

PLEASE QUOTE

Your Ref:

Our Ref: SBB:CF

Enquiries: S Byster-Bowles

80 Wilson Street, Burnie Tasmania
PO Box 973, Burnie TAS 7320

ABN: 29 846 979 690
Phone: (03) 6430 5700
Email: burnie@burnie.tas.gov.au
Web: www.burnie.tas.gov.au

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NOTICE OF APPLICATION FOR LAND USE PERMIT

(Section 57(3) Land Use Planning and Approvals Act 1993)

Advice to Adjoining Land Owner or Occupier

Application No: -	SD 2024/1360
Development Site: -	246 Upper Stowport Road UPPER STOWPORT CT 144138/2
Proposal: -	Subdivision - One (1) Lot into two (2) Lots
Discretionary Matter: -	Reliant on performance criteria for grant of permit - Clause 21.5.1 P1

Notice of the above application is served on you as an adjoining land owner or occupier.

The application may be viewed at -

**Burnie City Council Customer Services Counter
Ground Floor, City Offices,
80 Wilson Street, Burnie**

Between the hours of 8.30 am - 5.00 pm Monday to Friday inclusive (excluding public holidays) or on Council's website at www.burnie.tas.gov.au/permits

You are entitled to make representation in writing on any aspect of the proposal addressed to: -

**General Manager,
Burnie City Council,
PO Box 973, Burnie 7320**

or burnie@burnie.tas.gov.au by no later than 5.00 pm on **9 September 2024**. Council must have regard to any written representation received during the exhibition period when considering its decision on the application.

All persons who make representation will be notified within seven (7) days of the Council's decision. Any persons who made representation and is not satisfied with the Council decision may, under Section 61(5) of the *Land Use Planning and Approvals Act 1993*, lodge an appeal against that decision within fourteen (14) days of the date of that notice to: -

**The Tasmanian Civil and Administrative Tribunal,
GPO Box 1311,
HOBART TAS 7001.**

Should you have any enquiries regarding this development proposal, please do not hesitate to contact the Planning Department on (03) 6430 5700.

S Byster-Bowles

MANAGER DEVELOPMENT SERVICES

Date of Notice: - **24 August 2024**

BURNIE CITY COUNCIL
PO Box 973, BURNIE, TASMANIA 7320.
Ph : (03) 6430 5700
Email : burnie@burnie.tas.gov.au



Land Use Planning and Approvals Act 1993

Tasmanian Planning Scheme

PERMIT APPLICATION

Office use only

Application No _____

Date Received _____

Permit Pathway - *Permitted/Discretionary*

Use or Development Site:

Street Address

Certificate of
Title Reference

Applicant

First Name

Second
Name

Surname

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

First Name

Second Name

Surname

Instruction for making a permit application

a) *Use or development?*

The application must provide a full description of the proposed use and/or development and of the manner in which the use and/or development is to operate.

“Use” is the purpose or manner for which land is utilised. “Development” is any site works (including any change in natural condition or topography of land and the clearing or conversion of vegetation), and the construction, alteration, or removal of buildings, structures and signs, required in order to prepare a site for use or to change existing conditions within a site. Subdivision is development.

Clause 6.2 Tasmanian Planning Scheme provides the use classes by which all use or development must be described. Development must be categorised by reference to the use class it is to serve.

b) *Required Information*

Adequate statements, plans and specifications must be included within the permit application to address and demonstrate compliance with all applicable requirements of the planning scheme, including any site analysis, impact report and recommendation, and advice, consent or determination required from a State agency or utility entity.

The application must clearly identify the documents relied upon for determination.

Section 51(1AC) *Land Use Planning and Approvals Act 1993* provides that a permit application is not valid unless it includes all of the information required by a planning scheme. Clause 6.1 Tasmanian Planning Scheme prescribes the minimum information that is necessary in order to complete a valid permit application.

S54 *Land Use Planning and Approvals Act 1993* provides that the planning authority may require the applicant to supply further information before it considers a permit application. If the planning authority requires further information to more particularly address one or more of the applicable requirements of the Tasmanian Planning Scheme, the statutory period for determination of a permit application does not run until that information is answered to the satisfaction of the planning authority

c) *Applicable Provisions and Standards*

The permit application must be assessed against the applicable provisions and standards of the Tasmanian Planning Scheme. The application is to identify by reference the clauses it relies upon to demonstrate compliance. (eg *clause 8.4.3 (A1 – A4, and P5)*)

d) *Discretionary Permits*

If a permit is discretionary the permit application must be notified for a period of 14 days to allow opportunity for any interested person to consider the proposed use and/or development and to provide comment on the discretionary matter.

If a permit application relies on performance criteria to satisfy an applicable standard or is discretionary under another provision of the interim planning scheme, the permit is discretionary only with respect to that standard.

The Council must have regard to all representations received during the notification period on a discretionary matter when determining whether to grant or refuse a permit.

e) *If the applicant is not the landowner*

If the applicant is not the owner of the land in the use or development site, the applicant is required to notify all of the owners either prior to or within 7 days from the date of making the permit application.

The permit application must identify all of the landowners; and the applicant must sign the application form to acknowledge the obligation to advise such landowners that the permit application has been made.

If the site includes land owned or administered by the Burnie City Council or by a State government agency, the consent in writing from the Council or the Minister responsible for Crown land must be provided at the time of making the application.

f) *Applicant declaration*

It is an offence for a person to do any act that is contrary to a compliance requirement created under the section 63 *Land Use Planning and Approvals Act 1993*. The applicant is required to complete a declaration that the information given in the permit application is true and correct.

g) *Payment of Fees*

The Council is not required to take any action on the permit application until all the relevant fees have been paid.

Permit Information

(NB If insufficient space, please attach separate document)

Proposed Use:

Use Class

Documents included with the permit application to describe the Use

Proposed Development

Use class to which the development applies

Documents included with the permit application to describe the Development

Provisions and Standards relied upon for grant of a Permit

Notification of Landowner/s

If land is not in applicant's ownership

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

Signature of Applicant

Date

If the permit application involves land owned or administered by the BURNIE CITY COUNCIL

Burnie City Council consents to the making of this permit application.

General Manager (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

Applicant Declaration

I, _____, 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

Date

SEARCH OF TORRENS TITLE

VOLUME 144138	FOLIO 2
EDITION 4	DATE OF ISSUE 09-Dec-2022

SEARCH DATE : 01-Aug-2024

SEARCH TIME : 09.10 AM

DESCRIPTION OF LAND

Parish of STOWPORT Land District of DEVON
 Lot 2 on Sealed Plan 144138
 Derivation : Part of Lot 16374, 49A-3R-23P Gtd. to F. Bowe
 Prior CTs 239343/1 and 11710/1

SCHEDULE 1

A638430, C626784 & N100498 LORIS ETHEL BRAMICH Registered
 09-Dec-2022 at 12.01 PM

