

PE:CB 20/013/070 & 2897456
Miss C Darlow

18 December 2008

Environmental Services Design Pty Ltd
PO Box 402
WYNYARD TAS 7325

NOTICE OF DETERMINATION **OF A DEVELOPMENT APPLICATION**

Burnie Planning Scheme 1989

Permit No. SD 2008/1113

PART A

In accordance with Section 51 and Section 58 of the *Land Use Planning and Approvals Act 1993* and in pursuant to Clause 11.3 of the *Burnie Planning Scheme 1989* approval is granted for a Subdivision of land described in CT 153919/3 and located at 538 Bass Highway, HEYBRIDGE.

The application has been approved subject to the following conditions in accordance with Clause 6.2 of the Scheme.

Nature of Approval

- (1) that approval is for the Subdivision of vacant land described on CT 153919/3 generally in accordance with the proposal plans and specifications contained in the document titled Heybridge Residential Nature Reserve – 538 Bass Highway, Heybridge – Application for Subdivision (undated) prepared by Environmental Service and Design (a copy of which is attached and endorsed to be a document forming part of this Permit) so as to create Ninety (90) x Residential Lots, one (1) x Café/Accommodation Lot, together with relevant Road Lots; and a balance area to be a Nature Reserve in accordance with the following sequence:-
 - a. **Stage 1**
 - i. proposed residential lots 44 to 63 inclusive (20 x lots) comprising Hamlet 4;
 - ii. proposed café and accommodation lot;

- iii. proposed Road Lot (identified as Sea Eagle Way) from the proposed junction with Minna Road and including the internal road lot portion (identified as Peppermint Way) servicing proposed residential lots within Hamlet 4 and extending to and including the road lot portion (identified as Shell Avenue) servicing proposed residential lots within Hamlet 1;
 - iv. creation of a dedicated right of access over CT 205225/1 benefiting land within CT 153919/3 for purposes of fire emergency access and connecting the subdivision road (identified as Shell Avenue) with George Street, Chasm Creek; and
 - v. balance area of CT 153919/3 to be designated Nature Reserve and retained in common ownership with each of the residential lots created within Stage 1.
- b. Stage 2
- i. proposed residential lots 25 to 43 inclusive (19 x lots) comprising Hamlet 3;
 - ii. proposed Road Lot connecting with the road lot identified as Sea Eagle Way and being the internal road lot (identified as Caladena Lane and Myrtle Lane) servicing residential lots within Hamlet 3 ; and
 - iii. balance area of CT 153919/3 designated Nature Reserve and retained in common ownership with each of the residential lots created within Stage 1 and Stage 2.
- c. Stage 3
- i. proposed residential lots 1 to 24 inclusive comprising Hamlet 1 (15 x lots) and Hamlet 2 (9 x lots);
 - ii. proposed Road Lot connecting with the road lot identified as Sea Eagle Way and being the internal road lot (identified as Sea View Lane) servicing residential lots within Hamlet 2; and
 - iii. balance area of CT 153919/3 designated Nature Reserve and retained in common ownership with each of the residential lots created within Stage 1, Stage 2 and Stage 3.
- d. Stage 4
- i. proposed residential lots 64 to 90 inclusive comprising Hamlet 5 (22 x lots) and Hamlet 6 (5 x lots);
 - ii. proposed Road Lots connecting with the road lot identified as Sea Eagle Way and being the internal road lots servicing residential lots within Hamlet 5 (identified as Waratah Crescent and Sassafras Lane) and Hamlet 6 (identified as Blackwood Close); and
 - iii. balance area of CT 153919/3 designated Nature Reserve and retained in common ownership with each of the residential lots created within Stage 1, Stage 2, Stage 3 and Stage 4.
- (2) that this Permit is to lapse in respect to any of the proposed Stages that have not been substantially commenced within four (4) years from the date on which the Permit takes effect in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*;

