.
C3.0 Road and Railway Assets Code	<input checked="" type="checkbox"/>	
C4.0 Electricity Transmission Infrastructure Protection Code	<input type="checkbox"/>	
C5.0 Telecommunications Code	<input checked="" type="checkbox"/>	
C6.0 Local Historic Heritage Code	<input checked="" type="checkbox"/>	
C7.0 Natural Assets Code		Refer to table below.
C8.0 Scenic Protection Code	<input checked="" type="checkbox"/>	
C9.0 Attenuation Code	<input checked="" type="checkbox"/>	
C10.0 Coastal Erosion Hazard Code	<input checked="" type="checkbox"/>	
C11.0 Coastal Inundation Hazard Code	<input checked="" type="checkbox"/>	
C12.0 Flood-Prone Areas Hazard Code	<input checked="" type="checkbox"/>	
C13.0 Bushfire-Prone Areas Code		Refer to table below.
C14.0 Potentially Contaminated Land Code	<input checked="" type="checkbox"/>	
C15.0 Landslip Hazard Code	<input checked="" type="checkbox"/>	
C16.0 Safeguarding of Airports Code	<input checked="" type="checkbox"/>	

C2.0 Parking and Sustainable Transport Code

CLAUSE	COMMENT	
C2.5 Use Standards		
C2.5.1 Car parking numbers	Not Applicable	Comments
<p>A1</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p>	<input type="checkbox"/>	<p>Compliant. On-site car parking must provide for 2 parking spaces for the existing residential use. These exist and will remain. There is no requirement for agricultural use.</p>

<p>(ii) the number of on-site car parking spaces for the existing use or development specified in</p> <p>Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p>$N = A + (C - B)$</p> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.</p>		
<p>C2.5.2 Bicycle parking numbers</p>	<p>Not Applicable</p>	<p>Comments</p>
<p>A1</p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p>	<p><input checked="" type="checkbox"/></p>	<p>Not required for the subdivision.</p>

(b) be no less than the number specified in Table C2.1.		
C2.5.3 Motorcycle parking numbers	Not Applicable	Comments
<p>A1</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and;</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification provided the existing number of motorcycle parking spaces is maintained.</p>	<input checked="" type="checkbox"/>	Not required for the subdivision.
C2.5.4 Loading bays	Not Applicable	Comments
<p>A1</p> <p>A loading bay must be provided for uses with a floor area of more than 1000m² in a single occupancy.</p>	<input checked="" type="checkbox"/>	Not required for the subdivision.
C2.5.5 Number of car parking spaces within General Residential Zone and Inner Residential Zone	Not Applicable	Comments
<p>A1</p> <p>Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for:</p>	<input checked="" type="checkbox"/>	Site is zoned Agriculture.

(a) Food Services uses up to 100m ² floor area or 30 seats, whichever is the greater; and		
(b) General Retail and Hire uses up to 100m ² floor area, provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.		

C2.6 Development Standards for Buildings and Works		
C2.6.1 Construction of parking areas	Not Applicable	Comments
<p>A1</p> <p>All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<input type="checkbox"/>	<p>(a) Compliant. Existing arrangement is adequate for the existing single dwelling.</p> <p>(b) Compliant. Existing arrangement is adequate for the existing single dwelling.</p> <p>(c) Not applicable. Site is zoned Agriculture.</p>

C2.6.2 Design and layout of parking areas	Not Applicable	Comments
<p>A1.1</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: none"> (i) have a gradient in accordance with <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i>; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and 	<input type="checkbox"/>	<p>Compliant. Existing arrangement is adequate for the existing single dwelling.</p>

<p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6.</i></p> <p>A1.2</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>© be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.</i>¹</p> <p>¹ Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.</p>		
<p>C2.6.3 Number of accesses for vehicles</p>	<p>Not Applicable</p>	<p>Comments</p>
<p>A1</p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p>	<p><input type="checkbox"/></p>	<p>(a) Compliant. One access is proposed for each lot.</p> <p>(b) Refer to (a).</p>

<p>(b) no more than the existing number of accesses, whichever is the greater.</p>		
<p>A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<input checked="" type="checkbox"/>	<p>Site is zoned Agriculture.</p>
<p>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</p>	<p>Not Applicable</p>	<p>Comments</p>
<p>A1 In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and Clause 3.6 “Car parks” in <i>Australian Standards/ New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements.</i></p>	<input checked="" type="checkbox"/>	<p>Site is zoned Agriculture.</p>
<p>C2.6.5 Pedestrian access</p>	<p>Not Applicable</p>	<p>Comments</p>
<p>A1.1 Uses that require 10 or more car parking spaces must:</p> <p>(b) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing</p>	<input checked="" type="checkbox"/>	<p>Not required for the subdivision.</p>

<p>access ways or parking aisles by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p>		
<p>A1.2</p> <p>In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<input checked="" type="checkbox"/>	<p>Not required for the subdivision.</p>
<p>C2.6.6 Loading bays</p>	<p>Not Applicable</p>	<p>Comments</p>
<p>A1</p> <p>The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2-2002 Parking Facilities Part 2: Parking facilities- Off-street commercial vehicle facilities</i>, for the type of vehicles likely to use the site.</p>	<input checked="" type="checkbox"/>	<p>Not required for the subdivision.</p>

<p>A2</p> <p>The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS2890. 2- 2002 Parking Facilities Part 2: Parking facilities- Off-street commercial vehicle facilities.</i></p>	<input checked="" type="checkbox"/>	<p>Not required for the subdivision.</p>
<p>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</p>	<p>Not Applicable</p>	<p>Comments</p>
<p>A1</p> <p>Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:</p> <p>(a) be accessible from a road, cycle path, bicycle lane, shared path or access way;</p> <p>(b) be located within 50m from an entrance;</p> <p>(c) be visible from the main entrance or otherwise signed; and</p> <p>(d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of <i>Australian/New Zealand Standard AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements.</i></p>	<input checked="" type="checkbox"/>	<p>Site is zoned Agriculture.</p>

<p>A2</p> <p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</p> <p style="padding-left: 20px;">(i) 1.7m in length;</p> <p style="padding-left: 20px;">(ii) 1.2m in height; and</p> <p style="padding-left: 20px;">(iii) 0.7m in width at the handlebars;</p> <p>(b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and</p> <p>(c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities – Part 3: Bicycle parking.</i></p>	<input checked="" type="checkbox"/>	<p>Site is zoned Agriculture.</p>
<p>C2.6.8 Siting of parking and turning areas</p>	<p>Not Applicable</p>	<p>Comments</p>
<p>A1</p> <p>Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.</p>	<input checked="" type="checkbox"/>	<p>Site is zoned Agriculture.</p>
<p>A2</p> <p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p> <p>(a) have no new vehicle accesses, unless an existing access is removed;</p>	<input checked="" type="checkbox"/>	<p>Site is zoned Agriculture.</p>

(b) retain an active street frontage; and (c) not result in parked cars being visible from public places in the adjacent roads.		
C2.7 Parking Precinct Plan		
C2.7.1 Parking precinct plan	Not Applicable	Comments
A1 Within a parking precinct plan, on-site parking must: (a) not be provided; or (b) not be increased above existing parking numbers.	<input checked="" type="checkbox"/>	Site not within a parking precinct plan.

C7.0 Natural Assets Code

CLAUSE	COMMENT	
C7.5 Use Standards 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	Not Applicable	Assessment
A1 Buildings and works within a waterway and coastal protection area must: (a) be within a building area on a sealed plan approved under this planning scheme;	<input checked="" type="checkbox"/>	No building or works proposed within the waterway area.

<p>(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or</p> <p>(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than</p> <p>20% of the area of the facility existing at the effective date.</p>		
<p>A2</p> <p>Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.</p>	<input checked="" type="checkbox"/>	<p>No building or works proposed within a future coastal refugia area.</p>
<p>A3</p> <p>Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</p>	<input checked="" type="checkbox"/>	<p>No development proposed within the waterway area.</p>
<p>A4</p> <p>Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<input checked="" type="checkbox"/>	<p>No dredging or reclamation.</p>
<p>A5</p> <p>Coastal protection works or watercourse erosion or inundation protection works must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<input checked="" type="checkbox"/>	<p>No works proposed within the waterway area.</p>

C7.6.2- Clearance within a priority vegetation area	Not Applicable	Assessment
A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.	<input checked="" type="checkbox"/>	No clearing proposed.
C7.7 Development Standards for Subdivision		
C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area	Not Applicable	Assessment
A1 Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must: (a) be for the creation of separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.	<input type="checkbox"/>	(a) Refer to (e). (b) Refer to (e). (c) Refer to (e). (d) Refer to (e). (e) Compliant. No works or hazard management areas are proposed within the waterway area.

C7.7.2 Subdivision within a priority vegetation area	Not Applicable	Assessment
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <p>(a) be for the purposes of creating separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p> <p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</p>	<input checked="" type="checkbox"/>	<p>No priority vegetation area is impacted.</p>

C13.0 Bushfire-Prone Areas Code

CLAUSE	COMMENT	
C13.5 Use Standards		
C13.5.1. Vulnerable uses	Not Applicable	Assessment
<p>A1</p> <p>No Acceptable Solution.</p>	<input checked="" type="checkbox"/>	<p>No vulnerable use is proposed.</p>
<p>A2</p>	<input checked="" type="checkbox"/>	<p>No vulnerable use is proposed.</p>

An emergency management strategy (vulnerable use) is endorsed by the TFS or accredited person.		
A3 A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.	<input checked="" type="checkbox"/>	No vulnerable use is proposed.
C13.5.2. Hazardous uses	Not Applicable	Assessment
A1 No Acceptable Solution.	<input checked="" type="checkbox"/>	No hazardous use is proposed.
A2 An emergency management strategy (hazardous use) is endorsed by the TFS or accredited person.	<input checked="" type="checkbox"/>	No hazardous use is proposed.
A3 A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.	<input checked="" type="checkbox"/>	No hazardous use is proposed.
C13.6 Development Standards for Subdivision		
C13.6.1 Provision of hazard management areas	Not Applicable	Assessment
A1 (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or (b) The proposed plan of subdivision:	<input type="checkbox"/>	(a) Refer to (b). (b) Compliant. The application is accompanied by a Bushfire Hazard Management Plan, with actions required to achieve compliance with (b). (c) Refer to (b).

<p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS3959-2009 Construction of buildings in bushfire-prone areas</i>; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS3959-2009 Construction of buildings in bushfire-prone Areas</i>; and</p>		
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<p>(c) if hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>		
<p>C13.6.2 Public and fire fighting access</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas, is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table C13.1, proposed property proposed fire trails will comply with Table C13.3 and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p>(a) Refer to (b).</p> <p>(b) Compliant. The application is accompanied by a Bushfire Hazard Management Plan, with actions required to achieve compliance with (b).</p>

C13.6.3 Provision of water supply for fire fighting purposes	Not Applicable	Assessment
<p>A1</p> <p>In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table C13.4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	<input checked="" type="checkbox"/>	<p>Area is not serviced.</p>
<p>A2</p> <p>In areas that are not serviced by reticulated water by the water corporation:</p> <p>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</p> <p>(b) The TFS or an accredited person certifies that a proposed plan of</p>		<p>(a) Refer to (b).</p> <p>(b) Compliant. The application is accompanied by a Bushfire Hazard Management Plan, with actions required to achieve compliance with (b).</p> <p>(c) Refer to (b).</p>

<p>subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table C13.5; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>		
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SPECIFIC AREA PLANS	NOT APPLICABLE	APPLICABLE
CCO-S1.0 Forth Specific Area Plan	<input checked="" type="checkbox"/>	
CCO-S2.0 Leith Specific Area Plan	<input checked="" type="checkbox"/>	
CCO-S3.0 Penguin Specific Area Plan	<input checked="" type="checkbox"/>	
CCO-S4.0 Revell Lane Specific Area Plan	<input checked="" type="checkbox"/>	
CCO-S5.0 Turners Beach Specific Area Plan	<input checked="" type="checkbox"/>	

CCO CODE LISTS	
CCO-Table C3.1 Other Major Roads	This table is not used in this Local Provisions Schedule.
CCO-Table C6.1 Local Heritage Places	This table is not used in this Local Provisions Schedule.

CCO-Table C6.2 Local Heritage Precincts	This table is not used in this Local Provisions Schedule.
CCO-Table C6.3 Local Historic Landscape Precincts	This table is not used in this Local Provisions Schedule.
CCO-Table C6.4 Places or Precincts of Archaeological Potential	This table is not used in this Local Provisions Schedule.
CCO-Table C6.5 Significant Trees	This table is not used in this Local Provisions Schedule.
CCO-Table C8.1 Scenic Protection Areas	Not applicable to this application.
CCO-Table 8.2 Scenic Road Corridors	This table is not used in this Local Provisions Schedule.
CCO-Table C11.1 Coastal Inundation Hazard Bands AHD levels	Not applicable to this application.
CCO-Applied, Adopted or Incorporated Documents	This table is not used in this Local Provisions Schedule.
CCO-Site-Specific Qualifications	This table is used in this Local Provisions Schedule.

Issues –

1 Clause 21.5.1–(P1) – Development Standards for Subdivision (Lot design) –

As stated in the planning scheme’s Clause 5.6.4, the planning authority may consider the relevant Objective in an applicable standard to determine whether a use or development satisfies the Performance Criterion for that standard.

The Objective for Clause 21.5.1 states that lot design is to:

- (a) Relate to public use, irrigation infrastructure or Utilities; and
- (b) Protect the long term productive capacity of agricultural land.

Planner’s comment: The agricultural report, included in the application documentation, states that the lot to be excised contains no existing irrigation. All irrigation mains and infrastructure would be retained in proposed Lot 2. Any current or future irrigation potential at the property will not be negatively impacted nor diminished by the proposed development. In addition, the report states that “there is no loss of productive capacity of the land”.

The subdivision cannot satisfy the planning scheme’s Acceptable Solution for Clause 21.5.1–(A1). The application is therefore discretionary and relies on assessment against the Performance Criteria.

The planning scheme’s Performance Criteria for Clause 21.5.1–(P1) states that lot design must comply with Clause part (a), (b) or (c). This proposal relies on assessment and compliance under part (c) of this Clause. Part (a) and (b) do not apply to this application. Therefore, no discussion or assessment is necessary regarding part (a) and (b).

Clause 21.5.1–(P1)(c) of the planning scheme states that each lot, or a lot proposed in a plan of subdivision, must:

- (c) excising a use or development existing at the effective date that satisfies all of the following:
 - (i) the balance lot provides for the operation of an agricultural use, having regard to:

-
- a. not materially diminishing the agricultural productivity of the land;

Planner's comment: The application is accompanied by an agricultural report prepared by a suitably qualified agronomist. This report confirms that the area to be excised does not include any land that is currently productive.

- b. the capacity of the balance lot for productive agricultural use;

Planner's comment: The agronomist's report states that the "*balance lot retains 96% of the land area and all existing agricultural land use and there is no loss of productive capacity of the land*".

- c. any topographical constraints to agricultural use; and

Planner's comment: The agronomist's report does not mention topography in response to this provision. However, an on-site assessment indicates that topography does not constrain the existing agricultural use on any portion of the site, regardless of lot layout.

- d. current irrigation practices and the potential for irrigation;

Planner's comment: The agronomist's report states that "*the proposed Lot 1 to be excised has no existing irrigation. All irrigation mains and infrastructure are retained in proposed Lot 2. Any current or future irrigation potential at the property will not be negatively impacted no diminished by the proposed development*".

- (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;

Planner's comments: Any permit for a house excision that has relied on an assessment against this provision must include a condition requiring a binding legal agreement under Section 71 of the Act. This Agreement must prevent future Residential use, if there is no dwelling on the balance lot. This is mandatory to ensure compliance can be achieved. There is currently no dwelling on the proposed balance lot, therefore a Part 5 Agreement is required. The Permit has been conditioned accordingly.

- (iii) any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2-(A2) or (P2) in relation to setbacks to new boundaries; and

Planner's comment: The agronomist's report has addressed this provision in relation to Clause 21.4.2-(P2). This is because the existing single dwelling (considered a sensitive use being Residential) would not be setback 200m from the new boundaries.

The planning scheme's Clause 21.4.2-(P2) states that buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use, having regard to:

- (a) the size, shape and topography of the site;

Planner's comment: The site is undulating, with a variety of gentle to moderate slopes.

- (b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties;

Planner's comment: The site has three adjoining properties. The adjoining properties immediately to the north and west do not contain a sensitive use. The property to the east contains a sensitive use. The single dwelling on the adjoining eastern property is setback to its eastern boundary (closest boundary) approximately 20m. The existing single dwelling on the development site would be

setback approximately 34m to a boundary as a result of the subdivision.

- (c) the location of existing buildings on the site;

Planner's comment: The existing buildings for the sensitive use are located in the south-eastern corner of the site, on the proposed Lot 1, in proximity to Pine Road. One agricultural building would be retained on the proposed balance lot.

- (d) the existing and potential use of adjoining properties;

Planner's comment: The proposed house excision site would be surrounded on all sides (with the exception of the southern boundary) by the existing agricultural uses, including cropping, irrigation, grazing and a horse stud. Potential future use is likely to be similar to these existing uses.

- (e) any proposed attenuation measures; and

Planner's comment: The application documentation proposes no attenuation measures.

- (f) any buffers created by natural or other features.

Planner's comment: The agronomist's report states that "*the existing dwelling is well buffered by established landscaping vegetation on all sides and recently planted shelter belt to the west. Therefore, the proposal will not confine or constrain surrounding land use and residential amenities*".

- (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.

Planner's comment: The existing development site currently holds two access points. Each of the proposed lots would utilise one of these accesses and therefore have one legal access across Pine Road. Standard conditions regarding access upgrades are to be included in any Permit.

Conclusion: It is considered that the application has demonstrated compliance with Clause 21.5.1 P1-(c).

Referral advice -

Referral advice from the various Departments of the Council and other service providers is as follows:

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Referral not required.
Building	Referral not required.
Engineering	To include Conditions and Notes in Permit.
TasWater	Referral not required.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

CONSULTATION

In accordance with s.57(3) of the *Land Use Planning and Approvals Act 1993*:

- . a site notice was posted;
- . letters to adjoining owners were sent; and
- . an advertisement was placed in the Public Notices section of The Advocate.

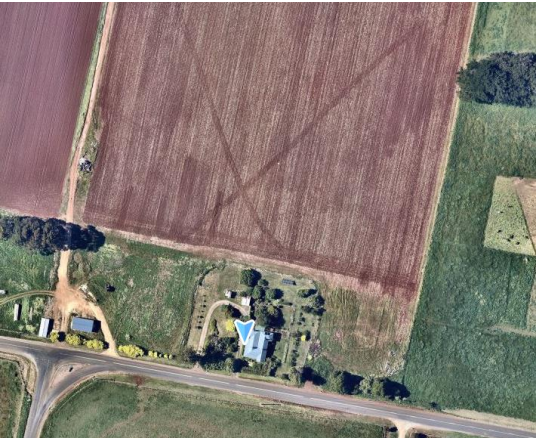
Representations –

One representation was received, a copy of which is provided at Annexure 4.

