

Derwent Valley Council

New Norfolk Section 46 Planning Scheme 1994

Planning Permit 89/2005

In accordance with Division 2 of the *Land Use and Planning Approvals Act 1993*, the Derwent Valley Council (Planning Authority) hereby grants a permit –

To: V & ME (Tas) Pty Ltd
Of: 58 Honeywood Drive
HONEYWOOD TAS 7017

FOR LAND AT:
Cnr Lyell Highway and Glebe Road, New Norfolk

THIS PERMIT ALLOWS FOR:

The land to be **developed** by a subdivision and ancillary site works substantially in accordance with the endorsed drawings with the information and particulars set out in development application 89/2005 and the endorsed drawings.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:-

LAYOUT NOT ALTERED

The subdivision layout or development shown on the endorsed plans must not be altered without the written consent of the Derwent Valley Council.

Reason

To ensure the development complies with the permit and conditions.

1. Identified Land Use

The land identified for use as a 'possible childcare centre' is not approved for this land use, and will require a specific development application to be lodged for this proposed land use. The 'commercial site' is not approved for any specific land use, this shall require the lodgement of a separate development application to ensure that all necessary land use issues are considered in light of a development proposal.

2. Survey Plan

Before finally approving each stage the subdivision a Survey Plan must be submitted to the Derwent Valley Council for sealing. The plan shall be drawn to scale and prepared in accordance with the requirements of the Recorder of Titles and shall form part of this permit when sealed. The Survey Plan shall be substantially the same as the endorsed plan, but amended to show:

- (a) All lots, including the balance lot to be shown as lots on a single plan of survey.
- (b) Appropriate drainage easements and right of way are to be provided over lots.
- (c) The location of any private Rights of Way or other easements.

- (d) All existing and additional easements required as a result of the development on the Survey Plan and Schedule of Easements.
- (e) Road widening in accordance with the requirements of the Council.
- (f) All roads and footways as Road Reserves;
- (g) An area set aside for Public Open Space equivalent to five percent (5%) of the area of all new lots shown on the plan.
- (h) Embankment licences where road batters extend into any lot.

Reason

To ensure the development complies with the permit and the requirements of the Local Government (Building & Miscellaneous Provisions) Act 1993.

3. Staging of Development

The stages of development shall be in accordance with those stages indicated on the endorsed plans, excepting for those areas identified as 'future lots', where the developer shall provide a documentation identifying the 'future stages' of development following completion of stages 1 to 6 on the endorsed plans.

Reason for Condition

To ensure compliance with the New Norfolk Planning Scheme 1993, and see the sustainable development of the land resource.

4. Bushfire Hazard Minimisation

The development of all 'future stages' shall accord with the *Guidelines for Development in Bushfire Prone Areas of Tasmania (2005)*. Prior to commencement of these 'future stages' a Bushfire Hazard Management Plan (endorsed by the Tasmanian Fire Service) shall be submitted to Council, identifying compliance with these guidelines.

Reason for Condition

To ensure that the future development of the subject site does not contribute to a bushfire hazard.

5. Landscaping

A landscaping plan for all public spaces and areas defined as public open space shall be submitted to Council for each stage of the subdivision prior to completion of that stage. This plan shall be to the satisfaction of the General Manager.

Reason for Condition

To ensure compliance with Part 9 of the New Norfolk Planning Scheme 1993.

DURING CONSTRUCTION

6. Hours of work

All works associated with earthworks, road construction and the like are to be undertaken between the hours of:

Monday - Friday	7:00 AM - 6:00 PM
Saturday	8:00 AM - 6:00 PM
Sunday	9:00 AM - 6:00 PM

Reason

To preserve the amenity of the site and the locality during construction.

7. Environmental Protection

Any emission from the plant and/or machinery and activity associated with the use/development is to be in accordance with any standard/regulation imposed or adopted by Council pursuant to the Environmental Management and Pollution Control Act 1994, and such as not being likely to cause any unreasonable nuisance or detriment to the amenity of adjacent or nearby properties.

