

Resource Planning and Development Commission

***Land Use Planning and Approvals Act 1993 and
Resource Planning and Development Commission Act 1997***

Decision and Reasons for Decision

GLAMORGAN-SPRING BAY PLANNING SCHEME 1994

Draft Amendment **01/06**
Draft Permit **SU06001**

The applications are to:

- **Amend the plans to rezone land from Open Space to Village at Hazards View Road, Coles Bay.**
- **Grant a permit for a 58 residential lot subdivision and public recreation space for land at Hazards View Road, Coles Bay.**

Delegation

In accordance with its decision dated 30 March 2009 and in exercise of the power conferred upon it by s.8 of the *Resource Planning and Development Commission Act 1997*, the Resource Planning and Development Commission delegated to Mr R Nolan and Commissioner S Hogue jointly and severally:

1. Its powers and functions under sections 40, 41, 41A, 41B, 42(1), 42(2), 43G, 43H and 43I of the *Land Use Planning and Approvals Act 1993* in relation to Draft Amendment 01/06 and Permit Number SU06001 to the Glamorgan Spring Bay Planning Scheme 1994; and
2. In connection with the exercise of those powers in performance of those functions, its powers under Part 3 of the *Resource Planning and Development Commission Act 1997*.

Date and Place of Hearing

Tuesday, 21 April to Thursday 23 April 2009 at Hearing Room 1, Resource Planning and Development Commission, 4th Floor, 144 Macquarie Street, Hobart.

Draft amendment 05/04 for adjoining land comprising the golf course was a concurrent application. As the representors and issues were largely common to both applications, the hearings were held concurrently.

Representations

Representations were received from the following:

Rep No.	Name
1	Ms Angela Higgins
3	Mr Christian Bell for Tasmanian Conservation Trust
4	Mr J Hunter
5	Mr & Mrs A & M Morgan

Rep No.	Name
6, 20	Mr & Mrs P & J Godfrey
9	Mr Luke Henry-Middleton for Department of Infrastructure, Energy and Resources
10	Ms A Brammall
10	Mr T Brammall
11	Mr & Mrs K & D Nunn
13	H Preston and K Paterson
16	Mrs J Watkins
17	Mr A J Gooding
18	Mr J W Snooks
22	Mr G Peltzer
7, 27	Mr A R Campbell
25	Mr R Heather
28	Mr A Coltier
29	Mr C Mason White, Ms M Robertson, Ms H Jessup and Mr S Rogerson
33	Ms J Hutchinson
35	Ms Sophie Underwood
34	Ms K Barker of Detour Design
36	Ms V Cowie
37	Ms P Denne
40	Mr & Mrs C & J von Bibra for Dunsinane Pty Ltd
41	Ms R Morgan
44	Mr B Williams
26	Mr R Wilkie
2	Ms J Masterman of Saltwater Lagoon Pty Ltd
8	Ms A Dominguez
12	Mr & Mrs A & C Ernst
14	Ms M Greaves
15	Mr & Mrs R S & J A Cooper
19	Mr I Melrose for Swanwick Community Association Inc.
21	Ms C Melrose
23	Mr K Watson
24	Ms L Eastwood
26	Mr R M Wilkie
30	Ms B James
31	Ms M Morgan
32	Mr A Morgan
38	Ms L McCulloch
39	Mr & Mrs A & N Shurman
42	Mr & Mrs D & R Linton
43	Mr W Jones for Environment Division Department of Tourism, Arts and the Environment

Appearances at the hearing

Council

Mr R Higgins represented Glamorgan Spring Bay Council.

Applicant:

Mr S McElwaine of Counsel on behalf of Cooroolina Pty Ltd who called evidence from Mr G Davis, Dr JP Cumming, Dr P Barker, Mr WC Cromer, Mr D Luck.

Representors

Ms J Feehely of Counsel represented Ms S Underwood and Ms K Barker with Ms S Underwood in attendance.

Mr G Peltzer

Issues raised in Representations

A large number of representations were received and the issues raised may be summarised as:

- lack of strategic basis as no settlement strategy;
- adverse impact on the character of the locality;
- pressure on infrastructure;
- traffic impacts;
- impacts on coastal environment;
- inappropriate housing density and greater restrictions required on the development of multiple dwellings;
- inconsistent with Freycinet Tourism Development Plan and Green Globe 21: and
- inconsistent with the intent and objectives of the planning scheme including the open space zone, State Policies and Objectives of the Act.

Council's response to the representations

Council's report considered the representations in the context of the draft amendment and permit and recommended the following:

- The retention of the Open Space zoning contained in the area of proposed Lots 300, 302, 303, & 304.
- The zoning of lot 201 (now 305 on the amended subdivision plan) as Open Space.
- The submission of a modified subdivision plan (subject to additional survey) which provides for the relocation of lot 300 to the southern Open Space boundary and the redesign of lots 302 – 304 within the existing Village zone only and including the provision of building envelopes.
- The transfer of land currently zoned Open Space and comprising lots 300 – 301 and lots 302 – 304 (in part) in addition to the proposed lot 201 to the Glamorgan Spring Bay Council by memorandum of transfer submitted with the Final plan of Survey.
- The submission of an amended subdivision plan which provides a greater variety of lot sizes and a graduation of densities which will achieve a lessening of the visual impact of the site.

