

Contact: David Morris
Our Ref: DJM:KLC:203218

14 January 2021

Mr John Ramsay - Delegate (Chair)
Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

By Email: tpc@planning.tas.gov.au

Dear Mr Ramsay,

**Clarence Draft Local Provisions Schedule – Submission in Response to the
Submission of Denise Hoggan dated 16 December 2020 & Subsequent
Provision of Qualifications of Mr Fred Duncan**

I am instructed to respond to the letter of the Tasmanian Planning Commission dated 18 December 2020 which notified the acceptance of a further submission in this matter from Ms Denise Hoggan dated 16 December 2020 concerning the Rosny Hill Nature Recreation Area (“**RHNRA**”) submission concerning the appropriate zoning.

The submission provides a recreation zone analysis conducted by Mr Fred Duncan comparing the aspects of the recreation zones in Clarence as analysed by him in the course of a “*recent RMPAT hearing into the development approved by the Clarence Council in the Rosny Hill NRA*”.

The response of the Clarence City Council can be shortly stated, as follows:

- (i) The evidence of Mr Duncan concerning the existence of and extent of threatened plant species, particularly *thelymitra bracteata*, is completely controversial. Had this hearing proceeded, the Council was putting on expert evidence which challenged in its entirety the evidence of Mr Duncan. The applicant for the development at the RHNRA was also putting on expert evidence to challenge the evidence of Mr Duncan.
- (ii) The credibility of Mr Duncan as an objective, independent expert was also very much going to be in issue.
- (iii) The submission that has been put forward providing this evidence is mischievous in the extreme and ought not to be considered by the

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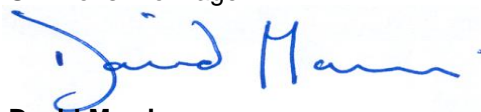
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- › Building, Construction & Engineering Law

Commission for those core reasons. Were the Commission minded to consider at all this material then it would be necessary for the Council to be given the opportunity to put on expert evidence in response. Given the timing of the receipt of this evidence that would be in our view completely unfair and inappropriate in a process such as this.

- (iv) But in any event, we would submit this evidence is not relevant at all to a consideration of the appropriate zoning for the RHNRA. The existence or otherwise of native vegetation communities and the various protection mechanisms is dealt with through overlays rather than by the zoning provisions insofar as the application of values within the recreation zoned properties. The overlays will continue to exist in the new planning scheme and it is the submission of the Council that those overlays provide the appropriate protection mechanisms dealing with the extent of the native vegetation communities.
- (v) Further, the Tas Veg Mapping is instructive on this issue in any event. The Tas Veg Mapping has been amended to remove a reference to the existence of certain threatened plant species on the RHNRA which again points to the fact that the evidence of Mr Duncan in this regard is completely controversial.
- (vi) Finally, for the information of the Commission, I **attach** a copy of the decision of the Resource Management and Planning Appeal Tribunal which dealt with a consent agreement reached between the parties to appeal that is referred to in the submission of Ms Hoggan. The decision affirms the decision of the Clarence City Council to issue a permit, though the terms of the permit have been modified to deal with amendments made to the application for the proposal. As a consequence of this agreement no merits-based hearing into the appeal took place and so consequently the evidence of Mr Duncan which is now being put to the Commission has not been tested. It should not be accepted.

Yours faithfully
Simmons Wolfhagen



David Morris

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Citation: Rosny Hill Friends Network Inc. v Clarence City Council and Ors [2021] TASRMPAT 03B

Parties:

<i>Appellant:</i>	Rosny Hill Friends Network Inc.
<i>First Respondent:</i>	Clarence City Council
<i>Second Respondent:</i>	Hunter Developments Pty Ltd
<i>Joined Party:</i>	TasWater

Subject Land: 12A Akuna Street and Akuna Street Road Reserve, Rosny

Appeal No: 14/20P

Jurisdiction: Planning Appeal

Hearing Date(s): Submissions were made and responded to in writing

Decision Date: 11 January 2021

Delivered At: Hobart

Before: M Duvnjak, Chairperson

Representation:

<i>Appellants:</i>	A Prichard, Fitzgerald & Browne Lawyers
<i>First Respondent:</i>	N Street, Simmons Wolfhagen
<i>Second Respondent:</i>	N Billett, Billett Legal
<i>Joined Party:</i>	Self-represented

Catchwords: Planning Appeal

REASONS FOR DECISION

Introduction

1. This appeal relates to development application PDPLANPMTD-2019/002428, being a proposal for the development of public recreation facilities, visitor accommodation and food services at 12A Akuna Street and Akuna Street Road Reserve, Rosny.
2. Agreement has been reached between the parties with respect to the resolution of appeal, and the terms of the agreement have been submitted to the Tribunal for its consideration. The agreement proposes the amending of conditions imposed on the permit.
3. The Tribunal, having considered the application, the grounds of appeal and the terms of resolution which is proposed, is satisfied in accordance with s17(2) of the *Resource Management & Planning Appeal Tribunal Act 1993*, that a decision in the terms sought is an appropriate decision and is within its powers.

