



Danielle Gray, Principal Consultant
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224 Warwick Street
West Hobart TAS 7000

27 May 2022

Mr John Ramsay
Delegate, Tasmanian Planning Commission
GPO Box 1691
Hobart TAS 7001

**BREAK O DAY DRAFT LOCAL PROVISIONS SCHEDULE – PROPOSED AGRICULTURE ZONE
MAPPING**

Dear Mr Ramsay

I write to you to formally request to be part of the LPS hearing process and be considered by delegates of the Tasmanian Planning Commission as part of their deliberations.

Gray Planning has been engaged by Mark Sawyer and Anna Sawyer who in April 2022, purchased 280 Lohreys Road at St Marys within the Break O Day municipality.

Currently under the *Break o Day Interim Planning Scheme 2013*, this land (referred to as the 'subject site') is zoned Rural Resource. Under the draft LPS mapping, it is proposed to zone this land as Agriculture. This is effectively a rezoning that relies on the subject site meeting guidelines for the application of the Agriculture zone. Council have instead relied only on Agricultural mapping as noted in Part 3 of their supporting report.

During my client's purchase of the subject site that was finalised in April 2022, my client was never made aware of the proposed rezoning of the subject site. They found out about the proposed zoning, quite by chance, when perusing the Council website during early May 2022.

The 337 Certificate for the purchase of the land dated 18 March 2022 provides no particulars from Council about the upcoming LPS and gives no clue about the upcoming rezoning under the LPS. I have attached this 337 as Appendix 1 and draw your attention to part 13 of this 337.



The implications of the rezoning from Rural Resource to Agriculture means that residential use faces a significantly higher test for approval. Under clause 21.3.1 of the State Planning Provisions there is no A4 Acceptable Solution. Under the P4 Performance Criteria, a residential use can only be approved if either required as part of an agricultural use or demonstrate the subject site is not capable of supporting an agricultural use.

It is my view that the potential for an approval of residential use is significantly higher under current Rural Resource use and development standards in the Interim Planning Scheme than under the upcoming Agriculture zone under the State Planning Provisions.

My clients have essentially purchased the subject site not knowing that the potential for further residential development would become significantly more difficult under the upcoming LPS. At no point was the change in zoning made apparent to them through the 337 process.

There has been, therefore, a significant failure in communications that has resulted in my client purchasing a property where residential use and development is essentially not supported, in favour of agricultural use.

Had they been aware of the proposed change in zoning and the use standard implications, they would not have purchased the subject site at all.

It is unfortunate that my client did not make a representation during the timeframe for representations. However, the public notification period ended well before they expressed interest in the property. They have essentially been caught in the crossfire of a proposed change in zoning which is likely to seriously impact upon their ability to use and develop the subject site.

It is my view that natural justice and a failure of Council to adequately notify the purchaser during the 337 process cannot, and should not be disregarded by the Tasmanian Planning Commission in the absence of a formal representation being made from my client during the public notification period.

The significant change in use classification and use standards for a residential use between the current Interim Planning scheme and upcoming Agriculture zone is not a frivolous matter.

It is simply not feasible for my clients to now sell the subject site knowing there is likely to be significant difficulty in being able to develop the subject site for residential use and development. Where the zoning proceeds to the proposed Agriculture zone, I predict my client will have significant difficulty in obtaining a planning permit for his planned future residential development.

Has my client been aware of the impact that the Local Provisions Schedule has on the subject site prior to purchase, they would not have purchased the subject site. Had they purchased the land prior to the LPS public notification period closing they would, without fail, have made a representation opposing the rezoning.

In any case, it is considered that the subject site fails to demonstrate any characteristics that justify its proposed rezoning to Agriculture. This is considered in detail in Appendix 2.



I therefore finalise my letter to the TPC with a request that myself of behalf of Mark Sawyer and Anna Sawyer and the attached town planning report (see Appendix 2) and the body of this letter are formally included and considered as part of the draft Break o Day LPS process.

I am happy to discuss and may be contacted on 0439 342 696.

Yours faithfully



Danielle Gray B.Env.Des. MTP. MPIA
Principal Consultant, Gray Planning



Appendix 1: 337 for the purchase of 280 Lohreys Road St Marys dated 18 March 2022



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Appendix 2 – Town Planning opposition to the proposed Agriculture zoning of 280 Lohreys Road, St Marys (CT-244267/1)

The owner of the subject site opposes the zoning of their property from the current Rural Resource zone to the proposed zoning of Agriculture as this zoning is not justified under the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines when considered against the characteristics of the subject site.

Commentary against the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines is provided within this representation as well as commentary on land characteristics, land capability and agricultural potential mapping criteria.

The application of Agriculture zoning to the subject site at 280 Lohreys Road currently used for the purposes of a residential dwelling that is located south eastern within the subject site and in close proximity to a residential dwelling at 267 Lohreys Road, is covered with a substantial extent of relatively thick native vegetation in the form of Eucalyptus forest that takes up approximately 90-95% of the subject site and that has closely adjacent residential use and development and has a significant gradient exceeding 1.4 (estimated to be around 1 in 3.5 when averaged across the site) is considered inappropriate and is not in accordance with the recommended application of the Agriculture zone as outlined in the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines.

On that basis, this representation opposes the proposed Agriculture zoning of the subject site as proposed under the advertised draft LPS documentation. Instead, it is considered the subject site is more appropriately zoned as Rural.

The subject site

The subject site is 280 Lohreys Road at St Marys and is currently wholly zoned Rural Resource zone under the *Break O Day Interim Planning Scheme 2013* as shown overleaf in Figure 2.

The subject site is rated for residential purposes with the use of the land being 'rural residential' and rated as containing a single dwelling constructed in 1983. The existing use remains today.

The subject site measures 14.9 hectares in total area. The subject site has frontage onto Lohreys Road to its western frontage boundary.

The subject site has vehicular access only from Lohreys Road which currently services the existing dwelling at the property.





Figure 1. 280 Lohreys Road outlined. The property contains a single dwelling (orange arrowed) contains native vegetation on undulating and steep gradients up to 1 in 2 in steepness and averaging steeper than 1 in 4. Source: TheLIST, sourced May 2022, no nominated scale.

All properties in the surrounding area zoned Rural Resource as shown in Figure 3 of this representation.

The subject site is directly adjacent to residential development in the form of single dwellings at 2512 and 267 Lohreys Road (see above Figure 1 where neighbouring residential dwellings are indicated with yellow arrows).

There is no agricultural use of the subject site.

There is apparent agricultural use of immediately adjacent neighbouring properties. The property in question is neighbouring 'Daisyburn' at 274 Dublin Town Road. This property is apparently used for some grazing use in cleared areas of the property. There is a distance of nearly 500m where these cleared areas start and the title boundary of 280 Lohreys Road – see Figure 2.

The subject site also has undulating gradients up to 1 in 2 in steepness in parts with an average gradient exceeding 1 in 4 on average across the site.



The current owners Anna and Mark Sawyer purchased the property in April 2022 and have used the property for private residential purposes, continuing the existing residential use of the subject site which has been in existence since 1983.

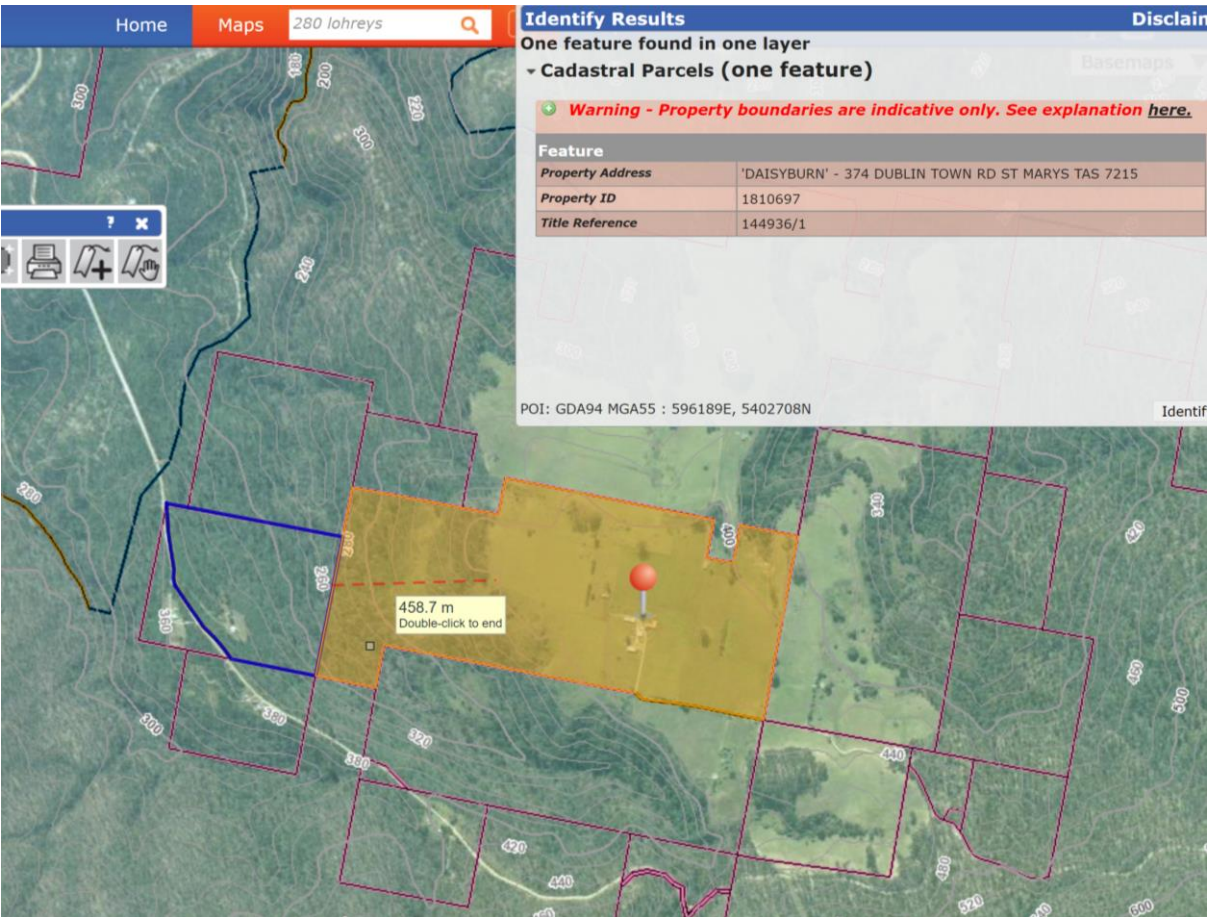


Figure 2. 280 Lohreys Road outlined and neighbouring Daisyburn (highlighted). There is a distance of around 460m from the edge of cleared pasture to the title boundary of 280 Lohreys Road. Source: TheLIST, sourced May 2022, no nominated scale.



