

DEVELOPMENT / USE PERMIT
KINGBOROUGH INTERIM PLANNING SCHEME 2015

Application No. DAS-2019-5 dated 26 February 2019 submitted by All Urban Planning Pty Ltd.

This permit is granted, subject to the conditions set out below, for the development and/or use of - **boundary adjustment** at the land situated and described as - **Lot 3 And 757 Channel Highway, Kingston.**

CONDITIONS

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DAS-2019-5 and Council Plan Reference No. P2 submitted on 25 November 2019 This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. Prior to the permit coming in to effect the landowner must enter into a Part 5 Agreement under the *Land Use Planning and Approvals Act 1993* with and to the satisfaction of Kingborough Council to retain and protect the environmental values on Lot 1, outside those areas required for a building area, private open space and bushfire protection measures, and ensure future development is located to minimise impacts on environmental values. This Part 5 Agreement must:
 - (a) verify the extent of the conservation zone, which is to encompass all native vegetation outside the bushfire hazard management area and access as shown in Figure 1 of the Bushfire Risk Assessment (North Barker, 20/11/2019);
 - (b) provide for the protection and management of all native vegetation and habitat values within the conservation zone;
 - (c) include a Conservation Management Plan including but not limited to restricting vegetation removal, incorporating a weed management plan, incorporating management prescriptions for future development of the lot and requiring monitoring and reporting for a minimum of 5 years, to ensure that environmental values are managed for their long term survival. These prescriptions must be drafted by a suitably qualified environmental consultant and including timeframes and details for each action;
 - (d) management prescriptions for future development of the lot must include the following requirements:
 - i) the prior written consent of Council prior to felling, lopping,

- ringbarking or otherwise injuring or destroying of eucalypt trees with a diameter >25 cm at 1.5m from natural ground level can take place;
- ii) future development of the lot to be designed, located and constructed to avoid and minimise impacts on blue gum (*Eucalyptus globulus*) and white gum (*Eucalyptus viminalis*) trees and any native tree with a diameter >70cm at 1.5m from natural ground level;
 - iii) Council will only approve impacts on these trees where it can be demonstrated that, based on the advice of a suitably qualified and independent arborist, the trees are unable to be retained because either:
 - the health and viability of the trees is such that they represent a danger; and/or,
 - there is no feasible alternative location and design which avoids or mitigate the impacts of the development on the health of these trees while also allowing the lot to be developed for its intended purpose.
 - iv) the loss of individual white gums (*Eucalyptus viminalis*) with a diameter >25cm at 1.5m from natural ground level, blue gums (*Eucalyptus globulus*) with a diameter >40cm at 1.5m from natural ground level and any native tree with a diameter >70cm at 1.5m from natural ground level to be offset to the satisfaction of Council;
 - v) buildings and structures must not pose an unacceptable risk of bird collision by incorporating design elements and strategies in accordance with the document “Minimising the swift parrot collision threat – Guidelines and recommendations for parrot-safe building design”.

Buildings and structures will be deemed to pose such a risk unless they comply with any one of the following:

- the glazed surface of the window does not have a total surface area of greater than 2m² and does not result in a sight line through the building from one window to another, such as corner windows;
 - the glazed surface of a window is treated to include visual markers or muted reflections, the purpose of which is to give them the appearance of an impenetrable surface. Such surfaces may include any one of the following types of treatments: the use of low-reflectivity glass (0-10%); films; coatings; fritted glass; or screens; or
 - the glazed surface of a window is installed at a minimum of 20 degrees from vertical, angled in at its base to reflect the ground.
- vi) future development of the lot must be limited to a single dwelling and associated infrastructure, this dwelling to be constructed to BAL 29 and the bushfire hazard management area is limited to that shown in the Bushfire Risk Assessment (North Barker,

20/11/2019);

vii) any landscaping of the site will incorporate native species (preferably Tasmanian endemic species) and will not include non-declared priority weeds listed in the Kingborough Weed Management Strategy;

- (e) be drafted using Council's template Part 5 Agreement for subdivision in the Environmental Living zone;
- (f) be signed and sealed prior to commencement of works; and,
- (g) be submitted to the Land Titles Office with the final plan of survey and registered on the title.

All costs associated with drafting and registering the Part 5 Agreement on the title are to be borne by the developer. All terms of this Agreement must be complied with once executed.

Ongoing management of the site must be in accordance with the Part 5 Agreement.

Please note, planning permits containing a requirement for a Part 5 Agreement are not valid until such time as the Agreement is executed, as specified in the Land Use Planning and Approvals Act 1993. Therefore the above Agreement must be executed prior to commencement of works and registered on each title. The template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.

3. Prior to sealing of the Final Plan of Survey, a bond must be paid to Council for the cost of five years of monitoring and implementation of the Part 5 Agreement, excluding any initial actions already undertaken. Reporting to Council on compliance with and implementation of the Agreement is to be undertaken by a suitably qualified consultant and not less than once annually for a minimum period of 5 years. The bond will be repaid to the payer in stages on an annual basis once each annual report is received and satisfactory implementation of works demonstrated, in accordance with the cost schedule identified in the Agreement.
4. The Final Plan of Survey must incorporate a designated building area for Lot 1, to be shown as a "Building Area" on the plan. This building area must be broadly consistent with the building area and bushfire hazard management area as shown in Figure 1 of the Bushfire Risk Assessment (North Barker, 20/11/2019). The final "Building Areas" must be to the satisfaction of the Manager Development Services.

The Schedule of Easements must include a covenant requiring that all buildings, structures, on-site wastewater and bushfire hazard management areas must be located entirely within the above Building Area.

5. No felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is approved as part of this planning permit.

ADVICE

Development/Use Permit Conditions - DAS-2019-5, Lot 3 and 757 Channel Highway, Kingston

- A. A Final Plan of Survey must be submitted to Council for sealing, together with a Schedule of Easements, a copy of the survey notes, and a copy of the balance plan (where applicable). Payment of Council's fee for sealing the Final Plan of Survey and Schedule of Easements must be made upon submission of plans.
- B. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.

TASHA TYLER-MOORE
MANAGER DEVELOPMENT SERVICES

Decision Date: 6 February 2020