

TASMANIAN PLANNING COMMISSION

DECISION

Planning scheme	Latrobe Interim Planning Scheme 2013
Amendment	01-18 - rezone 46 York Street, Latrobe (CT 238565/2) from Rural Resource Zone to Light Industrial Zone
Permit	DA 187-2017 - 9 lot subdivision with conditions
Planning authority	Latrobe Council
Applicant	ATM Investments Pty Ltd
Date of decision	17 July 2018

Decision

The draft amendment is approved under section 42 of the *Land Use Planning and Approvals Act 1993*.

The permit is modified under section 43H(1)(b)(ii) of the *Land Use Planning and Approvals Act 1993*, as set out in Annexure A.



Marietta Wong
Delegate (Chair)



Claire Hynes
Delegate

Note:

References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

REASONS FOR DECISION

Background

Amendment

Rezone 46 York Street, Latrobe (CT 238565/2) from Rural Resource Zone to Light Industrial Zone.

Permit

A permit for a 9 lot subdivision at 46 York Street, Latrobe in accordance with DA 187-2017, subject to conditions.

Site information

The subject land is located at 46 York Street, Latrobe (CT 238565/2) and measures 3.66 ha. The land is zoned Rural Resource and is not subject to any overlays under the Latrobe Interim Planning Scheme 2013 (the planning scheme).

Land to the north, south and east is zoned Rural Resource and land to the west is zoned Light Industrial. Further to the west is the Latrobe Speedway, which is zoned Particular Purpose Zone 2 - Latrobe Speedway Site.

The subject land has been cleared of vegetation and a natural creek line running from east to west has been modified. A dam on the site has also been drained and filled. A contractor's depot is currently under construction on the land.

The subject land is bordered on the northern, southern and western sides by road reserves. It is accessed from an unmade section of the York Street road reservation for which a licence has been issued for the access by Crown Land Services.

Surrounding use and development includes the Latrobe Industrial Estate to the west, an agricultural property to the east, 2 dwellings and a vehicle wrecking yard to the south.

Issues raised in representations

One representation was received from Messrs Peter, Andrew and Rodney Craigie, which raised the following issues:

- queried whether an environmental report was done before any of the construction and clearing of vegetation was undertaken on the site;
- concern about the diversion of a watercourse, maintenance of natural flow, and clearing of vegetation;
- queried whether the recommendation in the Land Capability and Agricultural Assessment report for the planting of a tree and shrub shelter belt on the eastern and southern boundaries of the site would be considered as part of any subdivision approval.
- questioned who would be responsible for maintaining the shelter belt; repairs and maintenance of the boundary fence; and maintenance of the watercourse by keeping it clear to prevent flooding;
- queried whether the proposed subdivision would alter the 'consequence category' of their dam;

- questioned the Land Capability Agricultural and Assessment report stating that the nearest prime agricultural land is 850m to the east, and noted that new technology and irrigation has made horticultural activities achievable;
- concern about the impact on natural values, in particular native habitat for threatened species; and
- concern about potential for land use conflict and environmental impact to and from use on adjoining land.

The planning authority referred the draft amendment to TasWater under section 56S of the *Water and Sewerage Industry Act 2008*. TasWater responded by providing a notice setting conditions for the permit.

Planning authority's response to the representations

The planning authority considered the representations and recommended that the draft amendment be approved as presented and that draft permit DA 187-2017 be amended by revising Condition 3a) iv as follows:

iv. Stormwater generated from the upstream catchment, up to and including a 100 year storm event, must be conveyed west through the site. Flows must be contained within piped or open channels and any overland flow paths must remain within a road reservation.

Council also recommended an additional condition be included on the permit as follows:

A vegetation buffer, with a minimum width of 5m, is to be established along the eastern boundary of the title. This buffer is to consist plantings of species with low flammability. Species chosen must provide a vegetation buffer with a mature height of 2.0m.

Date and place of hearing

The hearing was held at the Latrobe Council office at 170 Gilbert Street, Latrobe on Tuesday 29 May 2018.