Reason for Condition

In the interest of environmental protection and amenity.

8. Aboriginal Sites and Relics

If any aboriginal sites, relics or artefacts are found during works, then works must cease and the Tasmanian Aboriginal Land Council and Aboriginal Heritage Section of DPIWE should be immediately contacted and informed. Any advice provided by those authorities is to be strictly followed.

Reason for condition

To ensure the works do not affect any items or sites of significance.

9. Threatened Species Act

It is evident that a number of threatened or endangered species under the Threatened Species Protection Act 1995, may be present on the site. The Applicants are advised that, pursuant to Section 51 of the Threatened Species Protection Act 1995, a person must not knowingly, without a permit, take, keep, move, trade in, or disturb or process any threatened species listed under that Act. It may be prudent, therefore, for the Applicants to contact the Threatened Species Unit of the Department of Primary Industries, Water and Environment to determine their responsibilities

Reason for Condition

To ensure that all associated legislative provisions are complied with.

10. Public Safety

Safe pedestrian and vehicle access is to be maintained along the footpaths and road(s) on the frontage of the site during construction and until the development is completed.

Reason for condition

To ensure the safety of pedestrians and motorists passing the site.

11. Services

Comply with the requirements of Aurora Energy and Telstra in regard to any impact on their underground cables or other infrastructure.

Reason for condition

To protect the services owned by service authorities.

12. OPEN SPACE

The final plan is to show the public open space area to a minimum area of 5 per cent of the whole area of land shown in the plan of subdivision.

Reason for condition

To provide for the public open space needs of the locality.

13. LAND INSTABILITY ASSESSMENT

For all stages to be defined on the subdivision plan, a Land Stability (Geotechnical) Assessment must be undertaken by a suitably qualified person (ie. a practising Engineering Geologist or Geotechnical Engineer who holds adequate and current professional indemnity insurance cover), and a geotechnical report is to be submitted to Council before a building permit is issued. The geotechnical assessment is to:

- (a) Address all potential hazards, including the following hazards as relevant to the particular circumstances:
 - Potential for Landslip.
 - Potential for foundation movement/instability (due to reactive soils/regolith, soil/regolith creep, low cohesion and/or compaction of soil/regolith particles).
 - Potential for instability due to presence of boulder beds in the geology.
 - Potential for vegetation removal to cause instability.
 - Potential for flooding an/or waterlogging.
 - Potential for river bank collapse.
 - Potential for instability due to the presence of unconsolidated sediments (eg, boulder beds, talus, deep soil profiles, sandy clay beds).
 - Advice and recommendations on the impact, type, and location of on-site waste disposal systems.
- (b) Classify the site in accordance with AS 2870-1996 and make recommendations for the type and design of drainage methods and structures, and building/structure foundations.
- (c) Conclude by classifying the potential hazard by providing opinion on the level of risk, whether the site is capable of supporting the proposed development, and whether the development is likely to cause instability on any other land.
- (d) Include evidence that the qualified person holds adequate and current professional indemnity insurance cover for the nature and extent of any necessary land instability investigations., to the satisfaction of the Council's Engineer.

The advice and recommendations of the geotechnical report are to be strictly adhered to. The geotechnical site investigation is to comply with the minimum requirements of AS1726 - 1993.

Reason for condition

To ensure the subject land is capable of supporting the proposed development and to protect the Council against liability resulting from the findings of the geotechnical assessment

14. Water Capacity Report

The Developer shall lodge an application and payment of costs in respect to a water capacity report for the development. The application is to include engineering calculations detailing the water supply requirements for the development, prepared and/or endorsed by a qualified Hydraulic Engineer.

Reason for condition

To ascertain the impact of the development on Council's reticulated water network and to facilitate the management of its physical resources in the locality.

15. Water Supply

Subject to the above condition, the developer shall demonstrate how mains pressure water supply shall be achieved, for all 'future stages' of the subdivision, at the developer's cost. This future supply shall also satisfy the Tasmanian Fire Service requirements for water supplies to development in bushfire prone areas.

