

4.1 Draft Amendment AM2023-01 – Tasmanian Planning Scheme - Glamorgan Spring Bay– Rezone 155 Rheban Road, Orford & 90-lot subdivision

Author: Senior Planning Consultant (Town Planning Solutions Pty Ltd)

Responsible Officer: Director Planning and Development

ATTACHMENT/S

1. Plan of proposed subdivision

Under separate cover:

2. GSBC Planning Scheme Amendment Assessment Report AM2023-01
3. Proposal documents

PURPOSE

The purpose of this report is for the Planning Authority to consider a request for an amendment to the *Tasmanian Planning Scheme – Glamorgan Spring Bay* (Scheme) to rezone 155 Rheban Road, Orford (subject site) from Future Urban to General Residential, and a planning application for a 90-lot subdivision of the same land.

BACKGROUND/OVERVIEW

The Planning Authority will recall that a similar application for rezoning from Rural Resource to General Residential was refused by the Tasmanian Planning Commission in 2019.

The Commission cited the following reasons for refusal of the previous 2017 application:

- a lack of demonstrated demand for the rezoning and proposed lots;
- the proposal was not consistent with the low growth scenario established for Orford within the *Southern Tasmanian Regional Land Use Strategy* (STRLUS);
- the proposal was not considered to represent infill development, as required by the consolidation growth scenario established for Orford within the STRLUS;
- concerns that the proposal would result in an oversupply of land zoned for residential purposes; and
- as a consequence of these findings, the proposal was considered not consistent with the objectives of the *Land Use Planning and Approvals Act 1993* and *Resource Management Planning System* for the orderly release of land.

Following the decision, the applicant sought to have the STRLUS revised to change the growth strategy for Orford from LOW to HIGH and the growth scenario from consolidation to mixed. This was supported by demographic information by SGS Economics & Planning, which was also used to revise the *Triabunna-Orford Structure Plan 2014* (Structure Plan) on a similar basis.

Since that time, the 2021 ABS census data was also released that further confirmed the real growth rate identified in the SGS Reports.



Figure 1 – Site and context

The STRLUS was ultimately revised in 2022 with the insertion of a new policy statement SRD1.1A that recognised the provision of up to date supply and demand data to support an amendment.

As a result of that decision, the proponents and applicant worked through the complex process to have the STRLUS revised, which included a detailed analysis of supply and demand in the Orford area through the SGS Reports. The SGS Reports identified that Orford had undergone a growth rate of 2.4%, where the STRLUS and Structure Plan projected a growth rate of 0.4%.

The subject land was rezoned to Future Urban through the LPS process. The current application provides for the rezoning and subdivision following that decision and completion of the amendments to the STRLUS and Structure Plan.

The applicant has been through an extensive process with Council staff to identify and address issues with the rezoning and development of the subject site. Since the previous decision, Council obtained stormwater modelling data that identified that parts of the subject land were prone to inundation. In response to this, additional reports and designs were prepared and form part of the application. The design of the subdivision was also altered to reflect potential flooding impacts and management of stormwater through the site.

STRATEGIC PLAN REFERENCE

Guiding Principles

7. Communicate and explain Council's decisions and reasons in an open and timely manner.

Key Foundations

1. Our Governance and Finance

What we plan to do

- Advocate and lobby effectively on behalf of the community.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

Division 3B – Amendments to LPS's

- S.37 – request to amend LPS;
- S.38 – decision in relation to request;
- S.40 – additional information may be requested;
- S.40D – preparation of draft amendments;
- S.40E – withdrawal of draft amendments;
- S.40F – certification of draft amendments;
- S.40I – Exemption from public exhibition;

Division 4 – Combined permit and amendment process

- 40T – Permit application that requires amendment of LPS
- 40U – Additional information
- 40V – Review of requirement for additional information
- 40W – Determination of amendment where concurrent permit application sought
- 40X – Permit application may be considered concurrently with application for LPS amendment
- 40Y – Determination of concurrent permit application

The application was made for a combined amendment to the LPS and planning permit under sections 37 and 40T of the Act.

The request for the amendment can be supported or not supported. If it is not supported, then a similar request cannot be lodged for 2 calendar years under section 39 of the Act.

