

Enquiries: Development Services
(03) 6261 8530

File: 89/2005

Date: 16 June 2022

Omega Investment Holdings Pty Ltd
c/- Billy Greenham
Urbis Pty Ltd
Level 10, 447 Collins Street
Melbourne VIC 3000

via email: bgreenham@urbis.com.au

Dear Mr Greenham

SECTION 56 AMENDMENT - PLANNING PERMIT 89/2005 – The Mills Residential Estate

I am pleased to advise that Derwent Valley Council (acting as a Planning Authority) has granted approval for the above amendment application. A copy of the amended planning permit is attached.

Section 61 of the *Land Use Planning and Approvals Act 1993* provides that an appeal to the Resource Management & Planning Appeal Tribunal may be made within 14 days of notice of this decision being served.

For further information about procedures for lodging an appeal please refer to the Tribunal's website (<https://www.rmpat.tas.gov.au/>) or contact the Tribunal on (03) 6165 6794 or via email at rmpat@justice.tas.gov.au.

If you wish to discuss this matter further please contact the above office, or via email dvccouncil@dvc.tas.gov.au quoting the above reference.

Yours sincerely



DANIEL MARR
EXECUTIVE MANAGER DEVELOPMENT

PLANNING PERMIT

Derwent Valley Interim Planning Scheme 2015

In accordance with Division 2 of the *Land Use Planning and Approvals Act 1993*, Derwent Valley Council (acting as a Planning Authority) grants the following amended permit:

REFERENCE: 89/2005

Purpose: Multiple Staged Subdivision of 717 lots (plus balance lot) and ancillary site works

Address: Lot 107 Gateway Drive, New Norfolk (CT 180612/107)

Lot 1 Glebe Road, New Norfolk (CT 180903/7)

Lot 1 Glebe Road, New Norfolk (CT 180903/8)

Lot 1 Glebe Road, New Norfolk (CT 180903/9)

Lot 1 Glebe Road, New Norfolk (CT 180903/10)

Lot 5 Poulters Road, New Norfolk (CT 142090/5)

Poulters Road, New Norfolk (CT 141514/6)

Permit Date: 24 October 2005

Amendment Date: 15 June 2022

AMENDMENTS TO PERMIT

Date	Description
24/10/2005	Original Permit
28/11/2008	General revision of permit conditions Revision of overall development plan
16/12/2010	Modification of lot layouts to Stage 4, 5 & 7 Revision of overall development plan
10/1/2012	Correction of original endorsed plan
12/1/2012	Modification of lot layouts to Stage 6A, 6B, 6C, 6D, 8, 9 & 10 Revision of overall development plan
4/4/2012	Modification of lot layouts to Stages 11 to 28 Revision of overall development plan
15/6/2012	Reduction of lots in Stage 4
22/8/2012	Modification of road alignment in Stage 4
6/2/2013	Reduction of lots in Stage 4
19/11/2020	Modification of Stage 6C & 6D Englobo lots for Stage 6C & 6D
16/12/2020	Deletion of Developer Contributions condition [unnumbered]
5/3/2021	Creation of englobo lots for Stage 8, 9 & 10 New Condition 5a [in unnumbered DIER condition group]
18/8/2021	Modification of Stage 6C to Stage 6C-1 & 6C-2

1/2/2022	Modification & consolidation of Stages 6C & 6D and various minor changes including updating permit conditions
15/6/2022	Modification of staged lot layout and englobo lots for Stages 9 & 10 and substages for Stage 10

CONDITIONS OF PERMIT

This permit is subject to the following conditions:

1. Layout

The Subdivision layout or development must only be undertaken in accordance with the endorsed plans and documents (as described in Attachment A to this permit) and any permit conditions and must not be altered without the written consent of the General Manager (or delegate).

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

2. Identified Land Use

[deleted]

(Condition deleted in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

3. Survey Plan

For each stage of 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) If the stage includes provision for Public Open Space or public reserve, the appropriate notation is marked on the lot on the plan of survey.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

4. Staging of Development

The stages of development shall be in accordance with the endorsed plans, which (including lot layout) must not be altered without the written consent of the General Manager (or delegate), subject to the following specific qualifications (which override other conditions of this permit):

- Stage 6C is comprised of Lots 25 to 67 on the endorsed plan. Lot 107 (1.855ha) is to be provided as Public Open Space as previously approved. Lot 67 is to be of sufficient dimensions to contain a rectangle a minimum of a 10m x 15m clear of easements, front boundary setbacks and other title restrictions. The nominated building areas are to meet the requirements of condition 36.
- The Public Open Space lot and Lots 56 & 57 in Stage 6C may be sealed as a separate stage to the remainder lots within Stage 6C pending resolution of the access requirements to the Public

Open Space lot. The final plan of survey for Public Open Space lot and Lots 56 & 57 in Stage 6C must be submitted to Council for sealing and lodged with the Lands Titles Office prior to the sealing of the final plan for any stages subsequent to Stage 6C.

