

SOUTHERN  
MIDLANDS  
COUNCIL



# **MINUTES**

## **SPECIAL COUNCIL MEETING**

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Monday, 8<sup>th</sup> November 2021  
9.30 a.m.

Oatlands Municipal Offices  
71 High Street, Oatlands

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## **OPEN COUNCIL MINUTES**

**MINUTES OF A SPECIAL MEETING OF THE SOUTHERN MIDLANDS COUNCIL HELD ON  
MONDAY, 8<sup>TH</sup> NOVEMBER 2021 AT THE OATLANDS MUNICIPAL OFFICES  
COMMENCING AT 9.30 A.M.**

### **1. ACKNOWLEDGEMENT OF COUNTRY**

Mayor A O Green recited Acknowledgement of Country.

### **2. ATTENDANCE**

Mayor A O Green, Deputy Mayor E Batt, Cllr A Bantick, Cllr A Bisdee OAM, Cllr K Dudgeon, Cllr D Fish, Cllr R McDougall

Mr T Kirkwood (General Manager), Mr A Benson (Deputy General Manager), Mr D Richardson (Manager Works & Infrastructure), Mrs L Brown (Planning Officer)

### **3. APOLOGIES**

Nil.

### **4. DECLARATION OF PECUNIARY INTEREST**

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the Agenda.

Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter on the agenda, or any supplementary item to the agenda, which Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*.

Nil.

## **5. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME**

*Session of Council sitting as a Planning Authority pursuant to the Land Use Planning and Approvals Act 1993 and Council's statutory land use planning schemes.*

### **5.1 Development Application (SA 2020/1) for Subdivision (11 lots and balance) at 14 Glenelg Street, Oatlands owned by B & C O'Reilly**

**AUTHOR** PLANNING OFFICER (LOUISA BROWN)

**DATE** 8 NOVEMBER 2021

#### **Attachment(s):**

*Attachment 1 - Development Application documents*

*Attachment 2 - Representations (3)*

*Attachment 3 - Taswater SPAN*

#### **PROPOSAL**

The applicant, T.N Woolford & Associates (surveyor) on behalf of B & C O'Reilly, has applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") to subdivide the land at 14 Glenelg Street, Oatlands.

The proposal seeks to subdivide the existing 2.023ha title into eleven (11) lots plus balance, as detailed below:

- Eleven (11) Lots – with a range of lot sizes and a frontage to Stanley Street of 96m. A new road and access from Stanley Street will be constructed.
- Balance – existing property on 14 Glenelg Street, balance lot size of 7230m<sup>2</sup> with approximately 96m frontage to Queen Anne Street. This lot will contain an existing dwelling and outbuilding, gardens and associated infrastructure. There is an existing access point from Queen Anne Street which will remain and serve the property.

The land is zoned General Residential and contains no overlays. The existing dwelling and outbuilding are located to the western end of the title adjacent to Queen Anne Street. The remainder of the title is pasture.

The application has been lodged under the *Southern Midlands Interim Planning Scheme 2015* ("the Planning Scheme").

Under the Planning Scheme subdivision is defined as development. The proposal is to be assessed against the development standards of the zone and the development standards of the applicable Codes. These matters are described and assessed in this report. This is a discretionary application under the Planning Scheme.

The Council gave notice of the application for public comment for 14 days. During the notification period three (3) representations were received.

This report will assess the proposal against the relevant provisions of the Act and the Scheme. It is recommended that Council grant a permit for the subdivision subject to conditions.

### **THE SITE**

The existing 2.023ha property is located on the southern side of Glenelg Street, with the eastern boundary adjacent to Stanley Street and the western boundary formed with Queen Anne Street. The property contains a dwelling and outbuilding, the remainder of the property is pasture.

There is an existing access points which serves the dwelling from Queen Anne Street.

The property is predominantly adjoined by residential properties to all sides. An area zoned Particular Purpose, PPz1 Settlement Growth is located to the south of site, one block over adjacent to Chatham Street. To the west is Tunnack Road and areas of Light Industrial and the walking track to Lake Dulverton is situated 200m to the east.

Map 1 below shows the land zoning and location of the property.