The representation is summarised and responded to as follows:

MATTER RAISED	COMMENTS
1 Objects to the land being classified as Class 4.	The application documentation includes an agricultural assessment by a qualified agronomist. The property is identified as a mix of Class 2, 3 and 4 land. The relevant Performance Criteria that assesses land capability in terms of agricultural land is the planning scheme's Clause 21.5.1-(P1)(c). This has been addressed in the "Issues" section above in detail. This provision does not require the land to have any particular classification level for consideration of an excision of a dwelling.

<p>2 Proposal does not meet 1c as the land is highly productive land; the land around the house is very productive, fertile land.</p>	<p>It is assumed that this comment refers to Clause 21.5.1–(P1)(c).</p> <p>This Clause is addressed in detail in the “Issues” section above.</p> <p>The application is accompanied by an agricultural report stating that <i>“the proposed excision will result in the loss of approximately 1ha of land, about half of which is already developed and landscaped land and is surplus to the needs for operation and management of the agricultural land use activity at the property. Therefore, the proposed subdivision would have no significant impact in the productive capacity of the land”</i>.</p>
<p>3 The land is question has been farmed in the past.</p>	<p>Historic aerial photos (as obtained from NearMap Aerial Imagery) demonstrate that at least some of the land proposed for excision has been farmed in the past (refer Figure 1 below). This land is currently not being farmed. Rather, it is being utilised as part of the residential use.</p> <p>The relevant Performance Criteria in the planning scheme states that the proposal must be “for the excision of a use or development existing at the effective date...”.</p>

	<p>The current planning scheme became effective on 27 October 2021. Aerial photographs demonstrate that on this date, the land in question for excision was not being utilised as part of the agricultural use (refer Figure 2 below).</p>  <p><i>Figure 1 October 2015, NearMap Aerial Imagery</i></p>
	 <p><i>Figure 2 October 2021, NearMap Aerial Imagery</i></p>
<p>4 Supports the development of land but not at the cost of agricultural land.</p>	<p>Noted. The Planning Authority must assess the proposal as submitted and ensure it is assessed on its own merits.</p>

5	Nearby land with poorer soils could be developed for residential use.	Noted. The Planning Authority must assess the proposal as submitted and ensure it is assessed on its own merits.
6	Concerned that a later development application would be lodged for a dwelling on the balance land and the nature or strength of any agreement under section 71.	<p>Any permit for a house excision in this scenario is required to include a restriction under section 71 of the Act preventing future Residential use of the balance lot.</p> <p>An agreement under section 71 of the Act is a Part 5 Agreement. This is a legally binding document and forms part of the Certificate of Title documentation. This agreement will always remain with the Certificate of Title documentation and can only be revised if approved by the Council. This Part 5 Agreement would never be removed as it would contradict the planning scheme. Any future property owner would be required to comply with the Part 5 Agreement.</p>

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and possibly costs associated with an appeal against the Council’s determination should one be instituted.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

CONCLUSION

The representation does not hold sufficient merit to warrant refusal of DA2023311 for Subdivision – 1 lot and 1 balance lot at 236 Pine Road, Penguin.

No agricultural land is being converted, nor would the proposal fetter current or future primary industry activity on the subject or adjoining land. Each lot would have appropriate access and the balance lot would be protected to ensure future residential conversion cannot occur.

The grant of a Permit, subject to conditions, is considered to be justified.

Recommendation –

It is recommended that application DA2023311 for Subdivision – 1 lot and 1 balance lot – Lot design; and reliance on *C13.0 Bushfire-Prone Areas Code* at 236 Pine Road, Penguin, be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the following documentation:
 - (a) Plan of Subdivision by PDA Surveyors, Engineers & Planners, Job No. 51850, Drawing No. P02 dated 16 October 2023;
 - (b) Planning Report by PDA Surveyors, Engineers & Planners, Reference 51850, Revision 1 dated 17 November 2023; and
 - (c) Agricultural Assessment and Compliance Report by Pinion Advisory dated September 2023.
- 2 The development must be in accordance with the Bushfire Hazard Management Report: Subdivision by Scott Livingston of Livingston Natural Resource Services, Accreditation No. BFP-105 dated 24 October 2023.
- 3 Prior to the Final Plan of Survey being endorsed, the owner of the land must submit and enter into a Part 5 Agreement with the Central Coast Council under section 71 of the *Land Use Planning and Approvals Act 1993*. The Part 5 Agreement is to set out the following matters to the satisfaction of the Director Community, Growth and Development:
 - (i) Preventing future Residential use on the balance lot.
- 4 Execution of the Part 5 Agreement, including drafting and registration of the Agreement against the respective Title, must be at the developer's expense.

Infrastructure Services:

- 5 Existing crossovers and driveway aprons from Pine Road must be used as road access to Lot 1 and the balance lot.
- 6 The existing property accesses and driveway aprons for Lot 1 and the balance lot must be upgraded in accordance with Tasmanian Standard Drawing TSD-R03-v3 Rural Roads - Typical Property Access (enclosed) and Tasmanian Standard Drawing TSD-R04-v3 Rural Roads - Typical Driveway Profile at the developer's cost.
- 7 Stormwater run-off from buildings and hard surfaces, including vehicle parking and manoeuvring areas, must be collected and managed on-site in accordance with the *National Construction Code 2019* to ensure it does not cause nuisance to the neighbouring properties.
- 8 During works and until all exposed soil areas are permanently stabilised against erosion, the developer must minimise on-site erosion and the release of sediment or sediment laden stormwater from the site and work areas in accordance with the 'Soil and Water Management on Standard Building and Construction Sites - Fact Sheet 2' published by the Environment Protection Authority.
- 9 Damage or disturbance to roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees resulting from activity associated with the development must be rectified to the satisfaction of the Council's Director Infrastructure Services and at the developer's cost.
- 10 All works or activity listed above must be at the developer's cost.

Please Note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 "Substantial commencement" is the submission and approval of a Building Permit and the physical commencement of infrastructure works on the site, or bank guarantee to undertake such works.

Infrastructure Services:

- 3 Prior to commencement of works in the road reservation, the developer must obtain a "Works in Road Reservation (Permit)".
- 4 Prior to commencement of works, the developer must submit an application for 'Roadworks Authority' (or a 'Private Works Authority'). Roadworks Authority rates as listed in the Council's Fees and Charges register apply.
- 5 Works associated with roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees must be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services, at the developer's cost.'

The report is supported."

The Executive Services Officer reports as follows:

"A copy of the Annexures referred to in the Planning Consultant's report having been circulated to all Councillors, a suggested resolution is submitted for consideration."

■ "That application DA2023311 for Subdivision – 1 lot and 1 balance lot – Lot design; and reliance on *C13.0 Bushfire-Prone Areas Code* at 236 Pine Road, Penguin, be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the following documentation:
 - (a) Plan of Subdivision by PDA Surveyors, Engineers & Planners, Job No. 51850, Drawing No. P02 dated 16 October 2023;
 - (b) Planning Report by PDA Surveyors, Engineers & Planners, Reference 51850, Revision 1 dated 17 November 2023; and
 - (c) Agricultural Assessment and Compliance Report by Pinion Advisory dated September 2023.
- 2 The development must be in accordance with the Bushfire Hazard Management Report: Subdivision by Scott Livingston of Livingston Natural Resource Services, Accreditation No. BFP-105 dated 24 October 2023.
- 3 Prior to the Final Plan of Survey being endorsed, the owner of the land must submit and enter into a Part 5 Agreement with the Central Coast Council under section 71 of

the *Land Use Planning and Approvals Act 1993*. The Part 5 Agreement is to set out the following matters to the satisfaction of the Director Community, Growth and Development:

- (i) Preventing future Residential use on the balance lot.
- 4 Execution of the Part 5 Agreement, including drafting and registration of the Agreement against the respective Title, must be at the developer's expense.

Infrastructure Services:

- 5 Existing crossovers and driveway aprons from Pine Road must be used as road access to Lot 1 and the balance lot.
- 6 The existing property accesses and driveway aprons for Lot 1 and the balance lot must be upgraded in accordance with Tasmanian Standard Drawing TSD-R03-v3 Rural Roads – Typical Property Access (enclosed) and Tasmanian Standard Drawing TSD-R04-v3 Rural Roads – Typical Driveway Profile at the developer's cost.
- 7 Stormwater run-off from buildings and hard surfaces, including vehicle parking and manoeuvring areas, must be collected and managed on-site in accordance with the *National Construction Code 2019* to ensure it does not cause nuisance to the neighbouring properties.
- 8 During works and until all exposed soil areas are permanently stabilised against erosion, the developer must minimise on-site erosion and the release of sediment or sediment laden stormwater from the site and work areas in accordance with the 'Soil and Water Management on Standard Building and Construction Sites – Fact Sheet 2' published by the Environment Protection Authority.
- 9 Damage or disturbance to roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees resulting from activity associated with the development must be rectified to the satisfaction of the Council's Director Infrastructure Services and at the developer's cost.
- 10 All works or activity listed above must be at the developer's cost.

Please Note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.

-
- 2 "Substantial commencement" is the submission and approval of a Building Permit and the physical commencement of infrastructure works on the site, or bank guarantee to undertake such works.

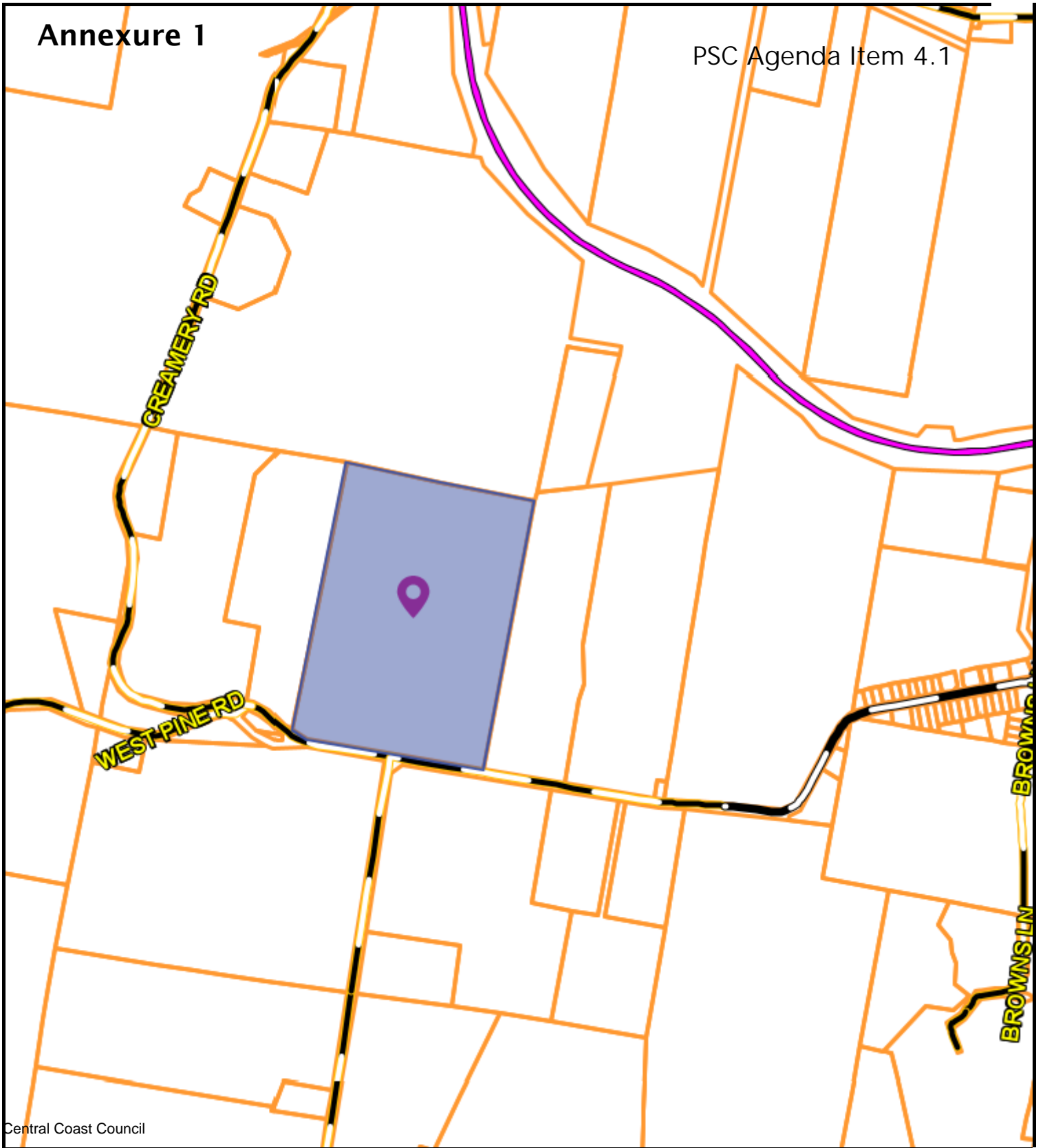
Infrastructure Services:

- 3 Prior to commencement of works in the road reservation, the developer must obtain a "Works in Road Reservation (Permit)".
 - 4 Prior to commencement of works, the developer must submit an application for 'Roadworks Authority' (or a 'Private Works Authority'). Roadworks Authority rates as listed in the Council's Fees and Charges register apply.
 - 5 Works associated with roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees must be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services, at the developer's cost."
-
-
-

Associated Reports And Documents

Annexure 1

PSC Agenda Item 4.1



Central Coast Council



CENTRAL COAST COUNCIL
19 King Edward St
Ulverstone
TAS 7315
Telephone: 03 6429 8900
admin@centralcoast.tas.gov.au



14-Dec-2023

236 PINE ROAD,
PENGUIN
DA2023311

IMPORTANT

This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD). For most practical purposes GDA94 coordinates, and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84), are the same.

Disclaimer

This map is not a precise survey document
All care is taken in the preparation of this plan; however, Central Coast Council accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. Do not scale. Accurate measurement should be undertaken by survey.
© The List 2023.
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200 m

Scale =
1:11767.140



Application for Planning

S.57 Land Use Planning and Approvals Act 1993

The following application has been received:

Application No.: **DA2023311**

Location: **236 Pine Road, Penguin**

Proposal: **Subdivision - 1 lot and 1 balance lot**

Performance Criteria: **Lot design; and reliance on *C13.0 Bushfire-Prone Areas Code***

The application may be inspected at the Administration Centre, 19 King Edward Street, Ulverstone during Office hours and on the council's website: www.centralcoast.tas.gov.au. Any person may make representation in relation to the applications (in accordance with S.57(5) of the Act) by writing to the General Manager, PO Box 220, Ulverstone 7315 or by email to admin@centralcoast.tas.gov.au and quoting the Application No. *Any representations received by the Council are classed as public documents and will be made available to the public where applicable under the Local Government (Meeting Procedures) Regulations 2015.*

The representation must be made on or before **8 January 2024**

Date of Notification: **16 December 2023**

CENTRAL COAST COUNCIL

PO Box 220
19 King Edward Street
ULVERSTONE TASMANIA 7315
Ph: (03) 6429 8900
Email: planning@centralcoast.tas.gov.au
www: centralcoast.tas.gov.au

**CENTRAL COAST COUNCIL**

Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme – Central Coast
PLANNING PERMIT APPLICATION

**CENTRAL COAST COUNCIL
LAND USE PLANNING**

Received: 17/11/2023
Application No: DA2023311
Doc ID: 470721

*Office use only:**Zone:**Permit Pathway – NPR/Permitted/Discretionary***Use or Development Site:**

Site Address 236 Pine Road, Penguin 7316

Certificate of
Title Reference

47330/1

Land Area

27ha

Heritage Listed Property

NO



YES

**Applicant(s)**

First Name(s)

Surname(s)

Company name
(if applicable)

PDA obo Rob Arvier

Contact No:

0448 453 971

Postal Address: P.O Box 284, Launceston 7250

Email address:

allan.brooks@pda.com.au

Please tick box to receive correspondence and any relevant information regarding your application via email.

Owner(s) (note – if more than one owner, all names must be indicated)

First Name(s)

Peter, Margaret & Robert

Middle Names(s)

Surname(s)

Arvier

Company name (if applicable)

Postal Address:

831 Pine Road, Penguin

PERMIT APPLICATION INFORMATION

(If insufficient space for proposed use and development, please attach separate documents)

"USE" is the purpose or manner for which land is utilised.

Proposed Use

Use Class
Office use only

"Development" is the works required to facilitate the proposed use of the land, including the construction or alteration or demolition of buildings and structures, signs, any change in ground level and the clearing of vegetation.

Proposed Development (please submit all documentation in PDF format to planning@centralcoast.tas.gov.au separating A4 documents & forms from A3 documents).

Value of the development – (to include all works on site such as outbuildings, sealed driveways and fencing)

\$..... Estimate/ Actual

Total floor area of the developmentm²

Declaration of Notice to Landowner

If land is NOT in the applicant's ownership

I Allan Brooks, declare that the owner/each of the owners of the land has been notified of the intention to make this permit application under section 52(1) of the *Land Use Planning and Approvals Act 1993*.

Signature of Applicant 

Date 17/11/2023

If the application involves land within a Strata Corporation

I, declare that the owner/each of the owners of the body corporation has been notified of the intention to make this permit application.

Signature of Applicant

Date

If the application involves land owned or administered by the CENTRAL COAST COUNCIL

Central Coast Council consents to the making of this permit application.

General Managers Signature _____ Date _____

If the permit application involves land owned or administered by the CROWN

I, _____ the Minister
responsible for the land, consent to the making of this permit application.

Minister (Signature) _____ Date _____

NB: If the site includes land owned or administered by the Central Coast Council or by a State government agency, the consent in writing (a letter) from the Council or the Minister responsible for Crown land must be provided at the time of making the application - and this application form must be signed by the Council or the Minister responsible.

Applicants Declaration


I/ we Allan Brooks
declare that the information I have given in this permit application to be true and correct to the best of my knowledge.

Signature of Applicant/s  Date 17/11/2023

Office Use Only	
Planning Permit Fee	\$
Public Notice Fee	\$
Permit Amendment / Extension Fee	\$
No Permit Required Assessment Fee	\$
TOTAL	\$
Validity Date	

SEARCH OF TORRENS TITLE

VOLUME 47330	FOLIO 1
EDITION 5	DATE OF ISSUE 25-Jul-2023



**CENTRAL COAST COUNCIL
LAND USE PLANNING**

Received: 17/11/2023
 Application No: DA2023311
 Doc ID: 470726

SEARCH DATE : 27-Oct-2023
 SEARCH TIME : 07.48 AM

DESCRIPTION OF LAND

Parish of ASHWATER, Land District of DEVON
 Lot 1 on Diagram 47330
 Being the land described in Assent No. 66/5324
 Derivation : Part of 66A-3R-32Ps. Gtd. to S.F. Law
 Prior CT 4729/43

SCHEDULE 1

N140688 TRANSFER to PETER TIMOTHY ARVIER and MARGARET JOAN ARVIER (jointly as between themselves) of one undivided 1/2 share and ROBERT FREDERICK ARVIER of one undivided 1/2 share as tenants in common Registered 25-Jul-2023 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 E354139 MORTGAGE to National Australia Bank Limited Registered 25-Jul-2023 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

APPROVED 12 DEC 1990 <i>Michael Quinn</i> RECORDER OF TITLES	CONVERSION PLAN CONVERTED FROM 66/5324	REGISTERED NUMBER D. 47330
FILE NUMBER A.8359	GRANTEE: PART OF 66-3-32 GTD. TO SAMUEL FREDERICK LAW.	DRAWN <i>SA</i> 27/11/90.