Council also made recommendations in relation to modifying the conditions of the s.43A permit, in accordance with s.43F(6)(c) of the *Land Use Planning and Approvals Act 1993* (LUPAA).

Commission's assessment of the draft amendment

Background

The subject site is part of an area of land that has been developed for residential subdivision over approximately 30 years.

The draft amendment was certified and permit approved in February 2007. Development in accordance with the permit was dependent on the provision of a wastewater treatment plant for Coles Bay that was itself dependent on the development of a resort by the Federal Group at Coles Bay. It was proposed that the adjoining golf course accept the treated effluent from the plant. Subsequently the proposal for sewerage reticulation emanating from the Federal Group resort was abandoned and the permit application was revised to require an appropriate sewage treatment, reticulation and disposal system for the site.

Although a revised plan of subdivision including altered arrangements for infrastructure was submitted to the representors and subsequently to the hearing, no changes were proposed to the draft amendment.

The Draft Amendment

The draft amendment is to rezone land from Open Space to Village.

Site and locality

The subject site consists of an irregular shaped title of 15.82 ha in three parcels situated to the north west of the town of Coles Bay in an area referred to as Swanwick, as detailed below:

<i>Address</i>	<i>Title</i>	<i>Area.</i>	<i>Owner</i>
Swanwick Road, Coles Bay	144214/4	15.82 ha	Cooroolina Pty Ltd.

The certified plan shows 2 areas proposed for Village zoning. The main area is principally bounded by Swanwick Road and the Golf Course and a second smaller area, to the south and extending to both sides of Hazard View Road. For the purpose of the decision the main area and part of the smaller southern area east of Hazards View Road are referred to as Area 1.

The remaining part of the southern smaller area on the seaward side of Hazards View Road is dealt with separately as Area 2.

Area 1

The site is located between 10m and 20m AHD and is characterised by gentle slopes of 1:40 or 1.5⁰. The site is crossed by a number of poorly defined watercourses draining from south to north toward Swanwick Bay.

Access to the subject site is from Swanwick Road to the north and Hazards View Drive to the south. Swanwick Road and Hazards View Drive have separate junctions with Coles Bay Road. The attached permit provides for the joining of Hazards View Drive to Swanwick Road thus providing for an internal road connection between the 2 parts of the settlement.

The site is generally cleared former improved pasture and does not contain threatened vegetation or significant wildlife habitat.

The surrounding land to the south and west is zoned Village, land to the north is zoned Commercial and land to the southeast is zoned Open Space comprising the golf course.

The site is vacant. The surrounding land use is residential or recreation conducted by the Freycinet Golf Club Inc.

Area 2

This area partly comprises gully land that separates development areas north and south on the coastal ridgeline and an area of coastal vegetation and Aboriginal sites.

Strategic

The planning scheme articulates a hierarchical set of intents, goals and objectives. Depending on where the emphasis is placed, a strategic intent as related to Swanwick can be reduced to the following statements in the planning scheme.

In terms of general intents of the scheme the following are relevant from clause 7.1:

- ‘a)** Encourage the orderly and efficient use and development and management of resources in the planning area.
- i)** Provide for the recreational and open space needs of residents and visitors.
- n)** Promote and provide for the containment and consolidation of the major towns (Swansea, Bicheno, Coles Bay, Orford and Triabunna) within the planning area.
- o)** Ensure use or development is consistent with the character of and objectives for the different districts within the planning area.’

The Residential land use goals include:

- ‘a)** Residential use or development shall not occur unless sewerage, water, stormwater drainage and road access are available.
- c)** The Council’s highest priority will be to ensure that existing serviced land is developed before new land is opened up.’

The district objectives for Coles Bay and Swanwick state:

- ‘I.** Maintain the current character of Coles Bay and discourage expansion outside the current confines of the town and more intense development within the town until appropriate infrastructure is established.

III. Encourage the full development of Swanwick.

VIII. Ensure that public access and enjoyment of the foreshore, beaches and ocean are protected and enhanced by the provision of appropriate public facilities, the management of access to, along and over the foreshore and the control of runoff on or over the foreshore.’

The intent for the Village zone is:

- ‘a)** to consolidate and confine new residential use or development and other comparable uses or developments within the zone so as to maximise and promote the use of existing and future facilities and services;
- b)** to encourage use or development whose scale and character match the existing scale and character of the zone; and
- c)** to ensure that the role the smaller towns within the planning area perform in providing a specific residential amenity is protected, and to protect the residential amenity from conflicting use or development.’