- Prior to the sealing of the final plan for any stage subsequent to Stage 6 (or its substages), a revised staging plan is to be submitted to Council for endorsement (along with an electronic version suitable for inclusion in Council GIS system) including the following details:
 - Identification of the layout and location of all stages and substages either existing, in development or proposed
 - Number of lots within each stage
 - Identification of the preferred crossing point of the river reserve.

(Note: modification of this plan should be included in any future amendments which impact on stage boundaries and lot numbers)

- The nominated stages do not have to be developed sequentially, but may be interchanged, or combined provided all lots (including road and public open space lots) for that stage/s are included in a single final plan of survey for that stage.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 15/6/2022)

5. Bushfire Hazard Minimisation

Prior to the commencement of works other than for stages 1 to 14 on the endorsed plans, a Bushfire Hazard Management Plan (certified by the Tasmanian Fire Service or an accredited person) shall be submitted to Council.

The development of these stages shall accord, or be modified to be in accordance with, the outcomes of the Bushfire Hazard Management Plan.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

6. Landscaping

A landscaping plan, for all Public Open Space and public reserves within each stage, shall be submitted to Council for endorsement for that stage of the subdivision prior to completion of that stage. This plan shall be to the satisfaction of Council's General Manager (or delegate).

Landscaping in accordance with the endorse landscaping plan, must be undertaken for each stage, or a suitable security (of a value of 1.5 x estimated cost of landscaping works) lodged with Council, prior to the sealing of the final plan for that stage.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

7. Hours of Works

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

8. 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.

9. Aboriginal Sites & Relics

If any aboriginal relics, not covered by a current AHA permit, are found during works then the requirements of the *Unanticipated Discovery Plan* (Department of Primary Industries, Parks, Water and Environment) must be followed.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

10. Threatened Species Act

[deleted]

(Condition deleted in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 1/2/2022)

11. 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.

12. Services

The development must accord with the requirements of TasNetworks and Telstra (or subsequent service authorities) with regard to any impact on their underground cables or other infrastructure.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

13. Open Space

Public Open Space or public reserves are to comprise a minimum area of 5 percent of the whole area of land shown in the plan of subdivision.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

14. Cash in lieu of open space

Where the total contribution of Public Open Space or public reserves is less than 5 per cent of the whole area of land shown in the plan of subdivision, a contribution in accordance with s117(2) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* is required.

(Condition inserted in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

15. Land Instability Assessment

Prior to the commencement of works other than for stages 1 to 14 on the endorsed plans, a subdivision-scale Land Stability (Geotechnical) Assessment must be undertaken for this area by a suitably qualified person (ie. a practicing Engineering Geologist or Geotechnical Engineer who holds adequate and current professional indemnity insurance cover), and a geotechnical report is to be submitted to Council for endorsement. 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 of revegetation removal to cause instability

- Potential for flooding and/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 General Manager (or delegate).

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

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

16. Water Capacity Report

[deleted]

(Condition deleted under the provisions s.56 of the Land Use Planning and Approvals Act 1993 - 1/2/2022)

17. Water Supply

The Developer shall provide engineering plans and details, to the satisfaction of TasWater (or subsequent service authority), to demonstrate that the development can be provided with an adequate supply of water, including that identified as necessary in the Bushfire Hazard Management Plan.

18. River Reserve

Prior to the commencement of works for stages containing residential lots immediately adjacent the proposed Riverside Reserve (Stages 15-18, 22 & 26-28) the developer shall provide details of the development of this reserve to Council, that includes any storage of water, 1% AEP flood levels, and details of the impact downstream of the site, and any remedial works required to ensure compliance with State Policy on the Protection of Water Quality 1997.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

19. Flood Level Covenant – River Reserve

On the Final Plan of Survey for those lots which the flood assessment of the river reserve identifies are impacted by the 1% annual exceedance probability (AEP) flood level, a suitable restriction is to be included 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% AEP flood level applicable to the lot.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

