

# STANDARD CONDITIONS

## *Development & Subdivision Applications 2014*



*Last amended 2 December 2019*



Clarence... a brighter place

# Table of Contents

BACKGROUND .....	6
INTERPRETATION .....	6
MODIFICATION .....	6
EXAMPLES.....	7
<b>General Conditions .....</b>	<b>8</b>
<i>Amenity .....</i>	<i>8</i>
GEN AM1 – NUISANCE.....	8
GEN AM2 – METAL SURFACES.....	8
GEN AM3 – EXTERNAL COLOURS.....	8
GEN AM4 – CONSTRUCTION HOURS.....	8
GEN AM5 – TRADING HOURS.....	8
GEN AM6 – PA SYSTEM.....	8
GEN AM7 – OUTDOOR LIGHTING .....	8
GEN AM8 – TENNIS COURTS .....	9
<i>Approval.....</i>	<i>9</i>
GEN AP1 – ENDORSED PLANS.....	9
GEN AP2 – STAGING .....	9
GEN AP3 – AMENDED PLAN .....	9
GEN AP4 – COMMENCEMENT .....	9
GEN AP5 – TEMPORARY PERMIT .....	9
<i>Bushfire.....</i>	<i>10</i>
GEN B1 – WATER SUPPLY .....	10
GEN B2 – TAS FIRE ACCESS.....	10
<i>Carparking.....</i>	<i>10</i>
GEN C1 – ONSITE CARPARKING .....	10
GEN C2 – CASH IN LIEU .....	10
GEN C3 – PARKING DURING CONSTRUCTION .....	10
GEN C4 – LOADING/UNLOADING .....	10
GEN C5 – DISPLAY OF GOODS/PARKING .....	11
GEN C6 – DIRECTIONAL SIGN.....	11
<i>External Referrals .....</i>	<i>11</i>
GEN EX1 – TASMANIAN HERITAGE COUNCIL .....	11
GEN EX2 – THREATENED SPECIES .....	11
<i>Final Plans.....</i>	<i>11</i>
GEN F1– SECTION 112 ENDORSEMENT.....	11
GEN F2 – COVENANTS.....	11
GEN F3 – ENDORSEMENTS .....	11
GEN F4 – BUILDING ENVELOPE.....	11
GEN F5 – PART 5 AGREEMENT.....	12
GEN F6 – SECTION 115.....	12
GEN F7 – BOUNDARY IDENTIFICATION.....	12
GEN F8 – BUILDING ON LOT .....	12

GEN F9 – PART 5 AGREEMENT (SEA LEVEL RISE).....	12
<i>Kennels.....</i>	<i>13</i>
GEN K1 – ANIMAL NUMBERS.....	13
GEN K2 – KENNEL FENCING.....	13
<i>Miscellaneous .....</i>	<i>13</i>
GEN M1 – TREE REMOVAL.....	13
GEN M2 – NO WORKS.....	13
GEN M3 – LOT FENCING.....	13
GEN M4 – HEIGHT CONFIRMATION.....	13
GEN M5 - ADHESION.....	14
GEN M6 – STRATA LOT.....	14
GEN M7 – DOMESTIC USE.....	14
GEN M8 – SINGLE DWELLING.....	14
GEN M9 – NONHABITABLE PURPOSES.....	14
GEN M10 – SEATING PLAN.....	14
GEN M11 – NUMBER OF SEATS.....	14
GEN M12 – RESIDENT MANAGER.....	14
GEN M13 – HOME OCCUPATION.....	15
GEN M14 – STORAGE AREAS.....	15
GEN M15 – CARETAKERS RESIDENCE.....	15
GEN M16 – BIN COLLECTION PLACEMENT AREAS.....	16
<i>Multiple Dwellings.....</i>	<i>16</i>
GEN MD1 - (DELETED 4/4/11) .....	16
GEN MD2 – MULTIPLE DWELLING PRIVATE OPEN SPACE.....	16
<i>Public Open Space.....</i>	<i>16</i>
GEN POS1 – POS CONTRIBUTION (Amended 02/12/2019).....	16
GEN POS2 – POS STAGING.....	17
GEN POS 3 – AMENDED PLANS.....	17
GEN POS 4 – POS CONTRIBUTION (Deleted 02/12/2019).....	17
<i>Signs.....</i>	<i>18</i>
GEN S1 – SIGN CONSENT.....	18
GEN S2 – SIGN LOCATION.....	18
GEN S3 – SIGN INTERNAL ILLUMINATION.....	18
GEN S4 – FLASHING SIGNS.....	18
GEN S5 – SIGN COLOURS.....	18
GEN S6 – SIGN CONTEXT.....	18
GEN S7 – SIGN MAINTENANCE.....	18
GEN S8 – SIGN ILLUMINATION HOURS.....	18
<i>Vehicles.....</i>	<i>19</i>
GEN V1 – VEHICLE WASHING BAY.....	19
GEN V2 – CAR WASHING.....	19
GEN V3 – NO REPAIRS.....	19
GEN V4 – PANEL BEATING.....	19
GEN V5 – VEHICLE LOCATION.....	19
GEN V6 – VEHICLE SALES.....	19
GEN V7 – CLEANING OF MACHINERY.....	19