If the request is supported, a decision to either approve or refuse is required on the application for subdivision of the land.

The draft amendment will then commence the 28 -day statutory exhibition period under sections 40H and 40z of the Act. Adjoining property owners are not required to be notified, unlike a normal subdivision application. The Planning Authority may determine to notify adjoining property owners and occupiers.

Following the detailed assessment of both the requested amendment and proposed subdivision, a recommendation was provided to support draft planning scheme amendment AM2023-01 and approve the proposed subdivision.

BUDGET IMPLICATIONS

Ongoing maintenance of the Scheme was addressed as part of Council's operational budget. The required application fees were paid by the applicant.

RISK CONSIDERATION/S

Risk	Likelihood	Consequence	Rating	Risk Mitigation Treatment
Adopt the recommendation			Low	None required.
Nil				
Do not adopt the recommendation	Possible	Moderate	Moderate	The report is re-presented to the next meeting for consideration, or The Commission takes over the functions of the Planning Authority under Section 44 of the Act.
Breach of the statutory timeframes				

OFFICER'S COMMENTS

The current applications provide the next logical step for the future development of the Orford area, supported by the SGS Reports and the recently released ABS data.

Rezoning

AM2023-01 seeks to provide for the rezoning and subdivision of land immediately adjoining the existing Orford settlement for urban development. It follows an extensive process by the proponents to confirm the strategic basis of the proposed amendment and subdivision.

A full analysis against the STRLUS was provided at section 6.1 of the Amendment Assessment Report. That assessment concluded that AM2023-01 complied with the STRLUS.

The Triabunna Orford Structure Plan (Structure Plan) applies to the area that includes the subject land. The Structure Plan was also updated to recognise the SGS Reports and the rezoning of the subject land in the short term (Minute reference 144/21). A full analysis against the Structure Plan was provided at section 6.2 of the Amendment Assessment Report. That assessment concluded that AM2023-01 complied with the Structure Plan.

AM2023-01 was assessed against the Council Strategic Plan at section 6.3 of the Amendment Assessment Report and determined to be consistent with the Strategic Plan.

AM2023-01 was assessed against the State Policies for the Protection of Agricultural Land, Coastal matters, Water Quality Management and Environmental Protection Measures (refer section 7 of the Amendment Assessment Report). It was concluded that AM2023-01 complied with all relevant State Policies.

AM2023-01 will leave immediately adjoining lands to the east and west within the Future Urban zone. If AM2023-01 is successful, those lands remaining in the Future Urban zone will likely be rezoned as part of a future review of the LPS and zoning of the area.

Proposed subdivision

The application also seeks approval for a 90-lot subdivision and associated infrastructure on the subject lands, which must also be considered as part of this decision.

The subdivision includes the following:

- a. The creation of 90 residential lots ranging in size from 475m² to 1217m².
- b. The creation of 17,726m² of centrally located POS (17% of the total area).
- c. Roadworks and service connections.

The proposed subdivision is shown at *Figure 1*.



Figure 1 – Proposed subdivision

(Source: sheet C101 Site Plan, Aldanmark)

A detailed assessment against the requirements of the General Residential zone and relevant Codes of the Scheme was provided at section 8 of the Amendment Assessment Report, where it was identified that discretions were required for the following standards:

- 8 General Residential Zone
 - 8.6.1 Lot Design
 - 8.6.2 Roads
- C3.0 Road and Railway Asset Code
 - C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction
- C7.0 Natural Assets Code
 - C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area
- C9.0 Attenuation Code
 - C9.6.1 Lot design
- C12.0 Flood-Prone Areas Code
 - C12.6.1 Buildings and works within a flood-prone hazard area
 - C12.7.1 Subdivision within a flood-prone hazard area

Assessment of the application demonstrated that the application complies with all relevant acceptable solutions and performance under the Scheme.

The application can therefore be considered for approval. Conditions that result from the assessment against the Scheme and internal referrals were provided at the conclusion to this report.

Conclusion

AM2023-01 seeks to provide for the rezoning and subdivision of land immediately adjoining the existing Orford settlement for urban development.