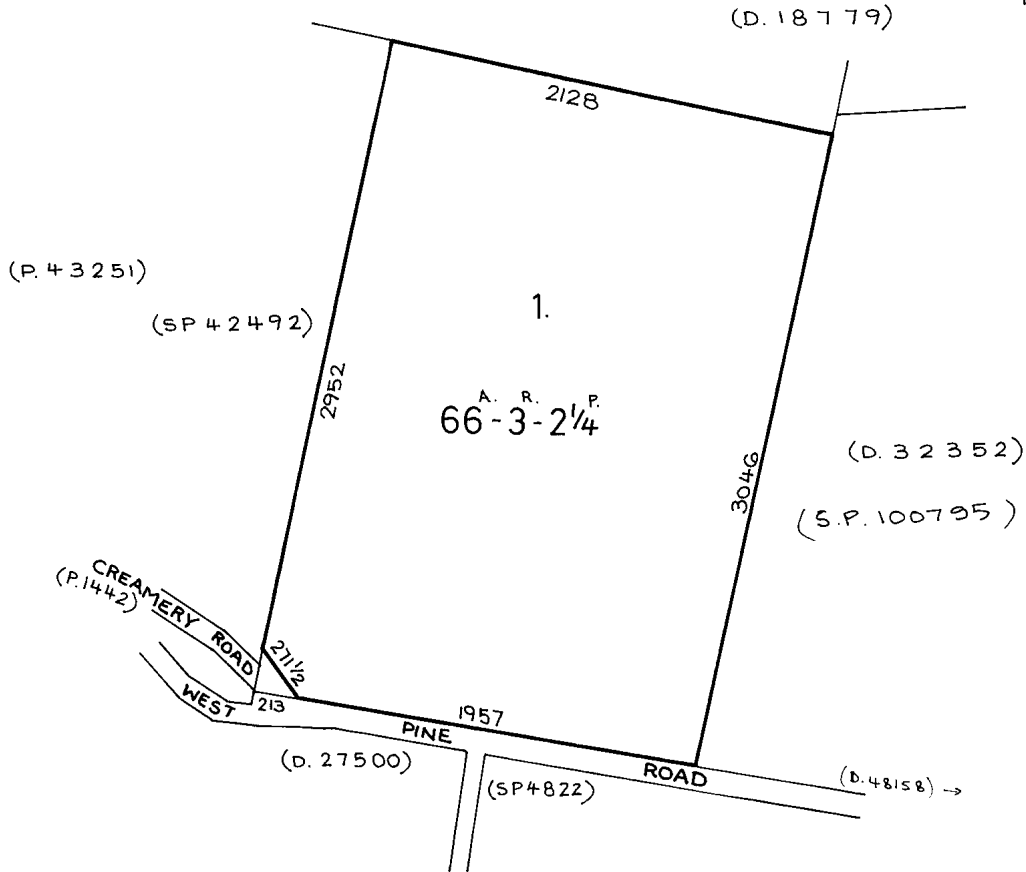
OS-K 2082

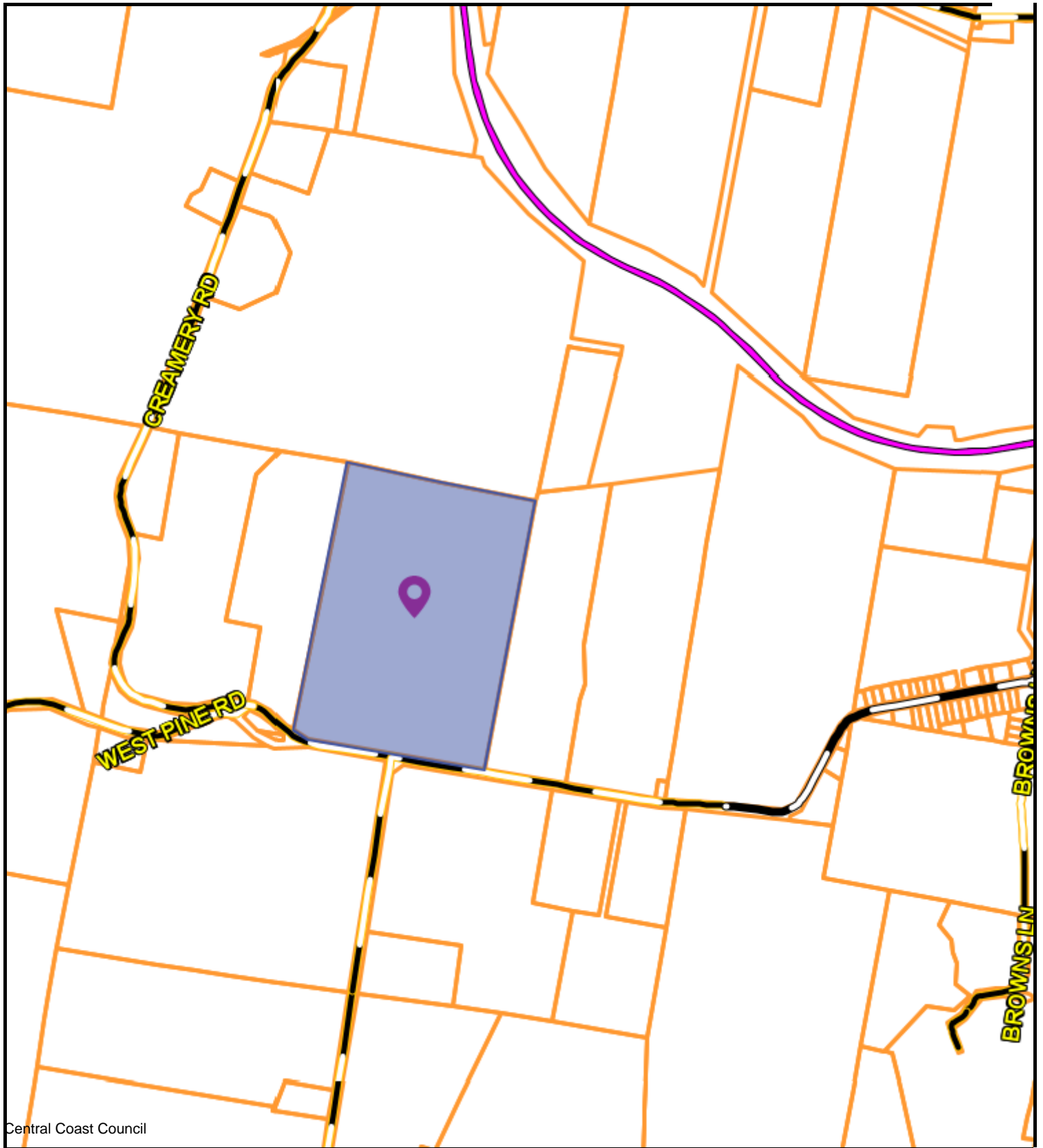
SKETCH BY WAY OF ILLUSTRATION ONLY

~~CITY/TOWN OF~~
LAND DISTRICT OF DEVON
PARISH OF ASHWATER
LENGTHS ARE IN METRES - NOT TO SCALE.
LENGTHS IN BRACKETS IN LINKS/FEET & INCHES.

CENTRAL COAST COUNCIL
LAND USE PLANNING

Received: 17/11/2023
Application No: DA2023311
Doc ID: 470725





Central Coast Council



CENTRAL COAST COUNCIL
 19 King Edward St
 Ulverstone
 TAS 7315
 Telephone: 03 6429 8900
 admin@centralcoast.tas.gov.au



14-Dec-2023

**236 PINE ROAD,
 PENGUIN
 DA2023311**

IMPORTANT

This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD). For most practical purposes GDA94 coordinates, and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84), are the same.

Disclaimer

This map is not a precise survey document
 All care is taken in the preparation of this plan; however, Central Coast Council accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. Do not scale. Accurate measurement should be undertaken by survey.
 © The List 2023.
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200 m

Scale =
 1:11767.140



Planning Report

236 Pine Road, Penguin

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PDA Contributors

Planning	Allan Brooks	25/10/2023
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Revision History

Revision	Description	Date
1	First Issue	25/10/2023

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EXECUTIVE SUMMARY

Council approval is sought for a 2 lot subdivision and balance for land at 236 Pine Road, Penguin (CT 47330/1).

A permit is sought in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993* and Clause 6.8.1 (b) of the *Tasmanian Planning Scheme - Central Coast*

Development Details:

Property Address	236 Pine Road, Penguin
Proposal	2 Lot Subdivision
Land Area	27.4ha

CT	47330/1
PID	6774429
Planning Ordinance	Tasmanian Planning Scheme - Central Coast
Land Zoning	Agriculture
Specific Areas Plans	N/A
Code Overlays	Bushfire Prone Area, Waterway and Coastal Protection Area Landslip hazard Area.

1. Introduction/Context

Council approval is sought for a 2 lot subdivision at 236 Pine Road, Penguin (CT 47330/1). In support of the proposal the following associated documents have been provided in conjunction with this planning assessment:

- Subdivision Proposal Plan
- Completed Development Application Form
- Copy of Title
- Bushfire Report
- Agricultural Report

1.1. The Land

The land is predominately agricultural land with existing dwelling located in the south east corner.



Figure 1. Existing aerial image of the subject land (LISTmap, 2023)

1.2. Existing Development

The site has an existing dwelling and outbuildings.

1.3. Natural Values

No natural values have been located onsite.

2. The Proposal

The proposed application is for a 2 lot subdivision to excise the existing dwelling. Lot 1, with the existing dwelling has an area of 1 ha and the balance is 26ha in area. The larger balance lot will contain the active agricultural land, and lot 1 will contain the existing dwelling.

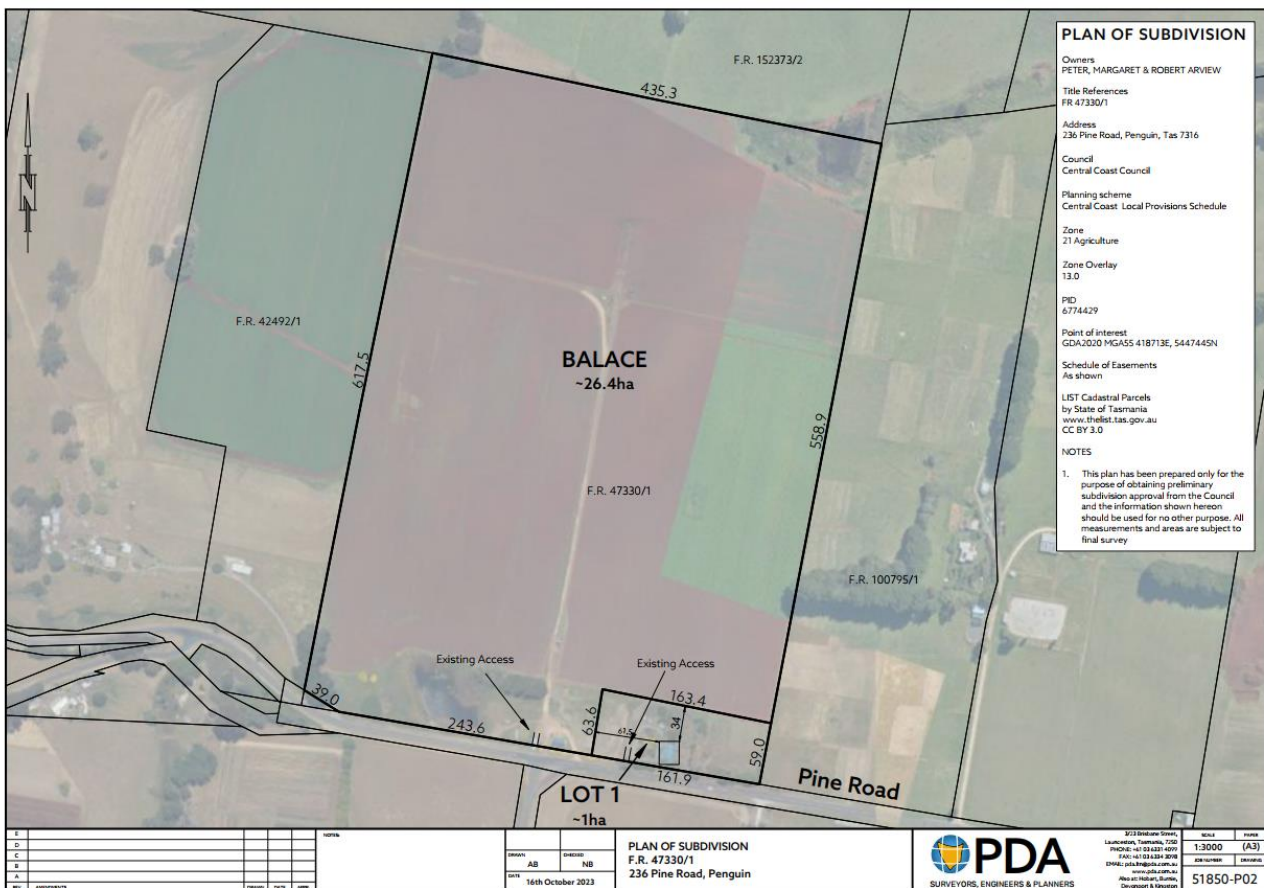


Figure 2. Proposed Plan of Subdivision

3. Planning Assessment

This current proposal for a 2 lot Subdivision and balance has been developed in accordance with the *Tasmanian Planning Scheme – Central Coast*.

3.1 Zoning



Figure 3. Zoning identification of the subject land and surrounds (LISTmap, 2023)

The subject land is located within the Agriculture Zone with consistent with all surrounding title. The further to the east is general residential zoned lots towards Penguin.

3.2 Zone Standards – Agriculture

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 productivity capacity of agricultural land. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> a) be required for public use by the Crown, a council or State authority; b) be required for the provisions 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 	<p>P1</p> <p>Each lot, or lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) provide for the operation of an agricultural use, having regard to: <ul style="list-style-type: none"> (i) not materially diminishing the agricultural productivity of the land; (ii) the capacity of the new lots for productive agricultural use; (iii) any topographical constraints to agricultural use; and (iv) current irrigation practices and the potential for irrigation; (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

	<p>a right of carriageway, that is sufficient for the intended use; and (v) it does not create any additional lots; or</p> <p>(c) be for the excision of a use or development existing at the effective date that satisfies all of the following;</p> <p>(i) the balance lot provides for the operation of an agriculture use, having regard to:</p> <ol 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; and d. Current irrigation practices and the potential for irrigation <p>(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;</p> <p>(iii) any existing buildings for a sensitive use must meet the setback required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and</p> <p>(iv) all lots must be provided with a frontage or legal connection to a road by right of carriageway, that is sufficient for the intended use.</p>
--	---

Comment:

P1 (c) is met: The agricultural land is within the balance lot. The subdivision does not diminish the potential of this land. The capacity of this land remains the same as the proposed boundaries for lot 1 is the area of the land not used for agricultural purposes. Please see provided agricultural report for more details and recommendations.

Acceptable Solutions

Performance Criteria

A2

Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from boundary of the lot to a road in accordance with the requirements of the road authority.

P2

Each lot, or 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:

- 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.

Comment:

A1 is met: Each lot has existing access from the road in accordance with the road authority.

3.4 Codes

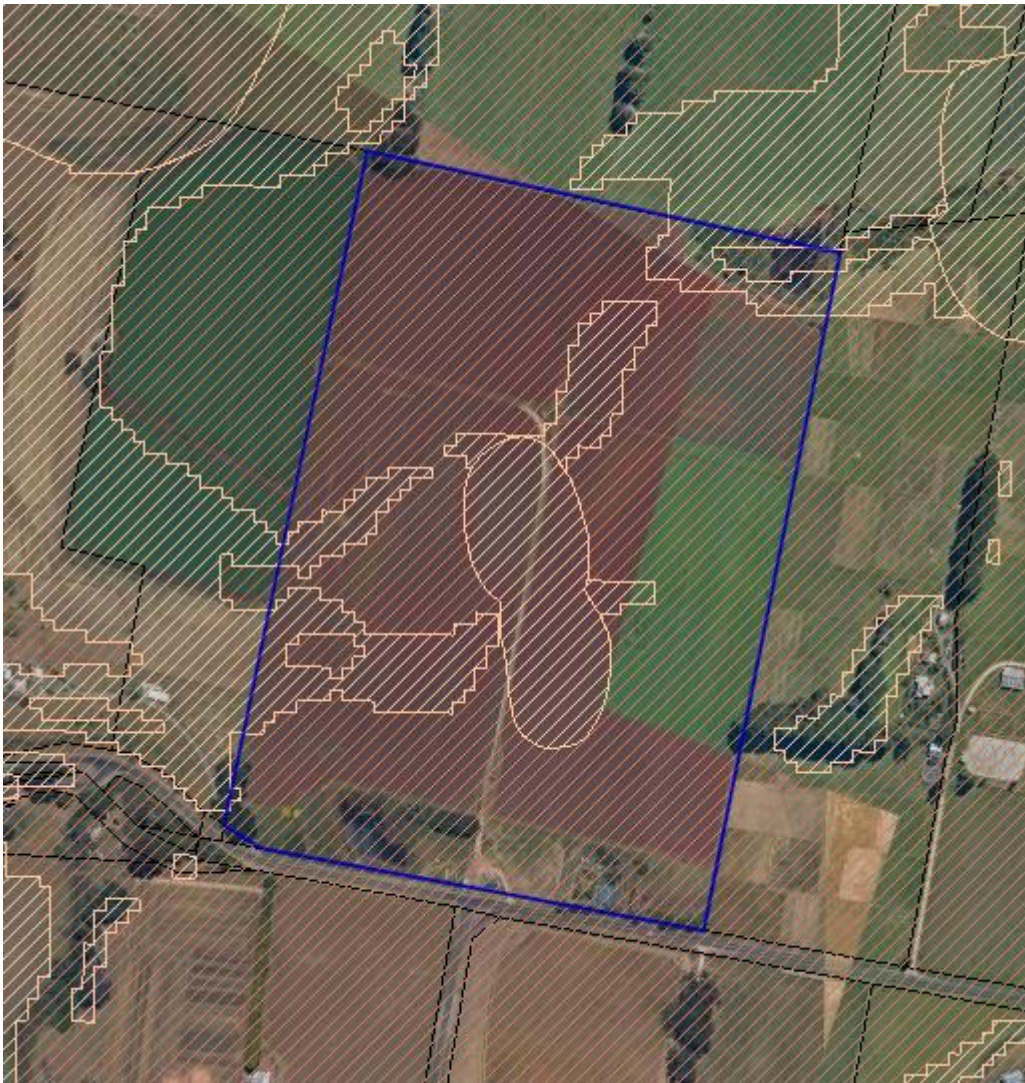


Figure 4. Scheme Overlay identification of the subject land and surrounds (LISTmap, 2023)

Code	Comments:
C1.0 Signs Code	N/A
C2.0 Parking and Sustainable Transport Code	As this Code is relevant to this proposal, an assessment is provided below
C3.0 Road and Railway Assets Code	N/A
C4.0 Electricity Transmission Infrastructure Protection Code	N/A
C5.0 Telecommunications Code	N/A
C6.0 Local Historic Heritage Code	N/A
C7.0 Natural Assets Code	N/A
C8.0 Scenic Protection Code	N/A
C9.0 Attenuation Code	N/A
C10.0 Coastal Erosion Hazard Code	N/A
C11.0 Coastal Inundation Hazard Code	N/A
C12.0 Flood-Prone Areas Hazard Code	N/A
C13.0 Bushfire-Prone Areas Code	As this code is relevant to this proposal, please see the provided bushfire report.
C14.0 Potentially Contaminated Land Code	N/A
C15.0 Landslip Hazard Code	The site has areas with landslip hazard area but is considered exempt as it does not involve significant works.
C16.0 Safeguarding of Airports Code	N/A

C2.0 Parking and Sustainable Transport Code

C2.6.7 Development Standards

C2.6.3 Number of accesses for vehicles

Objective:

That:

- (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;
- (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and
- (c) the number of accesses minimise impacts on the streetscape.