Orders

4. Accordingly, the Tribunal orders that the decision of the Clarence City Council (the Council) be varied by amending the conditions upon which the permit is granted in accordance with the form contained in Annexure "A" of this decision for PDPLANPMTD-2019/002428 within 14 days of the date of this decision.
5. S28(1) of the *Resource Management & Planning Appeal Tribunal Act 1993* directs that each party to this appeal is to pay its own costs. The Tribunal will consider an application for a costs order under s28(2) if it is made in writing with supporting submissions within 21 days of the date of this decision. If an application is made, the operation of s28(1) is stayed until further order.
6. If requested, the Tribunal may reconvene to hear any evidence in respect of any matter bearing upon an order for costs.

This permit is granted, subject to the following conditions:

General Conditions:

1. The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions.
2. Amended plans must be submitted and approved by Council’s Manager City Planning prior to the commencement of the use/development that provide for relocation of servicing infrastructure and car parking in accordance with the following plans:

Site Plan - Landscape	circa morris-nunn architects	I42I-DA02 rev H	12 November 2020
Site Plan	circa morris-nunn architects	I42I-DA03 rev H	12 November 2020
L00 Plan	circa morris-nunn architects	I42I-DA04 rev H	12 November 2020
L01 Plan	circa morris-nunn architects	I42I-DA05 rev H	12 November 2020
Civil Site Plan*	Aldanmark	I42I-CIV 01 rev A	5 November 2020
Site Servicing Plan	Aldanmark	I42I-CIV 02 rev A	5 November 2020
Grading Plan	Aldanmark	I42I-CIV 03 rev A	5 November 2020
Site assessment & BHMP	Gifford Bushfire Risk Assessment	V.03	14 October 2020
Transects	Gifford Bushfire Risk Assessment	V.03	14 October 2020

* the stormwater services must connect with the Council’s existing public stormwater system at the intersection of Rosny Lookout Road and Akuna Street.

When approved, the plans will form part of the permit.

3. All external surfaces must be finished in non-reflective, muted colours to the satisfaction of Council’s Manager City Planning. Walls of buildings facing a residential zone must be

coloured using colours with a light reflectance value not greater than 40 percent. Details of the colour scheme must be submitted and approved prior to construction.

4. Signs must not to be displayed on the site without further approval from Council.
5. Prior to the issue of a building permit, a plan for the management of construction of the site must be submitted and approved by Council's Manager City Planning. The plan must outline the proposed construction practices for the site in relation to:
 - proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken onsite);
 - identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
 - control of dust and emissions during working hours;
 - construction parking;
 - proposed screening of the site and vehicular access points during work;
 - procedures for washing down vehicles, to prevent soil and debris being carried along Rosny Lookout Road and Akuna Street;
 - traffic/pedestrian management;
 - to prevent inadvertent direct damage during works, *Thelymitra bracteata* and *Dianella amoena* locations and habitat beyond the direct impact footprint including a 5m construction buffer must be clearly marked on construction diagrams and cordoned off as exclusion zones for workers, plant machinery and materials. The 5m construction buffer can be used for access and for construction workers to have space to undertake works. No excavation works are permitted within the buffer;
 - Material of *D. amoena* within the construction footprint will be propagated at a specialist native plant nursery and used to establish plantings in the landscaping. An area 5 x that occupied by the impacted plants is to be set aside for this purpose. The management plan will include the care and maintenance for three-year period. Any losses during this time will be replaced
 - *Thelymitra bracteata* are to be propagated from material located within the construction footprint. This work is to be guided by the techniques outlined in detail below working in collaboration with specialist in orchid propagation techniques. (Advice: Liaison and approval will be required from DPIPWVE in relation to these actions).

Stage 1: Fungal isolation (Sep-Oct)- visit site at early flowering and collect root samples. Root samples are taken to the lab at the lab where fungal pelotons are isolated, in a laminar flow cabinet, from root material and grown on nutrient agar media. Cultures are subcultured until a pure isolate is obtained. Cultures are placed in liquid agar for long term storage.

Stage 2: Seed collection (Oct - Nov) - harvest seed from three or four populations of *T. bracteata*, *T. arenaria* and intermediates. This would require initial observation of flowering

populations, hand pollination if required and tagging (or bagging) for re-finding in subsequent weeks. Return to the site within three weeks to check on progress and determine time of collection. Collect plants from base above soil level and maintain inside in water until capsules split. Split capsules are to be placed in a paper bag and placed in 15% RH and 15 oC for two weeks. Dried seed is cleaned, sorted and placed into vials at room temp for germination and -20 for long term storage.

