

# PLANNING PERMIT

s.57 Land Use Planning and Approvals Act 1993

**PROPERTY ADDRESS:** 49 Amy Road Newstead and 18-20 Ellison Street, Newstead

**DEVELOPMENT/USE:** Construction of 15 housing units, a multi-purpose building, an administration building, extension of an existing crossover and to consolidate four lots into three at 49 Amy Road and 18-20 Ellison Street, Newstead.

**ZONE:** Community Purpose

**USE CLASS:** Residential

## DECISION:

That the Council, at its meeting held on 12 November 2020 (Minute No: 9.6), made a decision to approve the development application, subject to the following conditions:

### 1. ENDORSED PLANS & DOCUMENTS

The use and development must be carried out in accordance with the endorsed plans and documents to the satisfaction of the Council unless modified by a condition of the Permit:

- a. Part Site Plan, Prepared by 6ty Pty Ltd, Project No. 19.257, Drawing No. Ap01, Revision A, Dated 23.09.20.
- b. Unit type 1 & 1A Plans and elevations, Prepared by 6ty Pty Ltd, Project No. 19.257, Drawing No. Ap02, Revision A, Dated 23.09.20.
- c. Unit type 2 & 2A Plans and elevations, Prepared by 6ty Pty Ltd, Project No. 19.257, Drawing No. Ap03, Revision A, Dated 23.09.20.
- d. Unit type 3 & 3A Plans and elevations, Prepared by 6ty Pty Ltd, Project No. 19.257, Drawing No. Ap04, Revision A, Dated 23.09.20.
- e. Staff & Multi-use buildings plans and elevations, Prepared by 6ty Pty Ltd, Project No. 19.257, Drawing No. Ap05, Revision A, Dated 23.09.20.
- f. Site elevations & Sections, Prepared by 6ty Pty Ltd, Project No. 19.257, Drawing No. Ap06, Revision A, Dated 23.09.20.
- g. Proposed subdivision Plan, Prepared by 6ty Pty Ltd, Project No. 19.257, Drawing No. CP01, Dated 21.09.20.
- h. Proposed subdivision Plan - Services Layout Plan, Prepared by 6ty Pty Ltd, Project No. 19.257, Drawing No. CP02, Revision B, Dated 21.09.20.
- i. Proposed subdivision 8.8m Service Vehicle Turn Paths, Prepared by 6ty Pty Ltd, Project No. 19.257, Drawing No. CP03, Dated 21.09.20.

### 2. FOOTPATH WIDTH

The section of the footpath providing access to Unit 4 from the nearest accessible space must have a minimum width of at least 1.5m in accordance with A1.2 under clause E6.6.3.



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## 3. BICYCLE PARKING - LIGHTING

Bicycle parking must be available and adequately lit during the times they will be used, in accordance with Table 2.3 of AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.

## 4. BICYCLE PARKING - DIMENSIONS

Bicycle parking spaces must:

- (a) have minimum dimensions of: 1.7m in length; 1.2m in height; and 0.7m in width at the handlebars.
- (b) have unobstructed access with a width of at least 2m and a gradient of no more 5% from a road, cycle path, bicycle lane, shared path or access way; and
- (c) include a rail or hoop to lock a bicycle to that meets AS 2890.3 1993 Parking facilities - Bicycle parking facilities.

## 5. CAR PARKING

Prior to the commencement of the use, areas set aside for parking vehicles and access lanes must be constructed as shown on the endorsed plans.

## 6. LEGAL TITLE

All development and use associated with the proposal must be confined to the legal title of the subject land except construction of access from the street.

## 7. TASWATER

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA2020/01104-LCC and attached to the permit.

## 8. HOURS OF CONSTRUCTION

Construction works must only be carried out between the hours of:

Monday to Friday - 7.00am and 6.00pm

Saturday - 9.00am to 6.00pm

Sundays and Public Holidays - 10.00am to 6.00pm

## 9. AMENDED PLAN - FLOODING IMPACTS

Prior to the commencement of any work on the site, amended plans must be submitted to show detailing of the shaping of the internal driveway and communal area as outlined in the planning submission. This documentation must include the approximate boundaries of the revised flood extent and FFLs of the buildings. Once approved by the Manager City Development, these amended plans will be endorsed and will then for part of the Permit and shall supersede the original endorsed plans.



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## 10. DRIVEWAY AND PARKING AREA CONSTRUCTION

Before the use commences, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must:

- Be properly constructed to such levels that they can be used in accordance with the plans with specific reference to AS2890.1 Clause 6.6.2;
- Be surfaced with an impervious all weather seal;
- Be adequately drained to prevent stormwater being discharged to neighbouring property; and
- Be line-marked or otherwise delineated to indicate each car space and access lanes.

Parking areas and access lanes must be kept available for these purposes at all times.

## 11. REFUSE AND RECYCLING COLLECTION ARRANGEMENT

Prior to the commencement of works, the applicant must provide written evidence of an agreement between the owner and a relevant contractor for the collection of refuse and recycling from the site. The relevant contractor may be the Council appointed contractor for refuse and recycling collection or other contractor engaged in the collection of refuse and/or recycling.

Collection will not be permitted to occur directly from Amy Road and bins must be located within the property boundary in the areas set aside for collection.