*Map 1\_ The subject land and surrounding properties are in the General Residential Zone (red). Particular Purpose, PPz1 Settlement Growth (yellow). Agricultural land is in the Rural Resource Zone (Cream).. Light Industrial (Purple). Environmental Management – Lake Dulverton (Dark Green). The subject title is marked with a blue line. Source: theLIST*



*Map 2 \_ Aerial image of the subject land and surrounding area, with the approximate boundaries marked in blue. Source: theLIST*

**THE APPLICATION**

*The Applicant has submitted the attached Plans and information to accompany the Development Application form.*

The proposal has been referred to Taswater and conditions have been provided to be attached to the planning permit if the proposal is approved by Council (see enclosure).

**USE/DEVELOPMENT DEFINITION**

*The proposed use and development is defined, under the Planning Scheme, as development for Subdivision, which is Discretionary in accordance with Clause 9.10.2 of the Southern Midlands Interim Planning Scheme 2015.*

**Use/Development Status under the Planning Scheme**

*As a discretionary development, the application was advertised in accordance with Section 57 of the Act.*

*Council has the discretion to grant a permit for this proposal with or without conditions, or refuse to grant a permit.*

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised for 14 days from the 9<sup>th</sup> October 2021. Three (3) representations were received and are summarised in the table below. Please refer to enclosure to view the full copies of representations received.

<i>Representation 1</i>	<i>Council Officer Comment</i>
<p>We object to the layout and density of the proposed subdivision, with the design, materials and appearance not in character with existing homes in the area.</p> <p>We are concerned that the proposals will devalue the heritage values of property and detract from the heritage tourist value the village has as a destination</p> <p>We are concerned about the increase in traffic the development will bring, car parking on street will decrease visibility at junctions.</p> <p>Would prefer the subdivision to contain bigger and fewer blocks, to keep the “country” feel of the area.</p>	<p><b><i>The size of the proposed lots are larger than the minimum size for this zone. The proposed number of lots meets the requirement for Subdivision in the General Residential Zone. The layout of the blocks makes efficient use of the available land. There are no character statements for this zone. The detailed design of dwellings will come forward with individual applications.</i></b></p> <p><b><i>The site is not within a Heritage Precinct or contains a Heritage Place. Therefore the Historic Heritage Code does not apply to the application.</i></b></p> <p><b><i>The amount of traffic to be created can be accommodated by improving Stanley Street, as stated in the conditions. In addition, Council expects that further subdivisions within this area of Otlands will come forward and therefore additional upgrades to the road network will be undertaken. When applications for dwellings come forward, Car parking for dwellings will be provided on plot. The new culdesac road will be constructed to a full urban road standard in accordance with the standard drawings.</i></b></p> <p><i>The proposed number of lots meets the meets the requirement for Subdivision in the General residential Zone</i></p>
<i>Representation 2</i>	<i>Council Officer Comment</i>
<p><i>We object based on the following issues:</i></p> <p><i>1. Traffic flow</i></p> <p><i>2. Loss of character of the area</i></p>	<p><b><i>1. As discussed above proposed improvements to Stanley Street will assist in traffic flow, further upgrades to the road network are likely as more subdivision applications come forward in the area.</i></b></p> <p><b><i>2. There is no character statement for this area.</i></b></p> <p><b><i>3.This is not a planning concern.</i></b></p> <p><b><i>4.This is not a planning concern.</i></b></p>