20. Erosion and Sedimentation Control

Works are to be undertaken to control erosion and sedimentation in accordance with the requirements of a detailed Soil and Water Management Plan, which has been submitted and approved by Council's General Manager (or delegate). 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

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

21. Works in Highway or Road Reservation

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

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

22. Works in Road Reservations

[deleted]

(Condition deleted in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 1/2/2022)

23. Engineering Drawings

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. These engineering plans are subject to the following qualifications:

1. Engineering plans are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager (or delegate).
2. 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".
3. 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, Australia Standards, Building and Plumbing Regulations, relevant By-laws and Council Policy and in accordance with WSAA 02-2002 Sewerage Code of Australia, WSAA 03-2022 Water Supply Code of Australia and the Municipal Standard Drawings and Municipal Standard Specifications.
4. Separate metered water connection must be supplied to each lot in accordance with the Municipal Standards Drawings and Specifications.
5. Fire hydrants and markers are to be provided in accordance with the IPWEA, Tasmania Division, Fire Hydrant Guidelines.
6. Separate sewer and stormwater connections to be supplied to each lot in accordance with Municipal Standard Drawing SD 6-05B and Council Municipal Standard Specifications.

7. Stormwater property connections should be to a piped main, unless approved otherwise by Council's General Manager (or delegate).
8. All services be to sized and located to service the ultimate potential development of the site.
9. Carriageways will be constructed to the following minimum width, and be incorporated in the corresponding minimum width of road reservation as shown below:

LENGTH OF ROAD INCLUDING POSSIBLE FUTURE EXTENSION	MINIMUM CARRIAGEWAY WIDTH EXCLUSIVE OF KERB AND CHANNEL. (METRES)	MINIMUM ROAD RESERVATION WIDTH EXCLUSIVE OF KERB AND CHANNEL. (METRES)
0-150 metres	5.0	15.0
Exceeding 150 metres	5.6	18.0
Cul-de-sac diameter	17.5	25.0

Where the road is considered by Council to require additional carriageway width for bus traffic or for parking clear of traffic lanes, the carriageway will be 8 metres, 9 metres, 10 metres, 11 metres or 12 metres, as determined by Council's General Manager (or delegate) in relation to the nature and volume of the expected traffic and volume of the expected traffic and terrain traversed.

10. Carriageway surface course to be paved, with asphalt or concrete to municipal standard drawings.
11. Provide Underground power layout incorporating appropriate street lighting design to be submitted for approval by Council's General Manager (or delegate).
12. As constructed plans are to be submitted to Council prior to the subdivision being placed onto a defect's liability period.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

24. Security

[deleted]

(Condition deleted in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

25. Electrical Reticulation

[deleted]

(Condition deleted in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

26. Sealing of Final Survey Plan

All works associated with each stage of this subdivision are to be completed to the satisfaction of the Council's General Manager (or delegate), or security lodged in the form of S86(3) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, before the final plan of survey for that stage 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.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

27. Council Connections

[deleted]

(Condition inserted in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

(Condition deleted in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

28. Sewer and Stormwater (stages 1 and 2)

The developer shall provide connections to Councils existing reticulated services network to ensure that the first two stage of development can be serviced by Sewer and Stormwater, without imposing any financial burden on Council.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

29. 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.

30. Developer Contributions (Stage 3 and beyond)

[deleted]

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

(Condition deleted in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 16.12.2020)

31. Water Supply

Extend the water main and provide a DN20 water connection to all lots in accordance with the Australian Standard AS3500.1 National Plumbing and Drainage Code Part 1: Water Supply, Standards Australia, Sydney, 1992 and TasWater's (or subsequent service authority) requirements.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

32. Sewerage

Extend the sewer mains and provide a DN100 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 Code Part 2.2: Sanitary plumbing and drainage – Acceptable Solutions, Standards Australia, Sydney, 1998 and TasWater's (or subsequent service authority) requirements.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

33. Drainage

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

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 - 28.11.2008)

34. 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

35. Survey Pegs

Survey pegs to be stamped with lot numbers.

36. Building Envelope

Any lots within, or partially within, the Waterway and Coastal Protection Overlay (under the Derwent Valley Interim Planning Scheme) must contain a suitable building envelope (a minimum of a 10m x 15m rectangle) on the final plan of survey, outside of which no portion of a building (which requires approval or notification under the Building Act 2015) is to be located. The building envelope must be clear of any overland flow or located to reflect that suitable stormwater modification works have occurred to remove the overland flow path.