Current zoning

The subject site is currently zoned Rural Resource under the *Break O Day Interim Planning Scheme 2013*.

This zoning is applied to all surrounding properties where many properties experience moderate to steep and undulating gradients and also have thick stands of native vegetation cover.

To the east there are four titles (including Daisyburn) that are predominantly cleared. No cropping or agricultural use is evident.

There is no evidence of any other agricultural use in the surrounding area other than grazing at Daisyburn.

It is unclear why the proposed application of the Agriculture zone has been applied when considering land uses and characteristics.

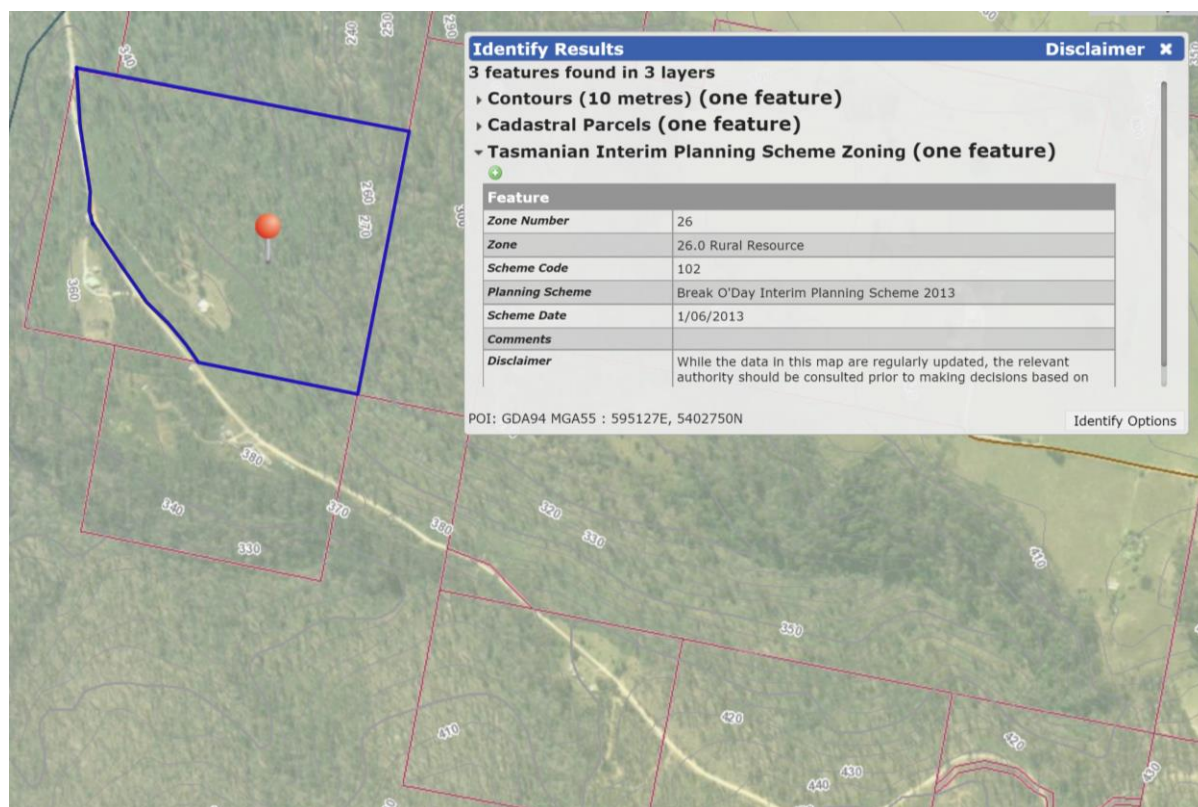


Figure 3. The subject site 280 Lohreys Road outlined. The subject is site is currently zoned Rural Resource as are all properties in the surrounding area for at least a 2.5km radius from the subject site. Source: TheLIST, sourced May 2022, no nominated scale.



Proposed zoning under the draft Break O Day LPS

The advertised draft LPS for Break O Day Council shows the subject site to be zoned to Agriculture, presumably as a result of agricultural mapping as nominated under section 3 of Council's LPS supporting report.

The Agriculture zone has been applied to a very limited number of properties to the east of the subject site as shown below in Figure 4.

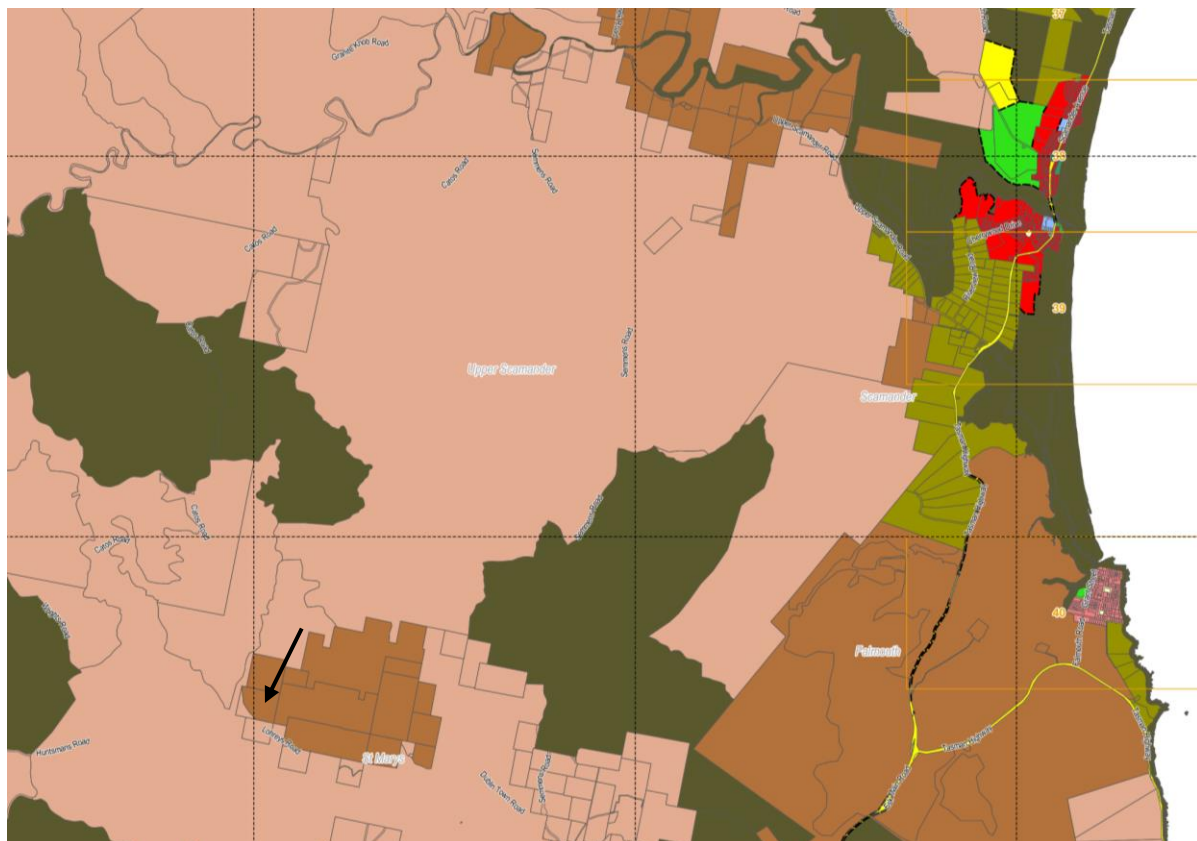


Figure.4. Proposed draft LPS zoning of the subject site (shown arrowed) to be zoned to Agriculture (dark brown) with properties to the north, west and south of the subject site will be zoned Rural (light brown). Source: TPC LPS advertised documentation, sourced May 2022, no nominated scale.

It is considered there is inconsistency in the application of the Rural zone and Agriculture zone in the draft LPS with it being unclear as to what constitutes the threshold for being Agriculture zone versus Rural zone other than to justify the rezoning on available agricultural mapping (see comment: *'The State's mapping of 'Land Potentially Suitable for Agriculture Zone' and the Agricultural Land Mapping Project (Mapping Project)'* on page 40 of this supporting report_.

Some properties, including the subject site, are proposed to be zoned Agriculture from the current Rural Resource zone and appear to have no agricultural use and some appear to



also contain a single dwelling. This is the case of the subject site which has no record of any agricultural or even grazing use and contains a single dwelling.