Reason for condition

To ascertain the impact of the development on Council's reticulated water network and to facilitate the management of its physical resources in the locality.

16. 100 Year Flood level Covenant

The Owner or owners of lots on the plan covenant with the Derwent Valley Council to the intent that the burden of this covenant may run with and bind the covenantor's lots and any part thereof, to observe the following stipulation-:

- Not to erect or build a structure on the lot with a habitable floor level less than 300 millimetres above the 1:100 year average recurrence interval flood level applicable to the lot.

Reason for condition

To protect habitable buildings from flooding.

17. Riverside Reserve

Prior to development of stages immediately adjacent the proposed Riverside Reserve, the developer shall provide details of the development of this reserve to Council, that includes any storage of water, 1:100 year flood levels, and details of the impact downstream of the site, and any remedial works required to ensure compliance with the State Policy on the Protection of Water Quality 1997. The development of this area should be designed in accordance with the Derwent Estuary Programs "Guidelines for Water Sensitive Urban Design.

18. Erosion and Sedimentation Control - Conditions

Control erosion and sedimentation during construction in accordance with the requirements of a detailed Soil and Water Management Plan. The Soil and Water Management Plan is to include all the necessary information relevant to the site required by the draft document "Soil and Water Management Code of Practice for Hobart Regional Councils".

You are further advised that soil and water management measures should be installed/implemented on the site prior to commencement of work to prevent pollutants from soil, building materials etc. entering waterways or the stormwater system.

Reason for Condition

To avoid erosion and pollution of public and private infrastructure from sedimentation of natural and physical resources from the development and to comply with relevant State legislation.

19. Works in Highway Reservation

The Developer shall pay the cost of any alterations and/or reinstatement to the highway infrastructure incurred as a result of the proposed works. Any work required is to be specified or undertaken by the authority concerned.

20. Works in Road Reservations

The Developer shall pay the cost of any alterations and/or reinstatement to the road reserve infrastructure incurred as a result of the proposed works. Any work required is to be specified or undertaken by the authority concerned.

Reason for condition

To ensure that the highway reservation affected by the proposal will be reinstated at the Developer's full cost.

21. Engineering Drawings

1. For each stage of the subdivision two sets of engineering plans are to be submitted to Council for initial inspection and comment. Four (4) sets of engineering plans are to be submitted for final approval by Council. Two (2) sets of approved plans will be kept by Council and two (2) sets will be returned to the developer's engineer.
2. Engineering plans are to be prepared by a qualified and experienced civil engineer, or other person approved by the Municipal Engineer.
3. All engineering plans are to be prepared in accordance with AS1100.101 "Technical Drawing – General principles" and AS1100.401 "Technical Drawing – Engineering survey and engineering survey design drawing".
4. All engineering drawings must provide the information listed in the Derwent Valley Council Engineering Drawings Checklist (copy attached).
5. All new public infrastructure and subdivision work must be designed and constructed in accordance with the statutory requirements in the Local Government (Building & Miscellaneous Provisions) Act 1993, Local Government (Highways) Act, Sewers & Drains Act 1954, Waterworks Clauses Act, Australian Standards, Building and Plumbing Regulations, relevant By-laws and Council Policy, and in accordance with WSAA 02-2002 Sewerage Code of Australia, WSAA 03-2002 Water Supply Code of Australia, and the Municipal Standard Drawings and Municipal Standard Specifications.
6. Separate metered water connection must be supplied to each lot in accordance with the Municipal Standards Drawings and Specifications.
7. Fire hydrants and markers are to be provided in accordance with the IPWEA, Tasmania Division, Fire Hydrant Guidelines.
8. Separate sewer and stormwater connections to be supplied to each lot in accordance with Municipal Standard Drawing MSD 6-05B and Council Municipal Standard Specifications.
9. Stormwater property connections should be to a piped main, unless approved otherwise by Council's Engineer.