The proposal is consistent with the STRLUS, Structure Plan and requirements of the Scheme. correct an unintended outcome resulting from in preparation of the LPS. Assessment against the Act identified that AM2023-01 comply with:

- the LPS criteria at section 32 of the Act;
- the certification criteria at section 40F of the Act;
- the Schedule 1 objectives of the Act;
- the Southern Tasmanian Regional Land Use Strategy;
- the Council Strategic Plan 2020-2029; and
- current State Policies.

As demonstrated above, AM2023-01 is consistent with the relevant provisions of the Act. Certification of AM2023-01 can be supported.

The assessment of the subdivision identified the application complies with the requirements for the Scheme and can be considered for approval subject to conditions.

A recommendation was provided to reflect the outcome of the assessments, as follows:

- a. recommends that Council support and initiate AM2023-01;
- b. recommends that AM2023-01 be certified as meeting the LPS Criteria under the Act;

- c. recommends adjoining property owners and occupiers be notified of the applications; and
- d. recommends the subdivision be approved, subject to conditions.

A summary of the conditions required for the planning application follows:

- Conditions 1 to 4 require the development to be completed as proposed, except as modified by the assessment and the Taswater SPAN;
- Condition 2 requires dedicated access to form part of lots 37, 38 and 39 so they do not rely on right of way access;
- Condition 4 requires the POS shown on the plan to be dedicated as a drainage reserve, given its function for that purpose;
- Conditions 5 to 9 relate to the process for submitting the formal survey documents once the subdivision is created on the ground;
- Condition 10 requires payment of the Public Open Space contribution under section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and Council policy;
- Conditions 11 to 16 relate to management of environmental matters that result from the subdivision; and
- Conditions 17 to 44 deal with engineering requirements, access, parking, stormwater, maintaining water quality and construction matters for the proposal.

16. Recommendation

That the Planning Authority:

- a. Pursuant to Section 38 of the *Land Use Planning and Approvals Act 1993*, support the request for amendment AM2023-01 to rezone 155 Rheban Road, Orford (ID 2775205, CT149641/2) from Future Urban to General Residential; and
- b. Pursuant to Section 40F of the *Land Use Planning and Approvals Act 1993*, certifies that AM2023-01 meets the LPS criteria; and
- c. Instructs that adjoining property owners and occupiers must be notified of the draft planning scheme amendment and proposed subdivision; and
- d. Pursuant to Section 57 and 40Y of the *Land Use Planning and Approvals Act 1993* and the *Tasmanian Planning Scheme – Glamorgan Spring Bay*, the subdivision under AM2023-01 at 155 Rheban Road, Bicheno (CT 149641/2) for a 90-lot residential subdivision and associated works and infrastructure be approved with the following conditions:

CONDITIONS

1. Use and development must be substantially in accordance with the endorsed plans and documents unless modified by a condition of this permit.

Advice: Any changes may either be deemed as substantially in accordance with the permit or may first require a formal amendment to this permit or a new permit to be issued.

2. Lots 31, 32, and 33 on the Lot Layout Plan must be modified so that the rights of way shown within their boundaries are removed and form part of lots 37, 38 and 39 on the Final Plan, when submitted.
3. The POS shown on the Lot Layout Plan must be shown as a drainage reserve on the Final Plan, when submitted.
4. Use and development must comply with the requirements of TasWater specified by 'Submission to Planning Authority Notice' reference number TWDA 2022/01822-GSB, dated 13/01/2023 and attached to this permit.

Final Plan

5. A final approved plan of survey and schedule of easements as necessary, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
6. All land noted as roadway, footway, and open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
7. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's Municipal Engineer.
8. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.
9. Prior to sealing the Final Plan of Survey or execution of the Schedule of Easements and associated documents, certification must be provided from an accredited bushfire practitioner that all recommendations and requirements of the Bushfire Hazard Report by North Barker Ecosystem Services, have been implemented and complied with.

Public Open Space

10. Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land in CT149641/2 as at the date of lodgement of the final plan of survey.

The value is to be determined by a Land Valuer within the meaning of the Land Valuers Act 2001.

Advice: this condition is imposed pursuant to section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and Council policy.