SCHEDULE 2

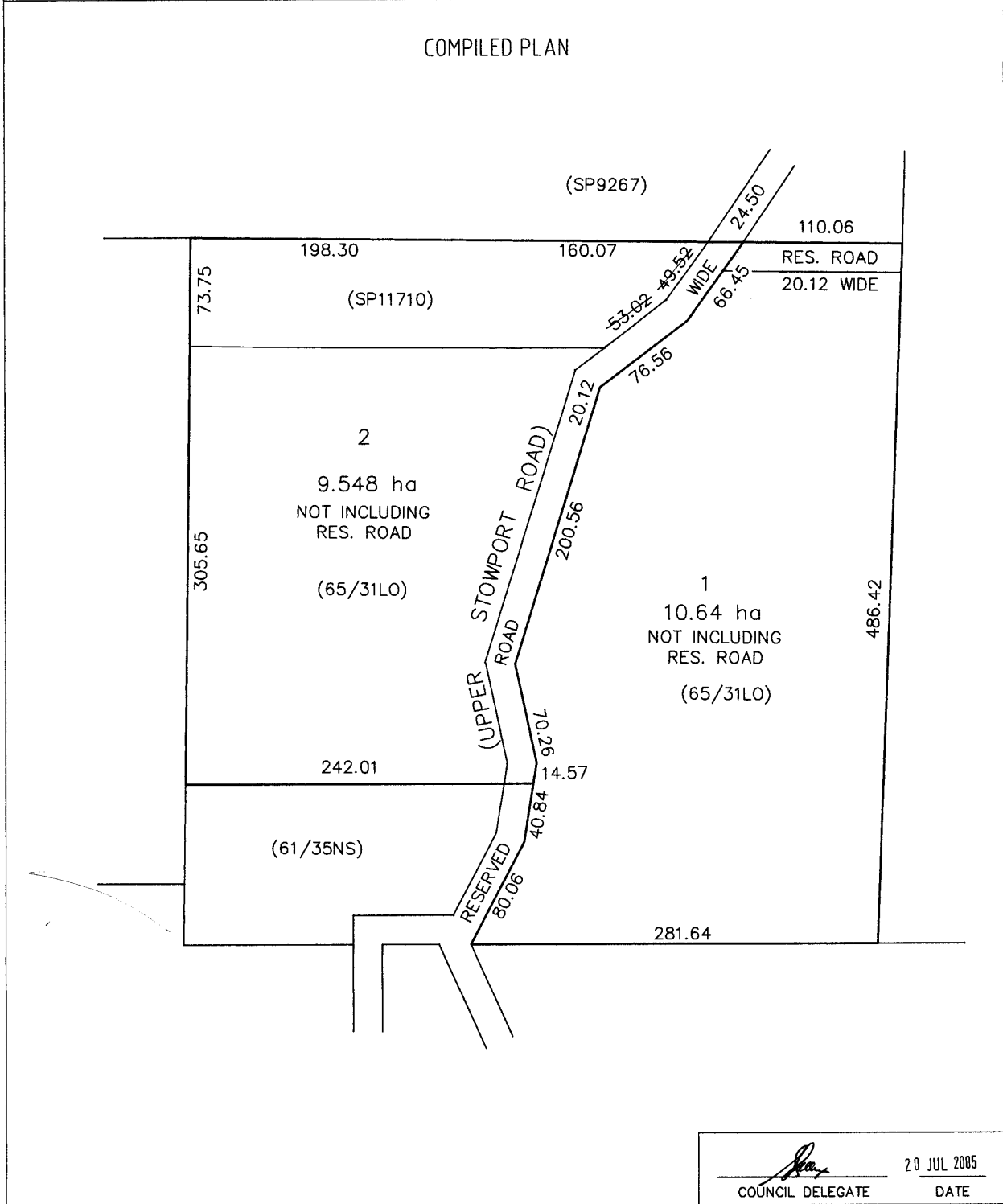
Reservations and conditions in the Crown Grant if any


UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

OWNER I.F & L.E. BRAMICH ENA FAY McLAREN FOLIO REFERENCE F/R239343/1 F/R 11710/1 GRANTEE Whole Part of Lot 16374 Gtd to Fanny Bowe 49a3r23p	PLAN OF SURVEY BY SURVEYOR LC Mackenzie & Assoc P/L LOCATION PO Box 225, Wynyard, 7325 LAND DISTRICT OF DEVON PARISH OF STOWPORT SCALE 1: 2500 LENGTHS IN METRES		REGISTERED NUMBER SP144138
			APPROVED EFFECTIVE FROM - 1 NOV 2005 <i>Alice Kawa</i> Recorder of Titles

MAPSHEET MUNICIPAL CODE No. 103 (4044)	LAST UPI No 4208627, 4208626	LAST PLAN SP11710 No. P239343	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN
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 20 JUL 2005
 COUNCIL DELEGATE DATE

SCHEDULE OF EASEMENTS	Registered Number
NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP 144 138

PAGE 1 OF 2 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

No easements profits a prendre or covenants are created to benefit or burden the lots shown on the plan

SIGNED by **DESMOND JOHN McLAREN** and)
EDWIN RAYMOND McLAREN the registered)
 Proprietors of Folio of the Register Volume)
 239343 Folio 1 in the presence of:)

D. J. McLaren
 DJ McLaren
E. R. McLaren
 ER McLaren

Witness *G. Walters*
 Full Name GRAHAM LESLIE WALTERS
 Address 5 QUAMBY PLACE BURNIE
 Occupation GLAZIER

SIGNED by **IAN FRANCIS BRAMICH** and)
LORIS ETHEL BRAMICH the registered)
 Proprietors of Folio of the Register Volume)
 11710 Folio 1 in the presence of:)

I. F. Bramich
 IF Bramich
L. E. Bramich
 LE Bramich

Witness *G. Walters*
 Full Name GRAHAM LESLIE WALTERS
 Address 5 QUAMBY PLACE BURNIE
 Occupation GLAZIER

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: D J & E R McLaren	PLAN SEALED BY: BURNIE CITY COUNCIL
FOLIO REF: 239343/1	DATE: <u>50 990</u>
SOLICITOR & REFERENCE: McGRATH & CO (AS 13364)	REF NO. <u> </u>
	<i>[Signature]</i> Council Delegate
NOTE: The Council Delegate must sign the Certificate for the purposes of identification.	

<p>ANNEXURE TO SCHEDULE OF EASEMENTS</p> <p>PAGE ² OF ²</p>	<p>Registered Number</p> <p>SP 144 138</p>
--	---

EXECUTION OF CONSENT

COMMONWEALTH BANK OF AUSTRALIA

A.C.N. 123 123 124

being the Proprietor of Mortgage No A638431, B217573, B229434, B293558 and B340135

hereby consents to the within Schedule of Easement

SIGNED SEALED and DELIVERED

for and on behalf of COMMONWEALTH
BANK OF AUSTRALIA by its Attorney

Maria Andreou

under Registration Power of Attorney No. 72/6177

who certifies that he/she is


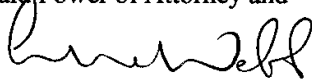
Supervisor Executions and Supervisor

of the COMMONWEALTH BANK OF AUSTRALIA

and declares that he/she has received no notice

of revocation of the said Power of Attorney and

in the presence of:

Lisa Webb, Bank Officer

Level 8, 385 Bourke St, Melbourne

Bushfire Hazard Management Report: Subdivision

Report for: Gary & Karen Bramich.

Property Location: 246 Upper Stowport Road, Upper Stowport

Prepared by: Scott Livingston
Livingston Natural Resource Services

Date: 10th July 2023

Version: 1



Summary

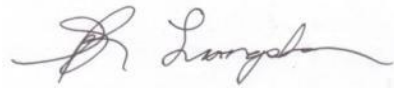
Client: Gary & Karen Bramich

Property identification: Current zoning: Agriculture, *Tasmanian Planning Scheme- Burnie*

246 Upper Stowport Road, Upper Stowport, CT 144138/2, PID 2656847.

Proposal: A 2 lot subdivision is proposed from 1 existing title at 246 Upper Stowport Road, Upper Stowport.

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	Date	Notes
1	10/7/2024	

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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.

DESCRIPTION

A 2 lot subdivision is proposed from 1 existing title at 246 Upper Stowport Road, Upper Stowport. The area is mapped as bushfire prone in planning scheme overlays. The proposal includes Lot 1 – 2.26 ha which contains an existing dwelling and outbuildings, one of which is within 6m of the dwelling. The lot is low threat gardens around the buildings and pasture and pasture with occasional trees. Proposed lot 2 will be 7.09ha, has no buildings and is currently pasture / forest mosaic

Surrounding land is pasture with tree belts and forest patches. The area is not serviced by a reticulated water supply. Lots have frontage to Upper Stowport Road.

See Appendix 1 for maps and site plan, and appendix 2 for photographs.

BAL AND RISK ASSESSMENT

The land is mapped as Bushfire Prone in Planning Scheme Overlays.

VEGETATION AND SLOPE

1	existing dwelling	Vegetation, within 100m of building facade	0-5m low threat, 5m-100m grassland	0-45m low threat, 45-100m grassland	0-20m low threat, 20-100m grassland	0-75m low threat, 75-100m woodland
		Slope (degrees, over 100m)	Down slope 0-5°	Flat /upslope	Flat /upslope	Down slope 0-5°
		BAL rating existing vegetation	BAL 40	BAL 12.5	BAL 12.5	BAL 12.5
	proof of concept 10x15m	Vegetation, within 100m of building facade	0-14m low threat, 14m-100m grassland	0-45m low threat, 45-100m grassland	0-20m low threat, 20-100m grassland	0-86m low threat, 86-100m woodland
		Slope (degrees, over 100m)	Down slope 0-5°	Flat /upslope	Flat /upslope	Down slope 0-5°
		BAL rating existing vegetation	BAL 19	BAL 12.5	BAL 12.5	BAL 12.5
2		Vegetation, within 100m of lot boundaries	0-100m grassland some low threat	0-45m low threat 20m road and verges, 20-100m grassland northern portion forest southern	0-40m grassland, eastern portion, forest western portion, 40-100m forest	0-100m grassland, southern portion, 0-100m forest northern portion

				portion, 45-100m grassland		
	Slope (degrees, over 100m)	Down slope 5-10°	Down slope 0-5°	Down slope 0-5°	Down slope 0-5°	Down slope 5-10°
	BAL rating existing vegetation	BALFZ	BALFZ	BALFZ	BALFZ	BALFZ
	BAL rating with setbacks & HMA	BAL 19	BAL 19	BAL 19	BAL 19	BAL 19

BUILDING AREA BAL RATING

Setback distances for BAL Ratings have been calculated based on the vegetation that will exist after the development and management of land within the subdivision and have also considered slope gradients.