10. All services to be sized and located to service the ultimate potential development of the site.
11. Carriageways will be designed and constructed in accordance with Austroads Guidelines (or, the design of all carriageways shall meet the peak traffic generation (for the completed subdivision) identified in the Traffic Impact Assessment (supplied by the developer). Where the road is considered by Council to require additional carriageway width for bus traffic or for parking clear of traffic lands, the carriageway widths will be as determined by Council's Engineer.
12. Carriageway surface course to be paved, with asphalt or concrete to municipal standard drawings.
13. Provide underground power layout incorporating appropriate street lighting design to be submitted for approval by Council's Engineer.
14. As constructed plans are to be submitted to Council prior to the subdivision being placed onto a defects liability period.
15. Provide a reflective "Road Closed" sign in accordance with MSD 7-01 at the end of each stage of the development.
16. Access to each lot is to be provided in accordance with Municipal Standard Drawing and Municipal Standard Specifications. This shall take the form of a covenant or registered Part V Agreement to ensure completion of access and crossovers prior to the occupation of each site.
17. Design Road Pavement Depths in accordance with ARRB Special Report No.41 using the estimated traffic volumes, the expected traffic type and the sub grade California Bearing Ration (CBR). The subgrade CBR values shall be determined from laboratory tests using the minimum of three (3) separate samples.
18. Any drainage concentrated and discharged into any drain or culvert on or under any State Road shall be located and constructed in accordance with the requirements of the Transport Division of the Department of Infrastructure Energy and Resource.
19. No Top Soil is to be removed from the site unless otherwise approved by Council's Engineer. All disturbed areas are to be stripped and the topsoil stockpiled in an approved located for reuse later in the rehabilitation of the site.
20. All disturbed surfaces on the land, except those set aside for roadways footways and driveways, shall be covered with 50mm of top soil and, revegetated and stabilised to the Satisfaction of Council.
21. Any accumulation of vegetation, building debris, or other unwanted material is to be disposed of by removal from the site in an approved manner. No burning on site such as materials is to be permitted unless approved in writing by the responsible authority.

Security

Lodge a guarantee from an approved financial institution, or deposit an bond for the value clearly in excess of any outstanding works required by Council before sealing the Survey Plan. The amount of security require for the maintenance period shall be determined by Council Engineer following the approval of any engineering drawings.

Electrical Reticulation

Provide underground electrical reticulation for power and street lighting in accordance with the requirements for Aurora Energy Pty Ltd. x

Reason for Condition

To ensure compliance with the intent of the Special Development Zone in the New Norfolk Planning Scheme 1993.

Sealing of final survey plan

All works associated with this subdivision are to be completed to the satisfaction of the Council's engineer, or security lodged in the form of s86(3) of the *Local Government (Building & Miscellaneous Provisions) Act 1993*, before the final survey plan is sealed by Council to allow the plan to be lodged with the Recorder of titles.

Council will not accept security for subdivision works valued at less than \$5,000.

Reason

To comply with the Local Government (Building and Miscellaneous Provisions) Act 1993 and Council policy.

SERVICES

Council Connections

Sewer and Stormwater (stages 1 to 6)

The developer shall provide connections to Councils existing reticulated services network to ensure that the first six stages of development can be serviced by Sewer and Stormwater, without imposing any financial burden on Council. These connections will be capable of maintaining the future maximum capacity of the approved plan to the identified connection points.

Water (stages 1 to 6)

The developer shall provide connections to the existing reticulated water supply to the satisfaction of Council to ensure that main pressure water can be supplied to all new lots. Where this capacity is not available, the developer shall demonstrate how this is to be achieved (to the satisfaction of Council), at the cost of the developer. x

Developer Contributions (Future Stages)

The developer is required to contribute to the cost of headwork's to supply the subdivision with sewer, and an improved road transport conditions (at the completion of 150 lots. The developer is to enter into a Part 5 agreement with Council requiring payment of \$500.00 to Council when a block of land from the subdivision is sold. The headwork's payment is to be increased quarterly in line with changes in the Consumer Price Index for Hobart as published by the Australian Bureau of Statistics.