Environment Management

11. All work must be generally in compliance with the Tasmanian Coastal Works Manual, available at. <https://dpiwwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>

12. The developer must implement a soil and water management plan (SWMP) to ensure that soil and sediment does not leave the site during the construction process and must provide a copy of the SWMP to Council's General Manager prior to the commencement of works.
13. Erosion and sedimentation measures, such as sediment fences and settlement pits, are to be installed and maintained on the lower side of each lot and outside the Waterway and Coastal Protection Area during all works on the site. These works are to comply with a Stormwater Management Plan developed for the site.
14. No top soil is to be removed from the site.
15. All vehicles and equipment associated with construction of the development and/or operation of the use must be cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases to the satisfaction of Council's General Manager.
16. Suitable barriers must be erected during the construction of the development to ensure native vegetation that must be retained is not damaged during construction works.

Engineering

17. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or required by conditions of this permit.
18. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, these drawings must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences. The detailed engineering drawings must show the following:
 - a) all existing and proposed services required by this permit;
 - b) all proposed stormwater infrastructure.
 - c) all existing and proposed roadwork required by this permit;
 - d) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - e) measures to be taken to limit or control erosion and sedimentation;
 - f) any other work required by this permit.
19. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
20. 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.
21. Unless approved otherwise by Council's General Manager, roadworks must include -
 - a) Minimum road reserve of 18 metres and 25 metres at the cul-de-sac.

- b) Fully sealed paved and drained carriageway with a minimum width of 8.9m (face of kerb to face of kerb) and 18 metres diameter at the cul-de-sac head.
 - c) Concrete kerb and channel both sides.
 - d) Reinforced concrete footpaths 1.50 metres wide on one side of the new road.
 - e) Underground stormwater drainage.
22. The carriageway surface course must be constructed with a 10mm nominal size hot-mix asphalt with a minimum compacted depth of 35mm in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager, unless approved otherwise by the Council's General Manager.
23. 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.
24. A reinforced concrete vehicle access must be located and constructed to each lot in accordance with the standards shown on standard drawings TSD-R09-v3, Urban Roads TSD-R06-v3 and TSD-RF01-v1 Guide to Intersection and Domestic Access Sight Distance Requirements prepared by the IPWE Aust. (Tasmania Division) and the satisfaction of Council's General Manager.
25. To the satisfaction of Council's General Manager, internal driveways for lot 21, 37 to 39, 42, 43, 51, 52 and 83, and areas set aside for vehicle parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and must include all of the following:
- a) a minimum width carriageway of 3.6m;
 - b) have a sealed surface of asphalt, concrete or equivalent approved by Council's General Manager; and
 - c) drain to an approved stormwater system.
26. The developer must provide line marking and signage at the Rheban Road intersections.
27. The developer must provide road widening, kerb & channel and footpath as per LGAT standard drawings along the northern side of Rheban Road to the full extent of the development.

Landscaping

28. The road reserve must be landscaped by trees or plants in accordance with a landscape plan prepared by a landscape architect or other person approved by Council and submitted to Council for endorsement with the engineering drawings. The landscape plan must show the areas to be landscaped, the form of landscaping, and the species of plants and estimates of the cost of the works.

Drainage

29. The developer must provide a piped stormwater property connection to each lot capable of servicing the building area of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.
30. The developer must provide a piped minor stormwater drainage system designed to comply with all of the following:
 - a) be able to accommodate a storm with an Average Recurrence Interval (ARI) of 20 years, when the land serviced by the system is fully developed; and
 - b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
31. The developer must provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.

Advice: The proposed roadway intercepts stormwater runoff from the existing roadway and from the upper catchment. It will be necessary for the development to address how the 1% AEP climate change flows intercepted and generated by the subdivision will be directed safely downstream.

