



Clarence... a brighter place

Clarence City Council

PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

Development No: PDPSPAMEND-2021/019004 **Approval Date:** 6 February 2023

Description: Rezoning to General Residential and 8 lot subdivision

Address: 30 Holland Court, Howrah

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 and must not be altered without the consent of Council.
- 2 Amended plans showing the following changes:
 - deletion of POS Lot 100;
 - reconfiguration of the lot payout to incorporate Lot 100 into Lot 1;
 - the POS Lot 101 to extend further along the southern boundary towards 5 Mayfair Court for approximately 20m in length; and
 - a 10m wide Public Right of Way along the eastern boundary of the site and connecting through the site from the cul-de-sac to the pedestrian walkway on the South Arm Highway

must be submitted to and approved by Council's Manager City Planning prior to the commencement of the use/development. When approved, the plans will form part of the permit.

- 3 As Council has formed the opinion that the subdivision will or is likely to increase the demand for public open space and as no or no sufficient or acceptable provision has been made in the proposal plan for public open space it has been determined that payment of a cash contribution ("the Contribution") in lieu of public open space equal to 3.7% of the value of the area of land in the approved plan described as Lots 1-7 is

required in accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993.

The amount of the Contribution is to be based on a valuation (“the Valuation”) of the specified lots. Unless otherwise specified in this condition, the Valuation is to be as at the date of lodgement of the final plan of the subdivision for sealing at which time Council will instruct its appointed valuer to provide the Valuation.

The landowner must pay the appointed valuer’s fee for any Valuation before sealing of the final plan to which the Valuation relates.

The final plan will not be sealed until the Contribution has been paid.

Where a staged subdivision is proposed the landowner must elect in writing at the time of lodging the final plan for the first stage to either:

- have the Valuation done and pay the Contribution for the lots proposed in all stages of the subdivision in which such case the lots will be valued as at the date of lodgement of the final plan for the first stage, or alternatively
- have the Valuation done and pay the Contribution for the lots proposed in stage 1 only and to have a further Valuation done and pay a separate Contribution for each subsequent stage. In this case, the Valuation of the lots in stage 1 will be as at the date of lodgement of the final plan for that stage and the Valuation of the lots in any subsequent stage will be as at the date of lodgement for sealing of the final plan for that stage.

References in this condition to payment of a Contribution include the provision of security for the same in the form of a bond by the landowner to pay the Contribution which is supported by a bank guarantee. Each of the bond and the guarantee are to be in a form acceptable to Council.

Note: There may be a delay in the sealing of the final plan to facilitate the valuation process. This may be a consideration for landowners with staged subdivisions when electing to pay collectively as one lump sum or alternatively prior to the sealing of each stage.

- 4 The landowner must enter into an agreement with Council under Part 5 of the Land Use Planning and Approvals Act, 1993 in such form as Council may require and which provides for the following:

- combined Lots 1 & 100 - the *Eucalyptus Ovata* trees identified in the Natural Values Assessment, North Barker, 6 January 2023, must not be removed without prior consent of Council; and
- Lots 1 & 2 dwelling must be designed with a minimum Rw on the western, northern and western facades in accordance with the Noise impact Assessment (NVC, 21 December 2022).

The agreement will be prepared and registered by Council. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement.

- 5 Any lots described as “public open space”, “public access way”, “road”, “to be acquired by the Highway Authority” or other land designated to become public land on the Final Plan must be transferred to the Council for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Clarence City Council, all documentation in relation to discharges of any Mortgages, withdrawal of caveats, and

all other relevant registrable dealings. This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office fees and charges and duty in relation to the document. The applicant remains responsible for ensuring that any Land Titles Office requisitions are effectively resolved, and the applicant must meet the costs of such requisitions.

- 6 Each lot must be provided with a minimum 3.6m wide constructed and sealed access from the road carriageway to the property boundary in accordance with Standard Drawing TSD-R09 (Urban) (copy available from Council). This access must be inspected by Council's Development Works Officer prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by Council to the owner.

- 7 Engineering designs, prepared by a suitably qualified person, are required for:

- road design (including line marking);
- road stormwater drainage;
- lot accesses;
- stormwater drainage;
- pedestrian networks and connections

and must show the extent of any vegetation removal proposed for these works and be designed in conjunction with any landscaping plan requirement. Such designs must be submitted to and approved by Council's Group Manager Engineering Services and must clearly describe what works are being undertaken for each approved stage of the development.