<p>3. Devalues the heritage properties in the street and town</p> <p>4. Devalues the historical architecture for which Oatlands is renowned</p> <p>5. Devalues the current rural atmosphere and quiet</p> <p>6. Noise and disturbance resulting from use</p> <p>7. Issues related to street parking</p> <p>8. Layout and density of proposed homes not in character with existing Oatlands homes</p> <p>9. Concern for the modern design, appearance and materials use not in character with existing Oatlands homes</p> <p>10. Devalues the town and Oatlands businesses as a valuable tourism heritage destination</p>	<p><b>5. While it is acknowledged that this represents a change from the existing paddock, it must be recognised that development of suitably zoned and serviced land within the existing township is to be expected.</b></p> <p><b>Development of this land will contribute to more efficient utilisation of public services and will contribute to the future of the town and municipality more broadly by providing new housing (at a time of housing shortage, particularly in affordable areas, across Tasmania, increasing the population and upgrading the road and providing a footpath in Stanley Street.</b></p> <p><b>6. Any noise created will be related to residential areas.</b></p> <p><b>7. As discussed above, car parking for the new dwellings will be on plot.</b></p> <p><b>8. The size of the proposed lots are larger than the minimum size for this zone. The proposed number of lots meets the requirement for Subdivision in the General Residential Zone. The layout of the blocks makes efficient use of the available land.</b></p> <p><b>9. As discussed there is no character statement for this zone.</b></p> <p><b>10. Development of this land will contribute to more efficient utilisation of public services and will contribute to the future of the town and municipality more broadly by providing new housing (at a time of housing shortage, particularly in affordable areas, across Tasmania, increasing the population and upgrading the road and providing a footpath in Stanley Street.</b></p> <p><b>The property is zoned General Residential, not agriculture.</b></p>
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<p>11. Conservation of local farmlands</p>	
<p><b>Representation 3</b></p>	<p><b>Council Officer Comment</b></p>
<p>Development encompassing 11 houses with a culdesac entrance does not fit in with the current neighbourhood character and rural residential zoning.</p> <p>If high density housing developments become the norm in Oatlands the Town will quickly descend into another homogenised, overpopulated and undesirable location like many other towns.</p> <p>Longterm parking issues, increased traffic and noise are just some of the negative impacts on local residents and property owners within the Town.</p> <p>I am not opposed to development but in this case I think the scope and scale of this proposed development is an over reach and needs to be reduced down to a smaller number of proposed dwellings and allotments.</p>	<p><b>While it is acknowledged that this represents a change from the existing paddock, it must be recognised that development of suitably zoned and serviced land within the existing township is to be expected. The proposed block sizes are larger than the minimum size requirement for this zone. As discussed there is no character statement for this zone.</b></p> <p><b>Development of this land will contribute to more efficient utilisation of public services and will contribute to the future of the town and municipality more broadly by providing new housing (at a time of housing shortage, particularly in affordable areas, across Tasmania, increasing the population and upgrading the road and providing a footpath in Stanley Street.</b></p> <p><b>As discussed the property is zoned General Residential, development is to be expected in this location.</b></p> <p><b>As discussed, the block sizes are larger than the minimum size requirements for this zone.</b></p>

## ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

### General Residential Zone

The subject site is in the General Residential Zone. The proposal must satisfy the requirements of the following relevant development standards of this zone:

<p><i>Development Standards - Subdivision</i>                  10.6.1 Lot Design                  To provide for new lots that:</p> <p>(a) have appropriate area and dimensions to accommodate development consistent with Character Statements;</p> <p>(b) contain building areas which are suitable for residential development, located to a boundary;</p> <p>(c) are a mix of lot sizes to enable a variety of dwelling and household types;</p> <p>(d) are capable of providing for a high level of residential amenity including privacy, good views and sunlight;</p> <p>(e) ensure an average net density for new suburban areas no less than 15 dwellings per hectare;</p> <p>(f) are not internal lots, except if the only reasonable way to provide for desired residential development;</p> <p>(g) are provided in a manner that provides for the efficient and ordered provision of infrastructure.</p>		
Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1                  The size of each lot must comply with the minimum and maximum lot sizes specified in Table 10.1, except if for public open space, a riparian or littoral reserve or utilities.</p>	<p>P1                  The size of each lot must satisfy all of the following:</p> <p>(a) variance above the maximum lot size in Table 10.1 only to the extent necessary due to demonstrated site constraints;</p> <p>(b) be consistent with any applicable Local Area Objectives or Desired Future Character Statements for the area.</p>	<p>The proposal is for 11 lots, of which the lot sizes meet the minimum and maximum sizes as specified in Table 10.1. these being 450m<sup>2</sup> – 1000m<sup>2</sup></p> <p>The Acceptable Solution A1 is met.</p>
<p>A2                  The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p>	<p>P2                  The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) be reasonably capable of accommodating residential use and development;</p> <p>(b) meets any applicable standards in codes in the planning scheme;</p>	<p>The layout of lots makes efficient use of the available land, without compromising on creating generous lot sizes.</p> <p>(a) residential development can be accommodated.</p> <p>(b) the standards within the Parking &amp; Access Code are met.</p>