Acceptable Solutions

A1

The number of accesses provided for each frontage must:

- (a) be no more than 1; or
 - (b) no more than the existing number of accesses,
- whichever is the greater.

Response:

A1 is met: The access is existing and there is a no more than existing number of access.

Conclusion

The planning assessment and supporting documentation provided demonstrate that the development proposal for a 2 lot subdivision at 236 Pine Road, Penguin meets all applicable requirements of the Tasmanian Planning Scheme – Burnie.

Yours faithfully,

Allan Brooks



PDA Surveyors, Engineers and Planners

Contact

For any enquiries, please contact one of our offices:

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P: 0419 532 669 (Tom Walter)

E: tom.walter@waltersurveys.com.au

PLAN OF SUBDIVISION

Owners
PETER, MARGARET & ROBERT ARVIEW

Title References
FR 47330/1

Address
236 Pine Road, Penguin, Tas 7316

Council
Central Coast Council

Planning scheme
Central Coast Local Provisions Schedule

Zone
21 Agriculture

Zone Overlay
13.0

PID
6774429

Point of interest
GDA2020 MGA55 418713E, 5447445N

Schedule of Easements
As shown

LIST Cadastral Parcels
by State of Tasmania
www.thelist.tas.gov.au
CC BY 3.0

NOTES

- This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey



CENTRAL COAST COUNCIL
LAND USE PLANNING

Received: 17/11/2023
Application No: DA2023311
Doc ID: 470722

REV	AMENDMENTS	DRAWN	DATE	APPR.
E				
D				
C				
B				
A				

NOTES:

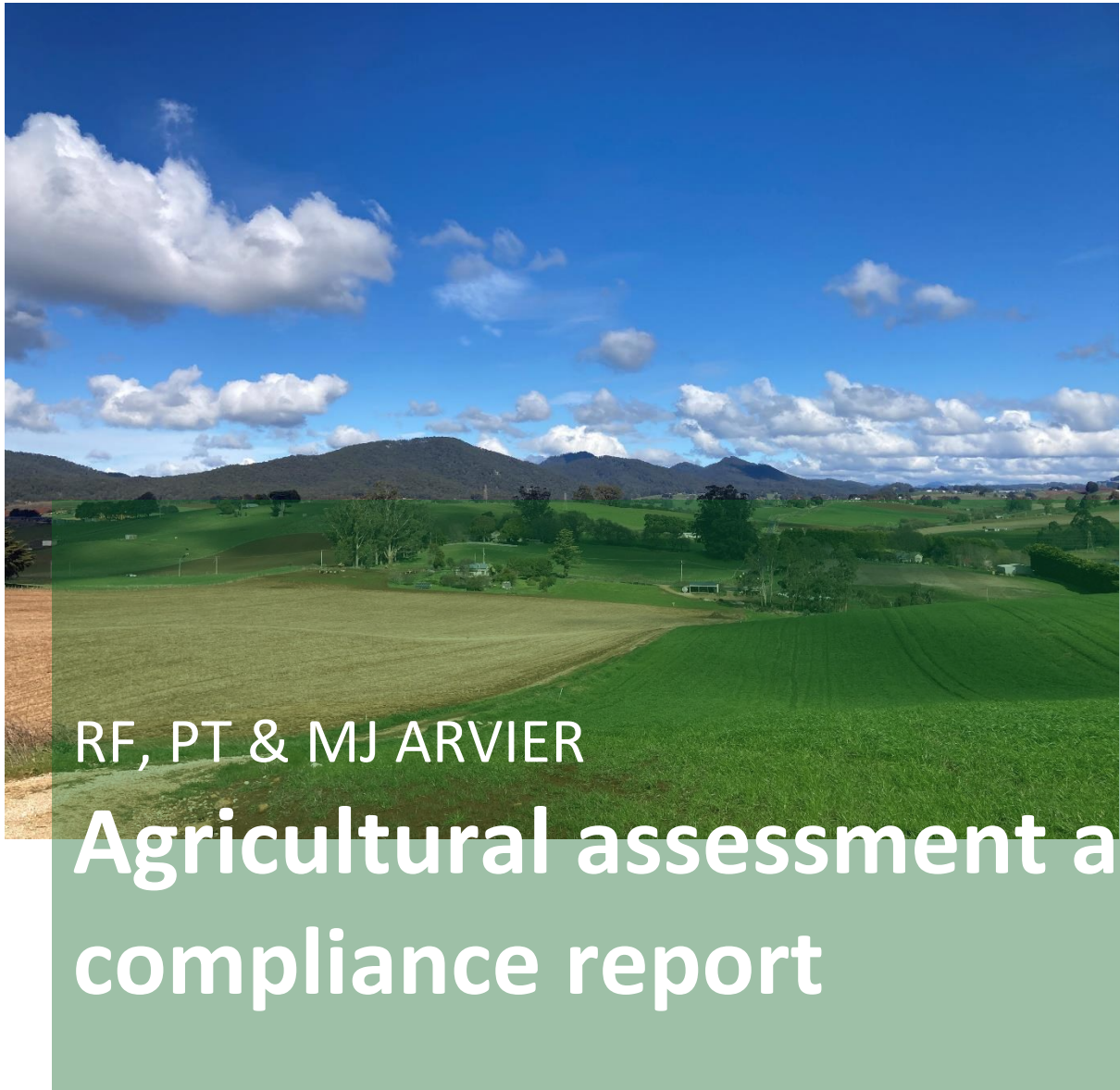
DRAWN	CHECKED
AB	NB
DATE	
16th October 2023	

PLAN OF SUBDIVISION
F.R. 47330/1
236 Pine Road, Penguin

PDA
SURVEYORS, ENGINEERS & PLANNERS

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Also at: Hobart, Burnie,
Devonport & Kingston

SCALE	PAPER
1:3000	(A3)
JOB NUMBER	DRAWING
51850-P02	




RF, PT & MJ ARVIER

Agricultural assessment and compliance report

236 Pine Road, Penguin TAS 7316

SEPTEMBER 2023

 CENTRAL COAST COUNCIL	CENTRAL COAST COUNCIL LAND USE PLANNING
Received:	17/11/2023
Application No:	DA2023311
Doc ID:	470727





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Report author:

Faruq Isu MAppSc (AgrSc), BEnvSc
Jason Lynch BAgrSc(Hons) CPAg

An appropriate citation for this report is:

Pinion Advisory, 2023, Agricultural assessment and planning scheme compliance report – 236 Pine Road, RF, PT & MJ Arvier, Launceston, TAS

Document status:

Version 1.0

Date	Status /Issue number	Reviewed by	Authorised by	Transmission method
28/09/2023	Draft TR	JL	FI	Email
29/09/2023	Draft QA	WB	FI	Email
03/10/2023	Version 1.0	FI	FI	Email
16/10/2023	Version 1.2	FI	FI	Email

Cover image: Taken by Faruq Isu at 236 Pine Road, Penguin on 30/08/2023, southerly view showing existing dwelling (left) and sheds (right) at the distance.

This report has been prepared in accordance with the scope of services described in the contract or agreement between Pinion Advisory and the Client. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client and Pinion Advisory accepts no responsibility for its use by other parties.

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Executive summary

This agricultural assessment report has been prepared on behalf of the proponents, RF, PT & MJ Arvier, and covers various aspects of the proposed subdivision (excision) at 236 Pine Road, Penguin TAS 7316.

The proposed development would utilise approximately 4% of the total property area and have no effect on the productive capacity of the land. The proposed land area to be excised is already constrained due to existing dwelling and does not contain any farm infrastructure.

This report supports the proposed excision as it does not diminish the productive capacity of the land and will not negatively affect agricultural land use on the property itself or neighbouring land. The property interaction with surrounding land does not change.

The proposal is consistent with the Tasmanian Planning Scheme clauses 21.1, 21.3.1, 21.4.2 P2, and 21.5.1 P1(c).

Therefore, the proposed development will not confine, constrain or interfere with any current or future agricultural or primary industry land use activities on adjoining properties.

1 Purpose

This report has been undertaken on behalf of RF, PT & MJ Arvier (the proponents) to support an application for a subdivision involving the excision of an existing dwelling on the property at 236 Pine Road, Penguin TAS 7316.

The document provides an agricultural assessment of the property in question and reports on how the proposal complies with provisions of the Tasmanian Planning Scheme – Central Coast. This report reviews the current agricultural usage of the property and the surrounding area in relation to the land capability and land classification. This includes soils, aspect, topography, water resources, economic feasibility, and any impact of the proposed development in relation to agricultural activities.

1.1 General overview

1.1.1 Agricultural assessment

Determining a property's land capability is a key factor when undertaking an agricultural assessment. Most agricultural land in Tasmania has been classified by the Department of Primary Industries, Water and Environment (DPIPWE) at a scale of 1:100,000, according to its ability to withstand degradation. For planning purposes, a scale of 1:100,000 is often unsuitable and a re-assessment is required at a scale of 1:25,000 or 1:10,000.

Sections 3–5 of this report detail the agricultural assessment of the property in relation to the proposed development.

1.1.2 Compliance to the Tasmanian Planning Scheme – Central Coast

Tasmanian Planning Scheme – Central Coast establishes the requirements for use and development of land in the municipality in accordance with the *Land Use and Approvals Act 1993*. The compliance section of this report (section 6) will address the relevant clauses of this scheme, pertaining to the proposed development.

1.1.3 Report author(s)

Faruq Shahriar Isu, holds a Master of Applied Science (Agricultural Science) and a Bachelor of Environmental Science degree. He has more than three years' experience in agribusiness and agricultural research in Tasmania. Faruq is trained to carry out land capability and suitability assessments and has previously used these skills to select trial sites for agricultural research and for the past two years have been undertaking agricultural assessments across northern Tasmania.

Jason Lynch possesses a Bachelors of Agricultural Science (horticulture) and is a certified practising agriculturalist (CPAg) with 25 years' experience in the agricultural industry in Tasmania. Jason is skilled to undertake agricultural and development assessments as well as land capability studies. He has previously been engaged by property owners, independent planners, and surveyors to undertake assessments within most municipalities in Tasmania. Most of these studies have involved the assessment of land for development purposes for potential conflict with the Tasmanian and various council based interim planning schemes.

2 Property details

2.1 Location, ownership and zoning

The property is owned by Peter, Margaret and Robert Arvier and is located at 236 Pine Road, Penguin. The property is located south of the Bass Highway with Deviation Creek feeding a dam at the north-eastern corner of the property. The title has frontage with Pine Road (Figure 1, Table 1).

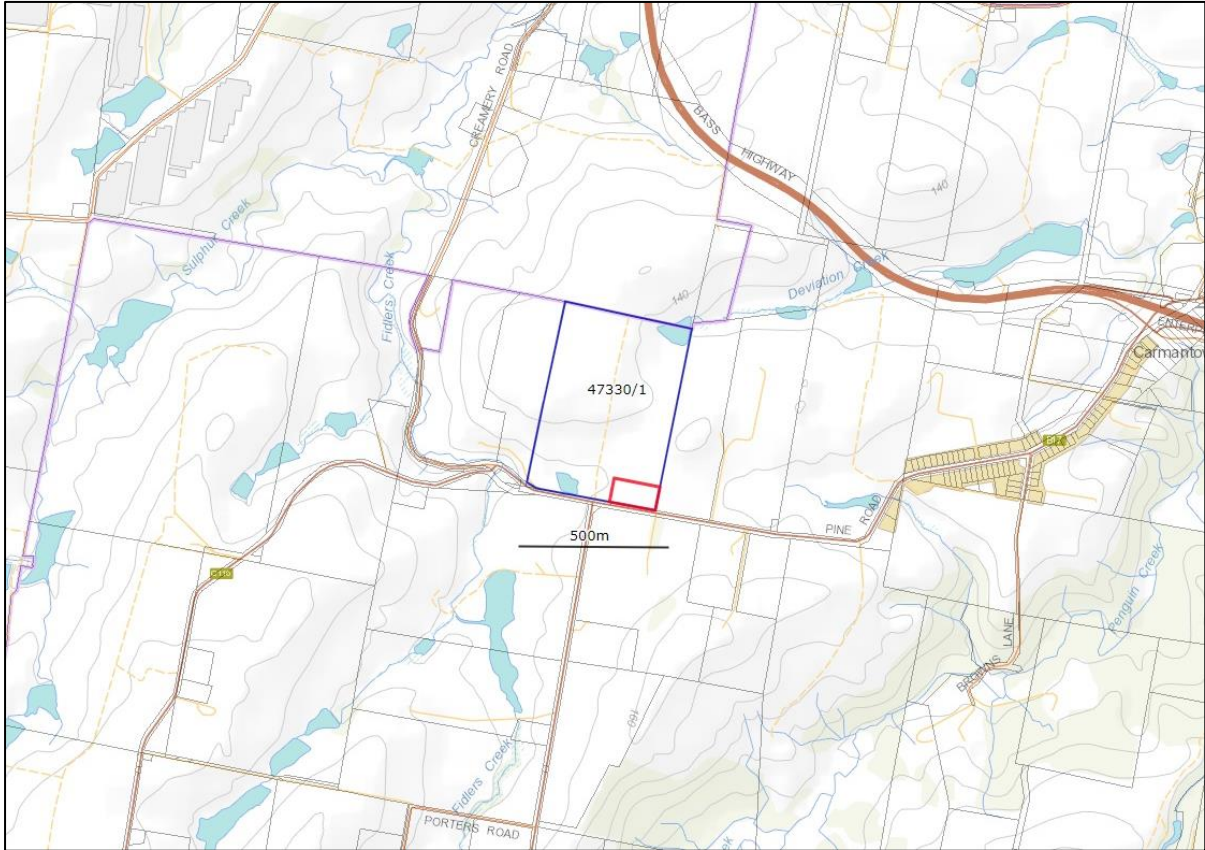


Figure 1. Location of the property outlined in blue. Red outline denotes proposed subdivision boundary (Source: TheLISTMap).

The property size and identification details are outlined in Table 1.

Table 1 Property location identification details

Address	Property ID	Title Reference	Hectares (Approx.)
236 Pine Road, Penguin TAS 7316	6774429	47330/1	27.4ha

The property is held as private freehold land and immediately surrounded by the same (Figure 2). The property is zoned Agriculture under the Tasmanian Planning Scheme – Central Coast and immediately surrounded by the same (Figure 3). The property is located in the Dial Blythe irrigation district.



Figure 2. Land tenure of the property is private freehold (yellow). Light blue area to the northeast is Crown land (Source: The LISTMap).

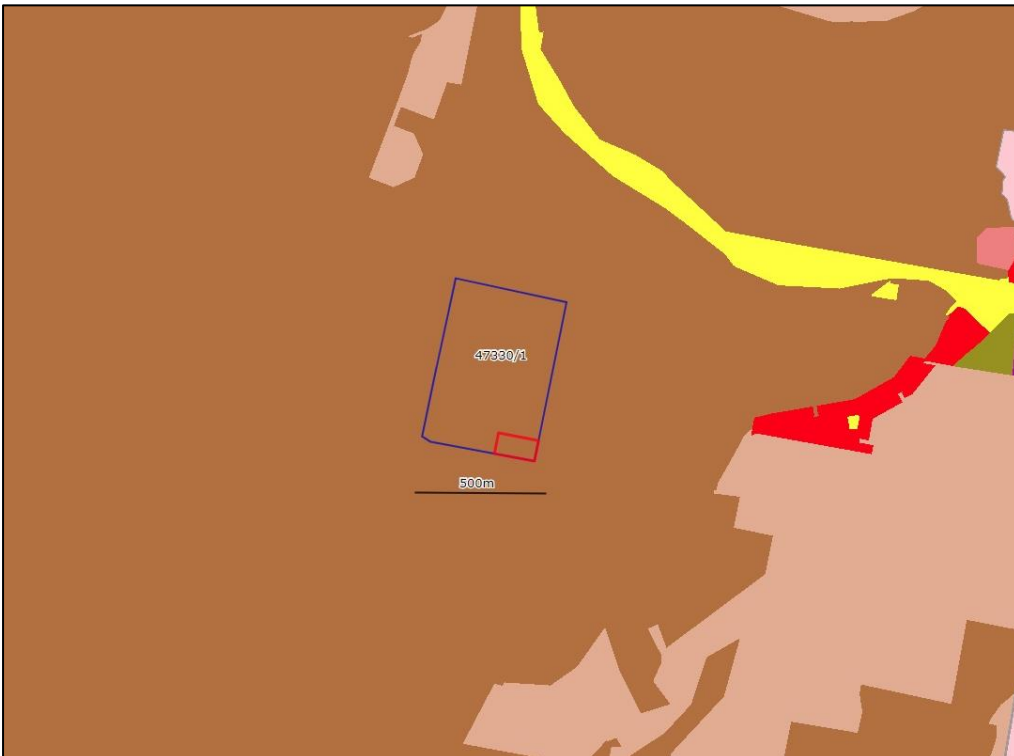


Figure 3. Property is zoned Agriculture (brown) (Source: TheLISTMap).

2.2 Property description

The topography of the property is predominantly undulating plains, with gentle to moderate open slopes and shallow valleys and drainages on low hills (Figure 4). The elevation of the property is 110-150m above sea level (TheLIST). The vegetation present on the property is mainly improved pasture and seasonal crops. There are no threatened native vegetation communities (TNVC 2020) identified on the property.