Stage 3: Germination (Jan - Feb) - in the lab under sterile conditions seed is sown to petri-dishes containing oatmeal agar. Blocks containing the mycorrhizal fungi are subcultured onto the agar and plates are placed in storage for 4 - 8 weeks until germination has occurred. Seedlings are then taken through the propagation process until 1st season summer dormancy (April - Oct)

Stage 4: Care of germinated plants in situ

Stage 5: translocation of plants ex situ

Stage 6: Care and monitoring of plants ex situ

- Threatened species locations outside the footprint are to be identified and marked as exclusion areas buffered by 2m where practicable;
- The use of imported topsoil or landscaping material is prohibited within 5 m of any *Thelymitra bracteata* sites identified for retention;
- construction fencing must be erected to protect other vegetated areas and in the area of the northern carpark must delineate an exclusion zone of 5m from the car parking edge where practicable;
- during construction the potential for the spread of weeds and introduction of *Phytophthora cinnamomi* must be minimised by employing wash down and/or inspection of vehicles, machinery and boots before leaving/entering the site to ensure no viable plant materials or large clods of soil are transported. This must be undertaken in accordance with the Tasmanian Weed and Disease Planning and Hygiene Guidelines (DPIPWE 2015);
- Weed management during the construction period within and round the development footprint. Including primary weed treatment, monitoring during construction phase and follow up monitoring and treatment for 24 months post construction;
- Service trench construction to include strict measures to rehabilitate the surface by replacing the topsoil and limiting width of disturbance to 5m;
- Site office, layby and storage to utilise existing cleared areas or to be confined to the disturbed non-native areas of vegetation. These sites to be rehabilitated;
- Soil and pathogen hygiene plan in accordance with recognised guidelines, including that any material brought onto site is certified clean fill, thereby reducing the potential for weed or pathogen invasion; and
- avoid stockpiling/storage of materials and machinery in areas of native vegetation.

6. Mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar must be screened from view from the street and

other public spaces. Plans showing the method of screening must be submitted for approval by Council's Manager City Planning prior to the issue of a building permit.

7. Bushfire hazard management must be undertaken in accordance with the recommendations of the Bushfire Hazard Assessment Report (BHAR) prepared by Gifford Bushfire Risk Assessment and dated 24 June 2019, save where amended by the Bushfire hazard management plan dated 14 October 2020 V.03. Clearance of native vegetation must only be undertaken in accordance with the BHAR and must not be undertaken outside of the identified fire management area. Any alternative bushfire management arrangements which require the removal of additional native vegetation which is not exempt under the planning scheme will require additional planning approval.
8. The cafe/kiosk and restaurants must cease trading no later than 11pm each day except to provide room service to the Visitor Accommodation guests.
9. Commercial vehicle movements (excluding passenger vehicles, but including delivery and associated loading and garbage removal), to or from the site must be within the hours of:
 - 7.00am to 9.00pm Monday to Friday inclusive;
 - 8.00am to 7.00pm Saturdays; and
 - 10.00am to 6.00pm Sundays and Public Holidays.
10. Prior to the issue of a building permit a parking plan showing the following must be submitted to and approved by Council's Group Management Engineering Services, as amended by Condition 2:
 - a minimum of 141 car parking spaces generally in accordance with the endorsed plans; and
 - the layout of car parking spaces, access aisles, circulation roadways and ramps designed to comply with Section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking must have sufficient headroom to comply with Clause 5.3 "Headroom" of the same Standard.
11. Driveways, parking areas and other areas accessible to vehicles must be constructed in bituminous concrete, concrete or grass pave (in identified areas), providing for adequate stormwater drainage, prior to the commencement of the use. Details of the construction must be submitted to and approved by Council's Group Manager Asset Management prior to the commencement of any works.
12. Engineering designs, prepared by a suitably qualified person, are required for:
 - access arrangements;
 - carpark and driveways construction;
 - that roads and embankments are to utilise construction techniques to steepen the slope and reduce area of impact on vegetation through such things as grip-lock walls or similar;

- service upgrades or relocations; lighting of parking, pedestrian paths and vehicle circulation roadways (where required) in accordance with Clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting; and
- the pedestrian crossing at Rosny lookout carpark must be on a raised platform to enhance the low speed environment and pedestrian safety. New information / advisory signage and road markings around the carpark must be provided to help drivers make informed decisions. Appropriate lighting around the carpark must be provided to support carpark users.

The detailed engineering drawings, submitted for Council approval, must also include full construction detail of all works proposed on the Rosny Lookout Road (localised road widening and safety barrier) and the intersection of Akuna Street and Rosny Lookout Road (improved intersection definition) in accordance with the recommendations of the Rosny Hill Hotel Traffic Impact Assessment prepared by Midson Traffic Pty Ltd and dated August 2019, and must show the extent of any vegetation removal proposed for these works.

The works must be completed prior to the commencement of use.

Such designs must be submitted to and approved by Council's Group Manager Asset Management.

A 'start of works' permit must be obtained prior to the commencement of any works.

A Works in Road Reservation Permit must also be obtained if any proposed works are to be conducted within the road reservation or Council land.

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted.

13. An erosion and sedimentation control plan, in accordance with the *Hobart Regional Soil and Water Management on Building and Construction Sites* document, must be submitted and approved by Council's Group Manager Asset Management prior to the commencement of works.
14. The owner must, at their expense, repair any Council services (eg pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council.

If the owner does not undertake the required repair works within the timeframe specified by Council, the Council may arrange for the works to be carried out at the owner's expense.

15. For the purposes of protecting Council's stormwater system all stormwater runoff from impervious surfaces within the site must be treated and discharged from the site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance within the State Stormwater Strategy 2020 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering design accompanied with a report on all stormwater design parameters and assumptions or a model using industry accepted proprietary software, such as MUSIC must be submitted to Council' Group Manager Engineering Services for approval prior to the issue of a building or plumbing

permit. A Maintenance Management Schedule/Regime must also be submitted, and the facility must be maintained in accordance with this schedule.