Council's rationale for zoning Agriculture versus Rural is based on desktop mapping without any consideration of ground truthing, existing use or site characteristics as there are no consistent or obvious characteristics that apply to land zoned Agriculture versus Rural.

The subject site at 280 Lohreys Road has multiple obvious constraints and contains a single dwelling, contains large areas of Eucalyptus forest native vegetation that covers at least 90% of the site area, has a steep gradient land and is directly adjacent to other residential use.

It is considered inappropriate that the subject site will be covered by the highest level of agricultural zoning despite these constraints.



Land Capability of the subject site

The subject site is mapped as 6 in terms of Land Capability by DPIPWE:

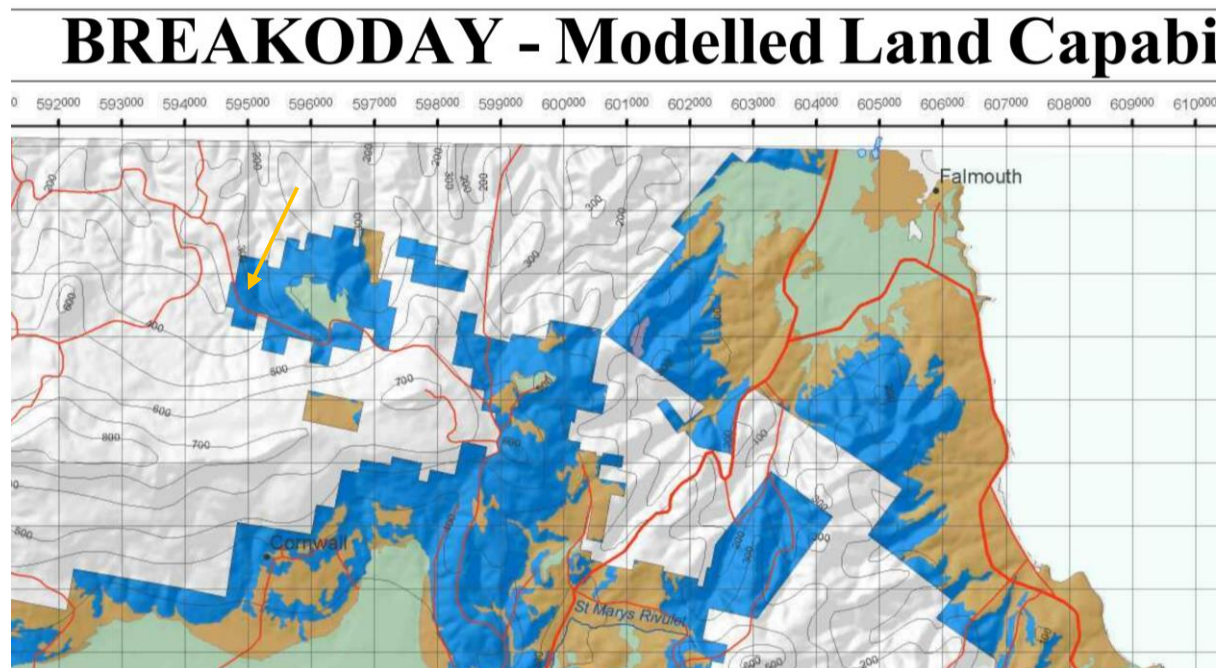


Figure 5. 388 Scotts Road arrowed. The subject site is blue (6) on the (Land Capability map DPIPWE). Source: TheLIST, sourced May 2022, no nominated scale.

CLASS 6

Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use.

It is considered that the subject site should not be zoned Agriculture, based on its low to very low capability to sustain even grazing that '*severely restrict agricultural use*'.


The subject site additionally has other constraints that restrict its ability for agricultural use including native vegetation cover, adjoining residential use and existing residential use within the subject site itself.



Application of the Section 8A Guideline No.1 LPS zone and Code application guidelines with respect to the subject site and proposed zoning under the LPS

The proposed zoning of the subject site to be zoned to Agriculture is considered to be contrary to the Tasmanian Planning Commission's Section 8A Guideline No.1 LPS zone and Code application guidelines.

These guidelines outline the following recommendations for land to be zoned Agriculture:

Zone	Zone Purpose	Zone Application Guidelines
21.0 Agriculture Zone  Red 179, Green 113, Blue 59	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.	AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to: (a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which: (i) incorporates more recent or detailed analysis or mapping; (ii) better aligns with on-ground features; or (iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; (b) any other relevant data sets; and (c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council. AZ 2 Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6. AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to: (a) existing land uses on the title and surrounding land;

Zone	Zone Purpose	Zone Application Guidelines
		(b) whether the title is isolated from other agricultural land; (c) current ownership and whether the land is utilised in conjunction with other agricultural land; (d) the agricultural potential of the land; and (e) any analysis or mapping undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council. AZ 4 The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to: (a) any titles that have or have not been included in the 'Land Potentially Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer; (b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3; (c) outlying titles that are either included or excluded within the 'Land Potentially Suitable for the Agriculture Zone' layer; and (d) larger titles or those with extensive areas of native vegetation cover. AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles. AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if: (a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed



Zone	Zone Purpose	Zone Application Guidelines
		<p>local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p> <p>(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</p> <p>(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</p> <p>(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or</p> <p>(e) it can be demonstrated that:</p> <p>(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</p> <p>(ii) there are significant constraints to agricultural use occurring on the land; or</p> <p>(iii) the Agriculture Zone is otherwise not appropriate for the land.</p> <p>AZ 7 Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:</p> <p>(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p> <p>(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;</p>

Zone	Zone Purpose	Zone Application Guidelines
		<p>(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or</p> <p>(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and</p> <p>having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.</p> <p>Note: Further details on the Agricultural Land Mapping Project can be found in the <i>Agricultural Land Mapping Project: Background Report, April 2017</i>, including the methodology used in generating the 'Land Potentially Suitable for Agriculture Zone' and the 'Potential Agricultural Land Initial Analysis' layers. The Background Report is available on the Department of Justice, Tasmanian planning reform website (www.justice.tas.gov.au/tasmanian_planning_reform).</p>

Comments have been made against each of the above guidelines with respect to the proposed rezoning of the subject site to Agriculture:

AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:

(a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:

(i) incorporates more recent or detailed analysis or mapping;

(ii) better aligns with on-ground features; or

(iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;



Comment: It is unclear if Council have specifically considered the subject site with respect to on ground features, use of the site and demonstrated constraints that appear to have been identified in the 'Land Potentially suitable for Agriculture zone' mapping which incorrectly notes the site as being Unconstrained (see below Figure 6).

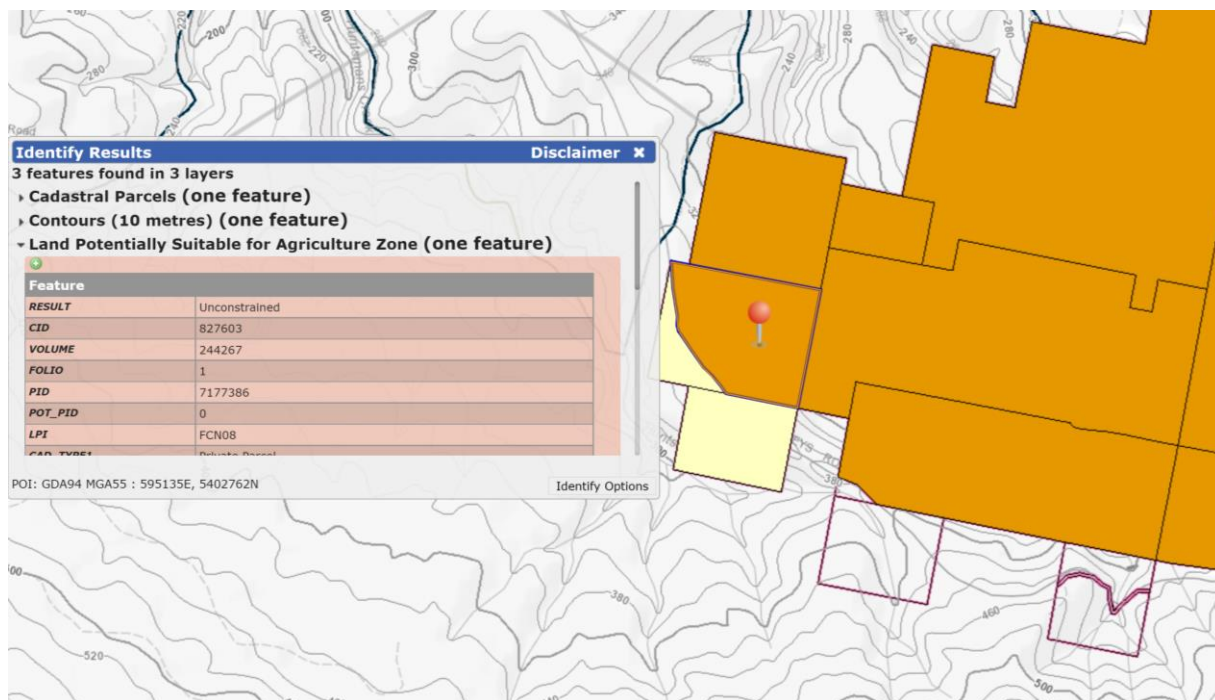


Figure.6. Mapping of the subject site as being apparently Unconstrained. Source: TheList, sourced May 2022, no nominated scale.

(b) any other relevant data sets; and

(c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

Comment: It is requested that Council confirm if any more detailed strategic planning with respect to the application of the Agriculture zone has been undertaken.

AZ 2 Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6.