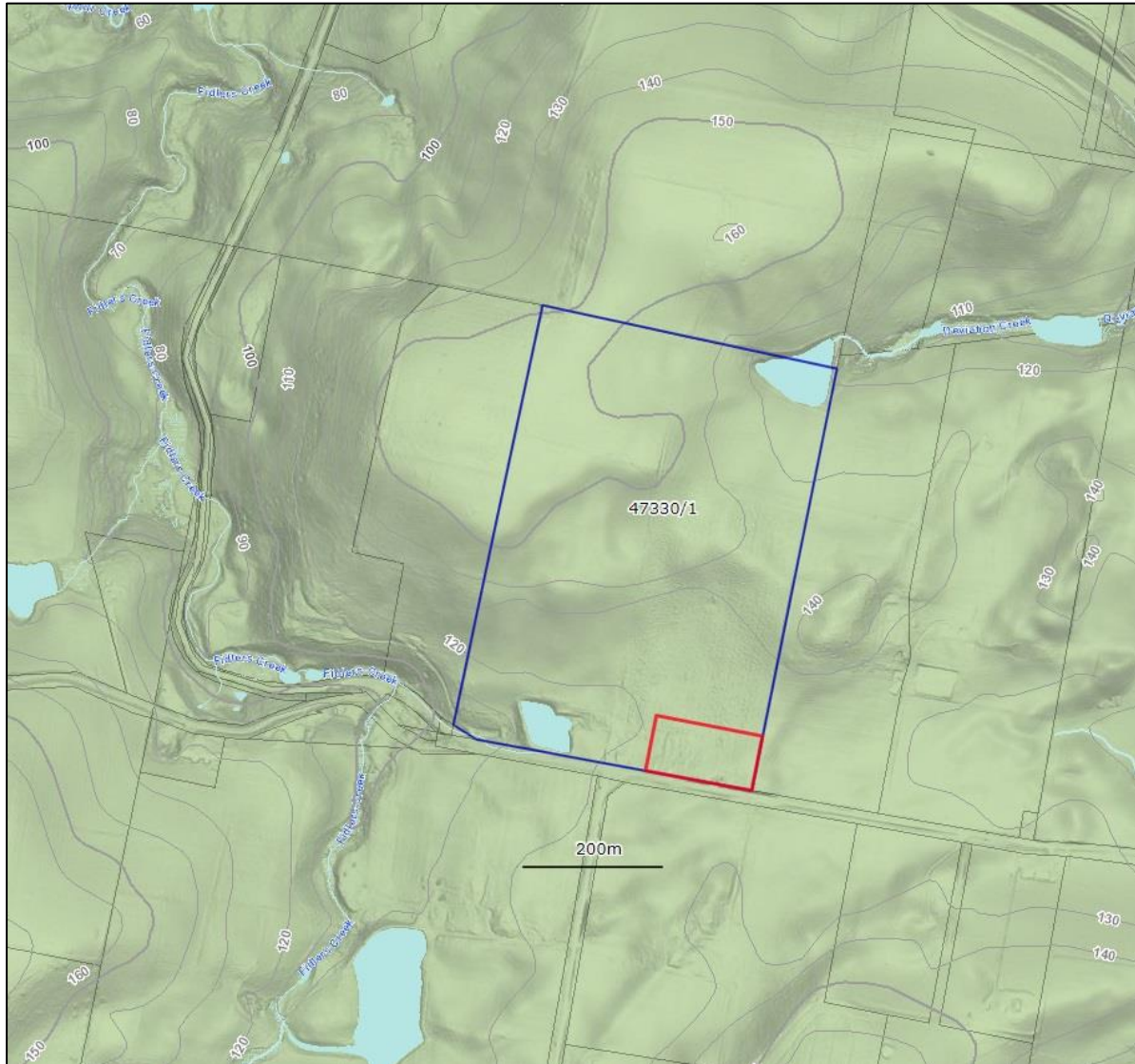


Figure 4. Topographic map of the property (Source: The LISTMap).

3 Land capability

Land capability of the property was assessed according to the Tasmanian Land Capability Classification System (Grose, 1999). Under this system, land is ranked according to its ability to sustain a range of agricultural activities without degrading the land resource (Table 2). Class 1 land is considered to be prime agricultural land and class 7 land is unsuitable for agriculture, due to severe limitations. A wide range of limitations is considered, and the most significant limitation determines its final classification. Factors influencing capability include elevation, slope, climate, soil type, rooting depth, salinity, rockiness and susceptibility to wind, water erosion and flooding.

3.1 Site visit

Desktop research was carried out before visiting the site to review available data associated with geology, topography, presence of threatened native vegetation, land capability and soil information and climate data of the subject site and surrounding area.

A site visit was conducted on 30 August 2023 by Pinion Advisory consultant Faruq Isu to ground truth desktop research. The site assessment involved inspecting the soil profile, confirming mapped land capability, reviewing the topography, visually inspecting vegetation, reviewing land use on the subject site and neighbouring properties, assessing proposed setbacks and identifying potential impacts of the proposed development on agricultural activities (see Appendix A for images of the site).

3.2 Land capability assessment

As outlined in Table 3, the property consists of class 2e and 3+4e land (Figure 5).

The class 2e, prime agricultural land, is suitable for cropping and grazing with minimal limitations.

60% of the class 3+4 land is suitable for cropping and intensive grazing while 40% of the land is suited to grazing but is limited to occasional cropping or to a very restricted range of crops.

Table 2. Land class definitions relevant to the site.

Class	Definition
2	Land suitable for a wide range of intensive cropping and grazing activities. Limitations to use are slight and these can be readily overcome by management and minor number of crops that can be grown is marginally more restricted than for Class 1 land. This land is highly productive but there is an increased risk of damage to the soil resource or of yield loss. The land can be cropped five to eight years out of ten in a rotation with pasture or equivalent during 'normal' years, if reasonable management inputs are maintained.
3+4	60% of land suitable for cropping and intensive grazing and 40% land well suited to grazing but which is limited to occasional cropping or to a very restricted range of crops.

The key land capability limitations associated with this property are:

- Erosion (e): due to surface water movement on bare and exposed soils, and structure decline due to excessive and inappropriate soil cultivation.



Figure 5. Land capability map of the site at Pine Road. Excluded areas are dams and built areas (Source: The LISTMap).

Table 3 Land capability assessment over titles.

Land capability class / area (ha)	Land characteristics							
	Geology and soils	Slope (%)	Topography and elevation	Erosion type & severity	Soil qualities	Agricultural versatility	Main land management requirements	Climatic limitations ¹
2e (Approximately 10ha) <i>(excludes approx. 0.5ha dwelling area and surrounds)</i>	Ferrosol soil type. Red – reddish brown, gradational clay loam soil developed on tertiary basalt.	0-10%	Gently undulating plains on low hills and gentle slopes 120-150m above sea level.	Moderate risk of rill and sheet erosion due to surface water movement on bare and exposed soils. Potential soil structure decline due to excessive and inappropriate soil cultivation.	Well drained and moderately permeable soil.	Suitable for intensive cropping and grazing with minimal limitations.	Avoid situations that lead to the exposure of bare soil, therefore maintain sufficient ground cover. The risk of compaction in winter from machinery and stock increases significantly during periods of water saturation and logging.	Minor climatic limitations. This region experiences cold winter and warm summer conditions. Receives an average of 982mm annual rainfall, can experience 2 frost days annually and 961 growing degree days (GDD) (October – April) and 615 chill hours (May – August).

Land capability class /area (ha)	Land characteristics							
	Geology and soils	Slope (%)	Topography and elevation	Erosion type & severity	Soil qualities	Agricultural versatility	Geology and soils	Climatic limitations ¹
3+4e (Approximately 15.3ha) <i>(excludes approximately 2.1ha area around dams)</i>	Ferrosol soil type. Red – reddish brown, gradational clay loam soil developed on tertiary basalt.	0-18%	Undulating plains and moderate open slopes. 110-150m above sea level.	Moderate risk of rill and sheet erosion due to surface water movement on bare and exposed soils. Potential soil structure decline due to excessive and inappropriate soil cultivation. Moderate risk of waterlogging in valleys and depressions.	Well drained and moderately permeable soil.	60% of land suitable for cropping and intensive grazing and 40% land well suited to grazing but which is limited to occasional cropping or to a very restricted range of crops. If cropping, limit frequency to 4-7/10 years, leaving land under pasture for remainder.	Avoid situations that lead to the exposure of bare soil, therefore maintain sufficient ground cover. The risk of compaction in winter from machinery and stock increases significantly during periods of water saturation and logging.	Minor climatic limitations. This region experiences cold winter and warm summer conditions. Receives an average of 982mm annual rainfall, can experience 2 frost days annually and 961 growing degree days (GDD) (October – April) and 615 chill hours (May – August).

¹ Source: The LIST

4 Proposed development

4.1 Subdivision

The proposed development is a two-lot subdivision to excise the existing residential dwelling, with minimal land area to allow effective setbacks from the remainder of the land, while retaining important farm infrastructure on the balance lot (Figure 6). Please refer to Appendix A for detailed subdivision boundaries. The balance of the property will be retained for agricultural land use.

The proposed Lot 1 (to be excised) is predominantly surrounded by class 4 land and excises approximately 1ha out of 27.4ha total land area (approximately 4%) at the property. The balance of the property (proposed lot 2) would be retained for existing use of grazing and cropping on a rotational basis.

The proposed excision will result in the loss of approximately 1ha of land, about half of which is already developed and landscaped land and is surplus to the needs for operation and management of the agricultural land use activity at the property. Therefore, the proposed subdivision would have no significant impact in the productive capacity of the land.



Figure 6. Proposed Lot 1 (to be excised) outlined in red. Red fill denotes existing dwelling (Source: The LISTMap).

4.2 Setback distances

The approximate setback distances of the existing dwelling from the proposed Lot 1 boundaries are given in Figure 7. The shortest distance is approximately 34m to the proposed northern boundary. The existing dwelling is set back approximately 61m from the proposed western boundary which adjoins the farmyard and semi-trailer truck turning area.

The setbacks are further aided by vegetation buffers (established trees and landscaping, and a shelter belt to the west). Furthermore, similarly sized neighbouring titles in the greater area have far lesser setbacks with adjoining agricultural land than that proposed for the excision (proposed lot 1).

Therefore, the setbacks, along with the vegetative buffers, minimise the risk of the agricultural land use conflicting with the residential dwelling and vice versa.

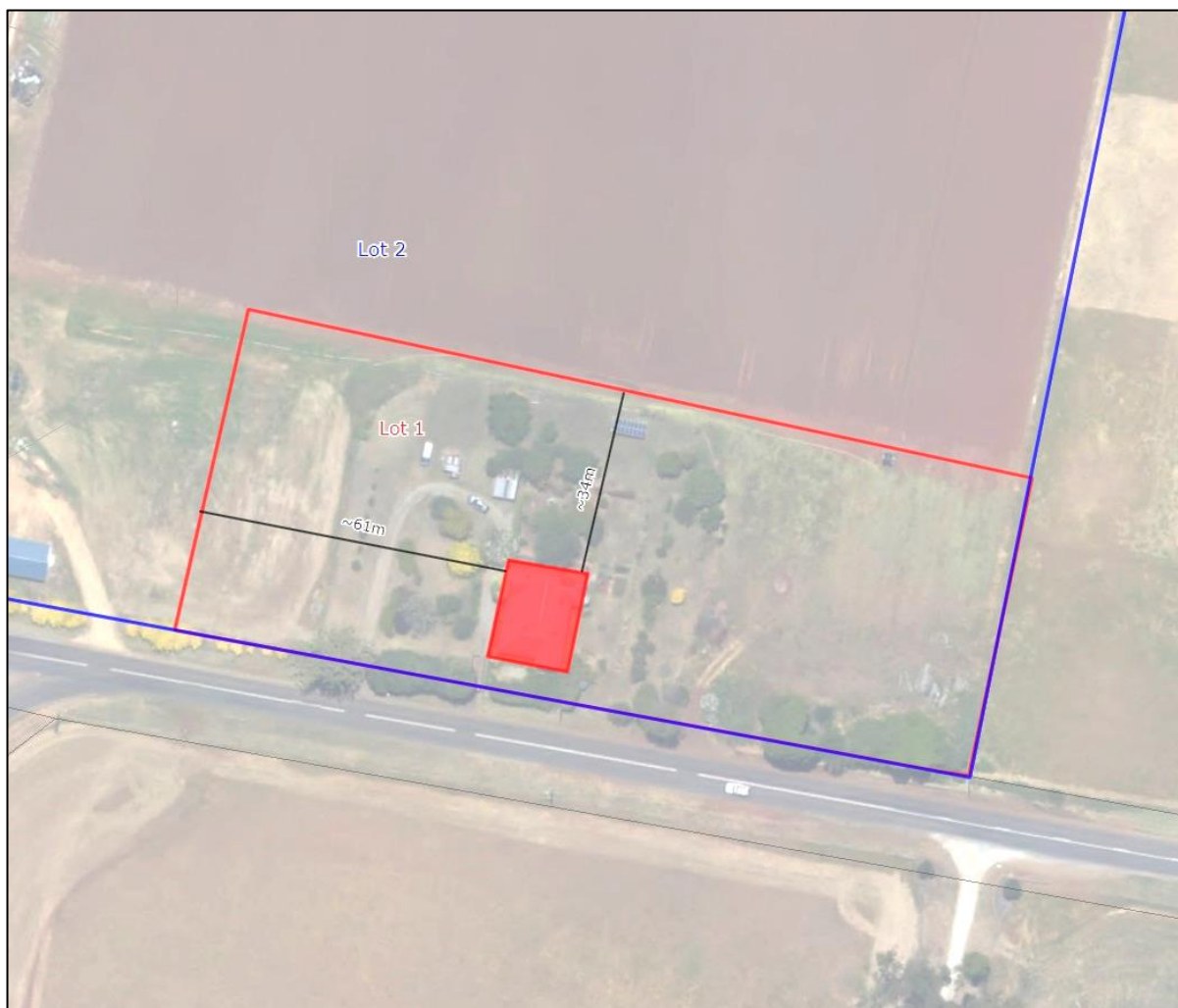


Figure 7. Approximate setback distances of existing building (red fill) from proposed Lot 1 boundaries (red outline). Title boundaries shown in blue (Source: The LISTMap).

5 Land-use activity

5.1 Current agricultural activities conducted

The property supports a mixed farming use which includes cropping and livestock production.

5.1.1 Adjacent land use activity

Irrigated cropping is conducted on all sides, except to the east, which is used as a horse stud.

5.2 Potential agricultural land-use activity

5.2.1 Pastoral use

The property is suitable for pastoral use with minimal limitations on class 2 and slight to moderate limitations on class 3+4 land. Based on the property size (excluding dams, farm laneways, area under established trees and landscaped area around the dwelling), land capability, topography, growing season duration and rainfall, and assuming the whole farm is used for pasture, it would be reasonable to consider it can support a potential carrying capacity of 724 DSE/year or an average of 29 DSE/ha.

Thus, it is reasonable to consider the property has the potential to support 72 finishing cattle (i.e. 10 DSE per head) which represents an approximate annual gross margin of \$32,400 (at a gross margin of \$45/DSE) or \$1,280/ha. Please note that depending upon the seasonal conditions the exact number of livestock run on the property may vary.

At best, a total of approximately 14 DSE/year would be lost due to the excision, which would amount to a loss of \$450, which is negligible.

5.2.2 Cropping use

The class 2 land on the property is suitable for intensive cropping and can be used for mixed farming, including various vegetable and broadacre crops. About 40% of the class 3+4 land on the property is suitable for cropping with a restricted range of crops on longer rotations.

Irrigated seasonal cropping is conducted at the property and gross margins would depend on the choice of crop and area sown. Negligible cropping area is lost due to the subdivision.

5.2.3 Perennial horticulture use

Although the topography, soil type and climate are suitable to horticultural crops, commercial horticultural enterprise on this property (including berries and viticulture) would require significant capital investment in infrastructure. The property lacks a sufficient, guaranteed and quality irrigation water allocation and resources. Therefore, perennial horticulture is not a realistic option for this property. It would also reduce the land area of the core livestock and cropping enterprises currently operating on the property. Any diversification of enterprises will dilute the resources on the farm, adversely affecting the existing enterprise.

5.3 Impact on agricultural activities and residential amenity of neighbouring land

The new boundary created by the subdivision would be set back at least 34m from the existing dwelling in proposed Lot 1 to the agriculture land use on proposed Lot 2. The setbacks are further enhanced by infrastructure and vegetation to separate the interactions of the agricultural land uses with the residential dwelling.

The overall land use at the property does not change due to the subdivision and therefore, the proposal will have no impact on the land use activities and residential amenities of land.

After inspecting the site (site assessment completed 30 August 2023), it has been concluded that the proposed setback distances, in conjunction with vegetation buffers, are sufficient to prevent unreasonable conflict or interference of agricultural on residential amenity and vice versa in the greater area.

5.4 Impact of agricultural activity on neighbouring land to the proposed development

The proposed development utilises approximately 4% of the total property area at 236 Pine Road and is sufficiently set back from title boundaries.

Normal agricultural activities are not expected to have an unreasonable impact on the proposed development and vice versa in the future. An assessment of the key risks is summarised in Table 4. This has been compiled on the basis that the neighbouring farm activities are likely to include cropping and livestock grazing.

Table 4 Potential risk from agricultural land use activities on neighbouring land

Potential risk from neighbouring agricultural land use activity	Extent of risk and possible mitigation strategy
1. Spray drift and dust	Risk = medium. Existing buffer distances and landscaping will mitigate the impact of sprays and dust if applied under normal recommended conditions. Ground or spot spraying is a practical and mostly used alternative on the adjacent agricultural land used for pastoral land use activities. Spraying events should be communicated in a timely manner to the inhabitants of the dwelling. The use and application of agricultural sprays must abide by the Tasmanian Code of practice for ground spraying 2014.
2. Noise from machinery, livestock and dogs.	Risk = medium. Some occasional machinery traffic will occur when working and undertaking general farming duties on adjacent land. The property is in an agriculture zoned area, and therefore sounds and noise associated with normal farming activities are routine and accepted.
3. Irrigation water over boundary	Risk = low. Existing buffers and setback will mitigate the issue.

4. Stock escaping and causing damage.	Risk = low. Provided boundary fences are maintained in sound condition and livestock are checked regularly.
5. Electric fences	Risk = low. Mitigated by the proponent attaching appropriate warning signs on boundary fencing.

5.5 Impact of proposed development on agricultural activity of neighbouring land

The proposed development, in consideration with the buffer zones, vegetation and agricultural land use, have all been assessed as low risk impact to agricultural activity on neighbouring land. These potential impacts are usually manifested as complaints that could be made by residents of nearby dwellings. Other risks to neighbouring agricultural activity are outlined Table 5. Some of these risks rely on an element of criminal intent and it could well be argued that this is much lower with inhabitants of the dwelling than with other members of the public.

Table 5 Potential risk from proposed development to neighbouring agricultural land use and activity

Potential risk to neighbouring agricultural land use activity	Extent of risk and possible mitigation strategy
1. Trespass	Risk = low. Mitigation measures include installation and maintenance of sound boundary fencing, lockable gates and appropriate signage to warn inhabitants and visitors about entry onto private land; report unauthorised entry to police.
2. Theft	Risk = low. Ensure there is high-quality boundary fencing on neighbouring properties and appropriate signage to deter inadvertent entry to property; limit vehicle movements, report thefts to police.
3. Damage to property	Risk = low. As for theft.
4. Weed infestation	Risk = low. Risks are expected to be negligible, with the proponents committed to the productivity and sustainability of their property and weed control is a key activity. Biosecurity practices are followed with dirt covered vehicles washed down before visiting the property and vehicles staying on established gravel roads.
5. Fire outbreak	Risk = low. Fire risk can be mitigated by careful operation of outside barbeques and disposal of rubbish. A bushfire management plan may be required for the proposed development.
6. Dog menace to neighbouring livestock	Risk = low. Mitigated by ensuring that regular communication is maintained between the proponent and residents of the neighbouring properties. Dogs would be managed as per the guidelines determined by the council.

5.6 Impact of proposed development on amenity of dwellings on nearby land

26 residential dwellings have been identified within 1km of the existing dwelling at 236 Pine Road, with no dwellings within 200m (Figure 8). The nearest neighbouring amenity from the existing dwelling is approximately 256m to the southeast and separated by established vegetation and Pine Road.

The land use interaction of the property with neighbouring land does not change due to the proposed excision. Proposed Lot 1 has an existing sensitive use.

Therefore, there would be no adverse impact on the amenity of nearby lands and vice versa.