16. Prior to the issue of a building permit, engineering plans must be submitted and approved by Council's Group Manager Engineering Services which confirm the number of on-site bicycle parking spaces provided is no less than the number specified in Table E6.2 of the Scheme. The design of bicycle parking facilities must comply with all the following:

- be provided in accordance with the requirements of Table E6.2; and
- be located within 30m of the main entrance to the building.

The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with Section 2 "Design of Parking Facilities" and Clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard. The approved plan must be implemented prior to the commencement of the use all the approved car parking spaces must be clearly marked and remain available for the sole use of visitors, patrons and staff at all times.

17. Prior to the issue of a building permit, engineering plans must be submitted and approved by Council's Group Management Engineering Services which confirms the design of motorcycle parking areas are located, designed and constructed to comply with Section 2.4.7 "Provisions for Motorcycles" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and are within 30m of the main entrance to the building. The approved plan must be implemented prior to the commencement of the use and all the approved car parking spaces must be clearly marked and remain available for the sole use of visitors, patrons and staff at all times.

18. Prior to the issue of a building permit, engineering plans must be submitted and approved by Council's Group Manager Engineering Services which confirm the commercial vehicle facilities for loading, unloading or manoeuvring are provided on-site in accordance with Australian Standard for Off-street Parking, Part 2: Commercial Vehicle Facilities AS 2890.2:2002. The approved plan must be implemented prior to the commencement of the use and remain available for use at all times.

19. A contribution to public art at a ratio of 1% of the cost of the development, up to a maximum of \$20,000 must be made prior to the commencement of the use. The contribution must be made as a cash payment to the Clarence City Council Public Arts Fund to be allocated to public art on public land within the Rosny Hill reserve.

20. Building and structures must be designed and managed to minimise risk of bird strike by the installation of low reflectance glass on external surfaces. Glazing details must be submitted and approved by Council's Manager City Planning prior to the issue of a Building Permit.

21. The developer/operator must prepare a series of supporting plans to form part of the Rosny Hill Reserve Activity Plan (RHRAP) to be prepared independently by Council as the Management Authority for the Rosny Hill Reserve. The specific requirement for the supporting plans will be determined by the Council but will include the following:

- Vegetation Management Plan that provides for, but should not be limited to:

- detailed monitoring and mapping of threatened species notably *Thelymitra bracteata* and *Dianella amoena*;
 - spring / early summer surveys targeting other ephemeral species not previously identified;
 - the management of woody vegetation around threatened species sites to stem colonisation of shrubs that will unchecked adversely impact on flora;
 - monitoring and management of areas of native grassland, particularly those that could be allocated to the TASVEG community Lowland *Themeda* Grassland (GTL) or nationally threatened grassland LNGT, to facilitate maintenance of the extent and condition of the vegetation; including the impacts of fire, disturbance and weed species.
 - measures to control vegetation in the bushfire hazard management area that are sensitive to the threatened species habitat requirements; and
 - monitoring and treatment of non-native species (weeds) across the entire site.
 - compliance with the Threatened Species Section (2017). *Threatened Tasmanian Orchids Flora Recovery Plan*. Department of Primary Industries, Parks, Water & Environment, Hobart as updated from time to time.
- Weed/Hygiene Management Plan;
 - Interpretation Plan (to include ecology/cultural/education aspects of the reserve);
 - Track upgrade and management plan;
 - Landscape entrance plans (for tracks);
 - Cultural Heritage Plan (Aboriginal and Colonial);
 - Arts in the Landscape Plan; and
 - Review of the Bushfire Hazard Assessment Report and Bushfire Hazard Management Plan (BHMP) prepared by Gifford Bushfire Risk Assessments and dated 24 June 2019 save where amended by the Bushfire hazard management plan dated 14 October 2020 V.03 to cover conservation values identified in the above Natural Values Management Plan.
 - The supporting plans must be prepared prior to issue of a building permit or subsequent to the determination of specific requirements by Council referred to in (ii) above, whichever is the latter.
 - The developer/operator is responsible for preparing the RHRAP supporting plans, at its own cost, under the direction of and to the satisfaction of the RHRAP committee as formed by the General Manager.
 - The developer/operator must undertake works and on-site management on an ongoing annual basis, at its own cost, as required for the works schedule of the RHRAP. Such works must commence prior to the commencement of the use or subsequent to the Council adopting the RHRAP, whichever is the latter.

22. A landscape plan for works over the building and directly adjacent or associated with the development must be submitted to and approved by Council's Manager City Planning prior to the issue of a building permit. Plantings must be of species appropriate to the Rosny Hill Reserve and must be compatible with works proposed by the Rosny Hill Reserve Activity Plan when adopted by Council. The plan must be to a standard scale, provide the designer's contact details and be legible when reproduced at A3.