The assessment of the above allows a conclusion that:

The full development of Swanwick is encouraged.

Swanwick is not viewed as a major town within the planning area.

As a smaller town the character of the area and residential amenity is to be protected.

Priority is given to areas with services.

The draft amendment is consistent with promoting the full development of Swanwick and satisfies the various intents and objectives of the planning scheme as a smaller town. For the current Open Space zoning for Area 1, there is no evidence that the whole site has been identified as having particular attributes or need for open space provision. Council did not demonstrate a desire to retain the area for future public open space needs. In any event, notwithstanding the rezoning to Village, the proposed subdivision provides a large area for 'public recreation'. Despite the view that Area 1 should not of itself retain open space zoning, there appears to be unresolved matters relating to the provision of public open space from previously approved permits. This matter is discussed below for Area 2.

Mr Davis's evidence was that

'Swanwick represents the only area where residential development can occur on the Freycinet Peninsula. The subject site is the last remaining residential development site at Swanwick.'

The Commission agrees with this assessment.

Infrastructure

Mr Higgins' submitted the there was no intention for Swanwick to be anything other than a holiday settlement with no intent for it to be a self-sufficient settlement.

Reports for the Applicant sufficiently demonstrate the residential use for Area 1 can appropriately proceed in terms of waste water disposal, stormwater management and protection of ground and surface water. The proposed arrangement is for the residential lots to be reticulated for waste water that will be treated and disposed of predominately through irrigation of the adjacent golf course. Part of the arrangement is irrigation together with bio-retention areas. The evidence was that the golf course could take all the treated waste water and still need to augment the irrigation requirements from other sources. For storm water, roof run off will be captured in on-site tanks for domestic use, all other stormwater and over flows will, through pipes and culverts, be stored in detention basins and screened through gross pollution traps prior to eventually entering Swanwick Bay.

The arrangements for stormwater are based on there being no reticulated potable water. The area has a low rainfall and there is no ready supply of potable water for reticulation. The settlement exists with the current arrangement of on-site water storage. The additional residential capacity provided by the amendment does not significantly alter the current situation in terms of demand for reticulated water but in essence completes the development area defined for Swanwick.

The representors submitted that the impact on fresh water resources, such as the Apsley River should be assessed. The submission contended that at times water would need to be carted for domestic consumption. Sources of additional water, amounts to be drawn and impact on those supplies are matters mostly external to the applications before the Commission. Although water delivery may be required at times, the extent of the requirement is not known and environmental impacts on the water sources are for other approval processes to regulate. The permit requires on-site storage and water conservation measures appropriate to the location. The area needs to be recognised in the longer term as a small settlement without reticulated potable water.

The evidence is that Swanwick road capacities are adequate and junction improvements with Coles Bay Road are proposed to be funded through a development levy as a condition on the permit. The formal linking of Swanwick Road and Hazards View Road is viewed as a positive outcome allowing internal vehicular circulation without entering Coles Bay Road.

For the purpose of the draft amendment, there are adequate arrangements for physical infrastructure.

Area 2 specific issues

Mr Higgins advised that following further consideration and inspection that it was his opinion that the retention of the Open Space zoning for proposed Lots 300, 302, 303, & 304 as recommended in Council's s.39(2) report of LUPAA was not required. He submitted that development on lots 302-304 would be appropriate and the proposed road (lot 300) would provide the opportunity for formal access to the beach.

In contrast the representors claimed that this is one of the most environmentally sensitive areas remaining on the coast at Swanwick. The area was described as being fully vegetated, steep and sandy in places. It was claimed the area:

- had no vegetation assessment (A report by North Barker Ecosystem Services of October 2007 had not been made available until the hearing);
- no hydrological review of surface or ground water;
- no assessment of waste water disposal or stormwater drainage;
- has Aboriginal heritage values;
- development allowed by the enlarged area of Village zoning will be visually sensitive; and
- previous commitments or conditions concerning public open space contributions have not been met.

Weight is given to the claims of the representors in respect to Area 2. The consultants' work for the Applicant largely concentrated on Area 1. Dr Barker's investigation on flora and fauna was confined to the area of the proposed road and carpark. He agreed that the area surrounding the proposed road and carpark would suffer adverse edge effects from increased access into the area.

The Representors tabled a report on 'Aboriginal Heritage Value Assessment of a proposed new subdivision at Swanwick' (Leigh Maynard September 2001). The report was prepared for the Applicant and principally concerned Area 2. The report shows Area 2 being within the Tasmanian Aboriginal Sites Index (TASI) 8828 and TASI 8829. The report observed that previous illegal ground disturbance work had occurred without a permit under the *Aboriginal Relics Act 1975*. The report referred to covering Aboriginal sites to prevent disturbance to those sites. However for Area 2 further disturbance can be avoided by not constructing a road access to the proposed lots and carpark and this is preferred as a mitigation measure rather than covering the site to protect surface material. In any event, an application under the *Aboriginal Relics Act 1975* would have been required for the proposed works.

