



GLAMORGAN • SPRING BAY COUNCIL

PLANNING PERMIT
As per Tribunal decision
J No.136/16S
25 August 2017

**** Extended to 25 August 2021 ****

**** Extended to 25 August 2023 ****

DEVELOPMENT APPLICATION NO. SA 2016 / 00006

Woolcott Surveyors - 59 Old Spring Bay Road Swansea

Subdivision into 42 lots

CONDITIONS

1. The use or development must be carried out substantially in accordance with the application for planning approval (as amended by the resource management and planning appeal tribunal pursuant to section 22 of resource management and planning appeal tribunal act 1993 on 3 May 2017), the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of council.
2. The subdivision is to proceed in accordance with the stages shown on the endorsed plans unless otherwise agreed to in writing by council's manager planning and special projects.
3. Agreements made pursuant to part 5 of the land use planning and approvals act 1993, as required by this permit, must be prepared by the applicant on a blank instrument form to the satisfaction of the council and registered with the recorder of titles upon sealing of the final plan of survey. The applicant must meet all costs associated with the preparation and registration of the part 5 agreement.
4. In accordance with the provisions of section 117 of the *local government (building and miscellaneous provisions) act 1993*, payment of a cash contribution for public open space must be made to the council prior to sealing the final plan of survey. The cash contribution amount is to be equal to 5% of the value of all lots within the subdivision, excluding the balance and road lots, as valued at the date of lodgment of the final plan of survey.

The cash contribution may be paid in full at the sealing of stage 1 or paid in part prior to the sealing of each stage of the subdivision in an amount proportional to the number of lots in that stage.

The cash contribution may be reduced through the provision of usable public open space on lot 11, as determined council's manager planning and special projects, by an amount that is equivalent to the amount of such usable public open space land as a proportion of all lots within the subdivision excluding the balance lot.

The value is to be determined by a land valuer within the meaning of the land Valuers Act 2001 at the developer's expense.

5. The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a bond or bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect, and be commensurate with the number of lots in the stage being sealed.
6. Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a schedule of easements or registration of any instrument creating such covenants with the recorder of titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the council's general manager.

TasWater

7. The development must meet all required Conditions of approval specified by TasWater Submission to Planning Authority Notice, date 17/10/2016, TWDA 2016/00552-GSB.

Natural Resource Management

8. The proponent is to determine if a permit is required for the destruction of threatened species (*Cynoglossum australe* (coast houndstongue) and *Austrostipa scabra* subsp. *falcata* (sickle speargrass) Under the *Tasmanian Threatened Species Protection Act 1995* prior to any works being undertaken.
9. Control of any Declared Weeds under the *Tasmanian Weed Management Act 1999* is to be undertaken prior to the commencement of any works.

Transfer of reserves

10. All roads or footways must be shown as "Road" or "Footway" on the Final Plan of Survey and transferred to the Council by Memorandum of Transfer submitted with the Final Plan of Survey,

Easements

11. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's General Manager. The cost of locating and creating

19. Prior to the sealing of the Final Plan of Subdivision for Stage 3, a detention basin is to be constructed on lot 11 with a minimum storage capacity of 45m³. Lot 11 is to be transferred to Council by Memorandum of Transfer submitted with the Final Plan of Survey.

Telecommunications and electrical reticulation

20. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
21. Where electrical and fixed line telecommunications services are provided they must be installed underground to the requirements of the responsible authority unless approved otherwise by Council's General Manager.
22. Prior to the work being carried out a drawing of the electrical reticulation and street lighting, and telecommunications reticulation in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's General Manager.
23. A Letter of Release from each authority confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed, must be submitted to Council prior to the sealing of the Final Plan of Survey.

Roads

24. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager. Roadworks must include -
- (a) *Old Spring Bay Road (across the entire frontage of the subdivision)*
 - i. *pavement widening to achieve an ultimate seal width of 8.0 metres*
 - ii. *sealing of the full width of the widened pavement*
 - iii. *concrete kerb and channel on the western side;*
 - iv. *Concrete footpath 1.50 metres wide;*
 - v. *Underground drains.*
 - (b) *Cathcart Street*
 - i. *Fully paved, sealed and drained carriageway with a minimum seal width of 8m*
 - ii. *concrete kerb and channel on the southern side;*
 - iii. *1m wide gravel shoulder and table drain on the northern side;*
 - iv. *Concrete footpaths 1.50 metres wide on the southern side;*
 - v. *Underground drains on the southern side.*
 - (c) *Cul de sac*
 - i. *Minimum road reserve of 18.00 metres and 25 metres at the cul-de-sac.*
 - ii. *Fully paved, sealed and drained carriageway to the requirements of Council's General Manager;*
 - iii. *Concrete kerb and channel on both sides;*
-

the easements shall be at the subdivider's full cost.

