

# PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

**PROPERTY ADDRESS:** 40520 Tasman Highway, St Leonards

**DEVELOPMENT/USE:** SF6966 - Rezone land from Rural Resource to Rural Living, Subdivision - subdivide land into 30 lots including new road, associated works, drainage and electricity infrastructure

**ZONE:** Rural Living

**USE CLASS:** Residential

## DECISION:

That the Council, at its meeting held on 23 January 2020 (Minute No: 9.9), made a decision to approve the development application, subject to the following conditions:

### 1. ENDORSED PLANS & DOCUMENTS

The development must be carried out in accordance with the following endorsed plans and documents to the satisfaction of the Planning Authority except where modified by the Permit conditions below:

- a. Planning Submission, Section 43A Application, Combined Draft Planning Scheme Amendment and 30-lot Rural Residential Subdivision, 40520 Tasman Highway, St Leonards, prepared by 6ty Pty Ltd, dated 22 November 2019;
- b. Subdivision Concept, Subdivision Proposal Plan, Project No. 19.060 Drawing No. P01 Rev E prepared by 6ty Pty Ltd, dated 25 October 2019;
- c. Subdivision Concept, Site Stormwater Existing Drainage Features Plan, Project No. 19.060 Drawing No. P13 prepared by 6ty Pty Ltd, dated 25 October 2019;
- d. Subdivision Concept, Site Stormwater Drainage Path Alignment, Project No. 19.060 Drawing No. P14 prepared by 6ty Pty Ltd, dated 25 October 2019;
- e. Subdivision Concept, Proposed Road Section and Details, Project No. 19.060 Drawing No. P08 prepared by 6ty Pty Ltd, dated 16 October 2019;
- f. Subdivision Concept, Roadside Drainage Concept Plan, Driveway Cross Section;
- g. Agricultural Report, prepared by AK Consultants Pty Ltd, dated 16 August 2019;
- h. Traffic Impact Assessment, prepared by Traffic & Civil Services, dated August 2019;
- i. Natural Values Assessment, prepared by North Barker Ecosystem Services, dated 10<sup>th</sup> of September 2019;
- j. Bushfire Report and Hazard Management Plan, prepared by North Barker Ecosystem Services, dated 23 October 2019;
- k. Landslide Risk Assessment, Preliminary Wastewater Assessment and Preliminary Stormwater Assessment, dated 9 December 2019;
- l. Draft – White Gum Rise Dam Break Assessment, prepared by Macquarie Franklin, dated 15 July 2019.



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## 2. AMENDED PLANS REQUIRED

Prior to works commencing, further amended and additional plans must be submitted to the satisfaction of the Manager City Development and annotated as "Section 71 Agreement Plans Required". Once approved, these plans will be endorsed by Council and will then form part of the Permit.

The revised plans must show:

Modifications to the Subdivision Proposal Plan, Project No. 19.060 Drawing No. P01 Rev E:

- a. 'Natural Values No Build Area' be shown on the Subdivision Proposal Plan in accordance with the green hatched area - *Eucalyptus amygdalina* Inland Forest and Cainozoic Deposit shown on the On-Site Wastewater Plan, Drawing No P07, Rev C, prepared by 6ty Pty Ltd, dated 16 December 2019 for lots 13, 14, 15, 16

No Build area generally

- b. The 'no build' areas must be clearly delineated by a solid line and/ or hatching with the purpose of the no build areas for natural values clearly noted on the amended plan of subdivision

Note that, if compliance with a. results in building envelopes inconsistent with the endorsed Bushfire Report and Hazard Management Plan prepared by North Barker Ecosystem Services (dated 23/10/2019) the report will need to be amended to reflect those changes.

## 3. PROTECTION OF NO BUILD AREAS DURING CONSTRUCTION

Prior to the commencement of works, information must be provided to the satisfaction of Manager City Development which demonstrates that the no build areas shown for natural values shown on the endorsed plans will be protected during construction. This must include measures preventing vehicles from entering and building materials from being stored within those areas.

The 'Natural Values No Build Area' must be physically identified on each lot prior to any construction or infrastructure works commencing.

## 4. SECTION 71 AGREEMENT

Prior to the sealing of the Final Plan, the owner, under section 71 of the *Land Use Planning and Approvals Act 1993*, must prepare, present for consideration and then enter into an agreement with the Launceston City Council to confirm the following matters:



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## a. No Build Areas to Protect Natural Values

- i. No buildings, structures or infrastructure, including internal driveways shall be constructed within the 'Natural Values No Build Area' as shown on the endorsed plans amended by Condition 2. The 'Natural Values No Build Area' must be satisfactorily protected during construction via barriers and similar devices.