All lots which are impacted by easements, including TasWater easements, or title restrictions preventing the construction of a dwelling, must be able to contain a minimum of a 10m x 15m rectangle clear of easements, front boundary setbacks and other title restrictions. If required, a plan demonstrating compliance with this condition must be provided to Council prior to the sealing of the final plan of survey for that stage.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

37. Electricity Infrastructure Easement

The final plan of survey for any lots impacted by the 'Inner Zone' of the Electricity Transmission Infrastructure Protection Overlay (under the Derwent Valley Interim Planning Scheme 2015) must contain a suitable Electricity Infrastructure Easement for the extent of the impact.

(Condition inserted in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

38. 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 rights of ways for access to these facilities by TasWater (or subsequent service authority). Scoured water is to be piped to the reticulated network.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

39. Offtake

Easements ensuring access to the air valve pits and takeoff pits on the TasWater (or subsequent service authority) 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.

(Condition modified in accordance with s.56 of the Land Use Planning and Approvals Act 1993 – 1/2/2022)

40. 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".

41. Conditions relating to the state road

1. A left turn auxiliary land on the Lyell Highway shall be provided by the developer at the Glebe Road junction in accordance with the state road authority's standards and specifications when titles have been issued for 60 lots.
2. The Glebe Road junction shall be relocated (at the cost of 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 state road authority's standards and specifications when titles have been issued for 170 lots.
3. Alternative to conditions 40(1) & 40(2) being met, a bond covering those cost of works required

by the state road authority is to be submitted and accepted to Council. The cost of these works has been estimated as being \$120,000.

4. 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.
5. 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.
- 5A. Construction of the acoustic fence required to satisfy the state road authority's conditions must be completed prior to the occupation of any future dwelling in Stage 6B of the approved subdivision
6. 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.
7. 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.

(Condition modified in accordance with s.56 of the *Land Use Planning and Approvals Act 1993* - 28.11.2008)

(Condition modified in accordance with s.56 of the *Land Use Planning and Approvals Act 1993* – 05.03.2021)

(Condition modified in accordance with s.56 of the *Land Use Planning and Approvals Act 1993* – 1/2/2022)

Signed:



DANIEL MARR
EXECUTIVE MANAGER DEVELOPMENT

ADVICE

The following advice applies to this permit:

A1. Part 5 Agreements

Any Part 5 Agreement required by a condition of this permit will need to be registered on the title to the subject lots. All Part 5 Agreements are required to be prepared by the developer and reviewed by Council. A fee for the execution of the Part 5 Agreement is required in accordance with Council's Fees and Charges Register.

A2. Easements

You are advised there is a burdening easement on the land for drainage purposes. The proposed development must not reduce, restrict, or impede in any way, the rights of all beneficiaries as set out in the schedule to the title.

A3. Development Engineering fees

Fees for the assessment and approval of engineering plans and ongoing inspections are required in accordance with Council's Fees and Charges Register. The Engineering Plan Assessment fee is required to be paid prior to the issuing of the approved engineering plan, and the inspection fees will be levied on a fortnightly/month basis. This fee is additional to any fees required for building and plumbing works.

For the purpose of fee calculation, an estimated value of the engineering works (excluding building works or works for TasWater assets) is required to be submitted with the engineering plans.

A4. Landscape Plan

The Landscape Plan will be deemed to have been satisfactorily implemented up the submission of a report by the designer of the landscape plan. This report will certify that the plan has been installed as designed, note any changes made and describe the maintenance that is currently being undertaken.

Forest Practices

Given the likelihood that extensive land clearing will be required to be undertaken for the areas within Stages 15-28, a Forest Practices Permit may be required. This permit is in accordance with the *Forest Practices Act 1985* and enquires should be directed to the Forest Practices Authority (info@fpa.tas.gov.au.)

A5. Threatened Species

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 Applicant is 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, to contact the Threatened Species Section of the Department of Natural Resources and Environment Tasmania (ThreatenedSpecies.Enquiries@nre.tas.gov.au) to determine their responsibilities

A6. State road authority

As from the conditions supplied it is clear such approval will be required, a condition will be the requirement of a covenant by the developer to indemnify the Crown in accordance with Subsection 84(2)(b)(i) of the latter Act. Council should obtain this indemnity prior to issuing any development permit for the current subdivision, or it may be liable under Subsection 84(3).

Should stormwater drainage discharge be intended m then to enable DIER to provide such approval, as well as the consent required under Section 17B of the *Roads and Jetties Act 1935* (the Act), details of stormwater drainage provisions and flow calculation of the proposed discharge to, across or under the State Road will be required.