Services

12. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's General Manager or responsible authority.
13. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

Drainage

14. The developer is to provide an underground stormwater drainage system consistent with that shown on Drawing number C01 titled Stormwater Layout and described in the "Stormwater Report Proposed Subdivision 59 Old Spring Bay Road Swansea Project No. J171052 CH" dated April 2017 prepared by JMG Engineers & Planners and dated 13.4.2017 capable of accommodating a storm with an ARI of 20 years, when the land serviced by the system is fully developed.
15. The developer is to provide a major stormwater drainage system consistent with that shown on Drawing number C01 titled Stormwater Layout and described in the "Stormwater Report Proposed Subdivision 59 Old Spring Bay Road Swansea Project No. J171052 CH" dated April 2017 prepared by JMG Engineers & Planners and dated 13.4.2017 designed to accommodate a storm with an ARI of 100 years.
16. The developer is to provide a stormwater property connection to each lot in accordance with Council standards and to the satisfaction of Council's General Manager.
17. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with the *Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania* or *The Model for Urban Stormwater Improvement Conceptualisation (MUSIC)* and to the satisfaction of the Council's General Manager.

Advice: Proprietary "in pit" treatment devices are not a Council preferred method of treatment.

18. Prior to the commencement of works, an agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be entered into for all lots, excluding reserves, roads and public open space and lot 11 to the effect that the owner covenants and agrees with the Glamorgan Spring Bay Council that –
 - (a) a stormwater storage tank must be provided to each lot excluding the balance lot and lot 11;
 - (b) a minimum storage capacity of 5000L must be reserved in the storage tank at all times for the purposes of detention;
 - (c) the storage tank must be installed prior to occupation of a dwelling or completion of any structure requiring stormwater drainage;
 - (d) each detention storage must be fitted with a properly sized orifice plate to the satisfaction of Council's General Manager.

Advice: In accordance with s53(6) of the Land Use Planning and Approvals Act 1993, the Part 5 Agreement must be executed before the permit takes effect.

- (d) *measures to be taken to limit or control erosion and sedimentation;*
- (e) *any other work required by this permit.*

- 34. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
- 35. Engineering design drawings shall have regard to the intended future number of dwellings on each lot as appropriate and clearly indicate any lots limited to single dwelling development only.

Water quality

- 36. A soil and water management plan (here referred to as a '**SWMP**') prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences.
- 37. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.
- 38. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.
- 39. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

Construction

- 40. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.
- 41. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.
- 42. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.

Survey pegs

- 43. Survey pegs must be stamped with lot numbers and marked for ease of identification.
- 44. Prior to works being taken over by Council, evidence must be provided from a registered surveyor that the subdivision has been re-pegged following completion of substantial subdivision construction work. The cost of the re-peg survey must be included in the value of any security.

'As constructed' drawings

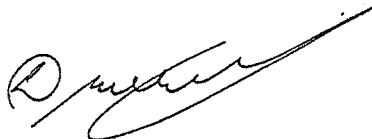
- 45. Prior to the works being placed on the maintenance and defects liability period an "as

- iv. Concrete footpaths 1.50 metres wide on one side;
 - v. Underground drains.
25. All carriageway surface courses must be constructed with a 10 mm nominal size hotmix asphalt with a minimum compacted depth of 35 mm in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager.
26. Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
27. Footpaths adjacent to mountable or semi mountable kerb are to be constructed to a driveway standard.
28. A reinforced concrete vehicle access must be provided from the road carriageway to each lot in accordance with Council's Standard Drawings and to the satisfaction of Council's General Manager.
29. Vehicle access from Old Spring Bay Road to lots 2 to 7 (inclusive) must be located to minimise disturbance to the dry stone wall.
30. The vehicular access for all internal lots including, but not limited to, lots 19, 20, 35 and 37 must be constructed to the lot proper and include:
- (a) *Passing bays provided at appropriate distances to service the likely future use of the lot. Unless approved otherwise by Council's General Manager, vehicular passing areas must be a minimum of 6m long by 5.5m wide and taper to the width of the driveway. Passing areas must be provided at intervals of no more than 30m along the access, with the first passing area constructed at the road kerb.*
 - (b) *Constructed with a durable all weather pavement*
 - (c) *Surfaced with a material to resist abrasion from traffic and to minimise the entry of water. The surfacing material may be asphalt, concrete, pavers or other approved material.*
 - (d) *Stormwater drainage.*
31. The developer must construct a reinforced concrete, or other suitable treatment, footpath to Council standards in the proposed footway from the cul de sac to Old Spring Bay Road. The developer is required to submit engineering design drawings for the footpath for approval by Council's Engineer.

Engineering drawings

32. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences.
33. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, and must show -
- (a) *all existing and proposed services required by this permit;*
 - (b) *all existing and proposed roadwork required by this permit;*
 - (c) *measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;*

In the event that any suspected Aboriginal cultural material is inadvertently encountered during surface or sub surface disturbances associated with development of the site, then the activity creating the disturbance should cease immediately, and the TALC (ph. 62310288) and the Manager Aboriginal Heritage Section at DTPHA in Hobart (ph 62333927) should be informed to enable further assessment of the situation.