The landscape plan must clearly document the following:

- a north point;
- existing property information such as building footprints, boundary lines, outdoor structures garden beds and fences;
- existing contours, relevant finished floor levels and any proposed rearrangement to ground levels;
- existing trees identified as to be retained or removed;
- indirect impacts on the population of *Dianella amoena* (grassland flaxlily) that sits underneath the proposed cantilevered building must be given consideration in respect of the changes to runoff and rainfall;
- areas of proposed landscape hard work treatments such as driveways, paths, buildings, car parking, retaining walls, edging and fencing;
- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plans preferred);
- any landscaping materials used within the potential indirect impact buffer around orchids must be certified as being weed free and should be as low nutrient as possible, to prevent altering the adjacent soil chemistry to the detriment of the orchids;
- a table listing selected species botanical names, mature height, mature width, pot size and total quantities;
- details of proposed irrigation system (if required);
- details of proposed drainage system (if required); and estimate of cost for the installation of landscape works.

All landscaping works must be completed and verified as being completed by Council prior to the commencement of the use.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and

- in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or which was removed.

Installed landscape works (soft and hard) will be inspected for adherence to the approved landscape plan for quality of workmanship. In order for a landscape bond to be released the works must be deemed satisfactory by Council's Landscape Design Officer. Trade standard will be the minimum quality benchmark that all landscape works will be assessed against.

23. A bond of 1.5 times the estimated cost of landscape works must be submitted with the landscape plan. The bond will be held as security to ensure both development and maintenance of the landscape work is undertaken in accordance with the approved plan.

The bond may be a cash deposit or a bank guarantee. The work is to be completed prior to commencement of the use. If the works are not completed within this time, Council may have the landscaping work undertaken and may recover those costs incurred from the bonded amount.

24. The development must meet all required Conditions of Approval specified by TasWater notice, dated 24/09/2019 and amended 09/12/2020 (TWDA2019/01065-CCC).

The following advice is also provided:

- a. The Department of Primary Industries, Parks, Water and Environment, Threatened Species Unit has advised that the property may contain species identified in the schedules of the *Threatened Species Protection Act 1995*. I have enclosed a copy of the Department's letter. It is your responsibility to comply with the legislation and therefore you should contact the Department to determine whether there will be any issues which may arise under that Act in relation to the development.
- b. The granting of this permit does not ensure compliance with the provisions of the Commonwealth Disability Discrimination Act 1992, and the applicant will therefore be responsible for any complaints arising under that Act in relation to non-compliance with the provisions of that legislation. Applicants are advised to check the current Australian Standards and seek independent technical advice regarding disability matters.

Applicants are encouraged to complete Clarence City Council's Access and Inclusion Assessment Toolkit as a resource to assist the applicant with general design elements that deliver more accessible and inclusive facilities for people with disability and older members of the community.

Request a copy of the Toolkit at: www.ccc.tas.gov.au/toolkitrequest

- c. Works associated with excavations, road construction and other activities, including the use of portable and mobile equipment and machinery, associated with the development must not cause a nuisance and may only occur during the hours specified by the Environmental

Management and Pollution Control (Noise) Regulations 2016 unless prior written approval is given by Council's Manager Health and Community Development. Where construction work is proposed outside the hours specified by the Regulations, authority may be given on the following basis:

- the reasons for the construction work are provided to Council's Manager Health and Community Development in writing at least 2 weeks prior to the work;
 - the work must not be conducted unless Council's Manager Health and Community Development has provided authority in writing;
 - any residential properties that may be affected by the work are notified by the developer in writing at least 7 days prior to the work. The written notification must include the proposed commencement date and time, reasons for the work and contact details of the person in charge of the work.
- d. The development may require referral to the Australian Government Minister for the Environment if it has, will have or is likely to have a significant impact on any of the matter of national environmental significance under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). It is a matter for the applicant to determine if referral is required under the EPBC Act.
- e. This Permit will lapse after 2 years from the date on which it is granted unless the development / use has been substantially commenced. Upon request, under Section 53(5A) of the Land Use Planning and Approvals Act 1993 Council may grant an extension of time for a further 2 years. A further 2 years may be granted upon request under Section 53(5B) of the Land Use Planning and Approvals Act 1993. Any such requests must be made in writing and within 6 months of the day on which the permit has lapsed.
- f. This is a town planning permit only. Please be aware that a building permit and / or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.
- g. Non-compliance with this permit is an offence under Section 63 of the Land Use Planning and Approvals Act 1993 and may result in enforcement action under Division 4A of the Land Use Planning and Approvals Act 1993 which provides for substantial fines and daily penalties.