GEN V8 – BICYCLE STORAGE.....	19
<b>Property Conditions.....</b>	<b>20</b>
PROP 1 – LICENCE AGREEMENT.....	20
PROP 2 – POS FENCING.....	20
PROP 3 – TRANSFER .....	20
PROP 4 – CROWN TRANSFER.....	21
<b>Engineering Conditions .....</b>	<b>22</b>
<i>Access &amp; Driveways .....</i>	<i>22</i>
ENG A1 - NEW CROSSOVER.....	22
ENG A2 – CROSSOVER CHANGE .....	22
ENG A3 – COMBINED ACCESSES .....	22
ENG A4 – DIER ACCESS.....	22
ENG A5 – SEALED CARPARKING .....	23
ENG A6 – GRAVELLED CARPARKING.....	23
ENG A7 – REDUNDANT CROSSOVER .....	23
ENG A8 – SIGHT DISTANCE WORK .....	23
ENG A9 – TRAILS IN HIGH DENSITY OR URBAN SUBDIVISIONS .....	23
ENG A10 – TRAILS IN LOW DENSITY OR RURAL SUBDIVISIONS .....	24
<i>Miscellaneous .....</i>	<i>24</i>
ENG M1 –DESIGNS DA .....	24
ENG M2 –DESIGNS SD.....	25
ENG M3 – GARBAGE FACILITIES .....	25
ENG M4 – POS ACCESS.....	25
ENG M5 – EROSION CONTROL.....	25
ENG M6 – CONSTRUCTION FENCING.....	26
ENG M7 – WEED MANAGEMENT PLAN .....	26
ENG M8 – EASEMENTS.....	26
ENG M8A – SERVICE EASEMENTS .....	26
ENG M9 – FILLING OF LAND.....	26
<i>Roads.....</i>	<i>27</i>
ENG R1 – ROAD NAMES .....	27
ENG R2 – URBAN ROAD .....	27
ENG R3 – RURAL ROAD .....	27
ENG R4 – ROAD WIDENING .....	27
ENG R5 – ROAD EXTENSION .....	27
ENG R6 – VEHICLE BARRIERS .....	27
<i>Services .....</i>	<i>28</i>
ENG S1 – INFRASTRUCTURE REPAIR.....	28
ENG S2 – SERVICES.....	28
ENG S2A – URBAN DRAINAGE SYSTEMS EASEMENTS .....	28
ENG S2B – URBAN DRAINAGE SYSTEMS CROSSINGS .....	28
ENG S2C – URBAN DRAINAGE SYSTEMS MODIFICATIONS .....	29
ENG S3 – (DELETED 4/4/11).....	29
ENG S3A – WATER SENSITIVE URBAN DESIGN PRINCIPLES – PART 5.....	29

ENG S3B – WATER SENSITIVE URBAN DESIGN PRINCIPLES – BODY CORPORATE .....	30
ENG S4 – STORMWATER CONNECTION .....	30
ENG S4A – STORMWATER CONNECTION FOR EXISTING LOTS.....	30
ENG S5 - STORMWATER PRINCIPLES.....	31
ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION .....	31
ENG S6 – GROSS POLLUTANT TRAP .....	31
ENG S7 – (DELETED 4/4/11).....	31
ENG S8 – (DELETED 4/4/11).....	31
ENG S9 – (DELETED 4/4/11).....	31
ENG S10 – UNDERGROUND SERVICES .....	31
ENG S11 – SEALING OF SERVICES.....	31
ENG S12 – HEADWORKS - SUBDIVISION.....	32
ENG S13 – HEADWORKS - INTENSIFIED USE INCLUDING BUILDING WORK .....	32
ENG S14 – HEADWORKS – INTENSIFIED USE NOT INCLUDING BUILDING WORK.....	33
ENG S15 – SERVICES ACROSS ROADS .....	33
<b>Environmental Health Conditions .....</b>	<b>34</b>
EHO 1 – NOISE LEVELS.....	34
EHO 2- NOISE ATTENUATION.....	34
EHO 3 – KENNEL WASHDOWN .....	34
EHO 4 – NO BURNING .....	34
EHO 5 – SPECIAL PLUMBING PERMIT (TRADEWASTE).....	34
EHO 6 – NOISE MANAGEMENT PLAN.....	35
<b>Landscape Conditions .....</b>	<b>36</b>
LAND 1A – LANDSCAPE PLAN .....	36
LAND 1B – LANDSCAPE PLAN (NON-STAGED MULTIPLE DWELLINGS)....	36
LAND 2 – LANDSCAPE BOND (RESIDENTIAL).....	36
LAND 3 – LANDSCAPE BOND (COMMERCIAL) .....	37
LAND 4 – LANDSCAPE BOND (SUBDIVISION).....	37
LAND 5 – SUBDIVISION LANDSCAPING .....	37
LAND 6 – REPLACEMENT TREES .....	38
LAND 7 – WATERING .....	38
<b>Refusal Reasons.....</b>	<b>39</b>
REFUSAL 1 – PLANNING SCHEME.....	39
REFUSAL 2 – STATE POLICY .....	39
REFUSAL 3 - OBJECTIVES.....	39
REFUSAL 4 - REPRESENTATIONS.....	39
<b>Advice .....</b>	<b>40</b>
ADVICE 1 – PERMIT EXPIRY ADVICE .....	40
ADVICE 2 – CHANGE OF USE ADVICE.....	40
ADVICE 3 – SPECIAL PLUMBING ADVICE .....	40
ADVICE 4 – FOOD SAFETY ADVICE .....	40