On the representors' submission there is a prima facie case of unresolved public open space obligation under previous subdivision permits. Area 2 has open space zoning that should become public open space. This is a matter for resolution between Applicant and Council in terms of meeting commitments and conditions raised on previously approved permits.

The evidence to the hearing was that sewage and storm water could be appropriately dealt with for development on lots in Area 2, but this was not in the documents provided. Mr Davis submitted that a structured access to the beach provided by the proposed road was preferred to regulate activity and reduce erosion. This opinion is not accepted as the proposed road only partly covers the distance to the beach front, and increased visitation would increase the direct impacts and the adverse edge effects referred to above.

Flooding

Area 1 has a flood history. The assessments in the consultants' reports were that the recommended arrangements for increasing capacity of culverts and other stormwater management measures would mean all proposed lots would be free of inundation. There remains an existing flood issue for the houses near the cul-de-sac on the northern extension to Swanwick Drive. This area is outside the site and measures to reduce flood inundation risk needs to be addressed through other means.

Commission's assessment of the permit

The s.43A permit grants conditional planning approval for subdivision. With the altered arrangement for waste water disposal, the Applicant lodged a revised plan of subdivision. As a preliminary matter the Commission determined that the changes on the revised subdivision plan were not significant. The revised plan had full exposure to the representors and Council had lodged revised conditions should the permit be confirmed by the Commission. The revised subdivision plan is the document before the Commission.

Another preliminary matter is the status of sewage treatment as a use class under the planning scheme. The relevant use classes are public utility (major) and public utility (minor). The relevance of the use classification is that sewage treatment is proposed on a separate lot and public utility (major) is prohibited in both the Village and Open Space zones whereas public utility (minor) is permitted.

The relevant definitions are as follows:

Public Utility (major)

means the use or development of land for major utility installations and includes generating works, electrical substation of more than 66 kilovolts, maintenance depot, treatment or disposal works for sewage or refuse (including sanitary fill).

Public Utility (minor)

means the use or development of any land to provide water, sewerage, electricity, gas, drainage, marine structures (including jetties, access ramps), communication or other similar services but does not include anything defined as a Public Utility (Major)

The representors sought to have the sewage treatment arrangements classified as public utility (major) and therefore prohibited. Arguments were submitted to support and to counter this claim. In consideration of these submissions the Commission concludes that the use class for the proposed sewage treatment is public utility (minor). The primary reason for this conclusion is that the concept of use class allocation is initially one of best fit, secondly public utility (major) is principally stated as 'use or development of land for major utility installations'. The subsequent examples are inclusive of the sorts of uses that would be considered major. In contrast the public utility (minor) use class is to provide '...sewerage services'. In the context of the definition it is not agreed that public utility (minor) is just the pipe works and does not include treatment as integral to it being a public utility (minor).

Area 1 proposes a subdivision of 54 lots with roads, public recreation space and drainage retention/bio-retention basins and an additional 2 lots (lots 305 and 306) fronting Hazards View Drive. Lot 305 is set aside for sewage treatment plants.

Area 2 proposes a 3 residential lot subdivision, with public recreation space, road and car park to improve access to the beach front to the west (Great Oyster Bay).

As determined below, the draft amendment requires modification to reject Area 2 from the rezoning to Village. Therefore, proposed lots 300 – 304 can not be approved and do not require further assessment.

Area 1

Planning scheme requirements

The proposed subdivision meets the subdivision standards for the Village zone.

Issues raised in representations

Dwelling density and multiple dwellings

The standards for the Village zone do not set a dwelling density in relation to site area for multiple dwellings. In response to the representations, the Applicant proposed a dwelling density of 1 unit to 700m² lot area. Therefore only lots with an area greater than 1400m² could be used for multiple dwellings. With 7 lots over 1400m² and none over 2100m², the impact of multiple dwellings in terms of overall density is assessed as limited. This density for multiple dwellings should be an additional condition on the permit.

Other issues raised by the representors relating to land use, services, drainage etc have been addressed in the assessment of the draft amendment.

Application of State Policies

State Coastal Policy 1996

The site is within the coastal zone as defined in the Policy. Relevant provisions of the State Policy are.

- 1.2.1. *Areas within which Aboriginal sites and relics are identified will be legally protected and conserved where appropriate.*
- 1.2.2. *All Aboriginal sites and relics in the coastal zone are protected and will be identified and managed in consultation with Tasmanian Aboriginal people in accordance with relevant State and Commonwealth legislation.*

Area 2 of the draft amendment is assessed as not being prepared in accordance with these elements of the State Policy.

- 2.4.1. *Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.*

Area 1 is not of environmental sensitivity and infrastructure in terms of sewage disposal and roads are to be provided. Water reticulation is not proposed and on-site water capture and storage is acceptable for the location. Area 2 is assessed as being an environmentally sensitive area where the proposed roadway and additional Village zoning should be avoided.