The agreement must contain a plan prepared for each lot delineating the no build areas and clearly identifying the purpose of each area. The boundaries must be surveyed to allow them to be accurately translated from the plan to the site.

- ii. Requiring the owners of those lots to take all necessary actions to not:
  - allow invasive weed species to occur on the lots;
  - remove trees or native vegetation;
  - plant exotic plant species;
  - take or harm wildlife; and
  - keep livestock (including horses).

within the 'Natural Values No Build Areas' as shown on the endorsed plans amended by Condition 2 unless approved in writing by Council.

Trees may be removed with the prior written permission of the Council.

## b. Onsite Wastewater Treatment

- i. Lots 1, 2 and 4 to 30 inclusive must utilise approved aerated waste water treatment systems and sub-surface irrigation land application areas to manage the disposal of domestic effluent;
- ii. Installation of an approved aerated wastewater treatment system and sub-surface irrigation land application area is required for any new development and/or alterations to the existing on-site waste water management system on Lot 3;
- iii. The location of the land application area for disposal of domestic effluent on all lots (1 to 30 inclusive) must achieve the minimum setbacks specified in the Geoton Landslide Risk Assessment, Preliminary Wastewater Assessment and Preliminary Stormwater Assessment dated 9 December 2019.

Once executed, the agreement must be lodged and registered in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993*.

All cost associated with preparing and registering the Agreement must be borne by the owner.



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## 5. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land.

## 6. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

Monday to Friday - 7.00am to 6.00pm

Saturday - 8.00am to 5.00pm Saturday

No works on Sunday or Public Holidays

## 7. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA No. TWDA2019/01362-LCC, 21 November 2019 and attached to the permit.

## 8. SOIL AND WATER MANAGEMENT CONTROL PLAN

Prior to the commencement of works, a site management plan must be submitted detailing how soil and water must be managed on the site during the construction process. The management plan must include the following:

- a. Allotment boundaries, contours, approximate grades of slope and directions of fall.
- b. Location of adjoining roads, impervious surfaces, underground services and existing drainage.
- c. Location and types of all existing natural vegetation, the proposed location of topsoil stockpiles and the limit of clearing, grading and filling.
- d. Critical natural areas such as drainage lines, cliffs, wetlands and unstable ground.
- e. The estimated dates for the start and finish of the works.
- f. The erosion control practices to be used on the site such as cut off drains, fencing off areas to be undisturbed, revegetation program and so on.
- g. The sediment control practices to be used on site such as silt fencing, stabilised site access, filter screens for inlets to the drainage system, sediment traps and so on.
- h. Timing of the site rehabilitation or landscaping program.
- i. Outline of the maintenance program for the erosion and sediment controls. Works must not commence prior to the approval of the Soil and Water Management Control Plan by the General Manager, Infrastructure and Assets Network. The Plan must be implemented and maintained during construction to ensure that soil erosion is to be appropriately managed.

## 9. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the General Manager, Infrastructure and Asset Network for approval. Such plans and specifications must:



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- a. Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
  - i. Electricity infrastructure including street lighting.
  - ii. Communications infrastructure and evidence of compliance with the 'fibre-ready' requirements of National Broadband Network.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. be accompanied by:
  - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
  - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

## 10. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager, Infrastructure and Assets Network.

The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications.

Works must include:

- a. Stormwater
  - i. Provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve,
  - ii. Provision of an overland flow path for flows up to a 100 year ARI storm event.
- b. Roads
  - i. Provision of a fully constructed S4 sealed rural road 6m wide with 0.4m wide sealed shoulders for the entire length of all the property frontages except Lots 4, 5 and 11, including any changes required in White Gum Rise to facilitate the full range of turning manoeuvres at the proposed junction,
  - ii. Provision of a fully constructed S3 sealed rural road 5.5m wide with 0.4m wide sealed shoulders from the existing termination of Magpie Crescent for the entire length of all the property frontages of Lots 4, 5 and 11,
  - iii. Provision of a sealed turning head with a minimum sealed diameter of 18m at the end of each road,
  - iv. Provision of a single sealed vehicular crossing for each lot within the subdivision,
  - v. Provision of a 1.5m wide sealed walkway within the parcel denoted as footpath linking to the sealed shoulder of the turning head of the cul de sac at each end,
  - vi. Bollards or other approved barriers to prevent unauthorised vehicle access are to be installed at either end of the footpath to prevent unauthorised vehicle access. Maximum



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- distance between bollards is to be 1.5m. A minimum of one lockable bollard to be located at each end of the walkway,
- vii. All road verges are to be established to be readily maintainable and sown with an approved grass mixture,
  - viii. Provision of a sealed temporary turning head of a suitable size for incomplete roads,
  - ix. Installation of all necessary line marking, signage and other traffic control devices.
- c. Electricity, Communications and Other Utilities
- i. An underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority,
  - ii. An underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority,
  - iii. Provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure.