Where no setback is required for fire protection other Planning Scheme setbacks may need to be applied, other building constraints 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

The existing dwelling on lot 1 northern façade is within 5m of the property boundary and rated as BAL 40, A proof of concept building area at BAL 19 is shown in attached diagrams and BHMP.

Lot 2 has extensive watercourse protection areas, the diagram below shows a potential BAL 19 building Area that allows for no clearing requirement with the exception of access which is an existing cleared area (track). Extended building areas would be available subject to clearing of vegetation within the water way protection area.

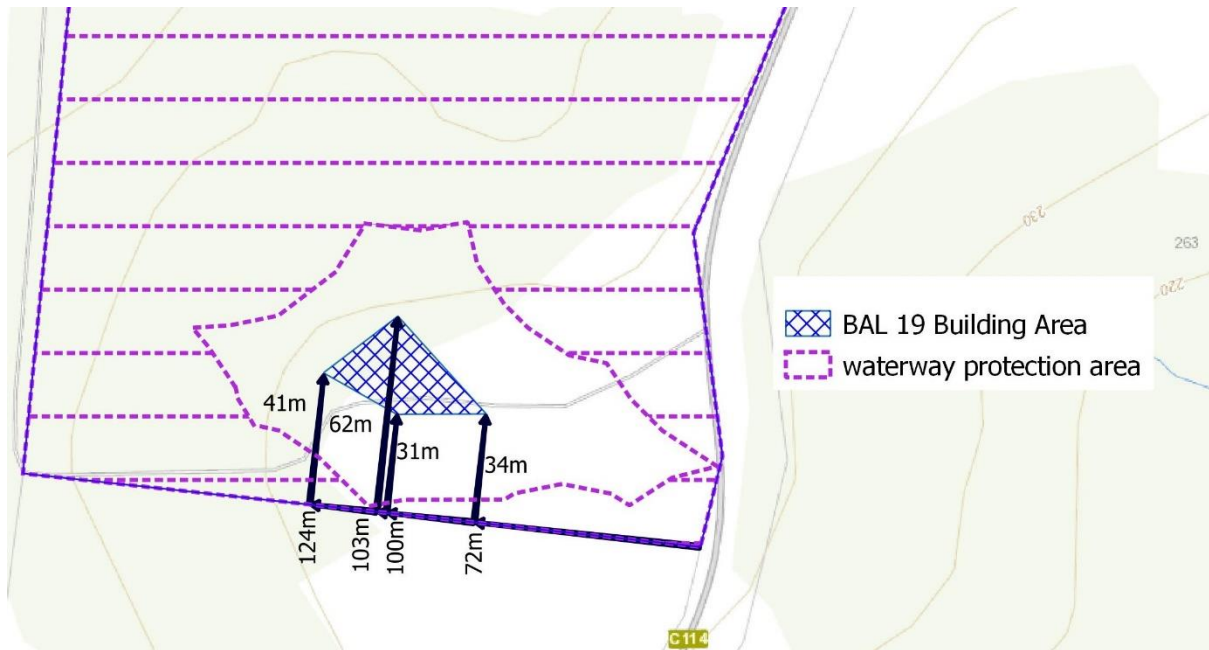


Figure 1: BAL 19 building Area Lot 2

HAZARD MANAGEMENT AREAS

It is recommended that the existing dwelling on lot 1 maintain existing low threat areas in perpetuity to minimise the risk.

Land within 23m upslope and level and 27m downslopes from a building façade must be maintained as low threat for any habitable building constructed on Lot 2.

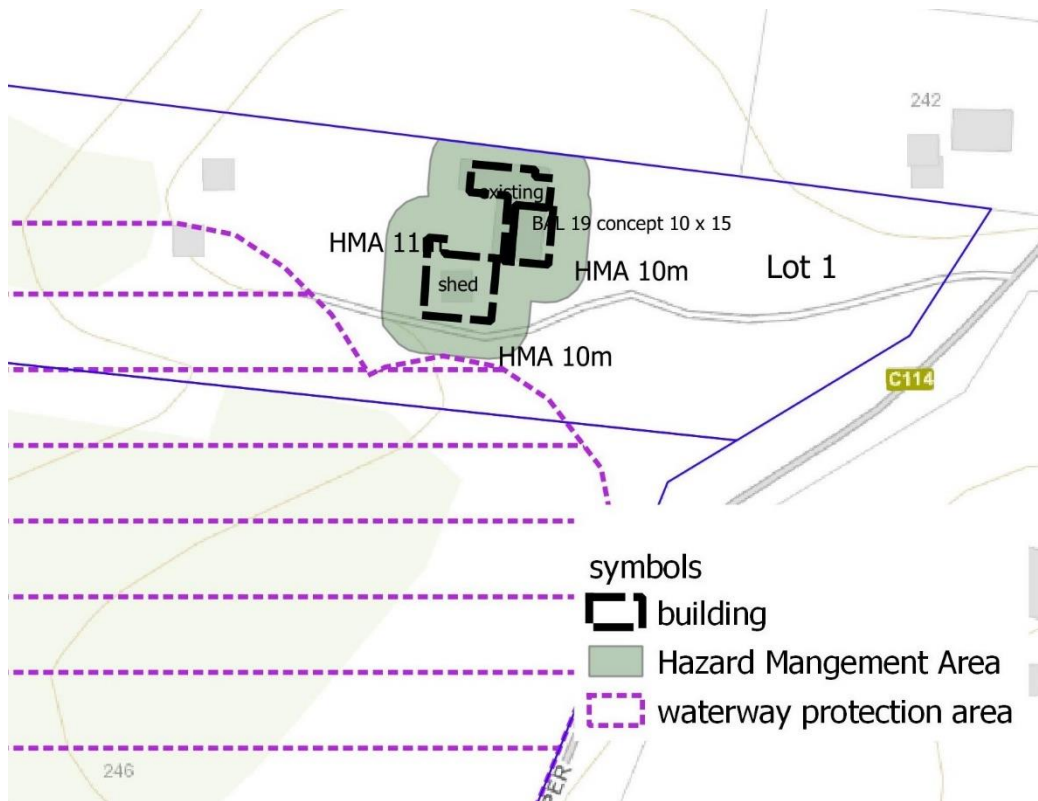


Figure 2: HMA Lot 1

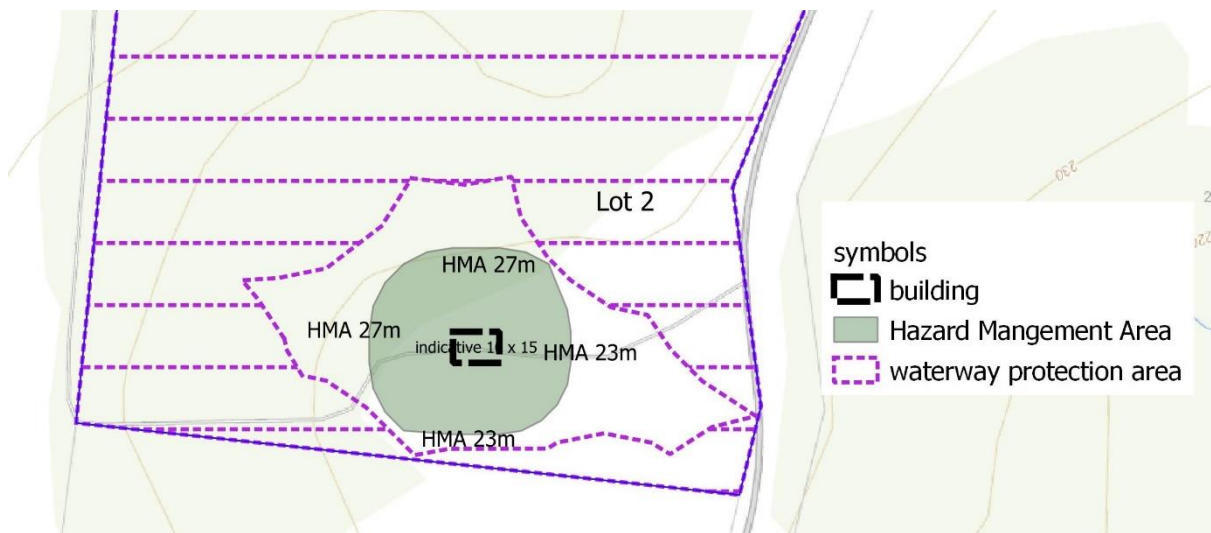


Figure 3: hazard management areas BAL 19 Lot 2

ROADS

No roads are proposed for the subdivision, all lots will have access from Upper Stowport Road.