- 2.4.2. *Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.*

Development of Area 1 avoids ribbon development and the establishment of unrelated settlement clusters along the coast. Development of Area 2 will add to the perception of closure by the ridge top settlements. This is an area where ribbon development, within the settlement can be avoided. Public access to the coast through Area 2 is retained through a pedestrian right-of-way from Hazards View Road without the need for a roadway as proposed for the 3 lot subdivision in the area.

- 2.4.3. *Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.*

The applications are consistent with this part of the Policy. Overall the draft amendment modified to delete Area 2 is assessed as being prepared in accordance with the State Policy.

Interim State Policy on the Protection of Agricultural Land 2008

The land is not agricultural land as defined in the Policy. The application is assessed as being prepared in accordance with the *Interim State Policy on the Protection of Agricultural Land 2008*.

State Policy on Water Quality Management 1997

The conditions on the permit should ensure that waste water and stormwater can be managed in accordance with the Policy. The amendment is assessed as being prepared in accordance with the *State Policy on Water Quality Management 1997*.

National Environmental Protection Measures

The NEPMs are not applicable to the applications.

Schedule 1 objectives Land Use Planning and Approvals Act 1993

Part 1 objectives

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.*

Area 1

The proposed Village zoning can provide for sustainable development of the site through appropriate management of stormwater and wastewater. Sustainability in terms of social infrastructure is an existing and longer term issue that the current draft amendment will not resolve or make worse. There is no evidence that the maintenance of ecological processes and genetic diversity are matters applicable to the site.

Area 2

It has not been demonstrated that Village zoning can provide for sustainable development of the site. Issues for the maintenance of ecological processes and genetic diversity are relevant, particularly in terms of edge effects from greater intrusion into the area as promoted by improved accessibility.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water.*

Area 1

Village zoning provides for orderly development of the Swanwick settlement.

Area 2

Village zoning and greater access through road construction is not seen as fair, orderly or sustainable. Development in this area has the potential to adversely impact on coastal vegetation, Aboriginal sites and contribute to the loss of the reasonable separation of residential nodes either side of the gully.

- (c) *to encourage public involvement in resource management and planning.*
The draft amendment has been through the formal public processes required by LUPAA. .
- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c) above.*
The draft amendment for Area 1 will facilitate economic development consistent with the preceding objectives.
- (e) *to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

Development allowed by the draft amendment will involve the sharing of responsibility by government, community groups and industry.

Part 2 objectives

The Part 2 objectives are furthered principally in terms of establishing a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land, to secure a pleasant, efficient and safe working, living and recreational environment, to conserve areas of scientific and cultural values and the orderly provision of public infrastructure.

Conclusion on the draft amendment

The draft amendment for Area 1 provides for the consolidation of the Swanwick settlement with an appropriate level of infrastructure. For Area 2 the draft amendment intrudes on an area with sensitive values that should not be further encroached upon. The draft amendment should not include area 2 in the Village zone.

The draft amendment should be approved with a modification to exclude the area shown for Village zoning by deleting the area comprising lot 300 and parts of lots 302-304 as shown on the plan of subdivision for the permit and as described above as Area 2.

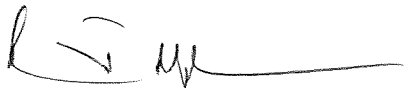
Conclusion on the permit

The permit provides for the subdivision development of lots and the retention of areas for recreation, the management of stormwater and as part of the wastewater disposal process. The permit should be confirmed with the additional condition that lots 300 (road) 302, 303 and 304 are not approved and a condition added that multiple dwellings can only be approved on lots greater than 1400 m².

Decision

Pursuant to Section 41(ab) of the *Land Use Planning and Approvals Act 1993* the Commission modifies the draft amendment as set out in Annexure A and gives its approval to the draft amendment as modified pursuant to Section 42 of the Act.

Pursuant to Section 43H (1)(b)(ii) of the *Land Use Planning and Approvals Act 1993* the Commission modifies the permit as set out in Annexure B.