Amended Submission to Planning Authority Notice

Council Planning Permit No.	PDPLANPMTD-2019/002428 D-2019 002428 Appeal 14/20P	Council notice date	25/07/2019
TasWater details			
TasWater Reference No.	TWDA 2019/01065-CCC	Date of response Amended Date	24/09/2019 09/12/2020
TasWater Contact	Phil Papps	Phone No.	(03) 6237 8246
Response issued to			
Council name	CLARENCE CITY COUNCIL		
Contact details	cityplanning@ccc.tas.gov.au		
Development details			
Address	12A AKUNA ST, ROSNY	Property ID (PID)	5065882
Description of development	Public recreation facilities, visitor accommodation, food services		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Aldanmark	Civil Site Plan / 1421-CIV 01	A	05/11/2020
Aldanmark	Engineering Report / 14E99-264 Version 1	V1	05/09/2019
Conditions			
Pursuant to the <i>Water and Sewerage Industry Act</i> 2008 (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
CONNECTIONS, METERING & BACKFLOW			
<ol style="list-style-type: none"> 1. A suitably sized metered water property connection must be provided to service the domestic and fire demands of the proposed development in accordance with TasWater's standards and any other conditions in this permit. 2. A suitably sized sewer property connection(s) must be provided to service the proposed development in accordance with TasWater's standards and any other conditions in this permit. 3. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 4. Prior to commencing construction of the subdivision, any water connection utilised for construction must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. 			
TRADE WASTE			
<ol style="list-style-type: none"> 5. Prior to the commencement of operation the developer/property owner must obtain Consent to discharge Trade Waste from TasWater. 6. The developer must install appropriately sized and suitable pre-treatment devices prior to gaining Consent to discharge. 7. The Developer/property owner must comply with all TasWater conditions prescribed in the Trade Waste Consent. 			
ASSET CREATION & INFRASTRUCTURE WORKS (SPS EMERGENCY STORAGE)			
<ol style="list-style-type: none"> 8. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of 			

TasWater show, all existing, redundant and/or proposed property services and mains.

9. Prior to applying for a Permit to Construct the new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for water and sewerage to TasWater's satisfaction.
10. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.
11. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.
12. The developer must design and construct an additional 8.93m³ of emergency storage to TasWater's satisfaction which is needed at TasWater's Montague Bay Sewage Pump Station (Asset number: RSNSP11). The emergency storage must be designed and constructed to allow future augmentation to meet a total external emergency storage of 74.33m³.
Advice: In accordance with TasWater's 'Developer Charges Policy' for developments located within Serviced Land where insufficient capacity is available within an existing system, the developer pays the costs of Extension, including connection, to that system and Expansion of the system to the level of capacity required to service the development. The additional amount of storage has been determined using tables 6.1 & 6.2 of TasWater Supplement to WSA 04-2005 2.1 WSAA Sewage Pumping Station Code of Australia Version 3.0
13. Prior to the issue of a Certificate of Water and Sewerage Compliance (Building and/or Plumbing) all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
14. After testing, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
15. At practical completion of the water and sewerage works and prior to applying to TasWater for a Certificate of Water and Sewerage Compliance (Building and/or Plumbing), the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
 - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved;
 - b. A request for a joint on-site inspection with TasWater's authorised representative must be made;
 - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee;
 - d. As constructed drawings must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.
16. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for

the defects liability period.

17. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
18. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
19. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new TasWater infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.

DEVELOPMENT ASSESSMENT FEES

20. The applicant or landowner as the case may be, must pay a development assessment fee to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date it is paid to TasWater, as follows:

- a. \$1,139.79 for development assessment.

The payment is required within 30 days of the issue of an invoice by TasWater.

Advice

Water Supply – Boundary Heads

The following total boundary heads are provided at the proposed connection point at the end of the DN100 AC pipe in Akuna Street (Asset No. A248923) for flows of 1 – 6 L/s with a straight line diurnal pattern:

Flow (L/s)	Total Head (m)	Max HL/km (m/km)
1.0	88.3	0.8
2.0	87.9	1.9
3.0	87.4	3.4
4.0	86.8	5.3
5.0	86	7.6
6.0	85	10.3

A limiting factor is the maximum head loss/km in the pipe in Akuna Street, which should be limited to 5m/km (sec 3.1.6.2 WSA code)

It should also be noted that, under fire flow conditions, connection point flows greater than 4 L/s would cause the residual pressures at the last 2 hydrants in Akuna Street to drop by at least 5.5m to values below the minimum of 30m specified for older areas (clause 3.1.5 of the TasWater supplement).

General

For information on TasWater development standards, please visit <http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor

and/or a private contractor engaged at the developers cost to locate the infrastructure.

The location of TasWater infrastructure as shown on The List and DBYD is indicative only.

- A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater
- TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies
- TasWater will locate residential water stop taps free of charge
- Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

Trade Waste

Prior to any Building and/or Plumbing work being undertaken, the applicant will need to make an application to TasWater for a Certificate for Certifiable Work (Building and/or Plumbing). The Certificate for Certifiable Work (Building and/or Plumbing) must accompany all documentation submitted to Council. Documentation must include a floor and site plan with:

- Location of all pre-treatment devices i.e. Oil Water Separator;
- Schematic drawings and specification (including the size and type) of any proposed pre-treatment device and drainage design; and
- Location of an accessible sampling point in accordance with the TasWater Trade Waste Flow Meter and Sampling Specifications for sampling discharge.
- At the time of submitting the Certificate for Certifiable Work (Building and/or Plumbing) a Trade Waste Application form is also required.

If the nature of the business changes or the business is sold, TasWater is required to be informed in order to review the pre-treatment assessment.