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

- a. Construction requirements,
- b. Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
- c. Construction Audit inspections,
- d. Practical Completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

## 11. ACCESS OVER ADJACENT LAND

Where it is necessary, for the construction of the public works, to gain access to land not in the ownership of the developer the supervising engineer must:

- a. Advise the Council 21 days before access is required onsite so that notices pursuant to the *Urban Drainage Act 2013* can be issued to the landowner, then
- b. Contact the adjacent land owners to advise them of the proposed works and assess any of their (reasonable) requirements which should be incorporated in the works and,
- c. Ensure that client provides a signed statement advising the Council that they will pay all compensation cost for the easements and the Council's out-of-pocket costs (ie legal, valuation, etc if any). If the compensation claims appears unacceptable then the process under the *Land Acquisition Act 1993* will be followed.

## 12. WORKS REQUIRED FOR EACH LOT IN A STAGE

Where it is proposed to release the subdivision in multiple stages, each lot in a stage must be provided with the following infrastructure and/or services in order to be included in the stage to be released:

- a. Fully constructed public road along all frontages, including the secondary frontage where a corner lot,



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- b. A sealed vehicular crossing and driveway from the public road to the property boundary, unless a common internal driveway has been specified whereby the common driveway must also be constructed to the extent specified in the relevant construction condition,
- c. The public drainage system to drain all roads and public lands included in the stage, and
- d. Access to underground electricity and communications infrastructure.

## 13. CONSTRUCTION DOCUMENTATION

At the time of practical completion for the public works, the developer must provide the Council with construction documentation sufficient to show that the works are completed in accordance with the Council's standards and are locatable for maintenance or connection purposes. The construction documentation is to consist of:

- a. An "as constructed" plan in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure Services Directorate.
- b. A Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
- c. Compaction and soil test results for all earthworks or pavement works.
- d. An engineer's certificate that each component of the works comply with the approved engineering plans and the Council's standards.

## 14. EASEMENTS

Easements are required over all the Council and third party services located in private property. The minimum width of any easement must be 3m for Council (public) mains. A greater width will be required in line with the LCC document 'How close can I build to a Council Service?' where the internal diameter of the pipe is greater than 475 mm or where the depth of the pipe exceeds 2.1m. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

## 15. COVENANTS ON SUBDIVISIONS

Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:

- a. Such covenants or controls are expressly authorised by the terms of this permit; or
- b. Such covenants or similar controls are expressly authorised by the consent in writing of the Council.
- c. Such covenants or similar controls are submitted for and receive written approval by the Council prior to submission of a Plan of Survey and associated title documentation is submitted to the Council for sealing.

## 16. SEALING PLANS OF SUBDIVISION

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the General Manager, Infrastructure and Assets Network:



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- a. The satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council requirements.
- b. The subsequent issue of a Certificate of Practical Completion by the General Manager, Infrastructure and Assets Network.
- c. The lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

## 17. CONVEYANCE OF ROADS

All roads in the Subdivision must be conveyed to the Council upon the issue by the General Manager Infrastructure and Asset Network, of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the Subdivider.

## 18. COMPLETION OF WORKS

All works must be carried out to Council standards and to the satisfaction of the General Manager, Infrastructure and Assets Network and under the direct supervision of a civil engineer engaged by the owner and approved by the Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to Council standards will be required prior to issue of the Certificate of Practical Completion.

## 19. AS CONSTRUCTED PLANS

An "as constructed" plan must be provided in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure and Assets Network.

## 20. AMENITY

The construction of the development permitted by this permit must not adversely affect the amenity of the site and the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; the presence of vermin, or otherwise.

## 21. BURNING OF WASTE

No burning of any waste materials generated by the construction process, to be undertaken on-site. Any such waste materials to be removed to a licensed refuse disposal facility (eg. Launceston Waste Centre).



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## Notes

### A. General

*This permit was issued based on the proposal documents submitted for DA0472/2019. You should contact Council with any other use or developments, as they may require the separate approval of the Council. The Council's Planning Staff can be contacted on 6323 3000.*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

*This permit is valid for two years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by a request to the Council.*

### B. Restrictive Covenants

*The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is affected, restricted or prohibited by any such covenant.*

*If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.*

### C. Appeal Provisions

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.*

*A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.*

*For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au) <<http://www.rmpat.tas.gov.au>>*



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D. Permit Commencement

*If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of the Council's Notice to Waive Right of Appeal is attached.*



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