Appearances at the hearing

Planning authority:	Ms Sharon Holland, Manager Planning & Building Services (planning) and Mr Jonathon Magor, Manager Engineering (engineering, stormwater)
Applicant:	Mr Ross Blandford, Blandford Planning and Development, planning consultant, who called Mr Philip Milner, Philip Milner Landscape Consultant Pty Ltd (flora, fauna, natural values); Mr Jason Lynch, Macquarie Franklin (agricultural capability)(by telephone); Mr Keith Midson, Midson Traffic Pty Ltd (traffic engineering)(by telephone)
Representors:	Mr Peter Craigie, Mr Andrew Craigie and Mr Rodney Craigie
Other:	Ms Mia Potter, Planning Officer, Mr Nick Brown, Traffic Engineer and Ms Helen Cordell, Project Manager, Department of State Growth (by telephone) Ms Brigid Morrison, Policy Advisor, Tasmanian Farmers and Graziers Association (agriculture)

Consideration of the draft amendment

1. Under section 40 of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the amendment and the representations, statements and recommendations contained in the planning authority's section 39 report. A hearing was convened to assist the Commission consider the issues in the representations.
2. The draft amendment has been initiated and certified by the Latrobe Council, in its capacity as planning authority, and further supported in the reports under sections 35 and 39.
3. Under section 32(1), in the opinion of the relevant decision-maker, a draft amendment:
 - (a)-(d) . . .
 - (e) must, as far as practicable, avoid potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;
 - (ea) must not conflict with the requirements of section 300;
 - (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
4. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme.
5. Section 300 includes that:
 - (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker, **practicable, consistent with the regional land use strategy** for the regional area in which is situated the land to which the scheme applies. [Emphasis added]
6. Under 32(f), regional impacts of use and development permissible under the amendment have been considered with reference to the Cradle Coast Regional Land Use Strategy 2010-2030 (the regional strategy) and the Latrobe Township and Environs Strategic Land Use Plan 2009.
7. Section 32(1)(e) is not relevant to the draft amendment as the subject land does not adjoin the adjacent planning area.

Regional land use strategy

8. The planning authority set out in its section 35 report the basis on which it considered the draft amendment to be consistent with the regional strategy.
9. The regional strategy identifies Latrobe as a District Activity Centre, which provides business and employment opportunities. The planning authority submitted that Part C, Section 3.3 Land Use Policies for Economic Activity and Jobs is most relevant, submitting that the draft amendment is particularly consistent with policy 3.3.1 d which gives direction on the location of employment lands:
 - d. Promote provision of employment land in locations where –
 - i. land is physically capable of development

- ii. transport access and utilities can be provided at reasonable economic, social and environmental cost
 - iii. there is a access to resource, energy, communication, and workforce
 - iv. sufficient separation can be provided to buffer impact on natural values, economic resources and adjoining settlement
10. The planning authority also submitted that the draft amendment is consistent with the following parts of policy 3.3.8:
- e. rationalize and reduce fragmentation of existing industrial land locations to increase efficiency of use and to reduce impact on adjoining lands
 - f. provide land for service and support industries, including trade, construction and fabrication, maintenance, repair distribution and transport in all settlement areas
 - g. segregate local service industries from large scale manufacturing, process and transport activities
 - h. locate new industrial land to avoid adverse impact on other land uses and natural and cultural values or high volume transport routes or facilities and buffer against encroachment
11. At the hearing, Ms Sharon Holland elaborated further on the reasons the planning authority considers the draft amendment to be consistent with regional strategy. This included that the land is physically capable of development, there is transport access to the Bass Highway, access to utilities, and the site is in close proximity to the existing Latrobe Industrial Estate. There is also sufficient separation from adjoining areas to provide a buffer to minimise impact on natural values and settlement areas.

Commission's consideration

12. The Commission accepts the planning authority's submission that the draft amendment is, as far as is practicable, consistent with the regional strategy.