The application forms are available at <http://www.taswater.com.au/Customers/Liquid-Trade-Waste/Commercial>

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

Authorised by



Jason Taylor

Development Assessment Manager

TasWater Contact Details

Email	development@taswater.com.au	Web	www.taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001		

REVISION	DATE	BY	DESCRIPTION
1	10/1/2019	AL	Initial Design
2	10/1/2019	AL	Final Design
3	10/1/2019	AL	Final Design
4	10/1/2019	AL	Final Design
5	10/1/2019	AL	Final Design

15.11, Quarry Hill, Orchard Road, 10400
10/1/2019

FOR INFORMATION ONLY
not for construction

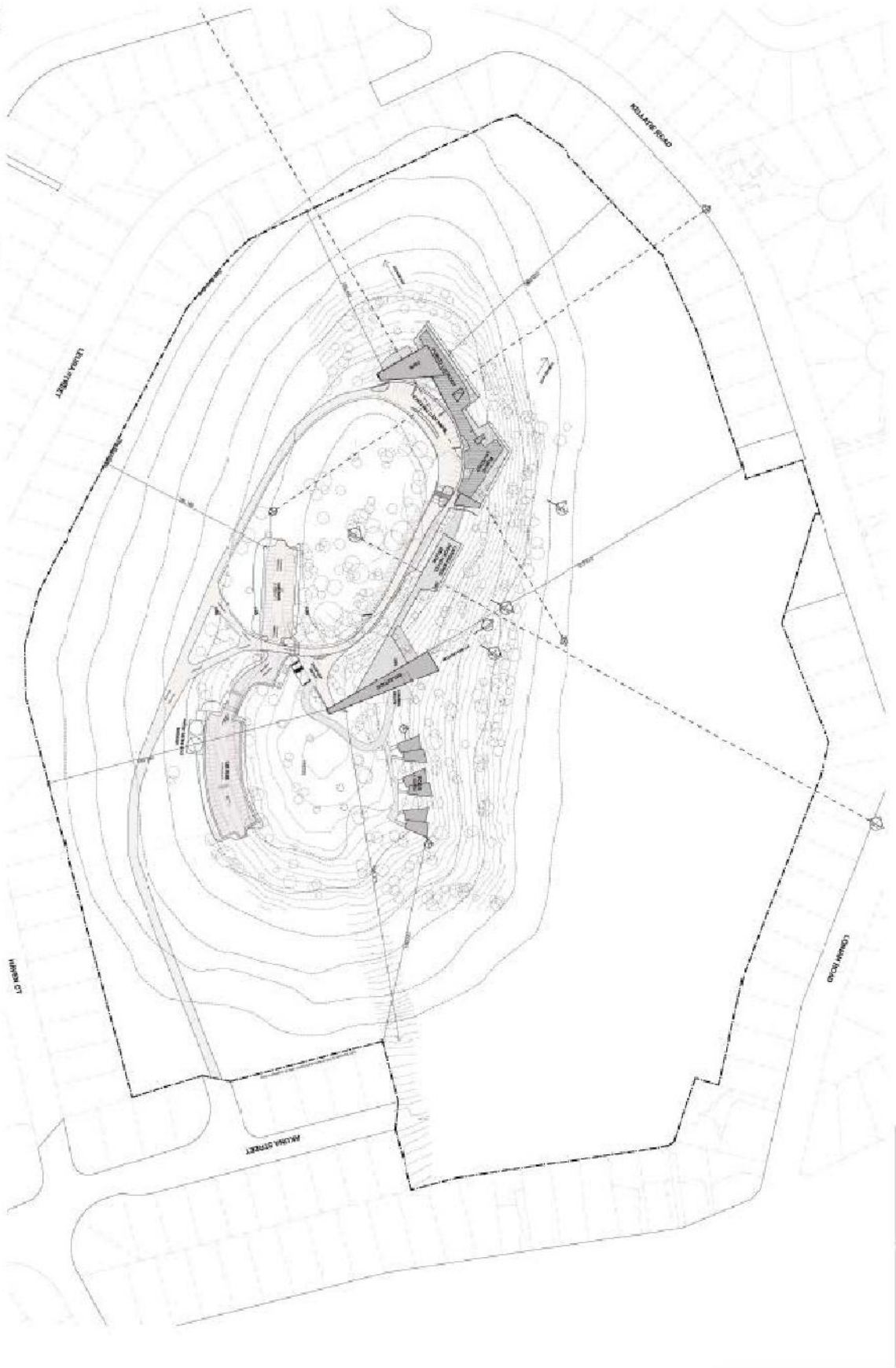
DATE	BY	DESCRIPTION
10/1/2019	AL	Initial Design
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10/1/2019	AL	Final Design
10/1/2019	AL	Final Design



Legend	Symbol	Description
Proposed	—	Proposed
Existing	- - -	Existing
Utility	—	Utility
Topography	—	Topography
Survey	—	Survey
Other	—	Other