- (3) that each Stage must include one or more complete Hamlets;
- (4) that each Stage must be completed within two years for the date of substantial commencement;
- (5) that the creation of Hamlet 5 and Hamlet 6 is to be coordinated with the close-out of the licensed land fill operating on adjoining land immediately to the east within CT 153919/2 so that no residential lot is to be located within the Standard Recommended Attenuation Distances imposed for an active land fill;
- (6) that the use and development of each proposed residential lot is to be restricted to a single dwelling only;
- (7) that prior to commencement of Stage 1 a Nature Reserve Management Plan is to be registered on CT 153919/3 as an agreement in accordance with Part 5 *Land Use Planning and Approvals Act 1993* so as to:-
 - (a) prohibit land clearing other than for fire hazard reduction in accordance with the requirements of this Permit and for construction works as approved by this Permit;
 - (b) establish arrangements for weed management;
 - (c) establish arrangements for fire management;
 - (d) establish arrangement for the control and management of domestic animals within the Reserve;
 - (e) establish arrangements for the protection of threatened, rare and endangered species;
 - (f) require performance of the Nature Reserve Management Plan be monitored and reviewed at intervals of not less than every three (3) years, and that any modification as may be recommended as a result of the review is to be made to the Plan; and
 - (g) require the Burnie City Council is to be provided with a copy of the current Reserve Management Plan and of the review document and recommendations;
- (8) that the Agreement required under Condition No. 7 is to remain current and registered for the balance of CT 153919/3 with the registration of each residential lot created by each Stage;
- (9) that each Stage must incorporate the construction and provision of all fire management measures to specifications as required under a documented Fire Management Plan prepared in general accordance with the document titled Bushfire Risk Assessment and Protection Measures by AVK Environmental Management dated September 2006 and the supplementary recommendations prepared by AVK Environmental Management dated 3 November 2008, including but not limited to:-
 - (a) a dedicated fire fighting water supply for each Hamlet;
 - (b) creation of defendable spaces for each residential lot;
 - (c) road and access construction to a standard with adequate capacity to carry fully loaded fire fighting vehicles; and
 - (d) construction of fire trails and footpaths that will serve as fire trails

- (10) that in accordance with Part V *Land Use Planning and Approvals Act 1993* and concurrent with the registration of the Sealed Plan for each Stage an agreement must be registered on the Café and Accommodation Lot, on all residential lots created by each stage of the subdivision and on the balance of CT 153919/3 so as to ensure a current and documented Fire Management Plan applies for the land and is consistent with the requirements in contemporary Tasmanian Fire Service guidelines for residential development in bush fire prone areas.

The Fire Management Plan is to be in general accordance with the document titled Bushfire Risk Assessment and Protection Measures prepared by AVK Environmental Management dated September 2006 and the supplementary recommendations prepared by AVK Environmental Management dated 3 November 2008, and is to:-

- (a) establish satisfactory arrangements within each Hamlet and on the Café/Accommodation Lot to ensure provision and maintenance of a dedicated fire fighting water supply and the provision of associated fire fighting equipment to allow use of that water supply for fire fighting purposes in defence of properties within the Hamlet or development on the Café/Accommodation Lot;
 - (b) establish satisfactory arrangements to ensure that all fire trails and the alternate vehicle escape route to George Street, Chasm Creek are maintained at all times in a usable condition in accordance with intended purpose;
 - (c) establish satisfactory arrangements to ensure the creation and maintenance of a fuel reduction and defensible space on the Café and Accommodation Lot and on each residential lot created by the Subdivision;
 - (d) require performance of the Fire Management Plan be monitored and reviewed at intervals of not less than every three (3) years, and that any modifications as may be recommended as a result of the review are to be made to the Plan; and
 - (e) the Burnie City Council is to be provided with a copy of the current Fire Management Plan and of the review document and recommendations.
- (11) that satisfactory arrangements are to be made with the Burnie City Council for the construction of road works within the road lots as indicated on the proposal plan. In this regard:-
- (a) road reservations and formations are to be generally in accordance with the Tasmanian Municipal Standards;
 - (b) a 20 m wide road reservation is to be provided for the full length of the main subdivision road (identified as Sea Eagle Way), such width to be increased where required in order to fully contain all earthworks (including cut and fill batters) necessary for construction of the road formation;
 - (c) a 15 m wide road reservation is to be provided for the internal roads within each Hamlet to access proposed residential lots;
 - (d) a 7.0 m carriageway with a two-coat bitumen seal and 1.0 m wide shoulders or B1 kerb and channel is to be constructed within the main subdivision road (identified as Sea Eagle Way);
 - (e) a 6.0 m carriageway with a two-coat bitumen seal and 1.0 m wide shoulders or B1 kerb and channel is to be constructed within the road reservation for internal roads within each Hamlet;