Comment: The subject site is currently zoned Rural Resource. It is considered that given the site constraints of the subject site at 280 Lohreys Road that this zoning is not appropriate



and therefore should not transition across to an Agriculture zone under the Break O Day LPS.

AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to: (a) existing land uses on the title and surrounding land;

Comment: The subject site is currently used for a single dwelling.

Despite this obvious constraint, the subject site is mapped as being Unconstrained. The *Agricultural Land Mapping Project Background Report May 2017* states that "Despite the sophisticated methodology, the mapping is not intended to be a definitive strategic land use planning tool as it is predominantly a desktop analysis and has only focussed on assessing the agricultural potential of the land. Local planning authorities will need to utilise this data in conjunction with a range of other data sets and information sources in making strategic land use planning decisions about some of the areas identified."

Council have not undertaken any other information sources, ground truthing or assessment of land use or characteristics when applying the Agricultural zone under the draft LPS.

(b) whether the title is isolated from other agricultural land;

Comment: The subject site is directly adjacent to other land noted as being Potentially Constrained (Criteria 2B).

(c) current ownership and whether the land is utilised in conjunction with other agricultural land;

Comment: The subject site is privately owned, has no known history of being used for any grazing or agricultural purposes and has multiple constraints as outlined in this representation. The subject site is not utilised in conjunction with any other agricultural land.



(d) the agricultural potential of the land; and

Comment: It is considered the land has very low agricultural potential owing to the constraints highlighted in this representation. The subject site is mapped as 6 in terms of Land Capability by DPIPWE.

(e) any analysis or mapping undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

Comment: It is requested that Council provide more information to justify the proposed Agricultural zoning of the subject site given its existing and long term residential use as well as obvious site constraints.

AZ 4 The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to:

(a) any titles that have or have not been included in the 'Land Potential Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer;

Comment: The subject site is adjacent to other land also noted as being Potentially Constrained as well.

(b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3;

Comment: The Unconstrained mapping of the subject site is strongly disputed. There are other properties in close proximity and directly adjacent to the subject site that are mapped as being Potentially Constrained and being 2B land that have almost identical characteristics in terms of residential land use, size, gradient and extensive native vegetation cover.

(c) outlying titles that are either included or excluded within the 'Land Potential Suitable for the Agriculture Zone' layer; and

Comment: The subject site is adjacent to multiple other parcels of noted as being Unconstrained (to the east) but these neighbouring titles to the east are of significantly



larger area (generally greater than 20ha), minimal native vegetation cover, large areas of pasture, level gradients and generally free of any residential use or development.

(d) larger titles or those with extensive areas of native vegetation cover.

Comment: The subject site is considered a larger title marginally in excess of 10 hectares and has approximately 90% native vegetation cover.

AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles. AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:

(a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;

(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;

(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;

(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or

(e) it can be demonstrated that:

(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;

(ii) there are significant constraints to agricultural use occurring on the land; or

(iii) the Agriculture Zone is otherwise not appropriate for the land.

Comment: The subject site is considered to be a larger title but is not proposed to be split zoned and therefore AZ 5 is irrelevant.

A split zoning is considered inappropriate given the existing dwelling within the subject site is located easterly and close to Lohreys Road in the most level area of the site whereas the portions of the subject site to the west experiences extreme gradients up to 1 in 2.



AZ 7 Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:

(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;

Comment: It is requested that Council provide more information as to why the land has been proposed to be zoned to Agriculture in terms of a more detailed local strategic analysis.

(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;

Comment: The subject site does not have similar characteristics to land mapped as suitable for Agricultural zone and contains multiple constraints as outlined in this representation. The subject site does not form part of a larger area of land used on conjunction with land mapped as suitable for the Agriculture zone.

(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or

Comment: The subject site is not appropriate to be zoned Agriculture and has severely limited ability for the potential for any agricultural use owing to site characteristics, residential use and mapped land capability (6).

(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.

Comment: It is considered that the subject site should not be zoned Agriculture as it is considered that the land has multiple and significant constraints.



Regional Policies

Rezoning the subject site to Rural as opposed to Agriculture would not obstruct relevant Regional Policies.

Comments are provided against relevant Regional Policies as follows:

State Policy on Water Quality Management 1997

The objectives of this policy are to:

(a) focus water quality management on the achievement of water quality objectives which will maintain or enhance water quality and further the objectives of Tasmania's Resource Management and Planning System;

(b) ensure that diffuse source and point source pollution does not prejudice the achievement of water quality objectives and that pollutants discharged to waterways are reduced as far as is reasonable and practical by the use of best practice environmental management;

(c) ensure that efficient and effective water quality monitoring programs are carried out and that the responsibility for monitoring is shared by those who use and benefit from the resource, including polluters, who should bear an appropriate share of the costs arising from their activities, water resource managers and the community;

(d) facilitate and promote integrated catchment management through the achievement of objectives (a) to (c) above; and

(e) apply the precautionary principle to Part 4 of this Policy.

The subject site contains a watercourse to the far east of the site, close to the boundary shared with Daisyburn. Application of the Agriculture zone may result in use or development that may impact upon this watercourse.

State Coastal Policy 1996

This policy has three guiding principles:

Natural and cultural values of the coast shall be protected.

The coast shall be used and developed in a sustainable manner.

Integrated management and protection of the coastal zone is a shared responsibility.

The subject site is not in a coastal area as the subject site is significantly more than 1km to the coast (around 11.2km).



State Policy on Protection of Agricultural Land 2009

The subject site is not considered to be prime agricultural land in classification, has no current or recent agricultural use and has a very low likelihood or potential of agricultural use owing to the identified constraints. The subject site has a Land Capability classification of 6.

It is considered there would be no obstruction of this Policy by not zoning the subject site Agriculture.

The purpose of the Policy is:

To conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

The subject site is mapped as 6 in terms of Land Capability by DPIPWE which states:

CLASS 6

Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use.

It is considered that the subject site should not be zoned Agriculture, based on its very low ability to sustain even grazing and significant limitations for suitability for cropping.

The subject site additionally has other constraints that restrict its ability for agricultural use including substantial native vegetation cover, adjoining residential use and existing residential use within the subject site itself.



Request for the proposed zoning to be reconsidered by Council and the TPC

The owners are requesting that the proposed zoning of the subject site to Agriculture be reconsidered in context of the issues outlined in this representation.

The current and proposed application of the Agriculture zone is considered inappropriate when assessed against the Section 8A Guideline No.1 LPS zone and Code application guidelines with respect to the subject site characteristics and multiple constraints identified in this representation.

It is further considered that the noted 'Unconstrained' under Land Potentially Suitable for Agriculture Zone mapping of the subject site is based on a desktop assessment only which has not been ground truthed or further assessed by Council, despite this being recommended in the *Agricultural Land Mapping Project Background Report May 2017*.

It is considered that the Tasmanian Planning Commission instead consider a zoning of Rural for the subject site at 280 Lohreys Road.

Should you wish to discuss the above, I may be contacted on 0439 342 696.

Yours faithfully



Danielle Gray B.Env.Des. MTP. MPIA
Principal Consultant, Gray Planning
On behalf of Mark and Anna Sawyer



Appendix 3 – rating of the subject site (property report)

PREMIUM PROPERTY Information Report

PROPERTY DETAILS - 280 LOHREYS RD ST MARYS

Property Name:	PARKERS RIDGE	
Land Use:	Residential - RURAL RESIDENTIAL (valuation purposes only)	
Improvements:	DWELLING	
Improvement Sizes (Top 3 by Size):	Improvement:	Area:
	DWELLING	50.0 square metres
Number of Bedrooms:	1	
Construction Year of Main Building:	1983	
Roof Material:	Galvanised Iron	
Wall Material:	Log Cabin	
Land Area:	14.9 hectares	
Title References:	244267/1	
Municipality:	BREAK O'DAY View Municipality Information Report	
Title owner:	244267/1 : MARK ADRIAN SAWYER, ANNA SOOK SAWYER	
Interested parties:	ANNA SOOK SAWYER, MARK ADRIAN SAWYER	
Postal address:	55 TAMAR CRES	
(Interested Parties)	GREENS BEACH TAS 7270	

OWNERSHIP HISTORY - 280 LOHREYS RD ST MARYS

TYPE	NAME	ADDRESS	FROM	TO
Ownership	ANNA SOOK SAWYER, MARK ADRIAN SAWYER	55 TAMAR CRES GREENS BEACH TAS 7270	06/04/2022	
Ownership	BARRY HANCOCK, HEATHER JANE HANCOCK	70 EVANS RD COOROY QLD 4563	20/02/2009	06/04/2022
Ownership	WENDY MAREA DAWSON	PARKERS RIDGE 280 LOHREYS RD ST MARYS TAS 7215	18/12/1998	20/02/2009
Ownership	IRENE JOYCE PARKER, THOMAS ARTHUR PARKER	PARKERS RIDGE 280 LOHREYS ROAD ST MARYS TAS 7215	13/11/1991	18/12/1998
Ownership	RUSSELL JAMES PEET	PARKERS RIDGE 280 LOHREYS ROAD ST MARYS TAS 7215	23/09/1985	13/11/1991

PROPERTY SALES - 280 LOHREYS RD ST MARYS

CONTRACT DATE	REAL ESTATE	CHATELS	OTHER	SETTLEMENT DATE
08/02/2022	\$420,000			06/04/2022
21/12/2008	\$192,000			20/02/2009
30/11/1998	\$37,500			18/12/1998
08/10/1991	\$35,000			13/11/1991

SALES STATISTICS - (Residential - RURAL RESIDENTIAL) - ST MARYS (Last 12 Months)