FOR INFORMATION ONLY
NOT FOR CONSTRUCTION

<p>Site Plan</p> <p>Scale: 1" = 100'</p> <p>North Arrow</p> <p>Legend</p> <p>Proposed</p> <p>Existing</p> <p>Utility</p> <p>Topography</p> <p>Survey</p> <p>Other</p>	<p>Site Plan</p> <p>Scale: 1" = 100'</p> <p>North Arrow</p> <p>Legend</p> <p>Proposed</p> <p>Existing</p> <p>Utility</p> <p>Topography</p> <p>Survey</p> <p>Other</p>
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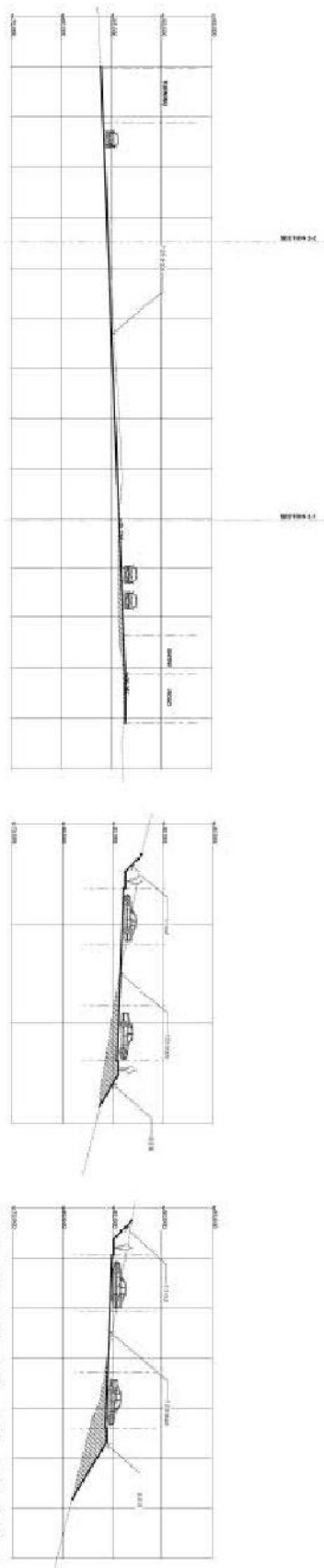
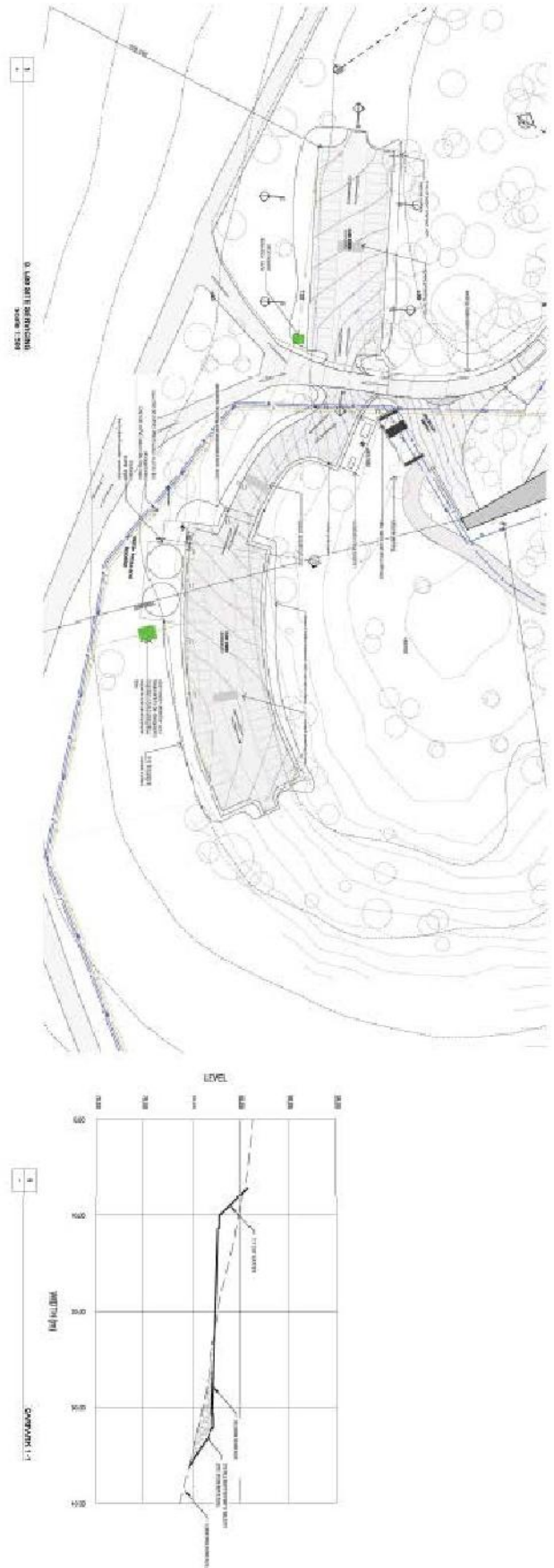


MATERIALS KEY

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PM2	ACRYLIC MATERIALS
PM3	ACRYLIC MATERIALS
PM4	ACRYLIC MATERIALS
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PM98	ACRYLIC MATERIALS
PM99	ACRYLIC MATERIALS
PM100	ACRYLIC MATERIALS

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2011/05/14 14:00:00

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Drawing: [REDACTED]
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GRADING PLAN, SECTION
SECTION 1-1
SECTION 2-2