Robin Nolan
Chairman



Sandra Hogue

Delegates
Resource Planning and development Commission
29 June 2009

Attachments:
Annexure A: Amendment to the plan
Annexure B: The permit

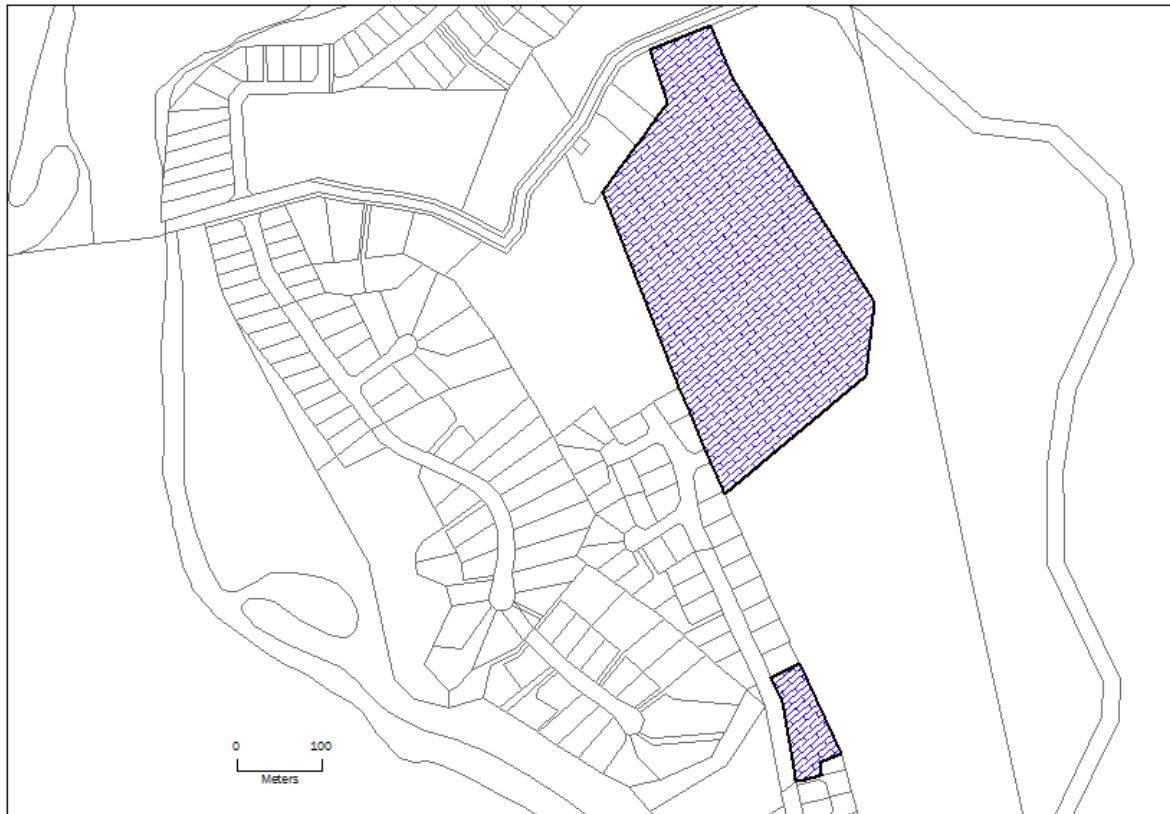
Annexure A

Glamorgan Spring Bay Planning Scheme 1994

Amendment 01/06

(i) The plans are amended as follows:

LOCATION:	Part of CT144214/4– Coles Bay Road, Coles Bay
CURRENT ZONING:	Open Space
PROPOSED ZONING:	Village



(ii) The scheme is amended to insert after clause 8.1.3 the following:

8.1.4 Notwithstanding any other provision any use and development on CT144214/4 is to be conditional on the connection to reticulated sewerage infrastructure.

Annexure B

Resource Planning and Development Commission

GLAMORGAN-SPRING BAY PLANNING SCHEME 1994

DEVELOPMENT APPLICATION NO. SU06001

Cooroolina Pty Ltd – LCT 144214/4, Hazards View Drive & Swanwick Road, Coles Bay

CONDITIONS

General

1. The development for subdivision must only be undertaken in accordance with the proposed plan of subdivision 07-018 edition V.05 dated 20/08/08, the Applicant's supporting documents prepared for the Commission's hearings as bound in the SEMF Pty Ltd for Cooroolina Pty Ltd 25/08/08 (hearings commencing 21/04/09) unless otherwise required by this approval as specified in the permit conditions below.
2. Proposed lots 300, 302, 303, 304 as shown on the plan of subdivision are not approved.
3. All approved lots are to be connected to underground power supply, at the Applicant's expense.
4. Street lighting is to be provided at the Applicant's expense and must be designed to minimize light spill to the night sky, to the satisfaction of Council's General Manager.
5. The land shown as Public Recreation (Lot 122 on the plan) is to be developed and constructed to the satisfaction of Council's General Manager and at no cost to Council and transferred to Glamorgan Spring Bay Council by Memorandum of Transfer submitted with the final plan of survey.
6. The applicant must provide roads constructed to a full construction standard complete with street lighting, kerb and gutter and concrete footpaths unless alternative approved Water Sensitive Urban Design ("WSUD") elements are implemented to the satisfaction of Council's General Manager.
7. The Applicant must widen Swanwick Road from the proposed intersection with Hazards View Drive to Coles Bay Road to achieve a minimum sealed width of 6.0 metres with 1.0 metre wide gravel shoulders.
8. The Applicant must pay a contribution in the sum of \$30,000, (exclusive of GST), towards the cost of upgrading the Hazards View Drive junction with the Coles Bay Tourist Road (the contribution). The contribution must be paid prior to the final sealing of the plan of subdivision by the Council and must be paid to the Council to be held in trust by it. Upon confirmation of receipt of the contribution by the Council, the Department of Infrastructure, Energy and Resources will commence planning of upgrading works. The Council is to pay the contribution to the