PROPERTY ACCESS

Access to bushfire prone lots must comply with the relevant elements of Table C13.2. Existing access within lot 1 is compliant. Lot 2 access to the water supply point must be in place prior to commencement of construction of a habitable building on the lot.

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.	The following design and construction requirements apply to property access: (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;

		<ul style="list-style-type: none"> (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 terminate with a turning area for fire appliances provided by one of the following: <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> <ul style="list-style-type: none"> (a) complies with requirements for B above; and (b) passing bays of 2m additional carriageway width and 20m length must be provided every 100m.

FIRE FIGHTING WATER SUPPLY

The subdivision is not serviced by a reticulated water supply. Lot 1 existing dwelling has existing tanks on the southern side of the outbuilding that are compliant with the exception of signage. Future habitable buildings will require a static water supply compliant with table C13.5 prior to commencement of construction.

Table C13.5 Static Water Supply

Column		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.

Column		Column 2
Element		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</i>; or (b) comply with <i>water tank signage requirements within Australian Standard AS 2304-2011 Water storage tanks for fire protection systems</i>; or (c) comply with the <i>Tasmania Fire Service Water Supply Signage Guideline</i> published by the Tasmania Fire Service.

Column Element		Column 2 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 1 existing title at 246 Upper Stowport Road, Upper Stowport. The area is mapped as bushfire prone in planning scheme overlays.

Lot 1 existing dwelling does not have sufficient setback for the northern boundary to meet BAL 19, a proof of concept building at BAL 19 is shown on the BHMP. Lot 1 static water supply must have compliant signage prior to sealing of titles.

There is sufficient area on lot 2 to provide for a BAL 19 building area & hazard management areas without the need for clearing of vegetation within the waterway protection area except for minor widening of the existing access clearing. Hazard Management Area, access and water supply must be in place prior to the commencement of construction of a future habitable building.

REFERENCES

Australian Building Codes Board. (2015). *National Construction Code - Volume 2*. ABCB.

Bushfire Planning Group. (2005). *Guidelines for Development in Bushfire Prone Areas of Tasmania*.

Department of Justice (Tasmania). (2017). *Determination - Requirements for building in bushfire prone areas 2017*.

Department of Premier and Cabinet (Tasmania). (2017). *Building Act 2016*.

Department of Premier and Cabinet (Tasmania). (2017). *Building Regulations 2016*.

Standards Australia Limited. (2018). *AS 3959-2018 Construction of buildings in bushfire prone areas*