Reason

To minimise the cost of servicing the new lots in accordance with section 86(2) of the Local Government (Building and Miscellaneous Provisions) Act 1993

Water supply

Extend the water main and provide a DN20 water connection to lots <> in accordance with the Australian Standard AS3500.1 National Plumbing and Drainage Code Part 1: Water Supply, Standards Australia, Sydney, 1992 and the Council's requirements.

Reason

To ensure that new lots are provided with water in accordance with section 86(2)(a) of the Local Government (Building and Miscellaneous Provisions) Act, 1993.

Sewerage

Extend the sewer mains and provide a DN 100 sewer connection to the low point of each lot in accordance with the Australian/New Zealand Standard AS/NZS 3500.2.2 National Plumbing and Drainage, Part 2.2: Sanitary plumbing and drainage - Acceptable solutions, Standards Australia, Sydney, 1998 and Council's requirements.

Reason

To ensure that new lots are provided with sewerage drainage in accordance with section 86(2)(b) of the Local Government (Building and Miscellaneous Provisions) Act, 1993.

Drainage

Construct a minimum DN 100 or DN 300 stormwater connection to the low point of each lot or road in accordance with the Australian/New Zealand Standard AS/NZS 3500.3.2 National Plumbing and Drainage, Part 3.2: Stormwater drainage- Acceptable solutions, Standards Australia, Sydney, 1998 and Council's requirements.

Reason

To ensure that new lots are provided with stormwater drainage in accordance with section 86(2)(c) of the Local Government (Building and Miscellaneous Provisions) Act, 1993.

Maintenance

Maintain and repair all approved engineering works carried out by the owner for twelve (12) months after completion of the works to the satisfaction of the Council's Manager - Environmental Services.

Reason

To ensure that all works carried out by the developer are constructed correctly and in a proper state of repair.

Re-survey

Carry out a re-peg survey by a registered surveyor upon completion of substantial subdivision construction works. A copy of the re-peg survey notes are to be lodged with Council, together with evidence that they have been registered by the Land Titles Office, prior to the works being taken over by Council.

Reason

To ensure that existing survey pegs are not disturbed or damaged during construction.

Survey pegs

Survey pegs to be stamped with lot numbers.

'Hobart Water' Easements

Building envelope

Building envelopes must be shown on the Final Survey Plan that restricts the construction or erection of any buildings on all lots impacted by the Hobart Water easements which run through the development site. These building envelopes shall enable a 10 x 15 metre rectangle to be placed on the subject lot, and conform with the provision of the New Norfolk Planning Scheme 1993.. Such building envelopes are to be defined by dimensions and bearing on the final plan.

Reason

To ensure that all lots will be able to be constructed upon, in accordance with the New Norfolk Planning Scheme 1994.

Scour Valves

Where Scour Valves are present on any lots, these lots are to be endorsed with drainage easements suitable for the use of the Valves and scoured water is to be piped to the reticulated network. Rights of ways for access to these facilities by Hobart Water.

Reason for Condition

To ensure the amenity of the residential area and continued operation of the Hobart Water Easements

Offtake

Easements ensuring access to the air valve pits and takeoff pits on the Hobart Water Easement shall be provided. In addition to this the inlet pipe to the reservoir shall have a pipeline easement created over it for its protection.

Reason for Condition

To ensure the amenity of the residential area and continued operation of the Hobart Water Easements

Crossing of the Pipeline Easement

Any services such as driveway accesses, water, sewerage, stormwater, power or telecommunications crossing the easement will need to conform to the conditions as detailed in Hobart Water's "Protection of Water Mains During Construction of Roads and Services and Otherwise where Traffic Loads will be Imposed", and "Protection of Trafficked Areas".

Reason for Condition

To ensure the amenity of the residential area and protection of the Hobart Water Easements.