Local strategic context

13. Ms Holland identified in her section 35 report and submitted at the hearing that Latrobe is growing at a rapid rate and there is an identified need for increased industrial land. She referred to the Latrobe Township and Environs Strategic Plan 2009, which identifies the subject land and other land to the west and east, adjoining the Latrobe Industrial Estate, as potentially suitable for future industrial use, subject to further investigation. Ms Holland explained that extension to the north of the Latrobe Industrial Estate is difficult because of the presence of threatened vegetation communities.
14. Ms Holland also explained that the Latrobe Industrial Estate comprises smaller lots primarily used for service industries, the demand for which is relative to population growth. There are only 2 available lots left in the industrial estate.
15. Ms Holland confirmed that the Latrobe Township and Environs Strategic Plan 2009 is the most recent local strategy for the Latrobe area but that a more recent regional industrial land study had considered the wider availability of industrial land in the municipality. She submitted a copy of the Industrial Land Study for North West Tasmania 2016, but advised not all councils in the region have endorsed the study.

16. The study identified a regional oversupply of industrial land, but largely in other municipal areas, particularly Circular Head. It identified that Latrobe has a limited supply of industrial land to meet local service industry needs.
17. Ms Holland elaborated that evaluation of industrial sites in the Latrobe municipality found that other sites were more distant to Latrobe, or better suited to different types of industrial development. For example, the former Wesley Vale mill site is zoned General Industrial and is a brownfield site constrained by the need for site remediation; and the Bellfield Estate and the Piping Lane Business Park sites provide for a different type of industrial development, which is transport-oriented.

Commission's consideration

18. The Commission accepts that the Latrobe Township and Environs Strategic Plan 2009 remains relevant and that opportunity for industrial development in the Latrobe area is hindered by a lack of appropriately zoned land.
19. While the more recent regional industrial land study identifies a number of other sites with industrial potential in the municipality, these are either distant from Latrobe, constrained or are unsuitable for Light Industrial zoning.
20. The Commission considers the subject land is well located to satisfy demand for Light Industrial land in the Latrobe area.

Conversion from agriculture

21. A land capability and agricultural assessment of the subject land accompanied the application. Mr Jason Lynch, the author of the report, identified that the subject land is classified as Class 5 land (Land Classification Handbook, Second Edition, C J Grose 1999). He also noted that the dam had been filled and at the date of his report, the site was not developed nor being used agriculturally.
22. At the hearing, Mr Lynch confirmed that the subject land has low agricultural capability and is suitable for pastoral use only. He submitted that because the land is small in area, the scale of potential agricultural activities is heavily constrained. Mr Lynch also submitted that there are limited opportunities to extract water to use for agriculture and that the soils are generally quite heavy and easily waterlogged.
23. The Commission asked Mr Lynch to comment on whether the draft amendment was consistent with the state policy on the Protection of Agricultural Land 2009 (PAL policy). Mr Lynch responded that the land is not prime agricultural land and there is clear evidence that the land is constrained with reference to Principles 6 and 7 of the PAL policy.
24. Ms Holland provided a copy of a recent permit for a contractors' depot that is currently under construction on the site. This development is located on proposed lot 1, which measures 8400m² of the proposed subdivision.
25. Messrs Craigie submitted farm documents, indicating that the subject land was formerly leased and used in conjunction with their adjoining farm, Springbanks. They stated that by applying whole farm planning practices, they have successfully cropped their land in rotation with pasture despite its land classification.
26. Messrs Craigie did not agree with Mr Lynch regarding the lack of water availability and submitted that they have underutilised water rights available.

Commission's consideration

27. The Commission considers that, despite the subject land being formerly in agricultural use in conjunction with a larger farm, it concurs with Mr Lynch that the land is small in area, of low land capability and has limited suitability for agricultural use.
28. The Commission notes that partial conversion of the subject land has already occurred through development of a contractors' depot. Given the capability of the land and the limited size of the balance area, the Commission finds that the subject land is not of regional or local agricultural value, as provided for under Principle 7 of the PAL policy. The rezoning from Rural Resource to Light Industrial is in accordance with the PAL policy.