Tasmanian Planning Commission. (2021). *Tasmanian Planning Scheme- Burnie*

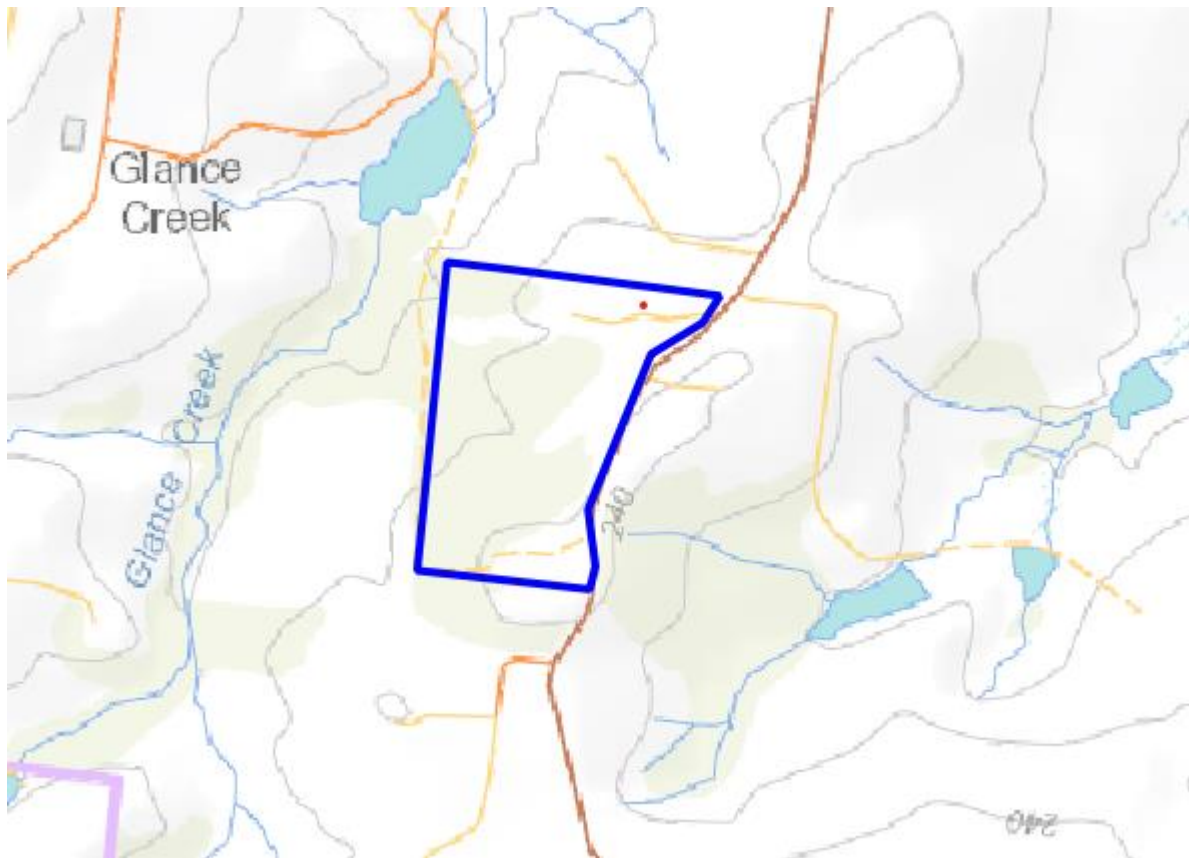


Figure 4: Location existing lot in blue



Figure 5: Aerial Image

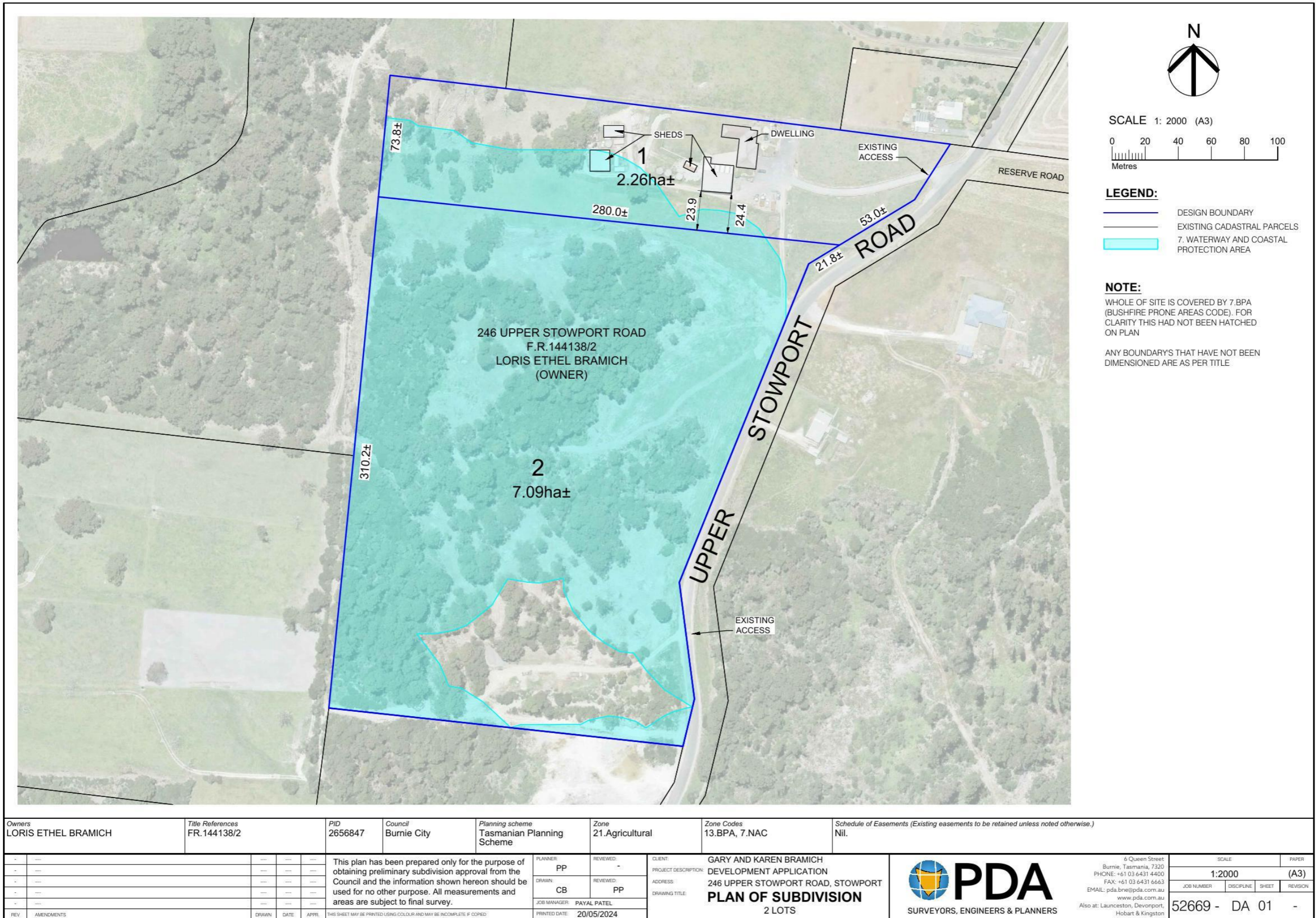


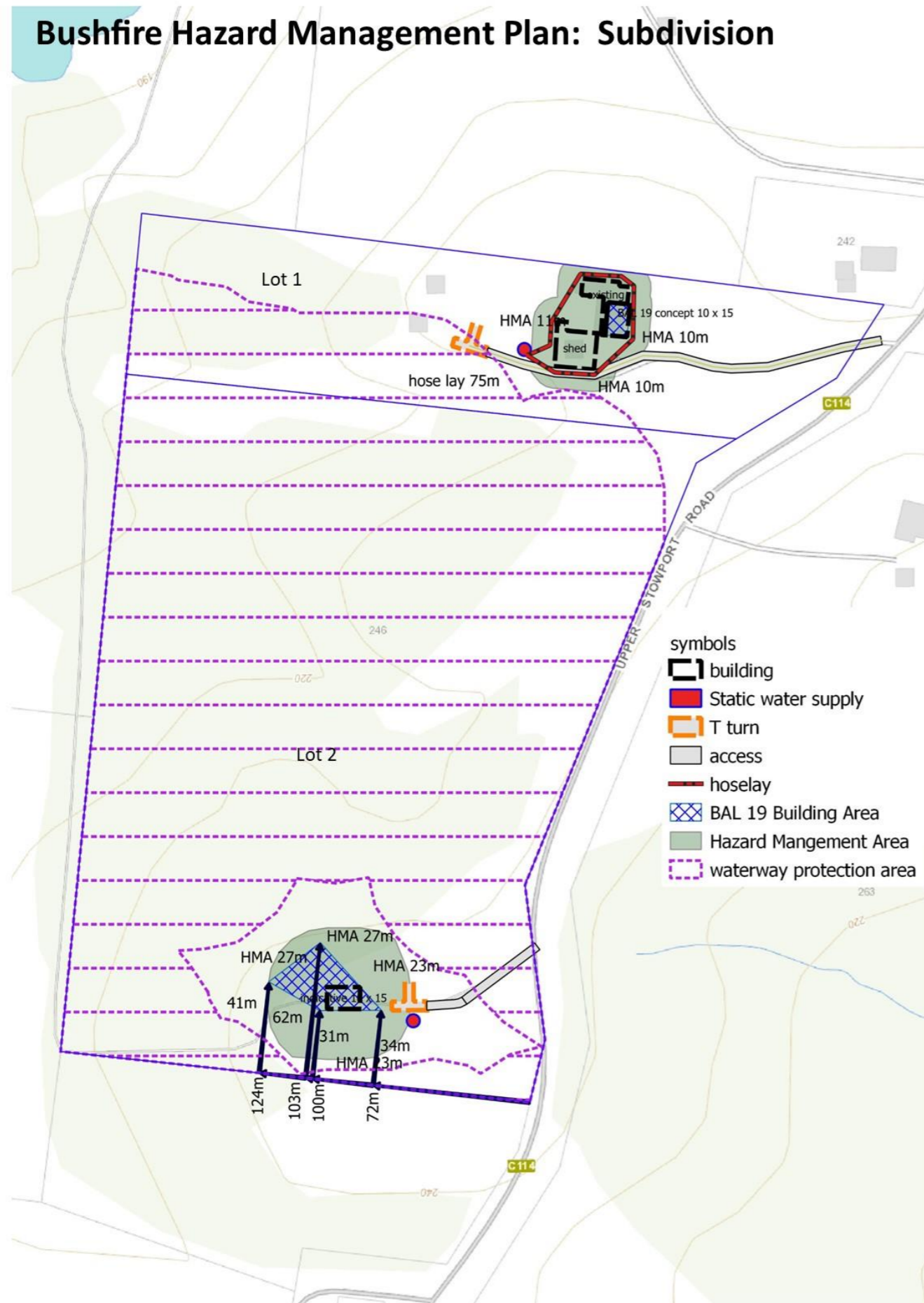
Figure 6: Proposed Subdivision Plan



Figure 7: north across lot 1

Bushfire Hazard Management Plan: Subdivision

Proposed Development	Subdivision, 2 lots from 1 lot
Plan of Subdivision	PDA Surveyors
Property Owner	LE Bramich
Address	246 Upper Stowport Road, Upper Syowport
CT	144138/2
PID	2656847



The following must be in place:

Prior to sealing of titles

- Signage for lot 1 water supply

Prior to commencement of construction of any future habitable building

- Hazard Management Area
- Access to Water Supply point

: 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 prior to the commencement of construction of a habitable building.

Low threat vegetation, includes maintained lawns (<100mm in height) gardens and orchards

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 , 246 Upper Stowport Road Upper Stowport. Livingston Natural Resource Services.

Scott Livingston
Accreditation: BFP – 105: 1, 2, 3A, 3B, 3C
Date 10/7/2024

SRL24/32S

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:

246 Upper Stowport Road, Upper Stowport

Certificate of Title / PID:

CT 144138/2, PID 2656847

2. Proposed Use or Development

Description of proposed Use and Development:

Subdivision, 2 lots from 1 lot

Applicable Planning Scheme:

Tasmanian Planning Scheme -Burnie

3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Hazard Management Report 246 Upper Stowport Road, Upper Stowport	Scott Livingston	10/7/2024	1
Bushfire Hazard Management Plan 246 Upper Stowport Road, Upper Stowport	Scott Livingston	10/7/2024	1
Plan of Subdivision	PDA Surveyors	20/5/2024	DA01

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

¹ This document is the approved form of certification for this purpose and must not be altered from its original form.

<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 for all lots (including any lot designated as ‘balance’) Proof of concept for lot 1
<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	Planning authority discretion required. A proposal cannot be certified as compliant with P1.
<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:	[REDACTED]
Postal Address:	[REDACTED]	Email Address:	[REDACTED]
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:** 10/7/2024

Certificate Number: SRL24/32S

(for Practitioner Use only)

**CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE
ITEM**

Section 321

Form **55**

To: Owner /Agent

Address

Suburb/postcod

Qualified person details:

Qualified person:

Address:

Phone No:

Fax No:

Licence No:

Email address:

Qualifications and
Insurance details:

*(description from Column 3 of the
Director of Building Control's
Determination)*

Speciality area of
expertise:

*(description from Column 4 of the
Director of Building Control's
Determination)*

Details of work:

Address:

Lot No:

Certificate of title No

The assessable
item related to
this certificate:

*(description of the assessable item being
certified)*

Assessable item includes –

- a material;
- a design
- a form of construction
- a document
- testing of a component, building system or plumbing system
- an inspection, or assessment, performed

Certificate details:

Certificate type:

*(description from Column 1 of Schedule
1 of the Director of Building Control's
Determination)*

This certificate is in relation to the above assessable item, at any stage, as part of - *(tick one)*

building work, plumbing work or plumbing installation or demolition work:

or

a building, temporary structure or plumbing installation:

In issuing this certificate the following matters are relevant –

Documents:

- **Bushfire Attack Level Assessment & Report**

Relevant
calculations:

References:

Australian Standard 3959
Tasmanian Planning Scheme - Launceston
Building Amendment Regulations 2016

Director of Building Control, Determination

- Director's Determination for Bushfire Hazard Areas v1.1 2021

Substance of Certificate: (what it is that is being certified)

1. Assessment of the site Bushfire Attack Level (BAL) to Australian Standards 3959

Assessed as - BAL 19

2. Bushfire Hazard Management Plan

Proposal is compliant with DTS requirements, tables 1, 2, 3A/3B & 4, Director's Determination for Bushfire Hazard Areas v1.1 2021

Scope and/or Limitations

Scope:

This report was commissioned to identify the Bushfire Attack Level for the existing property. All comment, advice and fire suppression measures are in relation to compliance with Tasmanian Planning Scheme Bushfire-Prone Areas Code issued by the Tasmanian Planning Commission, the Building Code of Australia and Australian Standards, AS 3959-2018, Construction of buildings in bushfire-prone areas.