Conditions Relating to DIER Referral

1. A left turn auxiliary lane on the Lyell Highway shall be provided by the developer at the Glebe Road junction in accordance with DIER's standards and specifications when titles have been issued for 60 lots.
2. The Glebe Road junction shall be relocated (at the cost to the developer) to the east and upgraded to include a right turn auxiliary lane on the Highway, in addition to the left turn lane indicated above, in accordance with DIER's standards and specifications when titles have been issued for 170 lots.
3. In accordance with Sections 83 (1) (b) and 85 (d) (viii) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* proper provision shall be made in the

proposed plan of subdivision for the future deviation of Glebe Road as described above by marking of the plan in a manner provided for by the Act.

4. Access to all proposed lots abutting the Lyell Highway is to be via either Glebe Road and the subdivision roads only, as the State Road is a proclaimed Limited Access road and no direct access is permitted either now or in the future. A suitable covenant restricting access solely via Glebe Road and the proposed subdivision roads for those lots abutting the Lyell Highway is to be included in the Schedule of Easements of the titles for those proposed lots, or a Part 5 agreement under the *Land Use Planning and Approvals Act 1993* is to be entered into to this effect, to complement the Limited Access status of the Highway.
5. The developer to demonstrate that future dwelling development on the proposed lots has or will be protected from noise by:
 - providing a purpose designed fence or a mound with appropriate planting outside the Highway reservation boundary and within the subject land, the design of which has been determined through a noise assessment undertaken by a suitably qualified expert; or
 - establishing a building envelope on the lots that has been determined through a noise assessment undertaken by a suitably qualified expert; or
 - the inclusion of an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* requiring that future owners of those proposed lots abutting the Highway demonstrate through a noise assessment undertaken by a suitably qualified expert that any proposed dwellings will be adequately protected from noise by means of location (ie, setback from the Highway reservation boundary), combined with appropriate design features, such as double glazing or locating noise tolerant rooms (eg, garages, bathrooms) on the Highway side; or a combination of the above.
6. The developer is to enter into an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* to the effect that the Minister administering the *Roads and Jetties Act 1935* (the Act) is not responsible, either now or in the future, for any attenuation measures necessary due to inappropriate land use/highway interaction relating to any development on the subject land.

This permit will lapse after a period of two (2) years from the date on which it was granted if the use or development has not commenced substantially within that period.



STEPHEN MACKEY
GENERAL MANAGER

24 October 2005



DERWENT VALLEY COUNCIL

Inquiries: Planning Department
Telephone: (03) 6261 8530

Our reference: DA 89/2005

24 October 2005

V & ME (Tas) Pty Ltd
58 Honeywood Drive
HONEYWOOD TAS 7017

Dear Mr Ernst

**PLANNING APPROVAL - 661 LOT SUBDIVISION
CNR GLEBE ROAD AND LYELL HIGHWAY NEW NORFOLK**

Council resolved to grant a permit for the development. A copy of the permit and endorsed drawings is **attached**.

A right-of-appeal to the Resource Management and Planning Appeal Tribunal (the Tribunal) is available in respect of the grant of this permit. For appeal procedures, please refer to the attached brochure from the Tribunal, or section 61 of the *Land Use Planning and Approvals Act 1993*.

Note that appeals must be lodged within fourteen (14) days after notice is given. For your convenience a copy of the Tribunal's Notice of Appeal is attached.


Please also note that the Tribunal will not notify you if an appeal has been lodged. You should watch the public notice section of the Mercury newspaper, or phone the Tribunal, to see if an appeal has been lodged.

This planning permit is not a permit to commence building or plumbing works.

Separate permits may be issued by Council's Authorised Officer if applications for building or plumbing works are lodged and the works comply with the *Building Regulations 1994* or *Plumbing Regulations 1994*.

Please contact Council's Planning Department on the above telephone number should you require further information concerning this permit. Enquiries concerning building matters should be directed to Richard Rigney on (03) 6261 8528.

Yours sincerely



STEPHEN MACKEY
GENERAL MANAGER

Enclosure: Planning Permit, Endorsed Drawings, Appeal Guide & Notice of Appeal