Potential to cause land use conflict

29. The draft amendment proposes to rezone the subject land from Rural Resource to Light Industrial.
30. The purpose of the Light Industrial Zone is as follows:

24.1.1 Zone Purpose Statements

- 24.1.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.

31. Ms Holland submitted that the permitted uses in the Light Industrial Zone are likely to have minimal impact on use of adjoining Rural Resource zoned land. Further, any future discretionary uses must be advertised, which allows assessment of the impact of the proposed use on adjoining land. She also noted that the Zone Purpose Statement of Light Industrial Zone identifies that off-site impacts are to be minimal or capable of being managed.
32. Mr Blandford submitted that the uses allowable in either Light Industrial or Rural Resource zones are generally the same and concluded land use conflicts will be minimal.
33. Mr Lynch agreed and noted that the land to the west contains the speedway and surrounding native forest with no agricultural value; the land to the immediate north is a continuation of Class 5 land with low value grazing; the land to the immediate south is developed with dwellings and a vehicle wrecking yard to south east.
34. Messrs Craigie submitted that they were concerned about potential impacts on their farm from dust, noise, chemical contamination, weeds and wildlife from uses on any adjoining industrial areas and explained that past management practices of the vehicle wrecking yard had impacted on their land. They also noted that their family had farmed their property since 1857 and any deterioration to their ability to farm would be significant cultural loss and impact on the community.
35. In response to this concern, the planning authority in its section 39 report, recommended a new permit condition requiring a vegetation buffer, with a minimum width of 5m, be established along the full length of the eastern boundary of the subject land.
36. At the hearing, Messrs Craigie submitted that a vegetated buffer had the potential to make land management for agriculture more difficult as it provided refuge for browsing wildlife.
37. Messrs Craigie also raised concern about the potential impact on the consequence category of their upstream dam as a result of allowing for industrial development on the subject land.

38. Ms Morrison submitted that the Tasmanian Farmers and Graziers Association (TFGA) has been aware of the rezoning of land, leading to new use and development, having an adverse impact on the consequence category of dams for a number of years. It was Ms Morrison's evidence that any change to development in the downstream area can invoke re-engineering works and an engineer to assess the dam safety once a month, which can be costly for the dam owner. Dam safety is the responsibility of the property owner.
39. When asked about dam safety, Mr Lynch submitted that although the consequence rating of dams is seldom revisited once assigned, there could be additional requirements for the dam owner. In his opinion, there are a growing number of instances where downstream activities have changed since the approval of dams and that it was an issue that the industry was 'still coming to grips with'.
40. Mr Blandford submitted that dam consequence assessment and category ratings are managed outside the Act, through other legislation. The *Water Management Act 1999* and the *Water Management (Safety of Dams) Regulations 2015* ensure owners of existing dams meet their dam safety responsibilities.

Commission's consideration

41. In general, the Commission supports the submissions of the applicant and the planning authority, and concludes that the proposed rezoning will not have an adverse impact on surrounding uses, including on adjoining Rural Resource zoned land. The Light Industrial Zone requires uses to have no off-site impacts. The Rural Resource Zone is an appropriate zone to adjoin the Light Industrial Zone.
42. The Commission does not support the planning authority's recommendation for the vegetation buffer along the eastern boundary of the subject land. It considers that off-site impacts from future use and development can be managed through standards in the Light Industrial Zone.
43. The Commission considers, in the absence of a clear framework or statutory process within which consequence category of a dam is re-assessed, it is difficult to find that the rezoning and future development of the subject land will affect the consequence category of the Craigie's dam, causing an unreasonable impact on the operation of their farm. It is unclear what the triggers are for re-assessing consequence rating of an existing approved dam, the implications of which appear to be a wider issue for the agriculture sector.