<p>(b) not subject to any codes in this planning scheme;</p> <p>(c) clear of title restrictions such as easements and restrictive covenants;</p> <p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) the long axis of the building area faces north or within 20 degrees west or 30 degrees east of north;</p> <p>(f) is 10m x 15m in size.</p>	<p>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</p> <p>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</p> <p>(e) provides for sufficient useable area on the lot both of the following;</p> <p>(i) on-site parking and manoeuvring;</p> <p>(ii) adequate private open space.</p>	<p>(c) Lot sizes and shape will enable solar access.</p> <p>(d) the need for earthworks, excavation and fill will be minimised.</p> <p>(e) on site car parking and private open space are more than sufficient.</p> <p>The proposal meets Performance Criteria P2.</p>
<p>A3 The frontage for each lot must comply with the minimum and maximum frontage specified in Table 10.2, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.</p>	<p>P3 The frontage of each lot must satisfy all of the following:</p> <p>(a) provides opportunity for practical and safe vehicular and pedestrian access;</p> <p>(b) provides opportunity for passive surveillance between residential development on the lot and the public road;</p> <p>(c) is no less than 6m.</p>	<p>A single new vehicular access provides safe access, the Stanley Street section will include a footpath.</p> <p>The layout and orientation of the blocks around the culdesac creates opportunities for passive surveillance of the public realm.</p> <p>No frontage is less than 6m.</p> <p>Performance Criteria P3 is met</p>
<p>A4 No lot is an internal lot.</p>	<p>P4 An internal lot must satisfy all of the following:</p> <p>(a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</p>	<p>The Acceptable Solution A4 is met, there are no internal lots.</p>

	<ul style="list-style-type: none"> <li>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</li> <li>(c) the lot constitutes the or reasonable way to subdivide the rear of an existing lot;</li> <li>(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;</li> <li>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</li> <li>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</li> <li>(g) passing bays are provided at appropriate distances to service the likely future use of the lot;</li> <li>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</li> <li>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</li> <li>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</li> </ul>	
A5	P5	

<p>Subdivision is for no more than 3 lots.</p>	<p>Arrangement and provision of lots must satisfy all of the following;</p> <p>(a) have regard to providing a higher net density of dwellings along;</p> <p>(i) public transport corridors;</p> <p>(ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;</p> <p>(iii) within 200 m of business zones and local shops;</p> <p>(b) will not compromise the future subdivision of the entirety of the parent lot the densities envisaged the zone;</p> <p>(c) staging, if any, provides for the efficient and ordered provision of new infrastructure;</p> <p>(d) opportunity is optimised for passive surveillance between future residential development on the lots and public spaces;</p> <p>(e) is consistent with any applicable Local Area Objectives or Desired Future.</p>	<p>(a) (i) There are no Public Transport corridors adjacent to the property.</p> <p>(a) (ii) There is no adjoining public open space.</p> <p>(a) (iii) There are no shops or business zones within 200m.</p> <p>(b) Future subdivision will not be compromised.</p> <p>(c) No staging is proposed.</p> <p>(d) Passive surveillance of the Public realm is created.</p> <p>(e) There are no Local Area Objectives for this zone.</p>
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<p>Development Standards - Subdivision</p> <p>10.6.2 Roads</p> <p>To ensure that the arrangement of new roads within a subdivision provides for all of the following:</p> <p>(a) the provision of safe, convenient and efficient connections to assist accessibility and</p> <p>(b) the adequate accommodation of vehicular, pedestrian, cycling and public transport</p>
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(c) the efficient ultimate subdivision of the entirety of the land and of neighbouring land		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The subdivision includes no new road.</p>	<p>P1 The arrangement and construction of roads within a subdivision must satisfy all of the following:</p> <p>(a) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</p> <p>(b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</p> <p>(c) the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths where appropriate, to common boundaries;</p> <p>(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;</p> <p>(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum</p>	<p>(a) satisfied. Road standards will be conditioned to the acceptable standards.</p> <p>(a) satisfied.</p> <p>(c) satisfied, however the subdivision in its current form without lots fronting Glenelg Street, or Glenelg Street being constructed, may make subdivision of land on the opposite side of Glenelg Street less viable due to increased costs in funding construction of the entirety of the road.</p> <p>Whilst the subdivision can be undertaken in its current form Council should consider that it may have to allocate funding to construct, or partially construct, Glenelg St in the future.</p> <p>(d) satisfied.</p> <p>(e) satisfied, culdesac use is kept to a minimum.</p>