A handwritten signature in black ink, appearing to read 'D. Metcalf', written in a cursive style.

**David Metcalf
GENERAL MANAGER**

constructed" drawing of all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council's General Manager. These drawings and data sheets must be prepared by a qualified and experienced civil engineer or other person approved by the General Manager in accordance with Council's *Guidelines for As Constructed Data*.

Maintenance and Defects Liability Period

46. The subdivision must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
47. Prior to placing the subdivision onto the twelve (12) month maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

ADVICE

This permit is valid for two (2) years only from the date it takes effect and will lapse if substantial commencement of the use or development does not take place within that time.

This permit does not imply that any other approval required under any other legislation or by-law has been granted.

The issue of this permit does not ensure compliance with the provisions of the Threatened Species Protection Act 1995 or the Commonwealth Environmental Protection and Biodiversity Protection Act 1999. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Policy and Conservation Assessment Branch of the Department of Primary Industry, Water & Environment or the Commonwealth Minister for a permit.

Through the act of granting this permit the Glamorgan Spring Bay Council is not and is in no way to be construed as making any representation, providing any advice, issuing any guarantee or giving any assurance to any person or entity regarding the impact or potential impact of the effects of climate change on the proposed use and/or development or the subject land generally. It is the sole responsibility of the applicant and/or the land owner to investigate and satisfy themselves as to the impact or potential impact of the effects of climate change on the proposed use and/or development and the subject land generally.

Note: The applicants are referred to The Department of Primary Industries and Water report on Coastal Vulnerability at <http://www.dpiw.tas.gov.au/inter.nsf/WebPages/PMAS-6RG5WX?open>

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.

6. 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.
7. 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.
8. The developer is responsible for the design and construction of decommissioning the Old Spring Bay Sewage Pump Station (ASSET Number GSSP10) and re-directing the flows via gravity to the existing gravity sewer adjacent to 31A Old Spring Bay Rd. The two existing rising mains must be connected at the current location of the Old Spring Bay Sewage Pump Station.
9. The developer must design and construct an additional 7.5 m³ of emergency storage to TasWater's satisfaction which is needed at TasWater's Aqua Sands Sewage Pump Station (Asset number: GSSP09). The emergency storage must be designed and constructed to allow future augmentation to meet a total external emergency storage of 18.9m³.

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 the following formula derived from TasWater's supplement - 42 lots at 548l/ET/day/24 hrs * 8 hrs storage / 1000 to get to m³.*

10. Prior to the issue of a Consent to Register a Legal Document 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.
11. 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.
12. At practical completion of the water and sewerage works and prior to TasWater issuing a Consent to Register a Legal Document, 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.
13. 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

Submission to Planning Authority Notice

Council Planning Permit No.	SA 2016/6	Council notice date	2/05/2016
TasWater details			
TasWater Reference No.	TWDA 2016/00552-GSB	Date of response	17/10/2016
TasWater Contact	Anthony Cengia	Phone No.	(03) 6237 8243
Response issued to			
Council name	GLAMORGAN/SPRING BAY COUNCIL		
Contact details	admin@freycinet.tas.gov.au		
Development details			
Address	59 OLD SPRING BAY RD, SWANSEA	Property ID (PID)	1574161
Description of development	42 lot staged subdivision		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Woolcott Surveys	2014-41 – Existing TasWater Aqua Sands SPS proposed Works	1	12/09/16
Woolcott Surveys	2014-41 – Subdivision Proposal Plan	6	15/09/16
Applicant	OLD SPRING BAY WORKS PLAN		16/09/2016
Pitt & sherry	LN15232-P1 Sewer Schematic Layout		Received by TasWater 10/10/2016
Conditions			
<p>SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL</p> <p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 1. A suitably sized water supply with metered connections / sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. 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. 3. Prior to commencing construction / use of the development, a boundary backflow prevention device and water meter must be installed, to the satisfaction of TasWater. <p>ASSET CREATION & INFRASTRUCTURE WORKS</p> <ol style="list-style-type: none"> 4. 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. 5. Prior to applying for a Permit to Construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for 			



Authorised by

A handwritten signature in black ink, appearing to read "J. Taylor".

Jason Taylor
Development Assessment Manager

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

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.

14. 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.
15. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
16. 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.

FINAL PLANS, EASEMENTS & ENDORSEMENTS

17. Prior to the Sealing of the Final Plan of Survey, the developer must obtain a Consent to Register a Legal Document from TasWater and the certificate must be submitted to the Council as evidence of compliance with these conditions when application for sealing is made.
18. Pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions.

DEVELOPMENT ASSESSMENT FEES

19. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:
 - a. \$1,264.85 for development assessment; and
 - b. \$221.40 for Consent to Register a Legal Document

The payment is required within 30 days of the issue of an invoice by TasWater.
20. In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

Advice

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>

The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developers cost to locate the infrastructure.

Declaration

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