- (f) the proposed Minna Road junction with the main subdivision road is to be constructed to provide adequate capacity for turning and holding of vehicles entering and exiting the land;
- (g) the main subdivision road is to be fully constructed for the section lying between the Minna Road junction and the northern boundary of the proposed café/accommodation lot as part of Stage 1;
- (h) the balance length of the main subdivision road together with that section of the internal road within Hamlet 1 (identified as Shell Avenue linking to the emergency access corridor) and the emergency access corridor from the internal road within Hamlet 1 to George Street, Chasm Creek are to be constructed to a satisfactory standard to allow emergency use by light passenger vehicles and emergency response vehicles as part of Stage 1;
- (i) internal roads within each hamlet are to be fully constructed in conjunction with each relevant stage;
- (j) where the main subdivision road terminates without ability for a vehicle to maintain a forward movement through an internal Hamlet road in order to retrace its path along the main subdivision road to exit the land, the road reservation and formation must be extended to include provision for a minimum 10m radius turning circle. The standard of construction is to be equal to the standard of the road;
- (k) arrangements for the collection and discharge of road water drainage are to incorporate sediment control measures and be generally in accordance with any requirement contained in the Nature Reserve Management Plan;
- (l) street lighting is to be provided in accordance with the requirements of Aurora Energy to Australian Standard AS/NZS 1158.2007 Lighting for Roads and Public Spaces for the main subdivision road and the internal roads within each Hamlet.

The use of non-standard Aurora lighting poles will not be permitted;

- (m) underground reticulation of electricity and telecommunication cables is to be provided within each of the Hamlet areas in accordance with the requirements of Aurora Energy and the relevant telecommunication provider;
- (n) all construction work located within or requiring addition to or modification of an existing local highway or a utility installed within a local highway (Minna Road) of the Burnie City Council will require approval in accordance with the Burnie City Council By-Law No. 10 – Local Highways and works may be required to be undertaken by the Council;
- (o) no materials, machinery or construction work is to be located within any part of a local highway (Minna Road) without the prior approval of the Burnie City Council;
- (p) all disturbed surfaces on the land, except those set aside for roadways, footways and driveways are to be covered with top soil and seeded and, where appropriate, re-vegetated and stabilised to the satisfaction of the Burnie City Council;

- (12) that satisfactory arrangements are to be made for each residential lot and for the café/accommodation lot for provision of an adequate domestic water supply and for the on-site disposal of effluent and waste water;
- (13) that satisfactory arrangements are to be made for the collection of storm water drainage from each residential lot, the café/accommodation lot and all road lots for disposal or discharge within the boundaries of the land.
- (14) that it must be the responsibility of the person taking benefit of this Permit to establish the lawful boundaries of the land and to ensure that the proposed Subdivision will be fully contained within such boundaries and be in accordance with the approved plans;
- (15) that that to minimise the potential for soil erosion and/or other materials or substances causing environmental harm or environmental nuisance during the excavation, construction or land use establishment works and subsequent development and occupation the following measures must be implemented:-
 - (a) runoff detention and sediment interception measures are to be applied to the land to reduce flow velocities and to prevent sediments and pollutants entering from the storm water system or any natural drainage line;
 - (b) stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water are to be stored clear of any drainage line, footpath, kerb or road surface;
 - (c) measures are to be applied to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development; and
 - (d) areas where fuels, chemicals, and hazardous materials or substances are handled and/or stored are to be bunded;
- (16) that it must be the responsibility of the Permit holder to meet all costs associated with construction works and survey and legal arrangements required to construct and register the subdivision, including any modification to an existing Burnie City Council utility.