Limitations:

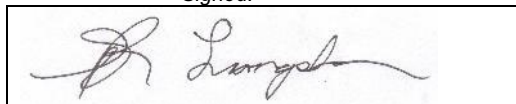
The inspection has been undertaken and report provided on the understanding that;-

1. The report only deals with the potential bushfire risk all other statutory assessments are outside the scope of this report.
2. The report only identifies the size, volume and status of vegetation at the time the site inspection was undertaken and cannot be relied upon for any future development.
3. Impacts of future development and vegetation growth have not been considered.

I certify the matters described in this certificate.

Qualified person:

Signed:



Certificate No:

SRL24/32S

Date:

10/7/2024



PDA

SURVEYORS, ENGINEERS & PLANNERS



Planning Compliance Report

246 Upper Stowport Road, Upper Stowport
Subdivision

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PDA Contributors

Planning	Payal Patel	13/07/2024
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Revision History

Revision	Description	Date
0	Draft	
1	First Issue	

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EXECUTIVE SUMMARY

A planning Permit for a boundary reconfiguration 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 - Burnie*. This planning assessment, combined with supplementary documentation has provided in support of the proposed development.

Development Details:

Property Address	246 Upper Stowport Road, Upper Stowport
Proposal	Subdivision
Land Area	9.54ha±

CT	144138/2
PID	2656847
Planning Ordinance	Tasmanian Planning Scheme - Burnie
Land Zoning	Agriculture
Specific Areas Plans	N/A
Code Overlays	13.0 Bushfire Prone Areas Code 7.0 Natural Assets Code

1. Introduction/Context

Council approval is sought for a Subdivision at 246 Upper Stowport Road, Upper Stowport. In support of the proposal the following associated documents have been provided in conjunction with this planning assessment:

- The Folio Plan, Folio Text, Schedule of Easement : 144138/2
- Proposed Plan of Subdivision: PDA-52669-DA-1
- Bushfire Hazard Report and Management Plan provided by Scott Livingston

1.1. The Land



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

The subject land is located at 246 Upper Stowport Road, Upper Stowport with existing dwelling and associated outbuilding. The title currently have frontage through Upper Stowport Road. The land is predominately formed with undulating slopes.

2. The Proposal

The proposed application is for Subdivision to excise the existing dwelling and create extra asset within family. Lot 1, with the existing dwelling will have an area of 2.26ha± and the balance (Lot 2) will be 7.09ha in area. The balance lot will contain the exclusive woodland and some grazed land(cleared sections), and lot 1 will contain the existing dwelling and storage sheds as per below figure.

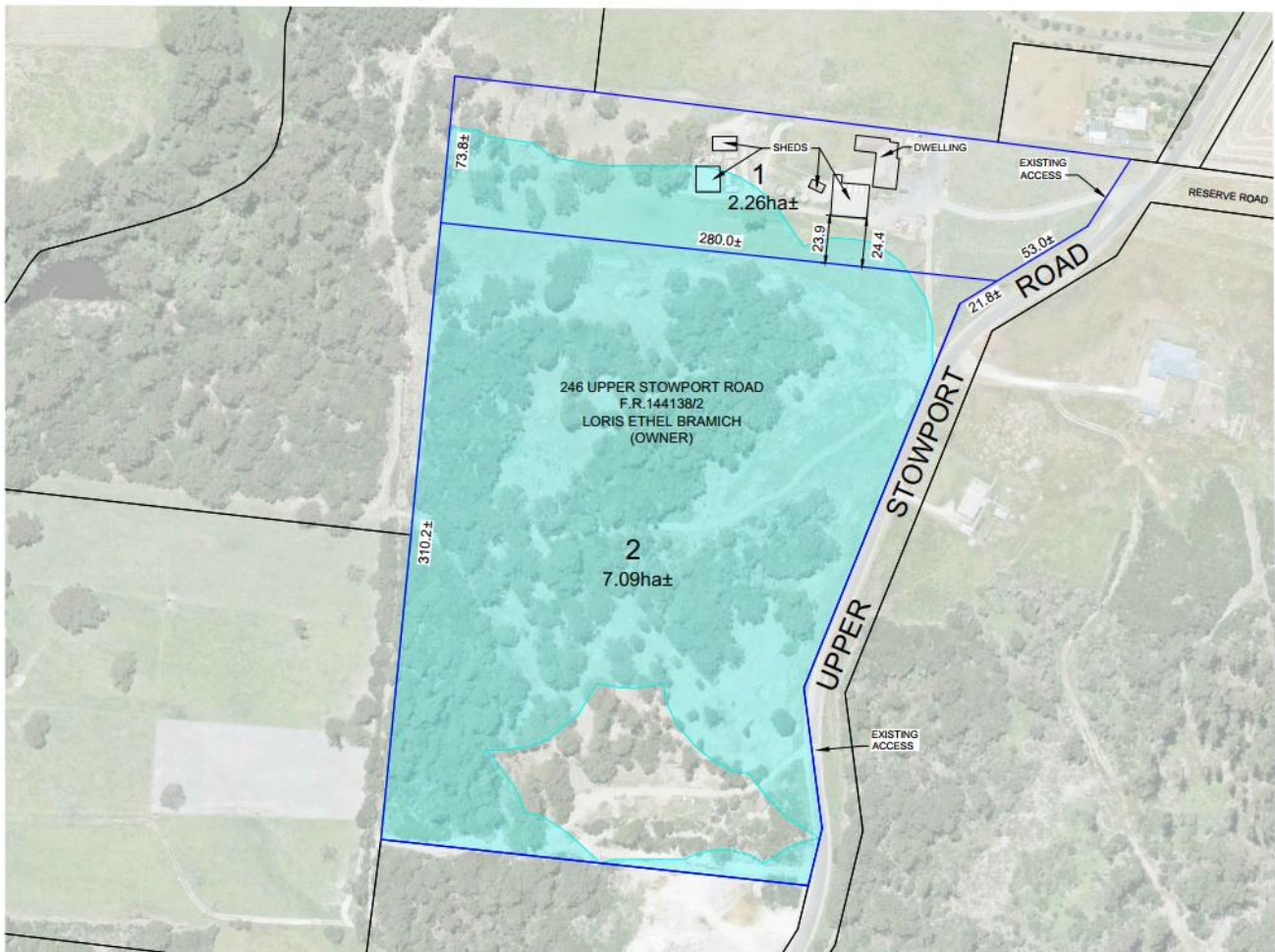


Figure 2. Proposed Plan of Boundary Reconfiguration

3. Planning Assessment

This current proposal for a Boudnary Reconfiguration has been developed in accordance with the *Tasmanian Planning Scheme – Burnie*.