Impact on natural values

44. Mr Milner, a flora and fauna expert, provided evidence about the natural values on the subject land. It was Mr Milner's evidence that the original vegetation would have been eucalypt forest and that it now consists of exotic pasture grasses and some rushes and reeds.
45. Mr Milner confirmed that his vegetation and fauna habitat survey was undertaken in June 2017, after the creek had been modified. He found no threatened flora or fauna on the site, but found *Eucalyptus ovata* forest and woodland on adjacent land, around the speedway.
46. In response to whether in its present state the land could provide habitat for valued fauna, Mr Milner considered intervention would be required for this to occur. However, he submitted that the burrowing crayfish, a threatened species that occurs nearby, has been known to re-establish on cleared land where conditions are suitable, including drains.

47. Mr Milner also submitted that it would be best practice to reform the drainage channel to a more natural creek line and revegetate with local riparian plant species with the intention of reintroducing natural habitat.
48. Ms Morrison noted the importance of retaining natural values on agricultural land, including in creek lines. She submitted that if maintained in their natural state, waterways can provide corridors for platypus.

Commission's consideration

49. The Commission is satisfied that there is no evidence of significant natural values on the subject land.
50. The Commission considers that the proposed rezoning, existing and likely future development of the land is not compatible with re-establishment of a more natural waterway.

State Policies and Resource Management and Planning System Objectives

51. The Commission is satisfied that the draft amendment is in accordance with the PAL policy, as indicated above and finds that no other State Policies are relevant to the draft amendment. It also considers that the draft amendment seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

Decision on draft amendment

52. The Commission finds that the draft amendment is in order and gives its approval.

Consideration of the permit

53. The planning authority, in its section 35 report, assessed the draft permit against the requirements of the planning scheme, finding that it complied with the provisions of the Light Industrial Zone and with E1 Bushfire-Prone Areas Code; E4 Change in Ground Level Code; and E9 Traffic Generating Use Code.
54. Under section 43H, the Commission is required to review the planning authority's decision as reported under section 43F.

Bushfire hazard management

55. A Bushfire report, including a Bushfire Hazard Management Plan, was submitted with the application. It was prepared by Ms Tammy Smith, who is an Accredited Bushfire Hazard Practitioner.
56. The Bushfire Hazard Management Plan shows the location of hazard management areas for the proposed lots and the separation distances required for each lot to achieve a Bushfire Attack Level (BAL) 19 rating. A reticulated water supply will be extended to service the subdivision and the new firefighting water points proposed are identified in the Bushfire Hazard Management Plan. The Bushfire Hazard Management Plan also identifies an area on proposed lot 6 that will require an additional water supply, should a building be located in this area.
57. At the hearing, Messrs Craigie questioned the necessity for a new gate on the eastern boundary of proposed lot 8 to provide perimeter access for emergency personnel.

58. The Commission also questioned the effect of the proposed new condition for a vegetated buffer on the eastern boundary for hazard management.
59. Ms Smith did not attend the hearing but following the hearing she confirmed in writing that the need for a gate was a suggestion only, and was to be put in place until Thomas Street is fully constructed. She also indicated that the inclusion of a vegetation buffer would require the building areas for lots 6-9 'to be adjusted to provide a consistent 23m setback from the agricultural buffer (28m from the parent title's eastern boundary)'.

Commission's consideration

60. The Commission notes that the permit does not make specific reference to the Bushfire Hazard Management Plan. It considers that new conditions are appropriate to require maintenance of Bushfire Hazard Management Areas on each lot and to ensure that proposed lot 6 is identified on the final plan as having limited water supply for bushfire hazard management purposes.
61. The Commission considers the perimeter access gate on lot 8 is not required.
62. On balance, the Commission does not consider the vegetation buffer necessary, so there is no need to require the building setbacks at the rear of lots 6-9 to be increased. With the addition of the above new conditions about the Bushfire Hazard Management Plan, the Commission considers the development complies with the relevant standards under the Bushfire-Prone Areas Code.