32. The developer must provide an amended Stormwater Management Report. The report must be in accordance with the recommendations and procedures contained in the Australian Rainfall and Runoff 2019 Guidelines, and in particular Book 6, Chapter 7: Safety in Design Criteria and Book 9, Chapter 6: Modelling Approaches, is to be submitted. The report, and any associated designs, must clearly show that the conditions of this permit are met by the proposed design.
 - a) Any measures required by the report to ensure that a tolerable risk for the development from flooding is achieved, and there is no increased risk of flooding onto adjacent land during the 5% AEP and the 1% AEP (inclusive of climate change), must be included in the engineering design drawings and implemented prior to the sealing of the Plan of Survey for any stage of the subdivision.
 - b) The report shall identify and design overland flow paths and run-off handling systems for 1% AEP events. These systems shall ensure that no concentrated flow or overflow from street drainage and stormwater reticulation is directed across or through proposed lots (unless dedicated as an overland flow path with easements in favour of Council) and that there are no unsafe flows over or within public roadways
 - c) Designs shall ensure that net discharge of stormwater does not exceed predevelopment levels 1% flooding
 - d) All stormwater for the development must be designed and constructed to include Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council for approval by the relevant / delegated officer for approval prior to the issue of the approved engineering drawings. This report is to include the maintenance management regime / replacement requirements for any treatment facilities.

33. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with, and meet the treatment targets specified within, the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager.

Alternatively, the developer may, at the discretion of Council's General Manager, make a financial contribution to Glamorgan Spring Bay Council for the provision of stormwater treatment downstream of the proposed subdivision. The value of the contribution must be equal to the cost of implementing on site treatment to meet the targets, or as otherwise agreed by Council's General Manager. Where partial treatment is provided on site a proportional contribution may be considered. The contribution must be paid prior to sealing the Final Plan of Survey.

Construction

34. The subdivider 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.
35. The subdivider must provide not less than forty-eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring hold point inspection by Council unless otherwise agreed by the Council's General Manager.
36. Subdivision works must be carried out under the direct supervision of an approved practicing professional civil engineer engaged by the subdivider and approved by the Council's General Manager.
37. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
- a) Ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility;
 - b) Not burn debris or waste on site;
 - c) Promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property;
 - d) Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage;
 - e) Provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.

Sealing of Final Plan

38. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.

Advice: The minimum bond amount required during the maintenance and defects liability period is to be no less than 5% of the agreed value of the works. The developer is to enter into a formal Maintenance Bond Deed of Agreement with Council.

39. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
40. 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.
41. The developer 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.

Telecommunications and Electrical Reticulation

42. Underground 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.
43. Street lighting must be provided in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.

'As constructed' Drawings

44. Prior to the works being placed on the maintenance and defects liability period an 'as constructed' drawings with CCTV footage of all engineering works provided as part of this approval must be submitted to Council to the satisfaction of the Council's General Manager. These data 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

45. The subdivision must be placed onto a twelve-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.
46. Prior to placing the subdivision onto the twelve-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.

27



DECISION 47/23

Moved Deputy Mayor Michael Symons, seconded Cllr Neil Edwards:

That the Planning Authority:

- a. Pursuant to Section 38 of the *Land Use Planning and Approvals Act 1993*, support the request for amendment AM2023-01 to rezone 155 Rheban Road, Orford (ID 2775205, CT149641/2) from Future Urban to General Residential; and
- b. Pursuant to Section 40F of the *Land Use Planning and Approvals Act 1993*, certifies that AM2023-01 meets the LPS criteria; and
- c. Instructs that adjoining property owners and occupiers must be notified of the draft planning scheme amendment and proposed subdivision; and
- d. Pursuant to Section 57 and 40Y of the *Land Use Planning and Approvals Act 1993* and the *Tasmanian Planning Scheme – Glamorgan Spring Bay*, the subdivision under AM2023-01 at 155 Rheban Road, Orford (CT 149641/2) for a 90-lot residential subdivision and associated works and infrastructure be approved with the following conditions:

CONDITIONS

1. Use and development must be substantially in accordance with the endorsed plans and documents unless modified by a condition of this permit.

Advice: Any changes may either be deemed as substantially in accordance with the permit or may first require a formal amendment to this permit or a new permit to be issued.

2. Lots 31, 32, and 33 on the Lot Layout Plan must be modified so that the rights of way shown within their boundaries are removed and form part of lots 37, 38 and 39 on the Final Plan, when submitted.
3. The POS shown on the Lot Layout Plan must be shown as a drainage reserve on the Final Plan, when submitted.
4. Use and development must comply with the requirements of TasWater specified by 'Submission to Planning Authority Notice' reference number TWDA 2022/01822-GSB, dated 13/01/2023 and attached to this permit.