Number of Sales:	4
Highest Sales Price:	\$660,000
Median Sales Price:	\$482,500
Mean Sales Price:	\$427,500
Lowest Sales Price:	\$85,000



SCHEDULE 5 – COUNCIL LAND INFORMATION CERTIFICATE

Section 337 of the *Local Government Act 1993*

Specified Land (Property address) **280 Lohreys Road, St Marys**

Specified Highway(s) (Public road or street frontage)¹ **Lohreys Road**

Unique Property Identification No(s)(UPI)²
or Property Identification No(s). (PID)² **7177386**

Title Reference(s) as supplied by you **244267/1**

Name of Applicant **Sproal & Associates**

Applicant's Reference **222489:AS:Sawyer**

I certify that the information provided in this certificate in response to the questions in Parts 1 to 6 on the attached pages is derived from the existing records of the Council as they relate to the specified land as at the date shown below and is true and accurate according to those records

Break O' Day Council



John Brown
General Manager

Dated: **18 March 2022**

¹ *If a property is on the corner of 2 highways, specify both.*

² *If land is on 2 or more certificates of title but identified by one unique PID, specify all the certificates of title to which this certificate relates to.*

Department	Completed By	Date	Contact Number
Building	Jake Ihnen	17.03.2022	03 6376 7900
Planning	Cathy Bailey	16.03.2022	03 6376 7900
Works	Eddie Biernat	16.03.2022	03 6376 7900

SCHEDULE 6 - QUESTIONS

PART 1 – STATUTORY NOTICES AND ORDERS

Part 12 of the Local Government Act 1993

1. Fencing and land repair notices under Division 2 of Part 12 (a) Has the council a record of having served a notice under Division 2 of Part 12 of the Act in relation to the specified land and the notice has not been satisfied? (b) If YES to (a), provide particulars.	NO
2. Abatement notice under section 200 of Act (a) Has the council a record of having served an abatement notice on the owner under section 200 of the Act in relation to a nuisance affecting the specified land and the notice has not been satisfied? (b) If YES to (a), has the council decided to take action to abate the nuisance at the owner's expense? (c) If YES to (b), provide particulars.	NO
3. Court order for abatement of nuisance (a) Has the council a record showing that a nuisance still exists affecting the specified land in contravention of a Court order made under section 203 of the Act? (b) If YES to (a), provide particulars.	NO

Land Acquisition Act 1993

4. Notice of acquisition	
(a) Has the council a record of having served a notice to treat under Part 2 of the Act in relation to the proposed acquisition of the specified land or any part or interest in that land and the notice has not been withdrawn?	NO
(b) If YES to (a), provide particulars.	

PART 2 – HEALTH AND ENVIRONMENTAL MATTERS

Public Health Act 1997

5. Closure order	
(a) Has the council a record of having served on the owner or occupier of the specified land a closure order or interim closure order, made under section 87 of the Act, in relation to the unsafe state of premises on the specified land for the purposes of human occupation or habitation and the order has not been satisfied?	NO
(b) If YES to (a), provide particulars.	

<p>6. Licences and registration</p> <p>(a) Has the council a record of having issued a licence or certificate of registration under Part 5 (Premises) or Part 6 (Water) of the Act affecting premises on the specified land?</p> <p>(b) If YES to (a), provide particulars.</p>	NO
<p>7. Rectification notice</p> <p>(a) Has the council a record of having served a rectification notice under section 92 of the Act regarding the condition of premises on the specified land and the notice has not been satisfied?</p> <p>(b) If YES to (a), provide particulars.</p>	NO

IMPORTANT: Prospective purchasers are advised that if a stainless steel water tank manufactured after 1 March 2010 and before February 2013 is situated on the property, the purchaser may wish to confirm that the tank was not manufactured by the former Tasmanian business known as Kingston Sheet Metal. Water stored in a tank manufactured by this business may become contaminated by lead and not be fit for human consumption. For further information, contact Environmental Health Services in the Department of Health and Human Services on phone number 1800 671 738.

Food Act 2003

<p>8. Improvement notice</p> <p>(a) Has the council a record of having issued an improvement notice under section 60 of the Act to the proprietor of a food business operating from premises on the specified land and the notice has not been satisfied?</p> <p>(b) If YES to (a), provide particulars.</p>	NO
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<p>9. Prohibition order</p> <p>(a) Has the council a record of having served on the owner or occupier of the specified land a prohibition order under section 62 of the Act relating to the premises or equipment on the specified land and the order has not been satisfied?</p> <p>(b) If YES to (a), provide particulars.</p>	<p>NO</p>
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Environmental Management and Pollution Control Act 1994

<p>10. Environment protection notice</p> <p>(a) Has the council a record of having issued an environment protection notice under section 44 of the Act in relation to an activity on the specified land involving actual or potential environmental harm as defined by the Act and the notice has not been satisfied?</p> <p>(b) If YES to (a), provide particulars.</p>	<p>NO</p>
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IMPORTANT: *The Director, Environmental Protection Authority, may also issue under the Act notices, in respect of an activity or land, the requirements of which may not have been satisfied. If such a notice relates to an activity, the record of the notice will be held by the Director. If the notice relates to land, including in relation to site contamination of the land, the Director is required to register the notice on the title to the land.*

Burial and Cremation Act 2002

11. Grave on private land (a) Has the council a record of having given permission under section 29 of the Act for the interment of human remains in a grave on the specified land? (b) If YES to (a), was the permission made subject to any conditions as to the location and identification of the grave and continuing access to that site, or for other measures to be taken on the specified land? Provide particulars.	NO
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Neighbourhood Disputes About Plants Act 2017

11A. Orders (a) Has the council a record of an order that has been issued by the Appeals Tribunal under the Act in relation to specified land? (b) If YES to (a), provide particulars.	NO
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IMPORTANT: Further information regarding orders and applications made under the Neighbourhood Disputes About Plants Act 2017 is available from the Resource Management and Planning Appeal Tribunal.

PART 3 – PLANNING AND DEVELOPMENT

Land Use Planning and Approvals Act 1993

INTRODUCTORY NOTE: *The specified land will be subject to statutory planning provisions that are additional to those referred to in the Council Land Information Certificate. These may include provisions relating to local heritage or natural hazards or risks such as bushfire, landslide, flooding and contamination and other provisions.*

Advice should be sought from the council in respect of any additional provisions. An application for this additional information is to be made separately from an application for a certificate under section 337 of the Act and may attract a further fee or charge.

<p>12. Planning scheme or special planning order</p> <p>(a) Is the specified land subject to any planning scheme under the Act?</p> <p>(b) If YES to (a), what is the name of the planning scheme?</p>	<p>YES</p> <p>BREAK O' DAY INTERIM PLANNING SCHEME 2013.</p>
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IMPORTANT: *Further information regarding orders and applications made under the Neighbourhood Disputes About Plants Act 2017 is available from the Resource Management and Planning Appeal Tribunal.*

<p>13. Zoning</p> <p>(a) If the specified land is subject to a planning scheme –</p> <p>(i) what is the current zoning applicable to the specified land under that planning scheme?</p> <p>(ii) are there any code overlay maps or code lists applicable under that planning scheme? If so, name the code overlay maps or code lists.</p>	<p>RURAL RESOURCE</p> <p>FLOOD PRONE AREA/ BUSHFIRE PRONE AREAS</p>
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<p>(b) Is there a specific area plan or site-specific qualification applying to the specified land? If so, name the provision or provisions of the planning scheme in which the plan or qualification appears.</p>	<p>NO</p>
<p>(c) Has the council a record of having initiated an amendment to the planning scheme, under Part 3 of the former provisions, within the meaning of clause 3(2) of Schedule 6, to the Act, or Part 3 of the Act, that is an amendment -</p>	
<p>(i) to include in the planning scheme a specific area plan, or site-specific qualification, in relation to; or</p>	<p>NO</p>
<p>(ii) to include or amend the current zoning, a code overlay map, or a code list, in relation to - the specified land or land that adjoins the specified land (other than adjoining land in a neighbouring municipal area) and that amendment has not been determined?</p>	<p>NO</p>
<p>(d) Is the council aware of any proposed amendments to the State Planning Provisions that might affect the land?</p>	<p>NO</p>
<p>(e) Has the council, as planning authority, prepared and submitted a draft Local Provisions Schedule to the Tasmanian Planning Commission under section 35 of the Act that might affect the land?</p>	<p>YES</p>
<p>(f) If YES to (c)(i), (c)(ii), (d) or (e), provide particulars.</p>	<p>https://www.bodc.tas.gov.au/community/community-consultation/</p>

<p>14. Planning Permit</p> <p>(a) In relation to the specified land, has the council a record of an application having been made for a permit, or a permit having been granted, under either section 57 or 58 of the Act?</p> <p>(b) If YES to (a), inform the purchaser about how to obtain further information from the council.</p>	NO RECORD
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IMPORTANT: Prospective purchasers are advised that an application for a permit may have been made, or a permit granted, under section 57 or 58 of the Land Use Planning and Approvals Act 1993 in relation to land that adjoins the specified land.

The grant of a permit in relation to land that adjoins the specified land may affect your use and enjoyment of the specified land. If you wish to know whether an application for a permit has been made or a permit has been granted in relation to land that adjoins the specified land you will need to contact the council. A request for this additional information is to be made separately from an application for a section 337 certificate and may attract a further fee or charge.