Access and traffic management

63. A traffic impact assessment prepared by Mr Keith Midson, a traffic expert, accompanied the application for a 9 lot subdivision. Mr Midson determined that channelized left and right turn lanes were not required at the intersection with Bass Highway onto York Street until approximately 5 lots were developed.
64. The Department of State Growth has since constructed the right turn lane as part of a separate project to improve access to the Caltex Service Station on the other side of the Bass Highway.
65. During the hearing process, the Commission sought the advice of the Department and heard evidence from officers of the Department, recommending that a channelized left turn lane from the Bass Highway onto York Street should be required as a condition on the permit.
66. Mr Midson opposed this recommendation, and provided evidence at the hearing and in further submissions. He did not consider the additional traffic volume generated by the development necessitated a channelised left turn.
67. On 26 June 2018, the Department of State Growth submitted in writing to the Commission that they wished to withdraw its representation and recommendation for a draft permit condition requiring a left turn lane.

Commission's consideration

68. In light of the Department withdrawing its recommendation that a permit condition be imposed to require the developer to construct a channelized left turn lane at the Bass Highway and York Street intersection, and the evidence of Mr Midson, the Commission considers no additional permit condition is required.

Stormwater management

69. Messrs Craigie submitted that the waterways on the site have been altered and this may impact on their business. They are concerned about the water being impeded, backing up and inundating their land, impacting on the safety of their existing dam.
70. Mr Magor, an engineer at the Latrobe Council, explained that the permit condition will require stormwater to be diverted to the south, into the road reservation, rather than being diverted to the north, as it is at the moment. Once the water is diverted to the unformed road, it will become Council's responsibility to manage as Council is required to maintain stormwater drainage networks in urban areas.
71. Mr Magor also advised that the detailed design of the engineering works, involving the pipes, culverts and the like will be signed off in the detailed design of the engineering works, as required by a permit condition.
72. The planning authority in its section 39 report, recommended that condition 3a) iv of the draft permit be modified to require revised plans to include capacity of all open drains to cater for the 100 year storm event flow rate. This will ensure that water will not back up onto the adjoining property in such an event. A drain would be located on the northern boundary of road reservation and stormwater will flow westerly from the subject land, and connect with Kings Creek, a natural waterway in the speedway area.

Commission's consideration

73. The Commission accepts the Council's advice that stormwater disposal and inundation risk can be managed via a condition that requires design of the stormwater system to cater for a 100 year storm event. The Commission supports the requirement for condition 3a) iv to be modified accordingly.

Resource Management and Planning System Objectives

74. The Commission finds that the permit seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

Modification to permit conditions

75. As discussed above, the following conditions of the permit are modified:

Condition 1

76. Condition 1 of the permit is modified to make reference to all plans and documents to be endorsed.

Condition 2

77. The TasWater notice to the planning authority provided conditions to be included in the permit under sections 56P and 56S of the *Water and Sewerage Industry Act 2008*.
78. Under section 56Q(2), the planning authority must include any conditions required by a regulated entity in any permit and may not attach conflicting conditions. However, the Commission is not bound to include any condition required by a regulated entity.
79. Condition 2 of the permit requires development must be in accordance with the submission to Planning Authority Notice (SPAN) issued by TasWater (TWDA No. 2017/01890-LC).
80. Condition 18 and 19 on the TasWater notice provide for the payment by the developer of fees for development assessment and for consent to register legal documents. These

conditions are not for a proper planning purpose¹ and are removed but may be included as advice.

81. Condition 2 is therefore modified to exclude the requirement for payment of fees to TasWater.

Condition 3

82. The planning authority's condition 3 also includes requirement for payment of council fees for the assessment and administration of construction works. As above, this part of the condition is not for a proper planning purpose and is removed.

Condition 3a) iv

83. Condition 3a) iv of the permit is modified to require revised plans to include capacity for all open drains to cater for the 100 year storm event flow rate.

New condition 4

84. A new condition is required to ensure compliance with the Bushfire Hazard Management Plan.

New condition 5

85. A new condition is required to ensure appropriate identification of the bushfire hazard management limitations on proposed lot 6 will be registered on the final plan.

Decision on permit

86. Under section 43H(1)(b)(ii), the Commission modifies the permit conditions granted by the planning authority, as discussed above and set out in Annexure A below.