In accordance with Council's adopted fee schedule, a fee of 1% of the contract fee or certified construction cost will be charged for the approval of these plans and is payable upon their lodgement. A 'start of works' permit must be obtained prior to the commencement of any works.

For the Final Plan to be sealed prior to the completion of the works or the expiry of the "on-maintenance" period a bond must be paid, and an agreement entered into in accordance with Council Policy. Please note that the bond for the "on-maintenance" period is 5% the cost of the construction.

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.

- 8 Prior to the sealing of the Final Plan, a trail connecting the cul-de-sac to the pedestrian walkway on the South Arm Highway and the Kunyah Reserve must be constructed, to the satisfaction of Council's Manager Environment and Recreation.

- 9 Prior to the sealing of the Final Plan, an acoustic fence with a minimum height of 2m and finished with anti-graffiti paint must be constructed along the northern boundary of lots 1 and 2 in accordance with the recommendations of the Noise Impact Assessment (NVC, 21 December 2022). A plan of the fence must be submitted to and approved by the Manager City Planning prior to its construction.

- 10 To prevent unauthorised vehicular access to public recreation areas, access points must be obstructed with 100mm (min) diameter posts set 1.2m (max) apart. Two posts must be removable but capable of being locked in position. The design of these posts must be approved by Council's Group Manager Engineering Services prior to installation.
- 11 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 Engineering Services prior to the commencement of works.
- 12 A weed management plan identifying methods to control weeds, must be submitted to and approved by Council's Group Manager Engineering Services prior to commencement of works. The plan must:
 - reference any Weeds of National Significance and Declared Weeds under the Weed Management Act and address the spread of soil-based pathogens in accordance with the Tasmanian Washdown Guidelines for Weed and Disease Control;
 - identify the weed species, initial treatment, on-going management and maintenance period thereof. The plan may include manual removal of larger plants and/or chemical control as recommended by the relevant Government department; and
 - include a detailed breakdown of estimated costs.

The Final Plan and Schedule of Easements for any stage will not be sealed until the weed management plan for that stage has been implemented and maintained to the satisfaction of Council's Group Manager Engineering Services. Alternatively, a bond of 1.5 times the estimated cost of works associated with implementing the weed management plan for that stage must be submitted prior to sealing. The bond will be held as security to ensure both development and maintenance of each lot is undertaken in accordance with the approved plan until each of the newly created lots are sold or the management period has expired, whichever comes first. The bond is to be a cash deposit or a bank guarantee.

- 13 The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all utilities' infrastructure required to service the lots in a form to the satisfaction of the relevant utility service provider.
- 14 Street construction, including line marking, concrete kerbs, gutters and footpaths with bitumen roads, must be carried out to the requirements of Council's Local Highways Standard Requirements By-Law. Pavement designs must be based upon laboratory soaked CBR values. Line marking must be in thermoplastic material.
- 15 The new road must join with existing road construction in a smooth and continuous fashion and extend to the boundaries of the balance lot.
- 16 The owner must, at their expense, repair any Council services (e.g., 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

- 17 Each lot must be provided with minimum 150mm diameter stormwater drainage connected to Council's main prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. An extension to Council's stormwater main may be required at the owner's expense.
- 18 Stormwater reticulation is to be designed in accordance with the requirements of Council's Local Highways Standard Requirements By- Law and the State Stormwater Strategy to the satisfaction of Council's Group Manager Engineering Services. The design is to 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). Designs shall ensure that net discharge of stormwater does not exceed predevelopment levels and water quality characteristics of receiving waters are maintained or improved. The design must incorporate Water Sensitive Urban Design principles and be submitted for approval by Council's Group Manager Engineering Services prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.
- 19 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.
- 20 All services, including the street lighting system, must be underground and within the road reserve or subject by a suitable easement approved by the Group Manager Engineering Services.
- 21 Any existing services on the land must be contained within a single lot. For any services extending beyond the property boundary, a suitable easement must be created on the affected titles and the service replaced in PVC or copper type A for water.
- 22 The development must meet all required Conditions of Approval specified by TasWater notice, dated 17 May 2021 TWDA2021/00779-CCC.

The following advice is also provided:

- a. 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.
- b. 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.
- c. 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.

Ross Lovell

MANAGER CITY PLANNING

THIS APPROVAL IS GIVEN UNDER DELEGATION GRANTED BY COUNCIL ON 19 MAY 2003