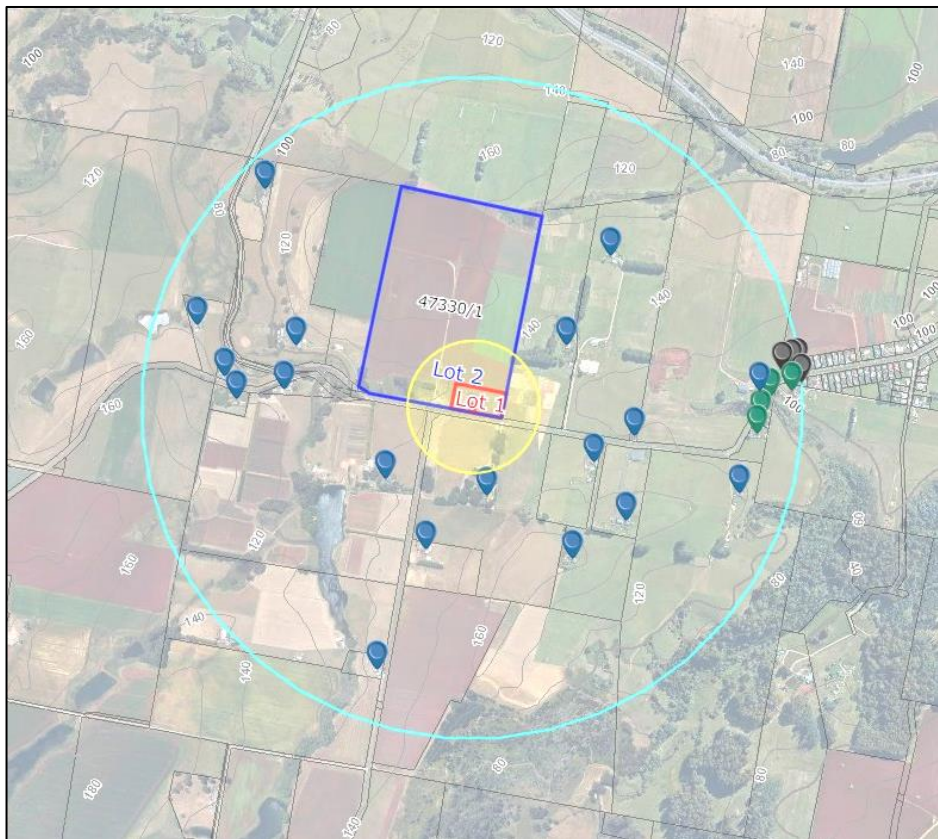


Figure 8. Neighbouring dwellings represented by blue (agriculture zone), green (rural zone) and black (general residential zone) within 1km (light blue circle) and 200m (yellow circle) of existing dwelling on proposed Lot 1 to be excised (red outline) from the property (Source: The LISTMap).

5.7 Water storage and resources

The property is serviced by TasWater for water and sewage (The LIST).

The property is in the Dial Blythe irrigation district and there is water allocation of 4ML (surety 5) from unnamed tributary of Fidlers Creek and 9ML (surety 5) from Deviation Creek, recorded for the property.

There are two instream irrigation dams at the property, with a combined 13ML capacity.

6 Planning compliance report – 21.0 Agriculture Zone

This section addresses how the development complies to the relevant clauses of the Agriculture Zone as per the Tasmanian Planning Scheme – Central Coast.

6.1 Clause 21.1 Zone purpose

Zone purpose statements:	Response:
<p>The purpose of the Agriculture Zone is:</p> <p>21.1.1 To provide for the use or development of land for agricultural use.</p> <p>21.1.2 To protect land for the use or development of agricultural use by minimising:</p> <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) use of land for non-agricultural use in irrigation districts. <p>21.1.3 To provide for use or development that supports the use of the land for agricultural use.</p>	<p>21.1.1 The purpose of the proposed subdivision is to excise the existing residential dwelling which is surplus to operational and management requirements at the property. The current agricultural land use will be maintained on the balance lot which is approximately 96% of the property. The property interaction with the surrounding land does not change due to the proposed development and therefore, no adverse impacts on surrounding land use is anticipated.</p> <p>21.1.2</p> <ul style="list-style-type: none"> (a) No new sensitive development is taking place. The subdivision is to excise the existing dwelling from the agricultural land on the balance lot. Majority of the area to be excised has no existing agricultural use and the land loss has no effect on the productive capacity of the land. (b) The proposed development utilises approximately 4% of the total land area at the property, most of which has no existing agricultural use. Existing agricultural land use will be maintained on the balance lot (<i>see section 4 of the agricultural assessment</i>) and there is no net loss of productive capacity. (c) The property is in the Dial Blythe irrigation district. The proposed area to be excised is currently not irrigated. Irrigation activities on the balance 96% of the property will not be affected. Therefore, current and future irrigation activities on balance lot will not be hampered by proposed excision. <p>21.1.3 Approximately 96% of the land area is retained for agricultural land use and there is no loss of the productive capacity of the property.</p>

6.2 Clause 21.3 Use standards

6.2.1 Clause 21.3.1 Discretionary uses

Objective:	Response
<p>That uses listed as Discretionary:</p> <ul style="list-style-type: none"> (a) support agricultural use; and (b) protect land for agricultural use by minimising the conversion of land to non-agricultural use. 	<p>The report emphasises the setback distances of the proposed subdivision, minimising any potential conflict with agricultural land use on the proposed balance lot and neighbouring land. Setbacks also allow the residence to meet bushfire risk management requirements.</p> <p>The land use interaction of the property does not change with the neighbouring land. The setbacks have been proposed to minimise the conversion of land to non-agricultural use and at the same time negate any adverse impact on agricultural activities of surrounding areas.</p> <p>The performance criteria have not been addressed as this agricultural report focuses on the setbacks of proposed subdivision relative to the agricultural land on the property (<i>see section 4 of the agricultural assessment</i>).</p>

6.3 Clause 21.4 Development standards for buildings and works

6.3.1 Clause 21.4.2 Setbacks

Objective:	Response
<p>That the siting of buildings minimises potential conflict with use on adjoining properties.</p>	<p>The proposal is not consistent Clause A2, and hence the response to Clause P2 is given.</p>
Performance Criteria:	Response
<p>P2</p> <p>Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use, having regard to:</p> <ul style="list-style-type: none"> (a) the size, shape and topography of the site; (b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties; (c) the location of existing buildings on the site; (d) the existing and potential use of adjoining properties; 	<p>P2</p> <ul style="list-style-type: none"> (a) The property covers approximately 27.4ha of land, with frontage to Pine Road. The topography of the property is predominantly undulating plains, with gentle to moderate open slopes and shallow valleys and drainages on low hills (Figure 4). There is no new development and therefore the proposal will not conflict or interfere with surrounding agricultural land use. (b) The prevailing setbacks of existing dwelling on adjoining eastern block of land (100795/1) has a

<p>(e) any proposed attenuation measures; and</p> <p>(f) any buffers created by natural or other features.</p>	<p>setback of approximately 20m from adjoining agricultural land to the east. There are setbacks as low as approximately 5m in the greater area such as in neighbouring title 48157/1. The shortest setback of the existing dwelling is proposed to be approximately 34m from the agricultural land on the balance lot (<i>See section 4 of the agricultural assessment</i>).</p> <p>(c) The existing dwelling is located on the south-eastern corner of the property, near Pine Road.</p> <p>(d) Irrigated cropping is conducted on all sides, except to the east, which is used as a horse stud. The surrounding land use is unlikely to be changed or intensified.</p> <p>(e) N/A.</p> <p>(f) The existing dwelling is well buffered by established landscaping vegetation on all sides and recently planted shelter belt to the west. Therefore, the proposal will not confine or constrain surrounding land use and residential amenities.</p>
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6.4 Clause 21.5 Development Standards for Subdivision

6.4.1 Clause 21.5.1 Lot design

Objective:	Response
<p>To provide for subdivision that:</p> <p>(a) relates to public use, irrigation infrastructure or Utilities; and</p> <p>(b) protects the long-term productive capacity of agricultural land.</p>	<p>The purpose of the proposed subdivision is to excise the existing residential dwelling at the property. Therefore, performance criteria P1(c) will be addressed.</p>
Performance Criteria:	Response
<p>P1</p> <p>(c) be for the excision of a use or development existing at the effective date that satisfies all of the following:</p> <p>(i) the balance lot provides for the operation of an agricultural use, having regard to:</p> <p>a. not materially diminishing the agricultural productivity of the land;</p>	<p>P1</p> <p>(c) The proposal is for excision of existing dwelling at the property:</p> <p>(i) Agricultural land use is retained on the balance lot.</p> <p>a. Proposed Lot 2 retains approximately 96% of the total property area and agricultural land use. The excision does not diminish the</p>

<p>b. the capacity of the balance lot for productive agricultural use;</p> <p>c. any topographical constraints to agricultural use; and</p> <p>d. current irrigation practices and the potential for irrigation;</p> <p>(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;</p> <p>(iii) any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and</p> <p>(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.</p>	<p>productive capacity of the land nor change the property interaction with surrounding land.</p> <p>b. Balance lot retains 96% of land area and all existing agricultural land use and there is no loss of productive capacity of the land.</p> <p>c. The proposed Lot 1 is already constrained for agriculture due to existing dwelling and most of the excised area does not have any existing farm use. The land loss is minimal with no effect to the productive capacity of the land.</p> <p>d. The proposed Lot 1 to be excised has no existing irrigation. All irrigation mains and infrastructure are retained in proposed Lot 2. Any current or future irrigation potential at the property will not be negatively impacted nor diminished by the proposed development.</p> <p>(ii) There are currently no residential dwellings on proposed Lot 2. An agreement under section 71 of the Act will be entered into and registered on the title preventing future Residential use reducing the agricultural land use.</p> <p>(iii) The existing buildings would be consistent with clause 21.4.2 P2 as answered in section 6.3 of this report.</p> <p>(iv) All proposed new lots have existing access from Pine Road.</p>
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7 Conclusion

1. The property consists of land capability class e and 3+4e land.
2. The class 2, prime agricultural land, is suitable for cropping and grazing with minimal limitation.
3. 60% of the class 3+4 land is suitable for cropping and intensive grazing while 40% land is well suited to grazing but which is limited to occasional cropping or to a very restricted range of crops.
4. The proposed subdivision is to excise the existing dwelling at the property.
5. The proposed development would utilise approximately 4% (or 1ha) of the of total property area (approx. 27.4ha).
6. The proposed subdivision has generous setbacks aided by vegetation buffers.
7. The proposed development would not create any additional constraints on the capability/capacity of agricultural activities on the property or neighbouring land.
8. The property interaction with surrounding land remains unchanged.
9. An agreement under section 71 of the Act will be entered into and registered on the title preventing future Residential use reducing the agricultural land use on balance lot.
10. Any existing and future irrigation and agricultural development at the farm will not be affected by the proposed development.
11. The proposal is consistent with the Tasmanian Planning Scheme – Central Coast provisions, Agriculture zone purpose, local area objectives, desired future character statement, use standards, development standards, acceptable solutions and performance criteria statements 21.1, 21.3.1, 21.4.2 P2, and 21.5.1 P1(c).

8 References

Cotching, B. (2009) Soil Health for Farming in Tasmania.

Grose, CJ. (1999) Land Capability Handbook: Guidelines for the Classification of Agricultural Land in Tasmania. 2nd Edition, DPIWE, Tasmania.

Isbell, RF. (2021) Australian Soil Classification (third edition), CSIRO Publishing, Melbourne

National Committee on Soil and Terrain (Australia) (2009) Australian soil and land survey field handbook (third edition). CSIRO Publishing, Melbourne

Tasmanian Planning Scheme – Central Coast.

9 Declaration

I declare I have made all the enquiries which I consider desirable or appropriate, and no matters of significance which I regard as relevant have, to my knowledge, been withheld.

Faruq Isu

Mr. Faruq Isu MAppSc (AgrSc), BEnvSc
Consultant
Pinion Advisory Pty Ltd
September 2023

Jason Lynch

Jason Lynch BAgSc(Hons) CPAg
Senior Consultant
Pinion Advisory Pty Ltd
September 2023

Appendices

Appendix A – Proposed subdivision plan



NO.	DATE	DESCRIPTION	BY
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PLAN OF SUBDIVISION

Owners
PETER, MARGARET & ROBERT ARWEN

Title References
FR 47330/1

Address
236 Pine Road, Penguin, Tas 7316

Council
Central Coast Council

Planning scheme
Central Coast Local Provisions Schedule

Zone
Z1 Agriculture

Zone Overlay
13.0

PID
6774429

Point of Interest
GDA2020 MSGASS 418713E, 5447445N

Schedule of Easements
As shown

LIST Cadastre/Facels
by State of Tasmania
www.theisl.tas.gov.au
CC BY 3.0

NOTES

1. This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.

PLAN OF SUBDIVISION
F.R. 47330/1
236 Pine Road, Penguin

LABOURER, TOWNING, ZONE
1:3000 (A3)
DATE: 14/10/2023
DRAWN: [Name]
CHECKED: [Name]
SCALE: AS SHOWN
PROJECT: 51850-P02



Appendix B – Site visit photos



Image 1. General soil profile for property. Ferrosol. Red to reddish brown clay loam over clay developed on tertiary basalt (taken 30/08/23).



Image 2. Current access from Pine Road for existing dwelling and proposed Lot 1 (taken 30/08/23).



Image 3. Existing access from Pine Road and existing infrastructure for proposed Lot 2 (taken 30/08/23).



Image 4. Southerly view from proposed Lot 2. Existing fence depicts approximate proposed boundary. Dwelling well-hidden and buffered by established vegetation (taken 30/08/23).



Image 5. Easterly view from approximate western boundary of proposed Lot 1. Dwelling barely visible and buffered by established vegetation (taken 30/08/23).



Image 6. Recently planted screening shelter belt to the west of existing dwelling (taken 30/08/23).

Bushfire Hazard Management Report: Subdivision

Report for: PDA Surveyors

Property Location: 236 Pine Road, Penguin


Prepared by: Scott Livingston

Livingston Natural Resource Services

Date: 24th October 2023

Version 1



 CENTRAL COAST COUNCIL	CENTRAL COAST COUNCIL LAND USE PLANNING
Received:	17/11/2023
Application No:	DA2023311
Doc ID:	470724

Client: PDA Surveyors – Robert Arvier

236 Pine Road, Penguin, CT 47330/1, PID 6774429.

Property identification: Current zoning: Agriculture, Tasmanian Planning Scheme - Central Coast.

Proposal: 2 Lot subdivision from 1 existing title.

Assessment A field inspection of the site was conducted to determine the Bushfire Risk and Bushfire Attack Level.

Assessment by: Scott Livingston

Master Environmental Management, Natural Resource Management Consultant.

Accredited Person under part 4A of the Fire Service Act 1979: Accreditation # BFP-105.

Version

Version	Date	Notes
1	24/10/2023	

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LIMITATIONS

This report only deals with potential bushfire risk and does not consider any other potential statutory or planning requirements. This report classifies type of vegetation at time of inspection and cannot be relied upon for future development or changes in vegetation of assessed area.

Version	Date	Notes
1	24/10/2023	

DESCRIPTION

A 2 Lot subdivision from existing title CT 47330/1 at 236 Pine Road, Penguin. The area is mapped as Bushfire Prone in Planning Scheme Overlays. Lot 1 will be 7927m² and has an existing dwelling, with associated low threat areas, outbuilding and grassland in the eastern portion. The balance lot has outbuilding, dams and is grassland with some tree belts. Surrounding and is grassland (including irrigated cropping), with some dwellings and associated low threat vegetation.

The area is not serviced by a reticulated water supply and the lots have frontage to Pine Road and the balance Creamery Road.

BAL AND RISK ASSESSMENT

The land mapped as Bushfire Prone Area in planning scheme overlays.

VEGETATION AND SLOPE

Lot		North	East	South	West
1	Vegetation within 100m existing dwelling	0-32m low threat, 32-100m grassland	0-24m low threat, 24-100m grassland	0-11m low threat, 11-23m road and verges, 23-100m grassland	0-35m low threat, 35-100m grassland
	Slope (degrees, over 100m)	Flat/ Upslope	Flat/ Upslope	Flat/ Upslope	Downslope 0-5°
	BAL Rating: existing vegetation	BAL 12.5	BAL 12.5	BAL 12.5	BAL 12.5
Balance	Vegetation within 100m lot boundaries	0-100m grassland	0-100m grassland	0-18 road and verges, 18-100m grassland	0-100m grassland
	Slope (degrees, over 100m)	Flat/ Upslope	Flat/ Upslope	Flat/ Upslope	Downslope 0-5°
	BAL Rating: existing vegetation	BAL FZ	BAL FZ	BAL 12.5	BAL FZ
	BAL Rating: with setbacks and HMA	BAL 19			

BUILDING AREA BAL RATING

Setback distances for BAL Ratings have been calculated based on the vegetation that will exist after development and have also considered slope gradients. Where no setback is required for fire protection other Planning Scheme setbacks may need to be applied, other constraints to building such as topography have not been considered.

The BAL ratings applied are in accordance with the Australian Standard AS3959-2018, *Construction of Buildings in Bushfire Prone Areas*, and it is a requirement that any habitable building, or building within 6m of a habitable building be constructed to the BAL ratings specified in this document as a minimum.

Bushfire Attack Level (BAL)	Predicted Bushfire Attack & Exposure Level
BAL-Low	Insufficient risk to warrant specific construction requirements
BAL-12.5	Ember attack, radiant heat below 12.5kW/m ²
BAL-19	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 12.5-19kW/m ²
BAL-29	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 19-29kW/m ²
BAL-40	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 29-40kW/m ²
BAL-FZ	Direct exposure to flames radiant heat and embers from the fire front

Setbacks

BAL 19 setback	Grassland
Upslope and flat	10m
Downslope 0- 5°	11m
Downslope 5-10°	13m

PROPOSED LOT BAL RATING

There is sufficient land on lot 1 to provide a BAL 19 Hazard Management Area for the existing dwelling. While it is unlikely a dwelling will be constructed on the balance lot which is farmed in conjunction with titles to the north, a proof of concept BAL 19 building area is shown below with and indicative 10x 15 habitable building and hazard management area.