Department of Infrastructure, Energy and Resources upon it being satisfied that the Department has or has caused the upgrading of the junction with the Coles Bay Tourist Road to be completed. In the event that upgrading has not been completed within 5 years of the date of the sealing of the final plan of subdivision, the contribution must be refunded by the Council to Cooroolina Pty Ltd, together with any accumulated interest upon the contribution. Until the Council pays the contribution to the Department of Infrastructure, Energy and Resources, or refunds it to Cooroolina Pty Ltd in accordance with the terms of this condition, the Council must invest it, with a bank, at interest

9. The Applicant must provide to each allotment a standard reinforced concrete access crossover from the road carriageway to the property boundary of minimum width 3.0 metres in accordance with Standard Drawing SD 1003. The access crossover is to be inspected by the responsible Council officer prior to the placement of concrete.
10. Each allotment is to be provided with access to standard services with the exception of water located underground in accordance with Standard Drawing SD 1002 or as otherwise approved by Council's General Manager. All service installations are to be inspected and certified by the responsible Council officer prior to backfilling.
11. The development shall be designed and constructed in accordance with *Water Sensitive Urban Design Engineering Procedures for Stormwater Management in Southern Tasmania*, with the recommendations contained in the unpublished *Hydrological Review and Surface Water and Groundwater Management Report, Cooroolina Subdivision, Swanwick* prepared by W. C. Cromer of William C. Cromer Pty Ltd and dated 9 August 2008, with the recommendations contained in the unpublished *Cooroolina Pty Ltd Consolidated Report for Stormwater Issues at Swanwick for a 53 Lot Subdivision* prepared by Dale P. Luck of Dale P. Luck and Associates and dated August 2008 and to the satisfaction of the Municipal Engineer.
12. In the event that final engineering design requires the installation of a detention basin within the proposed subdivision some lots may need to be deleted or amended in layout. This will be determined by Council's General Manager during the engineering design phase.
13. The Applicant must install a gross pollutant trap to collect the complete stormwater discharge from the development at a location approved by Council's General Manager unless alternative approved WSUD elements are implemented.
14. The Applicant must provide each lot receiving or disposing of stormwater drainage the facility of a registered drainage easement and where applicable, underground piped stormwater system; pit and/or catch drain.
15. The Final Plan of Survey is to be endorsed to the effect that Council cannot provide a water supply to any of the lots.
16. All lots are to be sewered and the Applicant shall construct all reticulation, pumps and associated rising mains to receive the sewage from the subdivision and deliver it to the treatment plant.

17. The Applicant is to provide each lot with a new sewerage connection point of 100mm nominal diameter, complete with a screwed cap and terminating 300mm into each lot proper at a depth to command the entire allotment. All connections points are to be installed in accordance with Standard Drawings SD3010 and SD3011.
18. The Council will not seal any Final Plan of Subdivision for the development (or any of its stages) unless and until reticulated sewerage is connected to a fully operational sewage treatment plant and available at the boundary of every lot contained in the Final Plan of Subdivision to the satisfaction of Council's General Manager.
19. The Applicant must provide as constructed drawings certified by a licensed surveyor to Council for all underground services. The drawings are to be provided in digital format and in hard copy. The subdivisional works will not be placed on maintenance until the "as constructed" drawings have been received and accepted by Council's General Manager.
20. Any survey plan that has lots endorsed public open space ", " public access way ", " road widening or "road" must be accompanied by a Memorandum of Transfer to Glamorgan Spring Bay Council. This transfer is to be executed by the Vendor, identifying the lots to be transferred and accompanied by the required Land Titles Office and Stamp Duty, fees and charges. Where such lots are subject to existing Mortgages, registered agreements, caveats or other registered dealings, then all necessary documentation in relation to the discharge of such dealings, in respect to the lots to be transferred are to be provided with the Memorandum of Transfer.
21. All Engineering services are to be designed and supervised by a qualified and experienced Civil Engineer. No work is to start on site until the drawings and specifications have been approved by Council's General Manager.
22. This permit shall not take effect and must not be acted on until a Soil and Water Management Plan (SWMP) prepared by a consultant approved by Council's General Manager recommending measures to control stormwater runoff from the land so that runoff does not cause erosion and sedimentation or discolouration of any surface water outside the boundaries of the land during the construction phase in accordance with HMCA: Guidelines for Soil and Water Management, HMCA, Hobart, 1999 and the State Policy for Water Quality Management 1997 has been submitted to and approved by Council's General Manager.
23. Prior to any other works approved by this permit commencing, the Applicant must install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development to the satisfaction of Council's General Manager.
24. The Applicant is required to upgrade existing downstream stormwater infrastructure to cater for any increase in stormwater discharge from the development to the satisfaction of Council's General Manager.