PART B

That pursuant to Section 81, 83, 84, 85 and 86 of *the Local Government (Building and Miscellaneous Provisions) Act 1993*, and Clause 7 of the *Burnie Planning Scheme 1989* a Permit is granted to allow Subdivision for land at 538 Bass Highway, HEYBRIDGE described in CT 153919/3 to so as to create Ninety (90) x Residential Lots, one (1) x Café/Accommodation Lot, together with relevant Road Lots; and a balance area to be a Nature Reserve in accordance with the following sequence:-

- a. Stage 1
 - i. proposed residential lots 44 to 63 inclusive (20 x lots) comprising Hamlet 4;
 - ii. proposed café and accommodation lot;

- iii. proposed Road Lot (identified as Sea Eagle Way) from the proposed junction with Minna Road and including the internal road lot portion (identified as Peppermint Way) servicing proposed residential lots within Hamlet 4 and extending to and including the road lot portion (identified as Shell Avenue) servicing proposed residential lots within Hamlet 1;
 - iv. creation of a dedicated right of access over CT 205225/1 benefiting land within CT 153919/3 for purposes of fire emergency access and connecting the subdivision road (identified as Shell Avenue) with George Street, Chasm Creek; and
 - v. balance area of CT 153919/3 to be designated Nature Reserve and retained in common ownership with each of the residential lots created within Stage 1.
- b. Stage 2
- i. proposed residential lots 25 to 43 inclusive (19 x lots) comprising Hamlet 3;
 - ii. proposed Road Lot connecting with the road lot identified as Sea Eagle Way and being the internal road lot (identified as Caladena Lane and Myrtle Lane) servicing residential lots within Hamlet 3 ; and
 - iii. balance area of CT 153919/3 designated Nature Reserve and retained in common ownership with each of the residential lots created within Stage 1 and Stage 2.
- c. Stage 3
- i. proposed residential lots 1 to 24 inclusive comprising Hamlet 1 (15 x lots) and Hamlet 2 (9 x lots);
 - ii. proposed Road Lot connecting with the road lot identified as Sea Eagle Way and being the internal road lot (identified as Sea View Lane) servicing residential lots within Hamlet 2; and
 - iii. balance area of CT 153919/3 designated Nature Reserve and retained in common ownership with each of the residential lots created within Stage 1, Stage 2 and Stage 3.
- d. Stage 4
- i. proposed residential lots 64 to 90 inclusive comprising Hamlet 5 (22 x lots) and Hamlet 6 (5 x lots);
 - ii. proposed Road Lots connecting with the road lot identified as Sea Eagle Way and being the internal road lots servicing residential lots within Hamlet 5 (identified as Waratah Crescent and Sassafras Lane) and Hamlet 6 (identified as Blackwood Close); and
 - iii. balance area of CT 153919/3 designated Nature Reserve and retained in common ownership with each of the residential lots created within Stage 1, Stage 2, Stage 3 and Stage 4.
- (17) that prior to commencement of construction work on each Stage, detailed construction plans prepared by a civil engineer or another person approved by the Council and demonstrating compliance with all the requirements of this Permit for all proposed works must be submitted for approval by the Burnie City Council.

In this regard all design assumptions and calculations are to be provided.