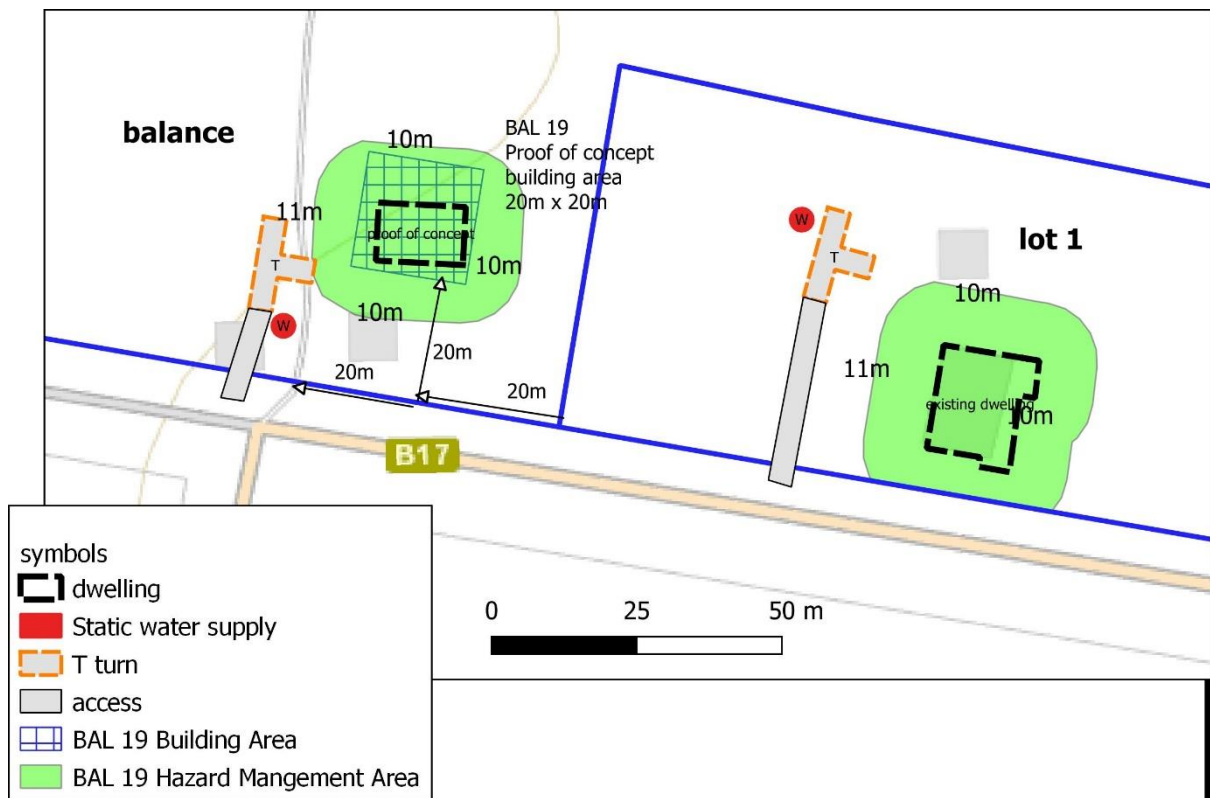


Figure 1: Building & Hazard Management Areas BAL 19

HAZARD MANAGEMENT AREAS

All land within the distances shown below must be managed as Low threat vegetation including maintained lawns (mown to < 100mm), gardens and orchards in perpetuity. It is recommended that all existing low threat areas associated with the Lot 1 dwelling are maintained to reduce the risk.

Hazard Management areas for future habitable buildings must be in place prior to the commencement of construction and maintained in perpetuity. If pasture areas are retained within the required HMA they must be managed by grazing and or slashing/ mowing to no more than 100mm in height when cured.

Construction Rating BAL 19: HMA

Slope	Managed Land - Low Threat Vegetation
Upslope and level	0-10m
Downslope 0-5°	0-11m

ROADS

Lots have frontage to Pine Road and the balance Creamery Road; no additional roads are required for the subdivision.

PROPERTY ACCESS

Access to lots must comply with the relevant elements of Table C13.2 Standards for Property Access, C 13 *Bushfire-Prone Areas Code*. Lot 1 & the balance will require access to water static water supply points. Existing access for lot 1 requires minor vegetation clearance to achieve the required 4m carriageway and 0.5m horizontal and 4m vertical clearance is compliant, no further works are required unless additional access is required to the water supply point. Future habitable buildings must meet element B prior to the commencement of construction.

Table C13.2: Standards for Property Access

Element	Requirement
A.	Property access length is less than 30m; or access is not required for a fire appliance to access a fire fighting water point.
	There are no specified design and construction requirements.
B.	Property access length is 30m or greater; or access is required for a fire appliance to a fire fighting water point.
	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> (a) all-weather construction; (b) load capacity of at least 20t, including for bridges and culverts; (c) minimum carriageway width of 4m; (d) minimum vertical clearance of 4m; (e) minimum horizontal clearance of 0.5m from the edge of the carriageway; (f) cross falls of less than 3 degrees (1:20 or 5%); (g) dips less than 7 degrees (1:8 or 12.5%) entry and exit angle; (h) curves with a minimum inner radius of 10m; (i) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and <p>terminate with a turning area for fire appliances provided by one of the following:</p> <ul style="list-style-type: none"> (i) a turning circle with a minimum outer radius of 10m; or (ii) a property access encircling the building; or (iii) a hammerhead “T” or “Y” turning head 4m wide and 8m long.
C.	Property access length is 200m or greater.
	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> (a) the requirements for B above; and

		(b) passing bays of 2m additional carriageway width and 20m length provided every 200m.
D.	Property access length is greater than 30m, and access is provided to 3 or more properties.	<p>The following design and construction requirements apply to property access:</p> <p>(a) complies with requirements for B above; and</p> <p>(b) passing bays of 2m additional carriageway width and 20m length must be provided every 100m.</p>

FIRE FIGHTING WATER SUPPLY

The subdivision is not serviced by a reticulated supply. Habitable building must have a static water supply to meet the requirements of Table C13.5 Lot 1 existing dwelling will require a static water supply prior to sealing of titles. Future habitable buildings will require Static water prior to the commencement of construction.

Table C13.5

Column 1		Column 2
Element		Requirement
A.	Distance between building area to be protected and water supply	<p>The following requirements apply:</p> <ul style="list-style-type: none"> a) The building area to be protected must be located within 90 metres of the water connection point of a static water supply; and b) The distance must be measured as a hose lay, between the water point and the furthest part of the building area.
B.	Static Water Supplies	<p>A static water supply:</p> <ul style="list-style-type: none"> a) May have a remotely located offtake connected to the static water supply; b) May be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times; c) Must be a minimum of 10,000 litres per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems; d) Must be metal, concrete or lagged by non-combustible materials if above ground; and e) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959-2009, the tank may be constructed of any material provided that the lowest 400 mm of the tank exterior is protected by: <ul style="list-style-type: none"> (i) metal; (ii) non-combustible material; or (iii) fibre-cement a minimum of 6 mm thickness.

Colu		Column 2
Eleme		Requirement
C.	Fittings, pipework and accessories (including stands and tank supports)	<p>Fittings and pipework associated with a water connection point for a static water supply must:</p> <ul style="list-style-type: none"> (a) Have a minimum nominal internal diameter of 50mm; (b) Be fitted with a valve with a minimum nominal internal diameter of 50mm; (c) Be metal or lagged by non-combustible materials if above ground; (d) Where buried, have a minimum depth of 300mm (compliant with <i>AS/NZS 3500.1-2003 Clause 5.23</i>); (e) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment; (f) Ensure the coupling is accessible and available for connection at all times; (g) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length); (h) Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a coupling compliant with this Table; and (i) Where a remote offtake is installed, ensure the offtake is in a position that is: <ul style="list-style-type: none"> (i) Visible; (ii) Accessible to allow connection by fire fighting equipment; (iii) At a working height of 450 – 600mm above ground level; and (iv) Protected from possible damage, including damage by vehicles
D.	Signage for static water connections	<p>The water connection point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must</p> <ul style="list-style-type: none"> (a) comply with: <i>Water tank signage requirements within AS 2304-2011 Water storage tanks for fire protection systems; or</i> (b) comply with <i>water tank signage requirements within Australian Standard AS 2304-2011 Water storage tanks for fire protection systems; or</i> (c) comply with the <i>Tasmania Fire Service Water Supply Signage Guideline published by the Tasmania Fire Service.</i>

Colu		Column 2
Eleme		Requirement
E.	Hardstand	<p>A hardstand area for fire appliances must be provided:</p> <ul style="list-style-type: none"> (a) No more than three metres from the water connection point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like); (b) No closer than six metres from the building area to be protected; (c) With a minimum width of three metres constructed to the same standard as the carriageway; and (d) Connected to the property access by a carriageway equivalent to the standard of the property access.

CONCLUSIONS

A 2 Lot subdivision is proposed from existing title CT 47330/1 at 236 Pine Road, Penguin. The area is mapped as bushfire prone.

There is sufficient existing low threat area on lot 1 to provide an Hazard Management Area to meet BAL 19 requirements, it is recommended that all existing garden areas are maintained to reduce the risk. Existing access for lot 1 requires minor vegetation clearance to achieve the required 4m carriageway and 0.5m horizontal and 4m vertical clearance. A static water supply for the lot 1 dwelling must be in place prior to the sealing of titles and maintained in perpetuity.

Future habitable buildings must have compliant hazard management area, access and water supply prior to the commencement of construction and maintained in perpetuity.