	<p>(f) connectivity with the neighbourhood road network is maximised;</p> <p>(g) the travel distance between key destinations such as shops and services is minimised;</p> <p>(h) walking, cycling and the efficient movement of public transport is facilitated;</p> <p>(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;</p> <p>(j) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints</p>	<p>(e) satisfied, connections to Stanley Street are made.</p> <p>(g) not applicable.</p> <p>(h) satisfied</p> <p>(i) satisfied.</p> <p>(j) satisfied, however the subdivision in its current form without lots fronting Glenelg Street, or Glenelg Street being constructed, may make subdivision of land on the opposite side of Glenelg Street less viable due to increased costs in funding construction of the entirety of the road.</p> <p>Whilst the subdivision can be undertaken in its current form Council should consider that it may have to allocate funding to construct, or partially construct, Glenelg St in the future.</p>
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**Development Standards - Subdivision**  
 10.6.3 Ways & Public Open Space  
 To ensure that the arrangement of ways and public open space provides for all of the following:

(a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community;

(b) the adequate accommodation of pedestrian and cycling traffic.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1 No Acceptable Solution.	<p>P1 The arrangement of ways and public open space within a subdivision must satisfy all of the following:</p> <p>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</p> <p>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</p> <p>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</p> <p>(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;</p> <p>(e) new ways are designed that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</p> <p>(f) provides for a legible movement network;</p> <p>(g) the route of new ways has regard to any pedestrian cycle way or public open space plan adopted by the Planning Authority;</p> <p>(h) Public Open Space must</p>	<p>(a) satisfied, connections to Stanley Street are proposed.</p> <p>(b) satisfied, connections to Stanley Street are proposed.</p> <p>(c) satisfied, connections to Stanley Street are proposed.</p> <p>(d) satisfied, connections to Stanley Street are proposed.</p> <p>(e) satisfied, all new ways are within the public realm, to the street frontage.</p> <p>(f) satisfied, connections to Stanley Street are proposed.</p>



	<p>be provided as land or cash in lieu, in accordance with the relevant Council policy.</p> <p>(i) new ways or extensions existing ways must be designed to minimise opportunities for entrapment or other crime following:</p> <p>(i) the width of the way</p> <p>(ii) the length of the way</p> <p>(iii) landscaping within the way;</p> <p>(iv) lighting;</p> <p>(v) provision of opportunities for 'loitering';</p> <p>(vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).</p>	<p>(g) satisfied, connections to Stanley Street are proposed.</p> <p>(h) satisfied, cash in lieu as Condition.</p>
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<b>Development Standards – Subdivision</b>		
<b>10.6.4 Services</b>		
To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1 Each lot must be connected to a reticulated potable water supply.	P1 No Performance Criteria.	<i>The proposal complies with the Acceptable Solution</i>
A2 Each lot must be connected to a reticulated sewerage system.	P2 No Performance Criteria.	<i>The proposal complies with the Acceptable Solution.</i>

<p>A3 Each lot must be connected to a stormwater system able to service the building area by gravity.</p>	<p>P3 If connection to a stormwater system is unavailable, each lot must be provided with an on-site stormwater management system adequate for the future use and development of the land.</p>	<p><i>The proposal complies with the Acceptable Solution.</i></p> <p><i>A condition requiring a stormwater management plan be submitted with the engineering design plans is recommended.</i></p>
<p>A4 The subdivision includes no new road.</p>	<p>P4 The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply.</p>	<p><i>Performance Criteria P4 is met. A condition requiring the new lots be provided with underground power and fibre ready pit and pipe is recommended.</i></p>

### E5.0 Road and Railway Assets Code

The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and
- (b) reduce conflicts between sensitive uses and major roads and the rail network.