The approved engineering drawings must not be altered without the prior written consent of the Burnie City Council;

- (18) that at the completion of the subdivision works for each Stage of the Subdivision the Permit holder must provide to the Burnie City Council “as constructed” drawings in AutoCAD 2004 digital format prepared by a civil engineer or another person approved by the Council and detailing all works as executed, including all datum points;
- (19) that at the completion of works associated with the opening of a local highway for each Stage of the Subdivision and the issue of a certificate of completion in accordance with Section 10 of the *Local Government Highways Act 1982* the construction works will become subject to a six (6) month maintenance period during which it will be the responsibility of the Permit holder to maintain all works in accordance with the plans and specification approved by the Council and to make good any defect;
- (20) that all land shown on the proposal plan as a road, street, alley, lane, court, terrace, footpath or other kind of way must be indicated on the Final Plan as a “road lot” and is to be dedicated and transferred to the Burnie City Council as a local highway;
- (21) that the Burnie City Council will not approve a Final Plan for sealing unless it is satisfied:-
 - (a) all matters required under this Permit, including construction work, have been completed; or
 - (b) a security is provided for payment and execution of outstanding works by way of a bond in an amount in excess by 25% of the value of such works to secure the required works be completed within six (6) months from the date on which the sealed plan takes effect; together with a guarantee provided by an authorised deposit-taking institution or a guarantee, money-lending, insurance or trading corporation approved by the Council guaranteeing all money payable on the bond, including any amount the Council's engineer certifies to have been expended by the Council.

The bond and guarantee will provide that if the owner fails to do works in accordance with the bond, the Burnie City Council may make arrangements to do them and to recover its expenses, as certified by its engineer, as if the amount were payable under the bond.

- (22) that the Final Plan must indicate all necessary easements benefitting or burdening the land, including as may be required for power, sewage, water, drainage and access;
- (23) that Council must be satisfied prior to the registration of the Final Survey Plan for each Stage that satisfactory and binding arrangements are in place to ensure:-
 - (a) the balance area of CT 153919/3 not identified by the Heybridge Residential Reserve Master Plan dated 4 November 2008 as being a residential lot, a road lot or the café/accommodation lot is designated on the Plan as a Nature Reserve within the meaning of the Heybridge Residential Nature Reserve Management Plan (as prepared by Leslie Gulson, Ferndale Studio dated October 2006); and

- (b) the land in the balance area of CT 153919/3 is to be retained in common ownership with each of the residential lots created on that Plan and together with the residential lots on the Sealed Plan for any previous stage;
- (24) that in accordance with Section 83 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* a notation must be included on the title for each residential lot and for the café/accommodation lot to indicate that for each lot:-
- (a) the Burnie City Council will not provide a water supply and that it is to be the responsibility of the landowner to provide an adequate domestic water supply concurrent with the commencement of development for use of the lot as a dwelling site;
 - (b) the Burnie City Council will not provide a drainage system for the disposal of sewage or stormwater and that it will be the responsibility of the landowner to make satisfactory arrangements for the on-site disposal of sewage within the boundaries of the lot and for the disposal of stormwater in a manner consistent with the specific requirements of this Permit;
 - (c) an envelope for on-site waste water treatment and disposal generally as identified on the proposal plan for each Hamlet and detailed in the document titled Geotechnical Report prepared by William C Cromer Pty Ltd dated April 2006 and Addendum Report for Domestic Wastewater Management prepared by William C Cromer Pty Ltd dated 26 September 2006, and as modified in accordance with the advice from William C Cromer Pty Ltd dated 4 November 2008; and
 - (d) a building envelope not exceeding 60 percent of the site area and not exceeding 6 metres in height measured vertically from natural ground level at any point for the siting of a single dwelling, such building envelope to be located clear of the envelope for on-site waste water treatment and disposal and clear of any fuel reduction and defendable space as required for bush fire management.

P J Earle
DIRECTOR LAND & ENVIRONMENTAL SERVICES

Date of Notice of Determination *Sixteenth* day of *December* 2008