REFERENCES

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

Planning Commission (2021), *Tasmanian Planning Scheme - Central Coast*

APPENDIX 1 – MAPS

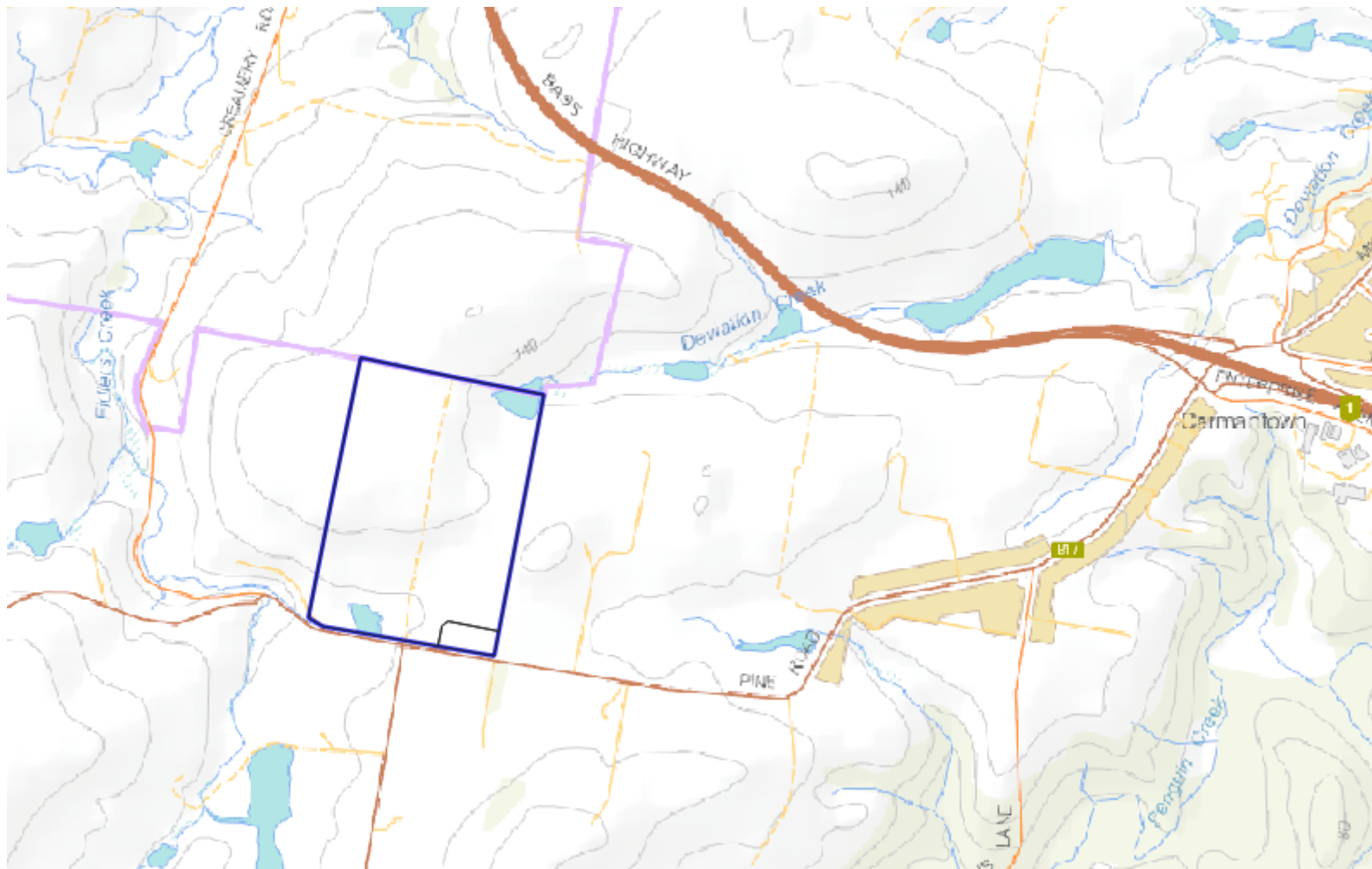


Figure 2: Location, existing title in blue

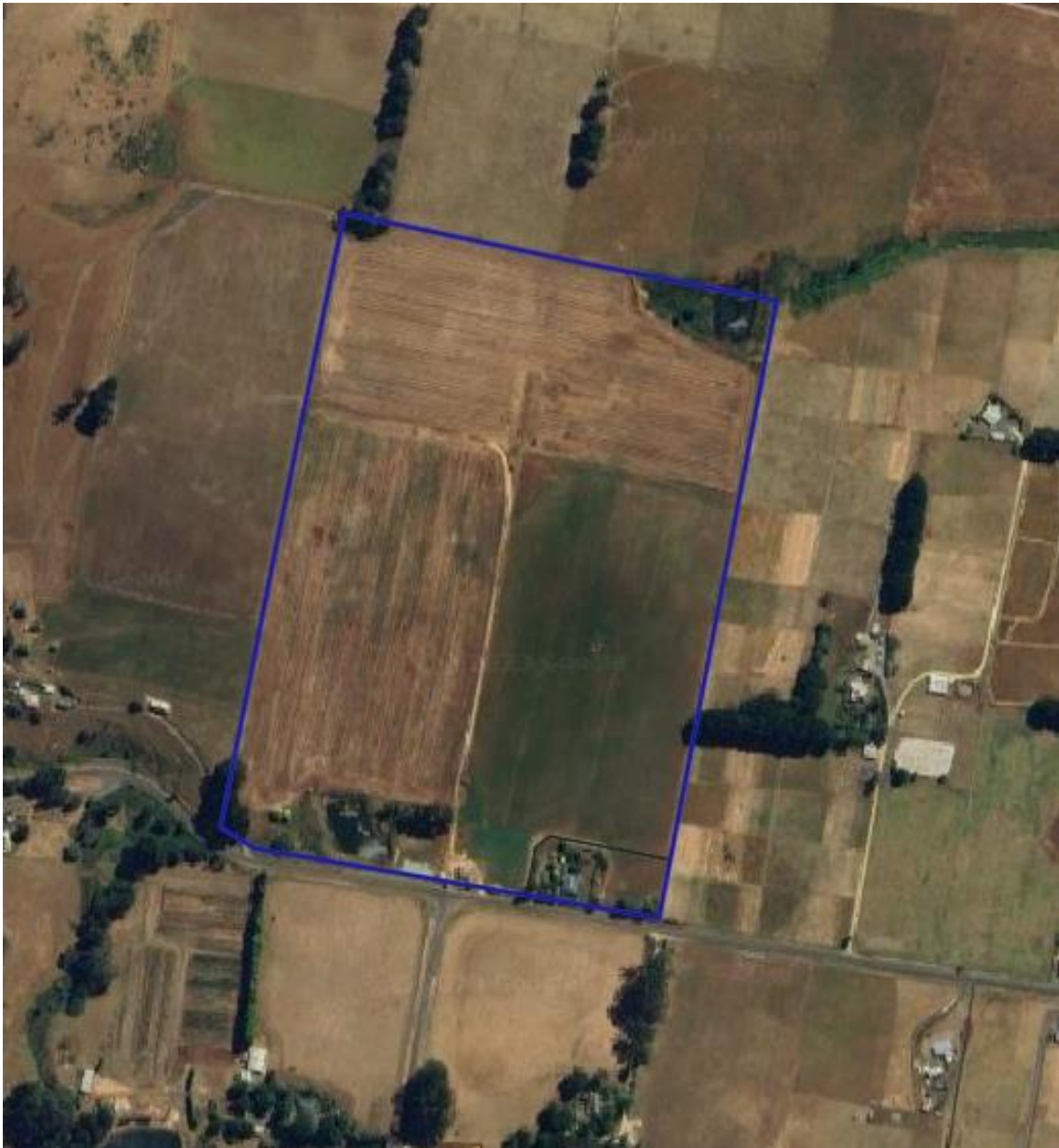


Figure 3: Aerial Image



Figure 4: aerial image lot 1

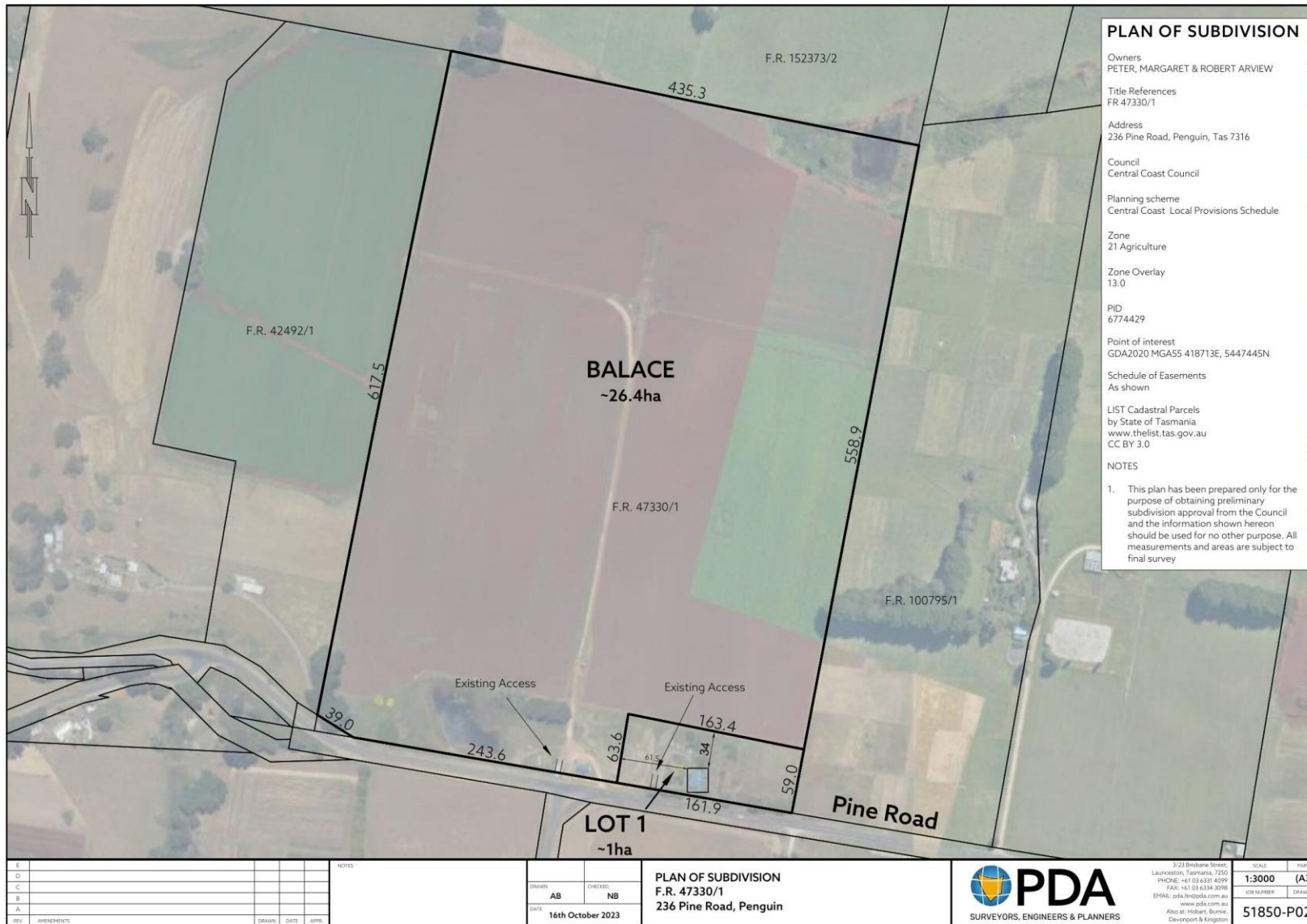


Figure 5: Proposed Subdivision Plan



Figure 6: Lot 1 view north, west of dwelling



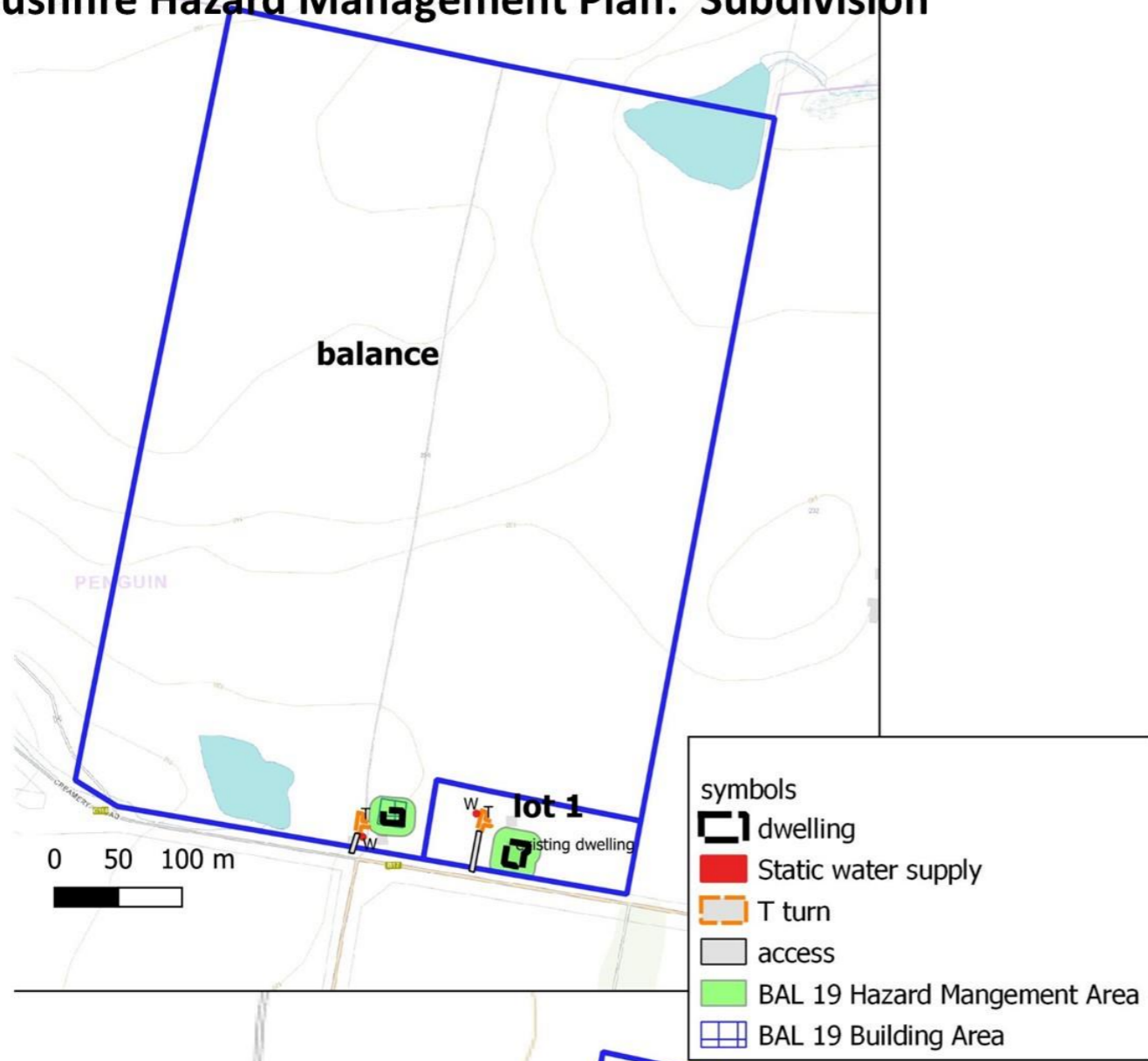
Figure 7: Lot 1 view west, north of dwelling



Figure 8: Balance lot, view south

Bushfire Hazard Management Plan: Subdivision

Proposed Development	Subdivision, 2 lots from 1 lot
Plan of Subdivision	PDA Surveyors
Property Owner	PT, MJ & RF Arvier
Address	236 Pine Road Penguin
CT	47330/1
PID	6774429



The following must be in place:

prior to sealing of titles for Lot 1 existing dwelling

- Static Water Supply and access the supply point (including vegetation clearance)

Prior to commencement of construction of any future habitable building

- Hazard Management Area
- Access
- Static Water Supply

: See report for detail

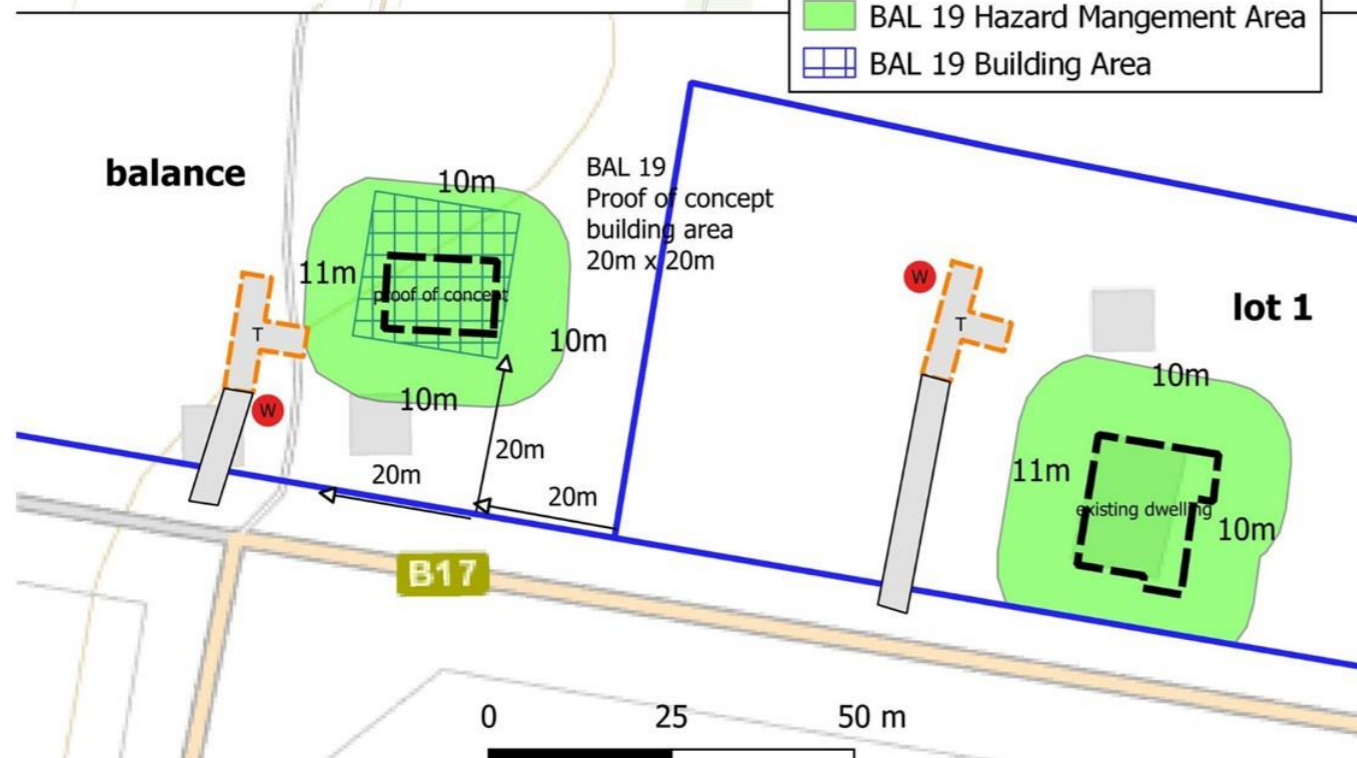
Construction: BAL 19

Buildings in Bushfire Prone Area to be built in accordance with the Building Code of Australia and Australian Standard AS3959.

Building setbacks / BAL ratings apply to habitable buildings (Class 1, 2, 3, 8 or 9) and class 10a buildings within 6m of a habitable building.

Hazard Management Area

All land within the distances shown must be low threat vegetation. Low threat vegetation, includes maintained lawns (<100mm in height) gardens and orchards. If pasture areas are retained within the required HMA they must be managed by grazing and or slashing/ mowing to no more than 100mm in height when cured.



This BHMP has been prepared to satisfy the requirements of the Tasmanian Planning Scheme— Central Coast. This plan should be read in conjunction with the report titled: Bushfire Hazard Management Report , 236 Pine Road Penguin Livingston Natural Resource Services.

Scott Livingston
 Accreditation: BFP – 105: 1, 2, 3A, 3B, 3C
 Date 24/10/2023

SRL23/515

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:

236 Pine Road, Penguin

Certificate of Title / PID:

CT 47330/1, PID 6774429

2. Proposed Use or Development

Description of proposed Use and Development:

2 Lot subdivision from 1 existing title

Applicable Planning Scheme:

Tasmanian Planning Scheme - Central Coast

3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Hazard Management Report 236 Pine Road, Penguin	Scott Livingston	24/10/2023	1
Bushfire Hazard Management Plan, 236 Pine Road, Penguin	Scott Livingston	24/10/2023	1
Plan of Subdivision	PDA Surveyors	16/10/2023	51850 PO2

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 type="checkbox"/>	E1.4 / C13.4 – Use or development exempt from this Code	
	Compliance test	Compliance Requirement
<input 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 checked="" 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 checked="" type="checkbox"/>	E1.6.1 A1 (b) / C13.6.1 A1(b)	Provides BAL-19 :
<input type="checkbox"/>	E1.6.1 A1(c) / C13.6.1 A1(c)	Consent for Part 5 Agreement

<input checked="" 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 checked="" type="checkbox"/>	E1.6.2 A1 (b) / C13.6.2 A1 (b)	Access complies with relevant Tables

<input checked="" 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 checked="" 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

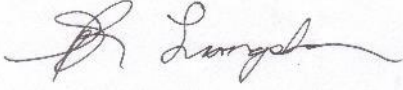
Name:	Scott Livingston	Phone No:	0438 951 021
Postal Address:	PO Box 178, Orford 7190	Email Address:	scottlivingston.lnrs@gmail.com
Accreditation No:	BFP – 105	Scope:	1, 2, 3A, 3B, 3C

6. Certification

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

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

Signed:
certifier



Name:

Scott Livingston

Date: 24/10/2023

Certificate Number: SRL 23/51S

(for Practitioner Use only)

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The Advocate

Phone: 1300 363 789
Email: classifieds@theadvocate.com.au



Lost & Found Caravans and Motor Homes Livestock Poultry & Birds Church Notices Local Government

LOST CAT Reward
Fluffy black & white male, distinctive black squarish spot on chin, answers to Trilly, last seen Elphinstone entrance Wilson St, South Burnie Fri. Nov. 24. If found please contact me. ☎ 0423 706 030.

Jayco Hobart
Caravans, Camper Trailer & Pop Top Galore!
All ready to go!
Come see us at 142 Main Road Moonah or call us on: ☎ 03 6232 2344

Land Wanted
5-10 acres or more of grass for a small group of calves. Circular Head to Boat Harbour area.
Ph: 0455 259 823

Ulverstone Pet Food
Stock wanted, suitable for pet food.
☎ 6425 5822 or 0408 141 972 (AH).

HY-LINE pullets for sale \$35 each inc GST. Sheffield Area
☎ 0427 351 499

ALL OUR CLASSIFIEDS APPEAR ONLINE

17th December, 2023 Penguin
10 am Sanctuary Hill Christian Fellowship Sanctuary Hill, Penguin
Rev. Ron van Leerdam
Ulverstone
9.30 am Christian Reformed Church of Ulverstone
36 John Street Family Christmas Service
Devonport
9.30am Pathway to Life
20 - 22 Nicholls St, Devonport.
Rev. Etienne de Wilzen.

CENTRAL COAST COUNCIL
19 King Edward Street Ulverstone Tasmania 7315
Tel. 03 6429 8900
admin@centralcoast.tas.gov.au
www.centralcoast.tas.gov.au

APPLICATIONS FOR PLANNING PERMITS
S.57 Land Use Planning and Approvals Act 1993.
The following applications have been received:
Application No.: DA2023265
Location: 211 Preston Road, Gawler
Proposal: Residential - single dwelling including demolition of existing single dwelling
Performance Criteria: Discretionary uses; Setbacks; and reliance on *C7.0 Natural Assets Code*
Application No.: DA2023298
Location: 48 Risby Street, Ulverstone
Proposal: Residential - construction of two dwellings creating multiple dwellings x 3, new carport and demolition of existing outbuilding
Performance Criteria: Reliance on *C2.0 Parking and Sustainable Transport Code* and *C3.0 Road and Railway Assets Code*
Application No.: DA2023311
Location: 236 Pine Road, Penguin
Proposal: Subdivision - 1 lot and 1 balance lot
Performance Criteria: Lot design; and reliance on *C13.0 Bushfire-Prone Areas Code*
Application No.: DA2023316
Location: 54 Esplanade, Turners Beach
Proposal: Visitor Accommodation - short stay accommodation
Performance Criteria: Visitor Accommodation

Auctions

SHERWOOD AUCTIONS STATEWIDE

TODAY'S AUCTION:
HOBBY FARM CLEARANCE RUNDLE RD, DEVONPORT - Saturday 16th December.
Items include: *Daedong CK35 tractor with front loader, bucket & carry-all *20-foot shipping container *camp trailer *slasher *harrows *forks *chainsaws *ride-on mowers *V6 manual Holden Rodeo extra cab 4x4 *steel box trailer *portable steel carport *portable stockyard *harrows *scoop *forks *tractor bucket *truck/trailer stock crate *air compressor *fishing tackle, nets, waders *cray pots *fly fishing gear *power tools *welder & more!
UPCOMING AUCTIONS: 9:30am viewing, 10:30am start.
FARM CLEARANCE MOOREVILLE RD, BURNIE - Saturday 20th January 2024.
Current items include: *Massey Ferguson 135, Universal 445-DT, Fiat DT with front end loader & Massey Ferguson 675 *twin row brassica planter *large qty irrigation pipes & fittings *travelling irrigators *boom sprayer *spreader *Honda rotary hoe *side delivery rake *harrows *triple k *deep ripper *carrot lifter *overturn plough *3m rotterra *large hothouse *slasher *grader blade & more!
EXPRESSIONS OF INTEREST SOUGHT FOR OUTSIDE ENTRIES FOR FARM EQUIPMENT & MACHINERY
Sherwood Auctions would like to wish everyone a very Merry Christmas and a safe and fun New Year - see you all in 2024!
visit our website: www.sherwoodauctions.com.au Call Klary: 0456 537 290 or find us on Facebook.
26 Belton St, Acton, Tas.

Local Government

BURNIE CITY COUNCIL

NOTICE OF APPLICATION FOR LAND USE PERMIT
(Section 57(3) Land Use Planning and Approvals Act 1993)

Application for use and development of land has been received:-
Application No: DA 2023/130
Site: 757 Mooreville Road MOOREVILLE - CT 39344/2
Proposal: Outbuilding
Discretionary Matter: Reliant on performance criteria for grant of permit - Clause 20.4.2 (P1)
The application may be viewed at the Burnie City Council Offices, 80 Wilson Street, Burnie between 8.30am - 5.00pm Monday to Friday inclusive or on Council's website at - www.burnie.tas.gov.au/permits
Any person may make representation relating to an application in writing addressed to the General Manager, Burnie City Council, PO Box 973, Burnie 7320 or burnie@burnie.tas.gov.au by no later than 5.00pm on **9 January 2024**
Dated: 16 December 2023
Simon Overland
GENERAL MANAGER

www.burnie.tas.gov.au **BURNIE CITY COUNCIL**

The applications may be viewed at the Administration Centre during office hours and on the Council's website. Any person may make representation in relation to an application [in accordance with s.57(5) of the Act] by writing to the General Manager at PO Box 220, Ulverstone 7315 or by email to admin@centralcoast.tas.gov.au by no later than 8 January 2024.
Date of notification: 16 December 2023.
BARRY OMUNDSON
General Manager



PLACE YOUR BUSINESS QR CODE IN YOUR AD TODAY!

CLASSIFIED

Self Service

Annexure 3



Figure 1 – Subject site, access to balance lot.



Figure 2 – Subject site, portion of Lot 1 in foreground, balance land in background.



Figure 3 – Existing Pine Road junction.



Figure 4 – Site notice.



Figure 5 – Site notice.



Figure 6 – Existing access to proposed balance lot.



Figure 7 – Existing dwelling and access to proposed Lot 1.

Annexure 4

From: Jonathan Rowe <shoestringdairy@gmail.com>
Sent: Sunday, 7 January 2024 9:41 PM
To: Admin
Subject: DA2023311 - submission

You don't often get email from shoestringdairy@gmail.com. [Learn why this is important](#)

To whom it may concern,

I am writing with some concerns about the DA at 236 Pine Rd. The lot in question is on prime agricultural land, while not an agricultural scientist, I have 25 years of experience in farming land in one way or another

I have an issue that the land in question around the house is classified as class 4 . Point 1c is not clearly met from my understanding as the land in the subdivision is highly productive agricultural land and is mainly chosen not to be farmed by current owner, who has been managing the property since the previous owners husband died. This land around the house is a continuation of the very fertile, productive land above it, as proven by the multiple cash crops it has grown in the past. If you were to look back in google earth at historical photos you can see the land in question was often farmed with the field above it. and provided irrigation via temporary lines like much of the land above it.

As a builder I am for the development of land, but agree that planning is there so that agricultural land should be protected, ensuring the long term productive capacity of the land. There is a heap of land around on poorer soils that should be developed for residential use.

If this DA were given approval I would worry there is a high likelihood that a follow-up application would come through with a request to put a residence on the remaining farm land a new location, particularly at the top of the hill on the property as the view from there is awesome. (that's where I'd want a house) but this then further decreases the size of the agricultural land. I see there is provision for an agreement under section 71 so not sure how binding they are or if they can be overturned. Or if the agreement stays relevant if the property changes hands.

--

Cheers,

Jonathan Rowe

Figure 4. Land uses appropriate to different land classes
 (Adapted from: National Water and Soil Conservation Organisation, 1979, Our Land

CLASS	CROPPING SUITABILITY	PASTORAL SUITABILITY	LAND USE OPTIONS
1	High	High	Many
2			
3	Medium		
4	Low		

INCREASING LIMITATIONS TO USE

DECREASING VERSATILITY