The proposal includes a new road with access onto Stanley Street and new vehicle crossings for the lot with frontage onto Staley Street. This will result in an intensification of the local road network in additional traffic movements.

The applicable standards of the Code are addressed in the following tables:

<p><b>Development Standards</b> <b>E5.6.2 Road accesses and junctions</b> To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.</p>		
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>	<p><b>OFFICER COMMENT</b></p>
<p><b>A1</b> No new access or junction to roads in an area subject to a speed limit of more than 60km/h.</p>	<p><b>P1</b> For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p>	<p><i>Acceptable Solution A1 met.</i></p> <p><i>The new junction with Stanley Street and accesses to Lots all comply with the Acceptable Solution. The speed limit is 50km/h.</i></p>

	<p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the nature of the road;</p> <p>(c) the speed limit and traffic flow of the road;</p> <p>(d) any alternative access;</p> <p>(e) the need for the access or junction;</p> <p>(f) any traffic impact assessment; and</p> <p>(g) any written advice received from the road authority.</p>	
<p><b>A2</b> No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p><b>P2</b> For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the nature of the road;</p> <p>(c) the speed limit and traffic flow of the road;</p> <p>(d) any alternative access to a road;</p> <p>(e) the need for the access or junction;</p> <p>(f) any traffic impact assessment; and</p> <p>(g) any written advice received from the road authority.</p>	<p><i>Performance Criteria P2 is met.</i></p> <p><i>Access for 2 lots and a new road access onto Stanley Street are proposed.</i></p> <p><i>The access to Stanley Street will be in accordance with the standard drawings.</i></p>

<p><b>Development Standards</b></p> <p><b>E5.6.4 Sight distance at accesses, junctions and level crossings</b></p> <p>To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b></p> <p>Sight distances at:</p>	<p><b>P1</b></p> <p>The design, layout and location of an access, junction or rail level crossing must provide</p>	<p><i>The Sight distances at the new access to Stanley Street comply the Acceptable Solution A1.</i></p>

<p>a. an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and</p> <p>b. rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</p>	<p>adequate sight distances to ensure the safe movement of vehicles, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature and frequency of the traffic generated by the use;</li> <li>(b) the frequency of use of the road or rail network;</li> <li>(c) any alternative access;</li> <li>(d) the need for the access, junction or level crossing;</li> <li>(e) any traffic impact assessment;</li> <li>(f) any measures to improve or maintain sight distance; and</li> <li>(g) any written advice received from the road or rail authority.</li> </ul>	
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**E6.0 Parking and Access Code**

The Parking and Access Code applies to all use and development.

The location and design of the new access onto Stanley Street will comply with the Acceptable Solution and are addressed in the proposed conditions.

Internal parking and access is relevant to future Development Applications for dwellings and will be assessed as these applications come forward individually.

**CONCLUSION**

The report has assessed a Development Application for subdivision of eleven (11) lots and balance at 14 Glenelg Street, Oatlands

Three (3) representation were received and the concerns raised have been addressed in this report.

The proposal has been found to comply with all the relevant standards of the General Residential Zone and the applicable Codes.

It is recommended that the Application be approved and a Permit issued with conditions and advice.

## RECOMMENDATION

**THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (SA2021/1) for Subdivision (11 lots and balance) at 14 Glenelg Street, Oatlands owned by B & C O'Reilly**

## CONDITIONS

### ***General***

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

### ***Staged development***

2. The subdivision must not be carried out in stages except in accordance with a staged development plan submitted to and approved by Council's General Manager.

### ***Transfer of reserves***

3. 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.

### ***Public Open Space***

4. As insufficient provision has been made for recreational space, and having formed the opinion that such a provision should be made in respect of the proposal, Council requires that an amount equal to five percent (5%) of the unimproved POS will be payable on all the subdivision lots except the balance with the existing dwelling and must be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the Local Government (Building & Miscellaneous Provisions) Act 1993. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer.
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.