Final Plan

5. A final approved plan of survey and schedule of easements as necessary, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
6. All land noted as roadway, footway, and open space or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.

7. The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's Municipal Engineer.
8. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.
9. Prior to sealing the Final Plan of Survey or execution of the Schedule of Easements and associated documents, certification must be provided from an accredited bushfire practitioner that all recommendations and requirements of the Bushfire Hazard Report by North Barker Ecosystem Services, have been implemented and complied with.

Public Open Space

10. Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land in CT149641/2 as at the date of lodgement of the final plan of survey.

The value is to be determined by a Land Valuer within the meaning of the Land Valuers Act 2001.

Advice: this condition is imposed pursuant to section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and Council policy.

Environment Management

11. All work must be generally in compliance with the Tasmanian Coastal Works Manual, available at. <https://dpiwwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>
12. The developer must implement a soil and water management plan (SWMP) to ensure that soil and sediment does not leave the site during the construction process and must provide a copy of the SWMP to Council's General Manager prior to the commencement of works.
13. Erosion and sedimentation measures, such as sediment fences and settlement pits, are to be installed and maintained on the lower side of each lot and outside the Waterway and Coastal Protection Area during all works on the site. These works are to comply with a Stormwater Management Plan developed for the site.
14. No top soil is to be removed from the site.
15. All vehicles and equipment associated with construction of the development and/or operation of the use must be cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases to the satisfaction of Council's General Manager.
16. Suitable barriers must be erected during the construction of the development to ensure native vegetation that must be retained is not damaged during construction works.

Engineering

17. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 or as otherwise agreed by Council's General Manager or required by conditions of this permit.
18. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, these drawings must be submitted to and approved by the Glamorgan Spring Bay Council before development of the land commences. The detailed engineering drawings must show the following:
 - a) all existing and proposed services required by this permit;
 - b) all proposed stormwater infrastructure.
 - c) all existing and proposed roadwork required by this permit;
 - d) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - e) measures to be taken to limit or control erosion and sedimentation;
 - f) any other work required by this permit.
19. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
20. 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.
21. Unless approved otherwise by Council's General Manager, roadworks must include -
 - a) Minimum road reserve of 18 metres and 25 metres at the cul-de-sac.
 - b) Fully sealed paved and drained carriageway with a minimum width of 8.9m (face of kerb to face of kerb) and 18 metres diameter at the cul-de-sac head.
 - c) Concrete kerb and channel both sides.
 - d) Reinforced concrete footpaths 1.50 metres wide on one side of the new road.
 - e) Underground stormwater drainage.
22. The carriageway surface course must be constructed with a 10mm nominal size hot-mix asphalt with a minimum compacted depth of 35mm in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager, unless approved otherwise by the Council's General Manager.
23. 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.
24. A reinforced concrete vehicle access must be located and constructed to each lot in accordance with the standards shown on standard drawings TSD-R09-v3, Urban Roads TSD-R06-v3 and TSD-RF01-v1 Guide to Intersection and Domestic Access Sight Distance Requirements prepared by the IPWE Aust. (Tasmania Division) and the satisfaction of Council's General Manager.

25. To the satisfaction of Council's General Manager, internal driveways for lot 21, 37 to 39, 42, 43, 51, 52 and 83, and areas set aside for vehicle parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and must include all of the following:
 - a) a minimum width carriageway of 3.6m;
 - b) have a sealed surface of asphalt, concrete or equivalent approved by Council's General Manager; and
 - c) drain to an approved stormwater system.
26. The developer must provide line marking and signage at the Rheban Road intersections.
27. The developer must provide road widening, kerb & channel and footpath as per LGAT standard drawings along the northern side of Rheban Road to the full extent of the development.

Landscaping

28. The road reserve must be landscaped by trees or plants in accordance with a landscape plan prepared by a landscape architect or other person approved by Council and submitted to Council for endorsement with the engineering drawings. The landscape plan must show the areas to be landscaped, the form of landscaping, and the species of plants and estimates of the cost of the works.