DIER's requirements for works in the Highway in this respect will be detailed upon application by the developer for the permit required under Section 17B of the Act at which time the Minister's consent will also be requested. No drainage work on, or affecting, the Lyell Highway are to be commenced until DIER has issued the necessary permit.

With respect to any vegetation removal and trimming alongside/within the Highway either at the junction of Glebe Road or along the property frontage, you are also reminded of the requirements of specifications S4 and T5 of DIER's "Standard Brief for Professional Services" in regard to environmental and other issues. This document is available on DIER's website.

With respect to the impact on the environment of any proposed works, DIER is obligated to ensure compliance with the requirements of both current Federal legislation, namely the *Environment Protection and Biodiversity Conservation Act 1999*, as well as all existing state legislation with respect to works by others within State Road reservations.

Until this and other environmental aspects have been clarified DIER will not be in a position to provide the works permit required to enable any upgrading of the Glebe Road junction or any other construction activities that impact on the Highway reservation to be undertaken.

ATTACHMENT A: ENDORSED PLANS & DOCUMENTS

The following plans and documents are endorsed and form part of this permit:

DESCRIPTION	REFERENCE	DATE
Proposal Plan	<ul style="list-style-type: none"> Endorsed Plan [incorrect plan]: Drawing 04160-07 – 2.9.2005 Endorsed Plan [incorrect plan]: Drawing 04160-06 – 2.8.2005 	24/10/2005
Supporting Reports	<ul style="list-style-type: none"> Flora & Fauna Report for proposed subdivision at Glebe Road, New Norfolk – August 2005 – Andrew Welling Traffic Impact Assessment, Proposed “Gateway Estate” Subdivision Glebe Road, New Norfolk – September 2005 – Tony Peters Traffic Safety Consultant 	24/10/2005
Amendment Plan	<ul style="list-style-type: none"> Endorsed Plan: Part A - SADRR01 – 12.12.2010 Plan: Part B - SADRR01 – 12.12.2010 [not stamped] 	16/12/2010
Replacement Proposal Plan	<ul style="list-style-type: none"> Plan [not stamped]: Drawing 04160-03 – 6.5.2005 	10/1/2012
Amendment Plan	<ul style="list-style-type: none"> Endorsed Plan: Part A – SADRR01 - 28.11.2011 Endorsed Plan: Part B – SADRR01 - 28.11.2011 	12/1/2012
Amendment Plan	<ul style="list-style-type: none"> Endorsed Plan: Part A\1 – SADRR01 – 4.4.2012 Endorsed Plan: Part A\2 – SADRR01 – 4.4.2012 Endorsed Plan: Part A\3 – SADRR01 – 4.4.2012 Endorsed Plan: Part A\4 – SADRR01 – 4.4.2012 Endorsed Plan: Part A\5 – SADRR01 – 4.4.2012 Endorsed Plan: Part B – SADRR01 – 4.4.2012 	4/4/2012
Amendment Plan	<ul style="list-style-type: none"> Endorsed Plan: Stage 4 – SADRR01 – 14.6.2012 	15/6/2012
Amendment Plan	<ul style="list-style-type: none"> Endorsed Plan: Stage 4 – SADRR01 – 28.6.2012 	22/8/2012
Amendment Plan	<ul style="list-style-type: none"> Endorsed Plan: Stage 4 – SADRR01 – 29.1.2013 	6/2/2013
Amendment Plan	<ul style="list-style-type: none"> Endorsed Plan: Sec 56 Application Stage 6C & D – OMEGA03 – 19.11.2020 	19/11/2020
Landscaping Plan	<ul style="list-style-type: none"> Plan [not stamped]: The Mills Stage 6 Public Open Space Concept Design (20-037 ST6 2 Concept Design) – 16.10.2020 – Play St. Letter of acceptance – 19.02.2021 	19/2/2021
Amendment Plan	<ul style="list-style-type: none"> Endorsed Plan: Drawing OMEGA05 - 20.1.2021 	5/3/2021
Amendment Plan	<ul style="list-style-type: none"> Endorsed Plan: 20 E96-4 C0.02 (Stage 6 Subdivision Plan) – 15.6.2021 	18/8/2021
Amendment Plan	<ul style="list-style-type: none"> Endorsed Plan Stage 6C Subdivision Plan – P0021965 001 – 17.12.2021 	1/2/2021