### ***Easements***

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

### ***Final plan***

7. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. 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.

8. 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 Southern Midlands Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Act 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.
9. 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. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied.
10. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

### **Engineering**

11. The subdivision must be carried out and constructed in accordance with the:
  - a. *Tasmanian Subdivision Guidelines*
  - b. *Tasmanian Municipal Standard – Specifications*
  - c. *Tasmanian Municipal Standard – Drawings*as published by the Local Government Association of Tasmania and to the satisfaction of Council's General Manager.
12. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by Council before development of the land commences.
13. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, 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;
  - (d) measures to be taken to limit or control erosion and sedimentation;
  - (e) any other work required by this permit.
14. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
15. The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

### **Services**

16. 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.

17. Property services must be contained wholly within each lot served or an easement to the satisfaction of the Council's General Manager or responsible authority.

**Roads and Access**

18. Roadworks must, unless approved otherwise by Council's General Manager, include -
- (a) Proposed Subdivision Road
    - i. Minimum road reserve of 15.00 metres;
    - ii. Fully sealed, paved and drained carriageway with a minimum carriageway width of 6.9m;
    - iii. Concrete kerb and channel;
    - iv. Concrete footpath (on at least one side);
    - v. Piped stormwater drains
  - (b) Stanley Street (across the entire frontage of the subdivision)
    - i. Fully sealed, paved and drained carriageway widening to achieve an ultimate minimum carriageway width of 8.9m;
    - ii. Concrete kerb and channel;
    - iii. Concrete footpath;
    - iv. Piped stormwater drains
19. All carriageway surface courses must be constructed with a hot mix asphalt in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager.
20. 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.
21. A reinforced concrete vehicle access must be provided from the road carriageway to service each lot (apart from the Balance Lot).
22. Unless approved otherwise by Council's General Manager, the existing vehicular access off Queen Anne Street to the Balance Lot must be upgraded to Council standards including a seal from the edge of carriageway to the property boundary.

**Drainage**

23. The developer is to provide a minor (piped) stormwater drainage system designed to comply with all of the following:
- a) be able to accommodate a storm with an ARI of 20 years when the land serviced by the system is fully developed;
  - b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure
24. Unless approved otherwise by Council's General Manager the subdivision stormwater drainage system must be extended to connect to the piped public stormwater network.

25. Unless approved otherwise by Council's General Manager the subdivision stormwater drainage system must be extended to service the Balance Lot.
26. The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager. Unless approved otherwise by Council's General Manager the stormwater property connections must be DN150 minimum.
27. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.
28. Unless approved otherwise by Council's general Manager, the stormwater system for the subdivision must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 of the Southern Midlands Interim Planning Scheme 2015.
29. The developer must submit a stormwater management plan to Council for approval with the engineering design plans. The stormwater management plan must be prepared and certified by a suitably qualified person, and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The plan must clearly demonstrate that the requirements of this permit are met and that adjacent properties will not be adversely impacted by the stormwater system.

***Sewer & Water***

30. Each lot must be connected to a reticulated potable water supply.
31. Each lot must be connected to a reticulated sewerage system.

***Tas Water***

32. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2021/00116-STM, dated 06/08/2021.

***Telecommunications and electrical reticulation***

33. Electrical and telecommunications services must be provided underground to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
34. 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.
35. Prior to sealing the final plan of survey the developer must submit to Council:
  - (a) An Exemption from the installation of fibre ready pit and pipe, a "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from Telstra or NBN Co.
  - (b) Written advice from TasNetworks confirming that each lot has been provided with a property connection or that future lot owners will not be liable for network



extension or upgrade costs, other than individual property connections (basic connections) at the time each lot is further developed.

### **Soil and Water Management**

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 subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works.
41. 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 inspection by Council unless otherwise agreed by the Council's General Manager.