<p>15. Planning Appeal</p> <p>(a) Has the council a record of an appeal having been lodged under section 61 of the Act against the grant by the council of a permit in relation to the specified land and that appeal has not been determined?</p> <p>(b) If YES to (a), provide particulars.</p>	NO
<p>16. Obstruction of sealed scheme</p> <p>(a) Has the council a record of a person using or undertaking development on the specified land or doing any other act in relation to the specified land in contravention of section 63(2) of the Act?</p> <p>(b) If YES to (a), has the council decided to take action to commence proceedings in relation to that offence?</p>	NO

<p>17. Civil Enforcement Proceedings</p> <p>(a) Has the council a record of civil enforcement proceedings having been commenced in relation to the specified land under section 64 of the Act and those proceedings have not yet been determined?</p> <p>(b) If YES to (a), provide particulars to identify the proceedings.</p>	<p>NO</p>
<p>18. Planning Enforcement Proceeding</p> <p>(a) Has the council a record of having issued in relation to the specified land any of the following:</p> <p>(i) an infringement notice to a body corporate under section 65A of the Act?</p> <p>(ii) a notice of intention to issue an enforcement notice under section 65B of the Act?</p> <p>(iii) an enforcement notice under section 65C of the Act?</p> <p>(iv) a notice of intention to cancel a permit under section 65F of the Act?</p> <p>(v) a notice of cancellation of a permit under section 65G of the Act?</p> <p>(b) If YES to any of the matters in (a), provide particulars</p>	<p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p>
<p>19. Agreement Under Part 5 of the Act</p> <p>a) Has the council a record of having entered into an agreement under <u>Part 5</u> of the Act with the current owner or a previous owner of the specified land?</p> <p>b) If YES to (a) and the agreement is not recorded on the certificate of title, provide particulars.</p>	<p>NO</p>

Historic Cultural Heritage Act 1995

IMPORTANT: If the specified land, or part of it, is listed on the Tasmanian Heritage Register, any works or developments on the land must have heritage approval under the Historic Cultural Heritage Act 1995.

Enquiries should be directed to Heritage Tasmania

Mineral Resources Development Act 1995

20. Notification of Landslip Status

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| <p>(a) Has the council a record of having been notified by a State Agency that –</p> <p>(i) the specified land is within a declared landslip area; or</p> <p>(ii) an order is to be made, under <u>Part 9A</u> of the Act, that will apply to the specified land?</p> <p>(b) If YES to (a)(i), what type of landslip area has been declared to apply to the specified land? Provide particulars.</p> <p>(c) If YES to (a)(ii), what is the nature of the order to be made under Part 9A of the Act, applicable to the specified land? Provide particulars.</p> | <p>NO</p> <p>NO</p> |
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IMPORTANT: If "No" to question 20(a), it should be noted that there are only a small number of declared landslip areas in Tasmania. Although the specified land is not within a declared landslip area it may be prudent for the purchaser to consider whether the slope stability of the land will support the proposed use. If the specified land is on or adjacent to a slope, slope stability could be a hazard and it may be necessary to have site-specific geotechnical investigations carried out.

The council may also require information on geotechnical and other relevant factors about the specified land before it will consider a building or planning application relating to that land. Restrictions may also apply to building and development in relation to the specified land.

Further enquiries should be directed to the council.

NOTE: An officer responding to this question is also required to consider, in accordance with question 49, whether the specified land is within, or includes, an area that is a landslip hazard area.

PART 4 – HIGHWAY CONSTRUCTION, MAINTENANCE AND ACCESS MATTERS**Roads and Jetties Act 1935**

IMPORTANT: *The specified land may be affected by statutory limitations on access, the proclamation of an intended line of a state highway(s) or subsidiary road(s) and other State road planning matters. Enquiries should be directed to the Department of State Growth.*

<p>21. Maintenance and repair of a highway</p> <p>(a) Is the council responsible, under section 11 of the Act, for the maintenance and reconstruction of part of the specified highway(s)?</p> <p>(b) If YES to (a), provide particulars.</p>	NO
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Local Government (Highways) Act 1982

<p>22. Maintenance and repair of highway</p> <p>(a) Is the council responsible, under section 21 of the Act, for the maintenance of the specified highway(s)?</p> <p>(b) If YES to (a), is the council's responsibility to maintain the specified highway(s) limited as to its extent?</p> <p>(c) If YES to (b), does the council's responsibility apply to the part of the specified highway(s) providing access to the frontage of the specified land? Provide particulars.</p>	<p>YES</p> <p>YES</p> <p>YES</p>
<p>23. Vehicular crossing</p> <p>(a) Has the Council a record of having served a notice under section 35 of the Act, requiring the owner of the specified land to carry out works for the construction or repair of a vehicular crossing over a table drain, gutter or footpath from the specified highway(s) at or opposite the entrance to the specified land and the notice has not been satisfied?</p> <p>(b) If YES to (a), provide particulars.</p>	NO

<p>24. Intention by council to undertake highway reconstruction works</p> <p>(a) Has the council a record of having decided to undertake any reconstruction works on the specified highway(s) adjacent to part providing access to the frontage of the specified land?</p> <p>(b) If YES to (a), will the alteration to the level of the carriageway require an alteration to the existing access to the specified land? Provide particulars.</p>	<p>NO</p>
<p>25. Alteration to alignment of highway</p> <p>(a) If YES to question 24, has the council a record of having decided to alter the line of the reservation of the part of the specified highway(s) providing access to the frontage of the specified land?</p> <p>(b) If YES to (a), provide particulars of the intended alignment.</p>	<p>NO</p>
<p>26. Contribution of construction costs</p> <p>(a) Is the council entitled under <u>section 51</u> of the Act to construct any part of the specified highway(s), road, lane, passage or yard at the expense of the owner of the specified land?</p> <p>(b) If YES to (a), has the council decided to do so? Provide particulars.</p>	<p>NO</p>
<p>27. Street construction scheme</p> <p>(a) Has the council a record of having decided to establish a scheme of street construction under Part V of the Act in relation to the part of the specified highway(s) affecting the frontage of the specified land?</p> <p>(b) If YES to (a), provide particulars of the proposed scheme as it relates to the frontage of the specified land.</p>	<p>NO</p>

PART 5 – RETICULATED WATER, SEWERAGE, STORMWATER AND DRAINAGE SERVICES

Urban Drainage Act 2013

<p>28. Connection to Stormwater System</p> <p>(a) Has the council a record showing that, on or under the specified land, there is a private stormwater system connected to the public stormwater system? If YES, provide particulars</p> <p>(b) If NO or UNKNOWN to (a), is the specified land.</p> <p>(i) within the area marked as being serviced by the council's public stormwater system on a map made available under section 12 of the Act; and</p> <p>(ii) Within 30 metres from the council's public stormwater system or a form of drain capable of providing an acceptable form of drainage from the specified land?</p>	<p>NO</p> <p>NO</p> <p>NO</p>
<p>29. Existence and maintenance of council stormwater system</p> <p>(a) Has the council a record showing that there are any parts of its public stormwater system under or through the specified land, whether within formal easements or not, which the council is responsible to maintain?</p> <p>(b) If YES to (a), provide particulars including purpose or nature of the public stormwater system, if known.</p>	<p>NO</p>
<p>30. Notice to owner</p> <p>(a) Has the council a record of having served on the owner of the specified land a notice to take action under the Act and the notice has not been satisfied or completed?</p> <p>(b) If YES to (a), provide particulars</p>	<p>NO</p>

PART 6 - Building and Plumbing Matters

Building Act 2000 and Building Act 2016

<p>31. Special Plumbing Permit</p> <p>(a) In relation to the specified land, has the council a record of an application having been made for –</p> <p>(i) a special plumbing permit under <u>section 79 of the <i>Building Act 2000</i></u>; or</p> <p>(ii) a special connection permit under the former <i>Plumbing Regulations 1994</i>?</p> <p>(b) If YES to (a)(i) or (a)(ii), what was the type of work to which the application related? Provide particulars.</p> <p>(c) If YES to (a)(i) or (a)(ii), was the application granted or refused or the permit issued or refused?</p> <p>(d) If the application was granted or the permit issued, was it granted or issued on conditions? If so, provide particulars.</p> <p>(e) Does the council record show that the proposed plumbing work was carried out satisfactorily and in accordance with the conditions, if any, of the permit?</p> <p>(f) If the application was granted or the permit issued, has the permit since been suspended or cancelled for any reason? If so, provide particulars.</p>	<p>NO</p> <p>NO</p>
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<p>32. Plumbing Permit</p> <p>(a) In relation to the specified land, has the council a record of an application having been made for a plumbing permit (other than a special plumbing permit or a special connection permit) under</p> <p>(i) section 165 of the <i>Building Act 2016</i>; or</p> <p>(ii) Section 78 of the former <i>Building Act 2000</i>;</p> <p>(iii) the former <i>Plumbing Regulations 1994</i>?</p> <p>(b) If YES to (a)(i), (a)(ii) or (a)(iii), what was the type of work to which the application related?</p> <p>(c) If YES to (a)(i), (a)(ii) or (a)(iii), was the application granted or refused or the permit issued or refused?</p> <p>(d) If the application was granted or the permit issued, was it granted or issued on conditions? If so, provide particulars.</p> <p>(e) If the permit was issued, has the council a record of a certificate of completion (permit plumbing work), or an equivalent certificate, having been issued in respect of the work under section 178 of the <i>Building Act 2016</i>, section 113 of the former <i>Building Act 2000</i> or regulation 45 of the former <i>Plumbing Regulations 1994</i>?</p> <p>(f) If the application was granted or the permit issued, has the council a record of a certificate of completion (permit plumbing work) or certificate of completion (plumbing work), respectively, being refused in respect of the work under section 178 of the <i>Building Act 2016</i> or section 113 of the former <i>Building Act 2000</i>?</p>	<p>NO</p> <p>NO</p> <p>NO</p>
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<p>33. Plumbing Notice or Order</p> <p>(a) Has the council a record of having issued any plumbing notice or order under Part 18 of the <i>Building Act 2016</i>, or Part 11 of the former <i>Building Act 2000</i>, relating to plumbing work on the specified land and the notice or order has not been satisfied?</p> <p>(b) Has the council a record of having issued a notice under Part 7 of the former <i>Plumbing Regulations 2004</i>, the former <i>Plumbing Regulations 2014</i>, the former <i>Building Regulations 2004</i>, or Part 7 of the former <i>Building Regulations 2014</i>, relating to an on-site waste water management system installed on the specified land prior to 15 January 1996?</p> <p>(c) If YES to (a) or (b), provide particulars.</p>	<p>NO</p> <p>NO</p>
<p>33A. Septic tank licence</p> <p>(a) Has the council a record of a licence in respect of a septic tank issued by a health officer under section 558 of the former <i>Local Government Act 1962</i>?</p> <p>(b) If YES to (a), provide particulars.</p>	<p>NO</p>
<p>33B. Approval of building or plumbing work</p> <p>(a) Has the council a record of an approval of an onsite waste-water management system issued under the former <i>Local Government Act 1962</i>, the former <i>Building Regulations 1965</i>, or the former <i>Building Regulations 1978</i>?</p> <p>(b) If YES to (a), provide particulars.</p>	<p>NO</p>