3.1 Zoning

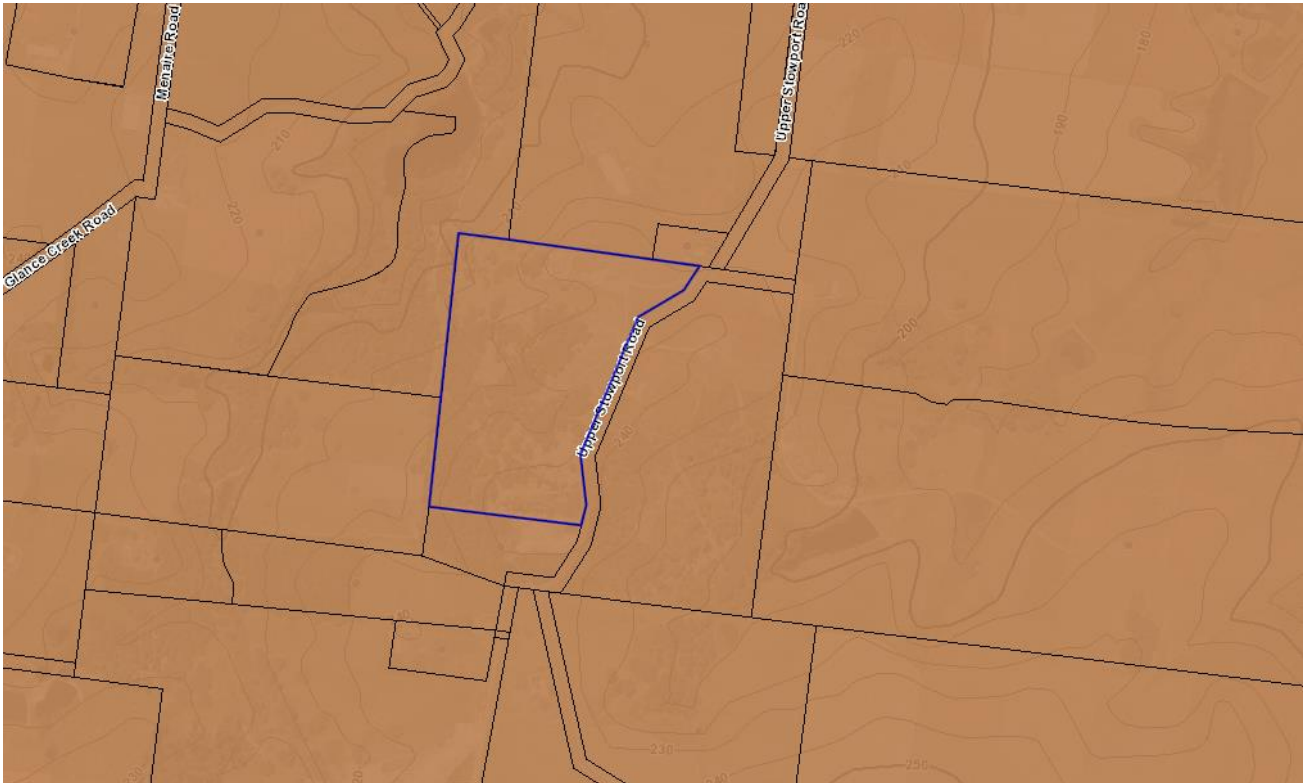


Figure 3. Zoning identification of the subject land and surrounds (LISTmap, 2024)

The subject land is located within the Agriculture Zone, surrounding zones include the Rural Zone as shown in the Figure 3 above.

3.2 Zone Standards – Agriculture

21.5.1 Lot design

Objective:

To provide for subdivision that:

- a) relates to public use, irrigation infrastructure or Utilities; and
- b) protects the long term productivity capacity of agricultural land.

Acceptable Solutions

- A1**
 Each lot, or a lot proposed in a plan of subdivision, must:
- 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;

Performance Criteria

- P1**
 Each lot, or lot proposed in a plan of subdivision, must:
- (a) provide for the operation of an agricultural use, having regard to:

c) be for the consolidation of a lot with another lot provided each lot is within the same zone; or

- (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:

(i) provides for the operation of an agricultural use, having regard to:

- a. not materially diminishing the agricultural productivity of the land;
- b. the capacity of the new lots for productive agricultural use
- c. any topographical constraints to agricultural use; and
- d. current irrigation practices and the potential for irrigation;

(ii) all new lots must be not less than 1ha in area;

(iii) existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2;

(iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use; and

(v) it does not create any additional lots; or

(c) be for the excision of 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 agriculture use, having regard to:

- 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

(ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot;

(iii) 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

(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.

Comment:

P1 (c) is met: (i) The subject balance land (Lot 2) is not suitable for large-scale agricultural use given the land is agricultural land is entirely classified as Class 5 within Land Capability. Moreover, the existing topographical constraints such as natural drains and undulating slopes will not support extensive agricultural practice. However, the proposed subdivision does not further diminish the potential of productivity of the land for a small scale hobby farm/ grazing activities within cleared section.

(ii) an agreement under section 71 on the Act will be entered into and registered on the title during title registration stage.

(iii) the existing building on lot 1 meets the required setbacks to meet 21.4.2 P2 as below:

- (a) The buildings on Lot 1 are positioned currently in a manner that does not interfere with the agricultural use on adjoining sites.
- (b) Existing adjoining properties such as 242, 220, 240 Upper Stowport Road set an example of residential uses within functional agricultural sites.
- (c) The existing dwelling on Lot 1 will be more than 23m from the proposed southern boundary and does not later any other boundaries. There is a sufficient buffer between the existing dwelling and potential agricultural use without creating a conflict of uses.
- (d) No foreseen impact will be observed on adjoining properties.
- (e) No attenuation measures are proposed.
- (f) The slope of the land creates natural buffers between Lot 2 and the proposed Lot 1.

(g) Lot 1 and Lot 2 will retain existing access through Upper Stowport Road and is proposed to continue using the same as shown on 52669-DA-1

(iv) Both lot 1 and the balance have existing access through Upper Stowport Road and is proposed to continue using the same as shown on 52669-DA-1.

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: Both lot 1 and the balance have existing access through Upper Stowport Road and is proposed to continue using the same.

3.4 Codes

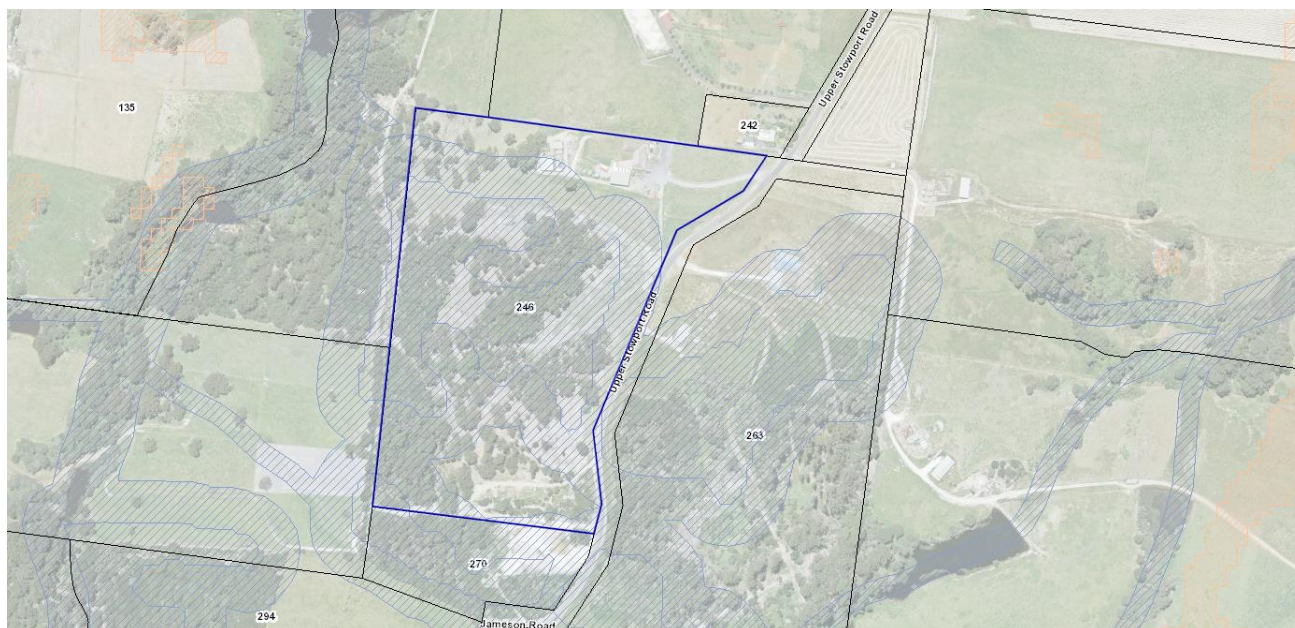


Figure 4. Scheme Overlay identification of the subject land and surrounds (LISTmap, 2024)

Code	Comments:
C1.0 Signs Code	N/A
C2.0 Parking and Sustainable Transport Code	<i>Applicable - Please refer to planning assessment below.</i>
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	<i>Applicable - Please refer to planning assessment below.</i>
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	<i>As this code is relevant to this proposal, please see attached bushfire report by Scott Livingston.</i>

C14.0 Potentially Contaminated Land Code	N/A
C15.0 Landslip Hazard Code	N/A
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: Both Lot 1 and Balance would not have more than 1 access.	