25. The Applicant must enter into an agreement pursuant to Part 5 of the *Land Use Planning and Approvals Act* prior to the sealing of the final plan of survey to require the plumbing design of any residential use or development to incorporate water saving fittings and appliances to the satisfaction of the Glamorgan Spring Bay Council Permit Authority.
26. The Applicant must enter into an agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 prior to the sealing of the final plan of survey that prohibits the development of multiple dwellings at a density greater than one dwelling unit per 700m² of lot area.
27. The permit shall not take effect and cannot be acted upon until a bushfire management plan prepared by the Applicant and approved by the Tasmania Fire Service and incorporating the relevant requirements of the *Guidelines for development in bushfire prone areas of Tasmania*, Tasmania Fire Service, Hobart, 2005 and *AS 3959: Construction of Buildings in Bushfire Prone Areas* Standards Australia, Sydney is submitted to the satisfaction of Council's General Manager.
28. The Applicant must enter into an agreement pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* prior to the sealing of the final plan of survey to require any residential use or development to be carried out and maintained in accordance with the approved bushfire management plan.
29. The Applicant must ensure that road reserves, bio-retention areas, lot 122 and north eastern and south eastern boundaries of the site are landscaped by trees or plants in accordance with a landscape plan prepared by a landscape architect or other person approved by Council's General Manager, and submitted to Council for endorsement with the engineering drawings. The landscape plan must show the areas to be landscaped, the form of landscaping, the species of plants and estimates of the cost of the works. Planting in the road reserves shall be equivalent to a minimum of 1 tree per lot using advanced plants that suit the character of the locality. Planting along the north eastern and south eastern boundaries of the site shall be designed with fire retardant native species and to provide a buffer from golf course operations. No plants listed as noxious weeds within Tasmania, or displaying invasive characteristics shall be used in any landscaping.
30. Agreements made pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must be prepared by the Applicant on a blank instrument form to the satisfaction of the Council and registered with the Recorder of Titles. All costs associated with the preparation and registration of the Part 5 Agreement must be met by the Applicant.
31. Lot 305 containing the WWTP and shown on the endorsed plans must be transferred to the Glamorgan Spring Bay Council by Memorandum of Transfer prior to the end of the maintenance period. The requisite parcel of land shall be provided with a minimum width 3.00m all weather maintenance vehicle access from Hazards View Drive to the title boundary constructed and located in accordance with Council's standards and suitably fenced to the satisfaction of Council's General Manager.

32. The Applicant must provide car parking spaces and landscaping on lot 305 to the satisfaction of Council's General Manager.
33. The Applicant must adhere proposed lot 305 to the adjoining lot CT 139308/300 (Marked on the proposed subdivision plan as 'existing sewer treatment plant')
34. The owner of CT144214/4 (Cooroolina Pty Ltd) and owner of CT 137820/1 (Freycinet Golf Club Inc) must each enter in to a deed of agreement with the Council for the discharge and use of recycled water substantially in accordance with the draft agreement of 24/04/09, as circulated to the parties by SB McElwaine by letter of 24 April 2009 and must at all times comply with the terms of that agreement.
35. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Municipal Engineer. The cost of locating and creating the easements shall be at the Applicant's full cost.
36. Engineering design drawings to the satisfaction of the Municipal Engineer must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences.
37. The construction of the WWTP and associated infrastructure must only be carried out between the following hours unless otherwise approved by Council's General Manager:
 - Monday to Friday 8:00 AM to 6:00 PM
 - Saturday 8:00 AM to 6:00 PM
 - Sunday and public holidays applying to the area. 10:00 AM to 6:00 PM

ADVICE

This permit is valid for two (2) years only from the date it takes effect and will lapse if substantial commencement of the use or development does not take place within that time.

The SWMP must show the following:

- (a) Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;***
- (b) Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;***
- (c) Estimated dates of the start and completion of the works;***
- (d) Timing of the site rehabilitation or landscape program;***
- (e) Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection.***

- (f) *Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion.*
- (g) *Temporary erosion and sedimentation controls to be used on the site.*

Appropriate temporary control measures include, but are not limited to, the following:

- *Minimise site disturbance and vegetation removal;*
- *Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);*
- *Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;*
- *Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;*
- *Stormwater pits and inlets installed and connected to the approved stormwater system before the roadworks are commenced; and*
- *Rehabilitation of all disturbed areas as soon as possible.*

Builders waste, other than of a quantity and size able to be enclosed within a standard 140 Litre mobile garbage bin, will not be accepted at Council's Waste Management Centres. All asbestos based waste must be disposed of in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC: 2002(1988). No material containing asbestos may be dumped at Council's Waste Management Centres.