<p>34. Building Permit</p> <p>(a) In relation to the specified land, has the council a record of an application having been made for a building permit under section 139 of the <i>Building Act 2016</i>, or Part 7 of the former <i>Building Act 2000</i> or the former <i>Building Regulations 1994</i>?</p> <p>(b) If YES to (a), what was the type of work to which the application related?</p> <p>(c) If YES to (a), was the application granted or refused or the permit issued or refused?</p> <p>(d) If the application was granted or the permit issued, was it granted or issued on conditions? If so, provide particulars</p> <p>(e) If the application was granted or the permit issued, has the permit since been suspended or cancelled for any reason?</p> <p>(f) If YES to (e), provide particulars</p>	<p>YES – SEE ATTACHED</p> <p>NO</p>
<p>35. Demolition Permit</p> <p>(a) In relation to the specified land, has the council a record of an application having been made for a demolition permit under section 190 of the <i>Building Act 2016</i>?</p> <p>(b) If YES to (a), was the application granted or refused or the permit issued or refused?</p> <p>(c) If the application was granted or the permit issued, was it granted or issued on conditions? If so, provide particulars.</p> <p>(d) If the application was granted or the permit issued, has the permit since been suspended or cancelled for any reason?</p>	<p>NO</p> <p>NO</p>

<p>36. Occupancy Permit</p> <p>(a) Has the council a record of an application for a certificate of occupancy under the former <i>Building Regulations 1994</i>, in relation to a building, or part of a building, on the specified land?</p> <p>(b) If YES to (a), was a certificate of occupancy issued under the former <i>Building Regulations 1994</i> or was the application refused?</p> <p>(c) If a certificate of occupancy was issued under the former <i>Building Regulations 1994</i> on conditions, provide particulars of the conditions.</p> <p>(d) If a certificate of occupancy was issued under the former <i>Building Regulations 1994</i>, has the certificate been cancelled? If so, provide particulars.</p> <p>(e) Has the council a record of an occupancy permit issued in relation to a building, or part of a building, on the specified land under section 222 of the <i>Building Act 2016</i> or section 100 of the former <i>Building Act 2000</i>?</p> <p>(f) If YES to (e), provide particulars, including of any conditions of the permit, and whether the permit issued has been cancelled or superseded by another occupancy permit.</p>	<p>NO</p> <p>NO</p> <p>NO</p>
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<p>37. Certificate of Completion (permit building work)</p> <p>(a) Has the council a record of any building work, on the specified land, for which a permit under section 144 of the <i>Building Act 2016</i> was issued in respect of the work under the Act?</p>	<p>NO</p>
<p>(b) Has the council a record of any building work, on the specified land, since 1 November 1994, for which a permit under the former <i>Building Act 2000</i> was issued and –</p> <p>(i) A certificate of completion (building work) under the <i>Building Act 2016</i> or section 112 of the former <i>Building Act 2000</i>; or</p> <p>(ii) A certificate of completion under section 49 of the former Part 2 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> –</p>	<p>NO – SEE ATTACHED CERTIFICATE OF COMPLETION</p>
<p>has not been issued in respect of the work?</p>	
<p>(c) Has the council a record of any building work, on the specified land, for which a certificate of completion (permit building work), or equivalent certificate, has been issued under section 153 of the <i>Building Act 2016</i>, section 112 of the former <i>Building Act 2000</i>, or regulation 82 of the former <i>Building Regulations 1994</i>?</p>	<p>YES – SEE ATTACHED</p>
<p>(d) If YES to (a), (b)(i) or (b)(ii), provide particulars.</p>	
<p>37A. Certificate of completion (permit demolition work)</p> <p>(a) Has the council a record of any demolition work, on the specified land, for which a certificate of completion (permit demolition work) has been issued under section 203 of the <i>Building Act 2016</i>?</p> <p>(b) If YES to (a), provide particulars.</p>	<p>NO</p>

<p>38. Notifiable Building Work</p> <p>(a) Has the council received a certificate of likely compliance (notifiable building work) under section 98 of the <i>Building Act 2016</i>, in respect of work on the specified land, and a certificate of completion (notifiable building work) has not been issued in respect of the work under section 104 of that Act?</p> <p>(b) Has the council a record of any building work, on the specified land, for which a certificate of completion (notifiable building work) has been issued under section 104 of the <i>Building Act 2016</i>?</p> <p>(c) If YES to (a) or (b), provide particulars.</p>	<p>NO</p>
<p>39. Notifiable Plumbing Work</p> <p>(a) Has the council received a certificate of likely compliance (notifiable plumbing work) under section 109 of the <i>Building Act 2016</i>, in respect of work on the specified land, and a certificate of completion (notifiable plumbing work) has not been issued in respect of the work under section 113 of the Act?</p> <p>(b) Has the council a record of any plumbing work, on the specified land, for which a certificate of completion (notifiable plumbing work) has been issued under section 115 of the <i>Building Act 2016</i>?</p> <p>(c) If Yes to (a) or (b), provide particulars.</p>	<p>NO</p>

<p>40. Notifiable Demolition Work</p> <p>(a) Has the council received a certificate of likely compliance (notifiable demolition work) under section 121 of the <i>Building Act 2016</i>, in respect of work on the specified land, and a certificate of completion (notifiable demolition work) has not been issued in respect of the work under section 125 of that Act?</p> <p>(b) Has the council a record of any demolition work, on the specified land, for which a certificate of completion (notifiable demolition work) has been issued under section 127 of the <i>Building Act 2016</i>?</p> <p>(c) If YES to (a) or (b), provide particulars.</p>	<p>NO</p>
<p>40A. Low-risk work</p> <p>(a) Has the council a record of any structures on the specified land, built as low-risk work under the <i>Building Act 2016</i>, of which notification has been given to the council, by an owner or their agent, on or after 1 January 2017?</p> <p>(b) If YES to (a), provide particulars.</p>	<p>NO</p>
<p>41. Building Certificate</p> <p>(a) Has the council a record that the general manager has, within the previous 7 years, issued a building certificate under the <i>Building Regulations</i>, or section 119 of the former <i>Building Act 2000</i>, in relation to the specified land?</p> <p>(b) If YES to (a), provide particulars.</p>	<p>NO</p>

<p>42. Protection Work Notice</p> <p>(a) Has the council a record of any protection work notice lodged under section 77 of the <i>Building Act 2016</i>, or section 121 of the former <i>Building Act 2000</i>, in relation to the specified land?</p> <p>(b) If YES to (a), provide particulars.</p>	<p>NO</p>
<p>43. Temporary Occupancy Permits</p> <p>(a) Has the council a record of a temporary occupancy, that is in force, being issued under section 232 of the <i>Building Act 2000</i>, in relation to the specified land?</p> <p>(b) If YES to (a), provide particulars.</p>	<p>NO</p>
<p>44. Consent to Build Over Existing Drain</p> <p>(a) In relation to the specified land, has the a record of having written permission being provided to the owner under –</p> <p>(i) Section 73 or 74 of the <i>Building Act 2016</i>; or</p> <p>(ii) Section 160 of the former <i>Building Act 2000</i>; or</p> <p>(iii) Regulation 44 of the former <i>Building Regulations 1994</i> –</p> <p>(b) If YES to (a)(i), (a)(ii) or (a)(iii) provide particulars.</p>	<p>NO</p> <p>NO</p> <p>NO</p>

<p>45. Certificate of Material Compliance, Permit to Proceed or Permit of Substantial Compliance</p> <p>(a) Has the council a record of a certificate of material compliance for any building on the specified land having been issued under the former <i>Building Regulations 1994</i>?; or</p> <p>(b) Has the council a record of a certificate of substantial compliance, or a permit of substantial compliance, for any building on the specified land having been issued under section 257 of the <i>Building Act 2016</i> or section 184 or 188 of the former <i>Building Act 2000</i>? or</p> <p>(c) Has the council a record of a certificate to proceed, or a permit to proceed, having been granted under section 176 or 180 of the former <i>Building Act 2000</i>?; or</p> <p>(d) If YES to (a), (b) or (c), provide particulars of the relevant certificate or permit.</p>	<p>NO</p> <p>NO</p> <p>NO</p>
<p>46. Endorsement of Irregular Procedures</p> <p>(a) Does the council record show, on a certificate or permit relating to building work on the specified land, an endorsement to the effect that “<i>This building was not the subject of the normal application, permit and inspection procedures</i>” in accordance with the former <i>Building Regulations 1994</i> or with section 268 of the <i>Building Act 2016</i> or section 195 of the former <i>Building Act 2000</i>?</p> <p>(b) If YES to (a), provide particulars of the building work to which the endorsement applies.</p>	<p>NO</p>