C7.0 Natural Assets Code

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

Objective:	
That:	
(a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and	
(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.	
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal	P1 Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia

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.

area, must minimise adverse impacts on natural assets, having regard to:

- (a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and
- (b) future development likely to be facilitated by the subdivision.

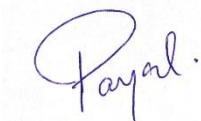
Comment:

A1 is met: The proposed subdivision does not include any works, building area, services, bushfire hazard management area or vehicular access within waterway and coastal protection area or future coastal refugia area except boundary fencing.

4. Conclusion

The planning assessment and supporting documentation provided demonstrate that the development proposal for Subdivision for 246 Upper Stowport Road, Upper Stowport meets all applicable requirements of the Tasmanian Planning Scheme – Burnie.

Yours faithfully,



Payal Patel
 PDA Surveyors, Engineers and Planners

5. Contact

For any enquiries, please contact one of our offices:

HOBART

A: 127 Bathurst Street, Hobart Tasmania 7000

P: (03) 6234 3217

E: pda.hbt@pda.com.au

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A: 6 Freeman Street, Kingston, TAS 7050

P: (03) 6229 2131

E: pda.ktn@pda.com.au

HUONVILLE

A: 8/16 Main Street, Huonville, TAS 7109 - (By appointment)

P: (03) 6264 1277

E: pda.huon@pda.com.au

EAST COAST

A: 3 Franklin Street, Swansea TAS 7190 - (By appointment)

P: (03) 6130 9099

E: pda.east@pda.com.au

LAUNCESTON

A: 3/23 Brisbane Street, Launceston, TAS 7250

P: (03) 6331 4099

E: pda.ltn@pda.com.au

DELORAIN

A: 16 Emu Bay Road, Deloraine, TAS 7304 - (By appointment)

P: (03) 6362 2993

E: pda.ltn@pda.com.au

BURNIE

A: 6 Queen Street, Burnie, TAS 7320

P: (03) 6431 4400

E: pda.bne@pda.com.au

DEVONPORT

A: 77 Gunn Street, Devonport, TAS 7310

P: (03) 6423 6875

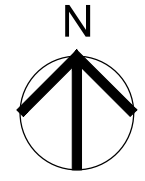
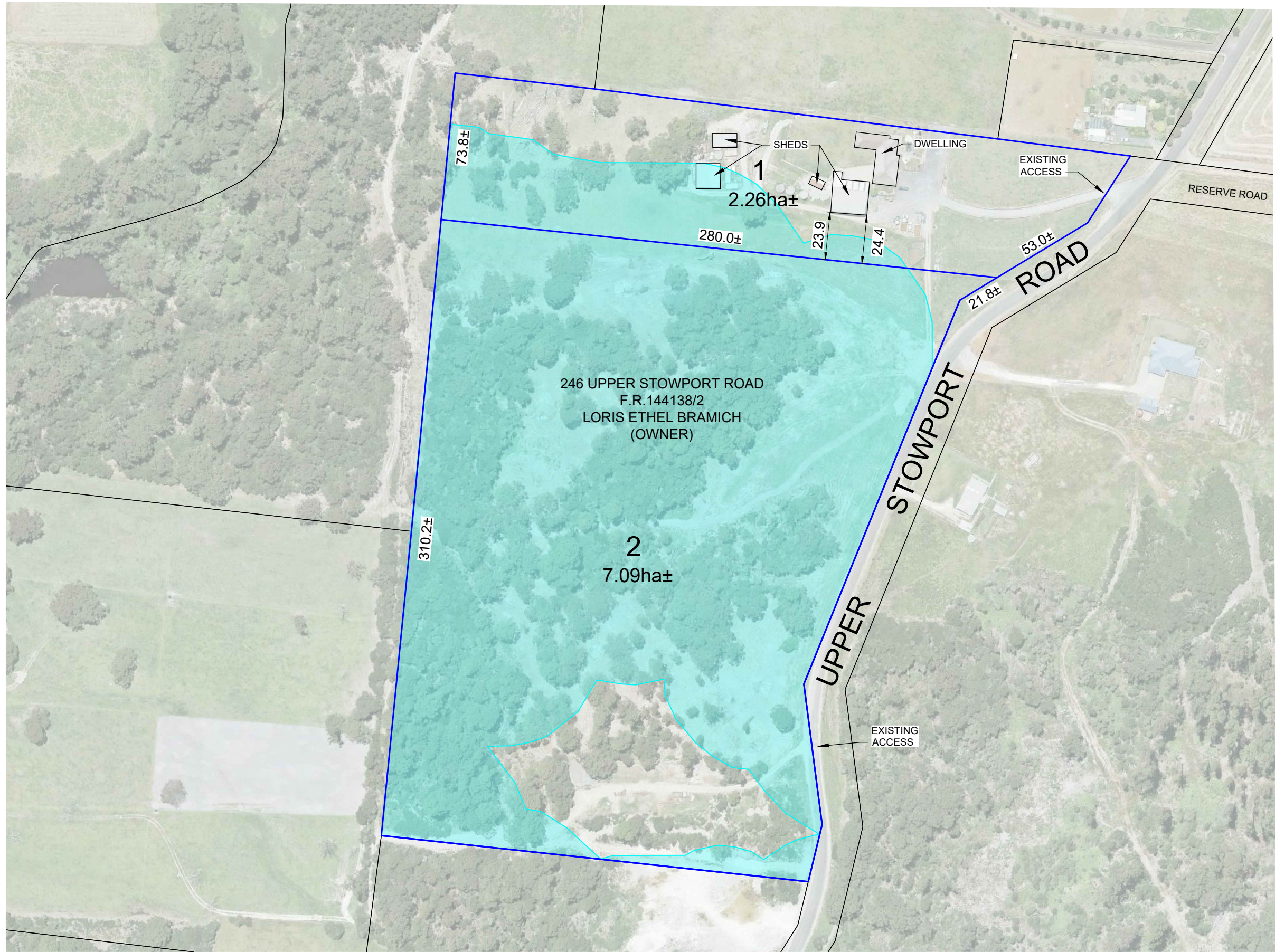
E: pda.dpt@pda.com.au

WALTER SURVEYS

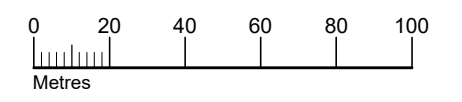
A: 127 Bathurst Street, Hobart, TAS 7000 (Civil Site Surveying and Machine Control)

P: 0419 532 669 (Tom Walter)

E: tom.walter@waltersurveys.com.au



SCALE 1: 2000 (A3)



LEGEND:

- DESIGN BOUNDARY
- EXISTING CADASTRAL PARCELS
- 7. WATERWAY AND COASTAL PROTECTION AREA

NOTE:

WHOLE OF SITE IS COVERED BY 7.BPA (BUSHFIRE PRONE AREAS CODE). FOR CLARITY THIS HAD NOT BEEN HATCHED ON PLAN

ANY BOUNDARY'S THAT HAVE NOT BEEN DIMENSIONED ARE AS PER TITLE

Owners LORIS ETHEL BRAMICH		Title References FR.144138/2		PID 2656847	Council Burnie City	Planning scheme Tasmanian Planning Scheme	Zone 21.Agricultural	Zone Codes 13.BPA, 7.NAC	Schedule of Easements (Existing easements to be retained unless noted otherwise.) Nil.			
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.				PLANNER: PP	REVIEWED: -	CLIENT: GARY AND KAREN BRAMICH	DEVELOPMENT APPLICATION 246 UPPER STOWPORT ROAD, STOWPORT PLAN OF SUBDIVISION 2 LOTS					
				DRAWN: CB	REVIEWED: PP	ADDRESS: 246 UPPER STOWPORT ROAD, STOWPORT						
JOB MANAGER: PAYAL PATEL	DRAWING TITLE: PLAN OF SUBDIVISION 2 LOTS	DRAWING NUMBER: 52669 - DA 01	DRAWING SHEET: 01	DRAWING REVISION: -	DRAWING DATE: 20/05/2024	DRAWING SCALE: 1:2000	DRAWING PAPER: (A3)	DRAWING JOB NUMBER: 52669 - DA 01	DRAWING SHEET: 01	DRAWING REVISION: -		
REV	AMENDMENTS	DRAWN	DATE	APPR.	THIS SHEET MAY BE PRINTED USING COLOUR AND MAY BE INCOMPLETE IF COPIED	DATE	SCALE	PAPER	JOB NUMBER	DISCIPLINE	SHEET	REVISION



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