Attachments

Annexure A – Modified permit

¹ See *Western Australian Planning Commission v Temwood Holding Pty Ltd* [2004] HCA 63 at 57 and 60

Annexure A

Modified permit DA 187-2017

Latrobe Interim Planning Scheme 2013

Planning Permit DA 187-2017

Applicant **Blandford Planning and Development**

Address of land: **46 York Street, Latrobe**

THIS PERMIT ALLOWS FOR:

a proposed 9 lot subdivision at 46 York Street, Latrobe (PID 1729039), in accordance with application DA 187-2017, and subject to the following conditions:

*1. Consent is for the proposed 9 lot subdivision substantially in accordance with the Development Application DA 187-2017 received by Council dated 17 August 2017, together with all submitted documentation received and forming part of the development application, including Drwg No. 4306-07: Sheet Nos. P01 Rev. A and G04 Rev. C and Bushfire , except as varied by conditions of this planning permit.

*2. TasWater

The developer shall comply with the conditions, which TasWater has required the planning authority to include in the permit, except for conditions 18 and 19, in accordance with Section 56P(1) of the *Water and Sewerage Industry Act 2008*. These conditions are specified in TasWater's submission to Council, Reference TWDA 2017/01890-LC, a copy of which is attached and endorsed to be a document forming part of this permit.

*3. Construction of Works

The developer is to construct works in accordance with detailed construction plans of all proposed works prepared by suitably qualified persons and complying with current Council standards, Tasmanian Standard Drawings and approved by the Manager Engineering Services.

Such plans and specifications are to include the necessary dimensions for road construction, pavement design, provision of a hydraulic model developed to calculate flow rates in drains, the pipe sizes for drains, detention storage capacity and the materials used in construction.

The unmade section of the Thomas Street road reservation to the south of the subject title must be constructed in accordance with the requirements of Table E1 B Standards for Property Access for Clause E1.6.2 of the Latrobe Interim Planning Scheme 2013 from the intersection of the proposed new road through the subdivision and York Street to the west.

A boom gate is to be located on the western side of the turning heading in the Thomas Street road reservation with appropriate fixed barriers either side to the edge of the road reservation to prevent vehicular passage.

The works are to include:

a. Stormwater

All necessary stormwater drains and pits to:

- i. Provide a DN150 connection to the lowest point on each lot to adequately service the building envelope;
- ii. Drain all roadways and nature strips within the subject land in the piped network for a 1/20 (5%) AEP and overland flow path between the 1/20 (5%) and 1/100 (1%) AEP;
- iii. Stormwater for subdivision is restricted to a single outlet designed size appropriate for the development with scour protection;
- iv. *Stormwater generated from the upstream catchment, up to and including a 100 year storm event, must be conveyed west through the site. Flows must be contained within piped or open channels and any overland flow paths must remain within a road reservation;
- v. Stormwater Quality for piped stormwater leaving the site shall first pass through a combined oil, sediment and gross pollutant separator unit (eg. CSR Humes Humeceptor, James Hardie Q-Guard or Ecosol) and be sized to treat a minimum of 90% of the total annual flow volume leaving the site and/or alternative locations and levels of treatment may be considered or a financial contribution towards a future facility downstream in the catchment by Council;
- vi. Piped stormwater leaving the development site is not to cause a nuisance downstream with localised flooding; alternatively, the developer is required to upgrade or contribute to the upgrade of the downstream network or increase the stormwater detention capacity;
- vii. Stormwater overland flow paths for each stage of the development are to be shown;
- viii. Install and maintain until subdivision takeover erosion protection and mitigation measures to minimise loss of material from the site and the potential flooding down gradient properties.

b. Access Roads

The developer is to construct works in accordance with current Council Standards and Tasmanian Standard Drawings (TSD).

Extension of York Street to be constructed in accordance with TSD-R02 and include the following features:

- i. Two coat seal with a minimum width of 7m between Ashburner Street and the development site frontage on an appropriately constructed pavement;
- ii. A minimum pavement seal width of 7.0m is required with 1m wide gravel shoulders. The road alignment to suit future development and upgrade opportunities to urban standard;
- iii. T Intersection construction in accordance with recognised engineering guidelines to include line marking and signage for Ashburner Street.