<p>47. Notice or Order Relating to a Building or Building Work</p> <p>(a) Has the council a record of having issued a notice or order under the former Part 2 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> in relation to building work on the specified land and that notice or order has not been satisfied.</p> <p>(b) Has the council a record of any order to uncover, order to open up work, notice to demolish or inspection notice issued under the former <i>Building Regulations 1994</i> in relation to a building or building work on the specified land and that order or notice has not been satisfied?</p> <p>(c) Has the council a record of having issued any notice or order under Part 18 of the <i>Building Act 2000</i>, in relation to a building, temporary structure, building work or maintenance of a building on the specified land and that notice or order has not been satisfied?</p> <p>(d) If YES to (a), (b), or (c), provide particulars.</p>	<p>NO</p> <p>NO</p> <p>NO</p>
<p>48. Other Outstanding Notices or Orders</p> <p>(a) Has the council a record of having served any other notice or order on the owner under the former Part 2 of the <i>Local Government (building and Miscellaneous Provisions) act 1993</i> still affecting the land or the use of the specified land?</p> <p>(b) Has the Council a record of any other notice or order being issued under the <i>Building Act 2016</i>, or the former <i>Building Act 2000</i>, to the owner or occupier of the specified land and the notice has not been satisfied?</p> <p>(c) If YES to (a) or (b), provide particulars.</p>	<p>NO</p> <p>NO</p>

<p>49. Relevant hazard areas</p> <p>(a) Has the council a record that the specified land is within, or includes, an area that is a relevant hazard area to which Part 5 of the <i>Building Regulations</i> 2016 applies?</p> <p>(b) If YES to (a), provide particulars in relation to each such area.</p>	<p>N/A – PART 5 OF BUILDING REGULATIONS HAS NOT YET BEEN ENACTED PENDING INTRODUCTION OF STATEWIDE PLANNING SCHEME</p>
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PLEASE NOTE:

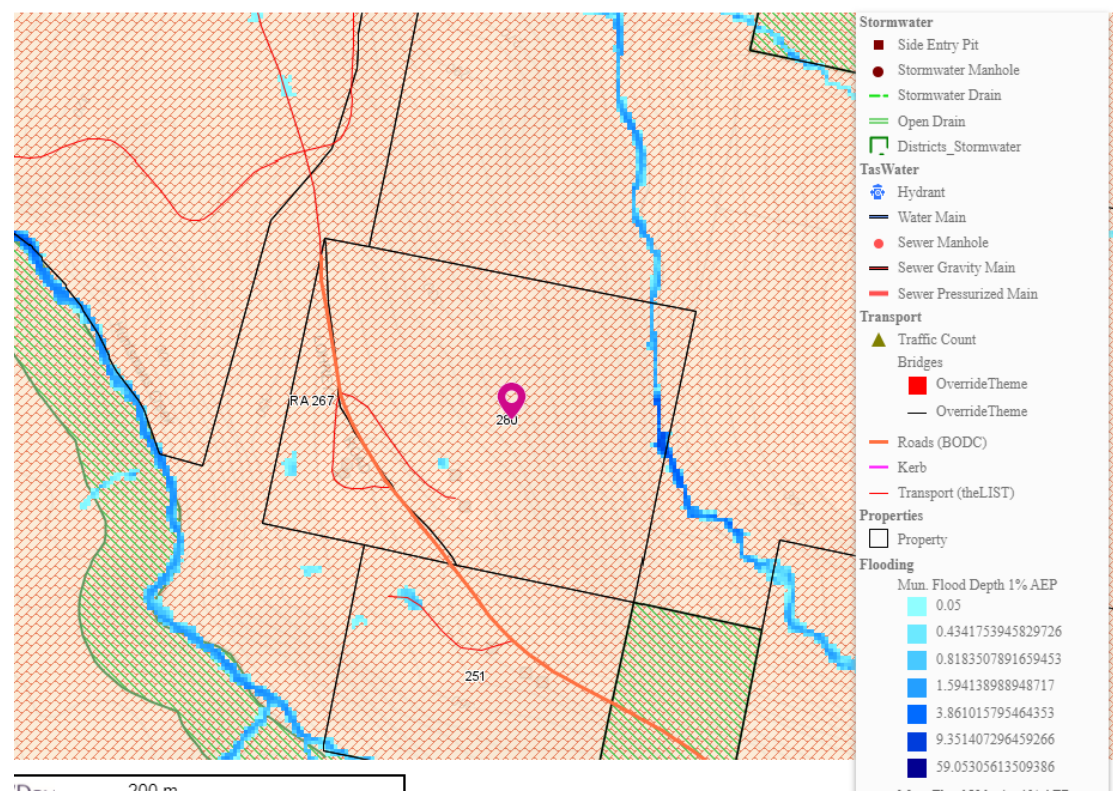
IF A WHEELIE BIN HAS BEEN ALLOCATED TO THIS PROPERTY, IT IS THE RESPONSIBILITY OF EACH PROPERTY OWNER TO SAFEGUARD AND MAINTAIN THEIR WHEELIE BIN. PLEASE ENSURE THAT YOU TAKE POSSESSION OF AN AUTHORISED WHEELIE BIN WHEN YOU TRANSFER OWNERSHIP OF THIS PROPERTY. A REPLACEMENT BIN CAN BE ORGANISED THROUGH COUNCIL'S OFFICES, FEES APPLY.

PLEASE NOTE

THIS REPORT INCLUDES A DESKTOP AUDIT ONLY. IT DOES NOT INCLUDE AN ON SITE INSPECTION

CARAVANS

IF A CARAVAN IS SITUATED ON THE PROPERTY, IT MAY REQUIRE LICENSING UNDER THE BREAK O'DAY COUNCIL CARAVAN BY-LAW NO.1 OF 2012. THIS WILL INCURR AN ANNUAL FEE.





PERMIT TO DO BUILDING WORK Regulation 23

TO

T.A. & I.J. Parker,
RSD 3251,
Caveside Road,
CHUDLEIGH TAS 7304

DETAILS OF BUILDING WORK

Address: Parkers Ridge - Lohreys Road, St. Marys
Lot No:
Type of Work: New
Use of Building: Farm Building
Building Class: 10(a)

MODIFICATIONS REQUIRED (Regulation 18)

Nil

CONDITIONS: (Regulations 21(3) and 22)

1. Compliance with Building Regulations 1994 as amended, the Building Code of Australia (BCA), and relevant S.A.A. Codes
2. Such items not specifically noted below as may be required and/or directed by the Building Control Officer to ensure compliance with the Building Regulations 1994.
3. The Owner is responsible for the checking of title boundaries and easements on-site. No building is to be erected over Council services without written agreement and indemnity with Council.
4. A copy of this permit to be on-site at all times.

STAGES REQUIRING NOTIFICATION: (Regulation 58(4))

The Council is to be notified, 2 working days, before reaching any of the following stages in the building work (Penalty of failure to notify not more than 10 penalty units (\$1000))

Pouring structural concrete
Completion of building work

A permit for the building work included in the application, is issued subject to the above, and in accordance with the *Building Regulations 1994*. With the issue of this permit, notice is given, that the Council may enter the above land to perform its functions, and exercise its powers, under *Section 20 of the Local Government Act, 1993*, the *Local Government (Building and Miscellaneous Provisions) Act 1993*, and the *Building Regulations, 1994*.

DATE: 1 May 1996

PERMIT NUMBER: 73-96

**TONY WALKER
BUILDING CONTROL OFFICER**

Georges Bay Esplanade | St Helens
 St Helens Tasmania 7216
 T: 03 6376 7900 | ABN 96 017 131 248

**CERTIFICATE OF COMPLETION – BUILDING WORK****Section 153**

To:	H J & B Hancock	Owner /Agent	Form 20
	PO Box 282	Address	
	ST MARYS TAS 7215	Suburb/postcode	

Permit Authority/Building Surveyor details:

Permit Authority:	Samantha Child	Permit Number:	BA 073-96
Address:	32-34 Georges Bay Esplanade	Phone No:	03 6376 7900
	ST HELENS TAS 7216		
Licence No:	840710693	Email address:	admin@bodc.tas.gov.au

Details of building work:

Type of work:	Permit work <input checked="" type="checkbox"/> Notifiable work <input type="checkbox"/> (X one applicable.)
Address:	280 Lohreys Road, St Marys
	ST MARYS TAS 7215
Type of work:	New (new building / alteration / addition / repair / removal / re-erection / other)
Use of building:	Farm Shed (main use) Building class(es): 10a

Builder details:

Builder:	Statewide Construction	Category:	Low Rise
Business address:	131 Albert Road	Phone No:	
	MOONAH TAS 7009	Fax No:	
Licence No:	N/A	Email address:	

Certificate details:**For Permit work:**

- (a) all of the conditions of the Building Permit have been complied with;
 (b) the certificate of final inspection (building work) has been issued in respect of the permit building work.

This Certificate of Completion is issued under:

- Section 153 (Permit work)

Permit Authority:	Name (Print) Samantha Child	Signed 	Date 01/10/2021
Title:	Permit Authority	Permit No:	BA 073-96

Director of Building Control - date approved: 1 July 2017

Building Act 2016 - Approved Form No 20