### **Construction Amenity**

42. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
  - Monday to Friday 7:00 AM to 6:00 PM
  - Saturday 8:00 AM to 6:00 PM
  - Sunday and State-wide public holidays 10:00 AM to 6:00 PM
43. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
  - (a) emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
  - (b) transport of materials, goods or commodities to or from the land; and/or
  - (c) appearance of any building, works or materials.
44. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such

materials on-site will be permitted unless approved in writing by the Council's General Manager.

45. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the subdivision during the construction period.

#### **As constructed drawings**

46. Prior to the works being placed on the maintenance and defects liability period "as constructed" drawings and data for 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**

47. 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.
48. 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.

#### **THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -**

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works, or a minimum of \$335.00, must be paid to Council in accordance with Council's fee schedule.
- D. All approved engineering design drawings will form part of this permit on and from the date of approval.

#### **DECISION**

*Moved by Clr D Fish, seconded by Clr A E Bisdee OAM*

**THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (SA2021/1) for Subdivision (11 lots and balance) at 14 Glenelg Street, Oatlands owned by B & C O'Reilly**

#### **CONDITIONS**

##### ***General***

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and

with the conditions of this permit and must not be altered or extended without the further written approval of Council.

***Staged development***

2. The subdivision must not be carried out in stages except in accordance with a staged development plan submitted to and approved by Council's General Manager.

***Transfer of reserves***

3. 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.

***Public Open Space***

4. As insufficient provision has been made for recreational space, and having formed the opinion that such a provision should be made in respect of the proposal, Council requires that an amount equal to five percent (5%) of the unimproved POS will be payable on all the subdivision lots except the balance with the existing dwelling and must be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the Local Government (Building & Miscellaneous Provisions) Act 1993. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer.
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.

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- d. *Tasmanian Subdivision Guidelines*
- e. *Tasmanian Municipal Standard – Specifications*
- f. *Tasmanian Municipal Standard – Drawings*

as published by the Local Government Association of Tasmania and to the satisfaction of Council's General Manager.

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  - (g) all existing and proposed roadwork required by this permit;
  - (h) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - (i) measures to be taken to limit or control erosion and sedimentation;
  - (j) any other work required by this permit.
14. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
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  - vii. Fully sealed, paved and drained carriageway with a minimum carriageway width of 6.9m;
  - viii. Concrete kerb and channel;

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- x. Piped stormwater drains
- (d) Stanley Street (across the entire frontage of the subdivision)
- v. Fully sealed, paved and drained carriageway widening to achieve an ultimate minimum carriageway width of 8.9m;
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  - c) be able to accommodate a storm with an ARI of 20 years when the land serviced by the system is fully developed;
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35. Prior to sealing the final plan of survey the developer must submit to Council:
  - (c) An Exemption from the installation of fibre ready pit and pipe, a "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from Telstra or NBN Co.
  - (d) Written advice from TasNetworks confirming that each lot has been provided with a property connection or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections (basic connections) at the time each lot is further developed.

### ***Soil and Water Management***

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 subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works.
41. 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 inspection by Council unless otherwise agreed by the Council's General Manager.

### **Construction Amenity**

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  - Sunday and State-wide public holidays 10:00 AM to 6:00 PM
43. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
- (d) emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
  - (e) transport of materials, goods or commodities to or from the land; and/or
  - (f) appearance of any building, works or materials.
44. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on-site will be permitted unless approved in writing by the Council's General Manager.
45. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the subdivision during the construction period.

### **As constructed drawings**

46. Prior to the works being placed on the maintenance and defects liability period "as constructed" drawings and data for 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**

- 47. 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.
- 48. 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.

**THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -**

- E. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- F. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- G. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works, or a minimum of \$335.00, must be paid to Council in accordance with Council’s fee schedule.
- H. All approved engineering design drawings will form part of this permit on and from the date of approval.

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	✓	
Deputy Mayor E Batt	✓	
Clr A Bantick	✓	
Clr A E Bisdee OAM	✓	
Clr K Dudgeon	✓	
Clr D F Fish	✓	
Clr R McDougall	✓	

**[THIS CONCLUDES THE SESSION OF COUNCIL  
ACTING AS A PLANNING AUTHORITY]**



## **6. CLOSURE**

The meeting closed at 9.39 a.m.