All new internal roads and development frontages within the subdivision are to be constructed in accordance with TSD-R06 with the following features:

- i. A 35mm asphalt on an appropriately constructed pavement;

- ii. A minimum pavement seal width of 8m internal and 7m for development frontage within an existing road reservation or new road reserve with a minimum width of 18m;
- iii. Barrier kerb and channel on both sides for internal road and barrier kerb and channel on development frontage with a 1m wide shoulder opposite;
- iv. All lots are to be provided with constructed concrete driveway suitable for heavy vehicle to TSD-R06 note 5 from the edge of road pavement to the property boundary;
- v. Asphalt T intersection is to comply with recognised engineering guidelines;
- vi. Any Cul-de-sac is to be designed to allow for a truck turning, minimum radius of 12.5m.

c. Landscaping Plan

A landscaping plan for all road reservations and future public land shall be prepared by a qualified Landscape Architect or other competent person approved by the Manager of Engineering Services and once endorsed shall form a part of the permit. Landscaping as shown on the approved landscape plan shall be completed prior to the issue of a certificate of practical completion for the development works. Any irrigation system proposed is to be detailed for approval.

d. Cut, Fill and Retaining Structures

Any areas within the development site subject to cutting or filling are to be detailed on the engineering plans and show the existing natural surface contours, the proposed surface contours, material type, density of compaction to be undertaken and any other associated works such as the installation of retaining walls, subsoil drainage and railing.

e. Soil and Erosion Control

A management plan is to be submitted detailing how soil and water is to be managed during construction. The management plan is to include such things as:

- i. Silt fencing and other devices are to be provided, where necessary, to control the loss of silt, gravel, clay and soil from the site;
- ii. Access roads around the site are to be provided to prevent the trafficking of clay etc. onto the street. Humps are to be provided at any downhill access points to divert internal road drainage and soil etc. to the silt fenced area;
- iii. Filter screens are to be used at entrances to the existing drainage system to prevent the discharge of gravel, soil and silt etc. to the drainage system;
- iv. No environmental nuisance or harm, as determined under the *Environmental Management and Pollution Control Act 1994* and associated regulations, to be caused by any activity on the site during the construction phase.

f. Land Transfer/ Title Easement

Detention storage facilities and pollutant separators are to be located on land transferred to Council and be provided with accesses provision for future maintenance purposes. If the detention storage facility and/or pollutant

separator is to be located within private property, appropriate provision for Council access and maintenance is to be identified on the title/s affected.

g. Underground Electricity and Telecommunications

The subdivider to meet all costs involved in providing underground telecommunications and electricity for the subdivision and to install poles for street lighting in accordance with TasNetwork requirements.

h. Completion Of Works

All works are to be carried out to Council standards and to the satisfaction of the Manager Engineering Services under the direct supervision of a civil engineer engaged by the applicant and approved by Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to Council standards will be required prior to placing the subdivision on a 12 month maintenance period.

i. Construction Plans

An "As Constructed" plan shall be provided in accordance with Councils requirements and shall be lodged with Council prior to sealing the final plan.

j. Easements

Easements are required over all services located in private property including stormwater drainage overland flow paths.

k. Road Signage

For any new street created the developer is to pay \$200 to Council for the supply and installation of each approved street name sign blades and poles

- *4. A bushfire hazard management area is to be established and maintained on the site in accordance with the recommendations contained in the certified Bushfire Hazard Management Plan prepared by Tammy Smith of Tammy Smith Energy, Report No. B1718-010 dated 16 August 2017.
- *5. The final plan must show part of Lot 6 as having limited water supply for the purposes of bushfire hazard management, in accordance with the Bushfire Hazard Management Plan prepared by Tammy Smith of Tammy Smith Energy, Report No. B1718-010 dated 16 August 2017.

***permit conditions modified by the decision of the Tasmanian Planning Commission dated 17 July 2018**