Drainage

29. The developer must provide a piped stormwater property connection to each lot capable of servicing the building area of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager.
30. The developer must provide a piped minor stormwater drainage system designed to comply with all of the following:
 - a) be able to accommodate a storm with an Average Recurrence Interval (ARI) of 20 years, when the land serviced by the system is fully developed; and
 - b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
31. The developer must provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.

Advice: The proposed roadway intercepts stormwater runoff from the existing roadway and from the upper catchment. It will be necessary for the development to address how the 1% AEP climate change flows intercepted and generated by the subdivision will be directed safely downstream.

32. The developer must provide an amended Stormwater Management Report. The report must be in accordance with the recommendations and procedures contained in the Australian Rainfall and Runoff 2019 Guidelines, and in particular Book 6, Chapter 7: Safety in Design Criteria and Book 9, Chapter 6: Modelling Approaches, is to be submitted. The report, and any associated designs, must clearly show that the conditions of this permit are met by the proposed design.

- a) Any measures required by the report to ensure that a tolerable risk for the development from flooding is achieved, and there is no increased risk of flooding onto adjacent land during the 5% AEP and the 1% AEP (inclusive of climate change), must be included in the engineering design drawings and implemented prior to the sealing of the Plan of Survey for any stage of the subdivision.
 - b) The report shall identify and design overland flow paths and run-off handling systems for 1% AEP events. These systems shall ensure that no concentrated flow or overflow from street drainage and stormwater reticulation is directed across or through proposed lots (unless dedicated as an overland flow path with easements in favour of Council) and that there are no unsafe flows over or within public roadways
 - c) Designs shall ensure that net discharge of stormwater does not exceed predevelopment levels 1% flooding
 - d) All stormwater for the development must be designed and constructed to include Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council for approval by the relevant / delegated officer for approval prior to the issue of the approved engineering drawings. This report is to include the maintenance management regime / replacement requirements for any treatment facilities.
33. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with, and meet the treatment targets specified within, the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's General Manager.

Alternatively, the developer may, at the discretion of Council's General Manager, make a financial contribution to Glamorgan Spring Bay Council for the provision of stormwater treatment downstream of the proposed subdivision. The value of the contribution must be equal to the cost of implementing on site treatment to meet the targets, or as otherwise agreed by Council's General Manager. Where partial treatment is provided on site a proportional contribution may be considered. The contribution must be paid prior to sealing the Final Plan of Survey.

Construction

- 34. The subdivider 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.
- 35. The subdivider must provide not less than forty-eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring hold point inspection by Council unless otherwise agreed by the Council's General Manager.

36. Subdivision works must be carried out under the direct supervision of an approved practicing professional civil engineer engaged by the subdivider and approved by the Council's General Manager.
37. Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
- a) Ensure soil, building waste and debris does not leave the site other than in an orderly fashion and disposed of at an approved facility;
 - b) Not burn debris or waste on site;
 - c) Promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property;
 - d) Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage;
 - e) Provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and disposal of the waste to an approved landfill site by private contract.

Sealing of Final Plan

38. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.

Advice: The minimum bond amount required during the maintenance and defects liability period is to be no less than 5% of the agreed value of the works. The developer is to enter into a formal Maintenance Bond Deed of Agreement with Council.

39. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
40. 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.
41. The developer 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.

Telecommunications and Electrical Reticulation

- 42. Underground 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.
- 43. Street lighting must be provided in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.

'As constructed' Drawings

- 44. Prior to the works being placed on the maintenance and defects liability period an 'as constructed' drawings with CCTV footage of all engineering works provided as part of this approval must be submitted to Council to the satisfaction of the Council's General Manager. These data 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

- 45. The subdivision must be placed onto a twelve-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.
- 46. Prior to placing the subdivision onto the twelve-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.

THE MOTION WAS PUT AND CARRIED 5/3

For: Mayor Cheryl Arnol, Deputy Mayor Michael Symons, Cllr Neil Edwards, Cllr Greg Luck and Cllr Jenny Woods

Against: Cllr Rob Churchill, Cllr Carole McQueeney and Cllr Robert Young