## 12. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

## 13. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of Technical Services is required prior to undertaking works where the works:

- require a road or lane closure;
- require occupation of the road reserve for more than one week at a particular location;
- are in nominated high traffic locations; or
- involve opening or breaking trafficable surfaces.

Where the work is associated with the installation, removal or modification of a driveway or a stormwater connection, the approval of a permit for such works shall form the explicit approval.



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## 14. SINGLE STORMWATER CONNECTIONS

A single stormwater connection is permitted for each of the resultant lots of the final plan of survey. All proposed new pipelines within a lot are to be connected to the existing internal drainage network for that lot. It is not permitted to have multiple connections to Council's stormwater mains without the express written permission of the Chief Executive Officer.

## 15. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 Trench Reinstatement Flexible Pavements. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

## 16. VEHICULAR CROSSINGS (AND ASSOCIATED FOOTPATH WORKS)

No works to install, removal or modify a vehicular crossing, are to be undertaken without the issue of a Vehicular Crossing Permit for the works. Modification of a vehicular crossing includes any widening of the kerb layback or the driveway apron, in any form whatsoever.

An application for such work must be lodged electronically via the Council's eServices web portal or on the approved hard copy form.

All new works must be constructed to the Council's standards and include all necessary alterations to other services including lowering/raising pit levels, upgrading non trafficable trenches to trafficable standard and/or relocation of services. Permission to alter such services must be obtained from the relevant authority (eg. TasWater, Telstra and TasNetworks, etc.). All redundant crossovers and driveways must be removed prior to the occupation of the development. The construction of the new crossover and driveway and removal of the unused crossover and driveway will be at the applicant's expense.

## 17. SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.



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## 18. PROTECTION OF PIPELINES (GENERAL)

The Council's existing underground pipes are to be located, both in alignment and depth, prior to the start of construction and all necessary steps taken to protect these pipes from damage during the construction process, including from vehicular access over the pipes, or from loads transmitted to the pipes from the proposed development. This shall be achieved in the following manner:

- a. footings must be no closer than 1.5m from the outer edge of the pipe,
- b. footings must extend below the line of influence, being a line rising at 45 degrees from the invert of the pipe,
- c. there must be a minimum clear space between buildings or substantial structures of at least 3m in width to allow maintenance along the line of the pipe.
- d. manholes or inspection openings are not to be covered and must remain accessible at all times.

No work over or immediately adjacent to the pipe is to commence without the written permission of the Chief Executive Officer or his delegate pursuant to section 13 of the *Urban Drainage Act 2013*.

## 19. SUBMISSION AND APPROVAL OF PLANS

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the General Manager Infrastructure and Assets Network for approval. Such plans and specifications must:

- a. include all public infrastructure works required by the permit or shown in the endorsed plans and specifications.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. be accompanied by:
  - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
  - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

## 20. CONSTRUCTION OF WORKS

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure and Assets Network.

The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications.



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Works must include:

- a. Stormwater
  - i. All necessary alterations to existing stormwater manhole levels to suit the design levels of the development,
  - ii. Upgrading of all trenches that are to be subject to vehicle loading due to the construction and ongoing use of the development
  - iii. Provision of an overland flow path for flows up to a 100 year ARI storm event.
- b. Road/Access
  - i. Widening of the existing vehicle access to proposed Lot 3 including kerb layback and upgrading of the footpath to driveway apron standard,
  - ii. Reinstatement of all new service trenches within the road pavement and footpath.

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

- a. construction requirements.
- b. appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange Council Audit inspections and other responsibilities,
- c. construction Audit inspections.
- d. practical Completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

## 21. CONSTRUCTION DOCUMENTATION

At the time of practical completion for the public works, the developer must provide the Council with construction documentation sufficient to show that the works are completed in accordance with the Council's standards and are locatable for maintenance or connection purposes. The construction documentation is to consist of:

- a. an *as constructed* plan in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure and Assets Network.
- b. a Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
- c. compaction and soil test results for all earthworks or pavement works.
- d. an engineer's certificate that each component of the works comply with the approved engineering plans and Council standards.

## 22. AMENITY - COMMERCIAL/INDUSTRIAL USE

The construction phase and on-going use on this site must not adversely affect the amenity of the neighbouring properties and the general locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the works or materials; the emission of noise, artificial light, vibration, odour, smoke, dust, waste water, waste products, oil or any other source of nuisance.



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## Notes

### A. General

*This permit was issued based on the proposal documents submitted for DA0412/2020. You should contact the Council with any other use or developments, as they may require the separate approval of Council. The Council's Planning Staff can be contacted on 6323 3000.*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

*The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the Council.*

### B. Restrictive Covenants

*The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquiries as to whether the proposed development is affected, restricted or prohibited by any such covenant.*

*If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.*

### C. Appeal Provisions

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.*

*A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.*

*For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au) <<http://www.rmpat.tas.gov.au>>*



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**D. Permit Commencement**

*If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of the Council's Notice to Waive Right of Appeal is attached.*

**E. Heat Pump Use**

*Use of the heat pump will be subject to the Environmental Management and Pollution Control (Noise) Regulations 2016 or as amended.*

**F. Inner City Residential Design Consideration**

*Inner city residential use may be subject to background noise and/or odour associated with commercial activity. It is recommended that consideration be given to appropriate measures being incorporated in the design of the development to minimise such intrusions.*



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