<b>ADVICE 5 – FOOD SPECIFICATIONS ADVICE .....</b>	<b>40</b>
<b>ADVICE 6 – FOOD REGISTRATION ADVICE .....</b>	<b>40</b>
<b>ADVICE 7 – PUBLIC HEALTH ADVICE .....</b>	<b>40</b>
<b>ADVICE 8 – CHEMICAL STORAGE ADVICE.....</b>	<b>41</b>
<b>ADVICE 9 – SKIN PENETRATION ADVICE.....</b>	<b>41</b>
<b>ADVICE 10 – PLUMBING CODE ADVICE .....</b>	<b>41</b>
<b>ADVICE 11 – BACKFLOW ADVICE.....</b>	<b>41</b>
<b>ADVICE 12 – GREASE TRAP ADVICE .....</b>	<b>41</b>
<b>ADVICE 13 – DRAINAGE ADVICE.....</b>	<b>41</b>
<b>ADVICE 14 – BUILDING ADVICE .....</b>	<b>41</b>
<b>ADVICE 15 – DDA ADVICE.....</b>	<b>41</b>
<b>ADVICE 16 – THREATENED SPECIES ADVICE .....</b>	<b>41</b>
<b>ADVICE 17 – ABORIGINAL RELICS ADVICE.....</b>	<b>42</b>
<b>ADVICE 18 – SIGN BUILDING ADVICE.....</b>	<b>42</b>
<b>ADVICE 19 – STREET NUMBERING .....</b>	<b>42</b>

## Introduction

### BACKGROUND

The set of standard conditions are intended to replace those adopted by Council on 1 September 2003 and reviewed on 9 August 2004. They have been updated as well as being reorganised and renamed to suit the revised layout of a development or subdivision permit issued by Council.

### INTERPRETATION

Where a condition involves reference to an Act, Regulation, Council Policy or Code or Australian Standard it will automatically be modified if the Act, Regulation or Australian Standard is repealed or amended.

Where a condition involves reference to the title of an officer or an external department it will be automatically modified if the title of the officer or department is modified.

The notations within square brackets ([]) is required to be filled in with the nomination of the condition and in the order they occur. They also must include any units of measure. ie: **GEN 12 – CASH IN LIEU [\$50,000] [5]**

### MODIFICATION

Changes to a condition should be in the order which they occur and where multiple changes are required, be separated by a comma. Punctuation will be corrected automatically and is not required to be specified. (Note: square bracket entries must be noted first.) Changes to conditions must be made in the following format:

add “X”

adds a new sentence “X” at the end of the condition

insert “X” after/before “Y”

inserts a new word, phrase or sentence “X” after or immediately before the first occurrence of “Y”.

replace “Y” with “X”

replaces “Y” with a new word, phrase or sentence “X” (Note: if longer than a phrase is to be replaced ‘Y’ may be in the format ‘first 2 words ... last word’.

delete “Y”

Deletes first occurrence of “Y” (Note as above)

**EXAMPLES**

**A. ENG 01 – ENGINEERING PLANS**, delete “road design ... lot accesses”, insert “and car parking design and layout” after stormwater drainage”.

would result in:

1. Engineering designs, prepared by a suitably qualified person, are required for water reticulation, sewer and stormwater drainage and car parking design and layout and must show the extent of any vegetation removal proposed for these works. Such designs must be submitted to and approved by Council’s Group Manager Asset Management

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

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted.

**B. GEN 12 – CASH IN LIEU [\$50,000] [5]**, insert “in accordance with Council Policy,” after “contribution”.

would result in:

1. A cash contribution, in accordance with Council Policy, totalling \$50,000 must be provided in lieu of the 5 car parking spaces which cannot be provided onsite. This contribution must be paid prior to the commencement of the use.



## General Conditions

### *Amenity*

#### **GEN AM1 – NUISANCE**

The use is not to cause an environmental nuisance to the owners or occupiers of land in the surrounding area by reason of noise, smell, fumes, dust or other pollutants emanating from the site.

#### **GEN AM2 – METAL SURFACES**

All exposed metal surfaces must be pre-coloured, or alternatively, suitably painted if the item is not available in such a finish.

#### **GEN AM3 – EXTERNAL COLOURS**

All external surfaces must be finished in non-reflective, muted colours to the satisfaction of Council's Manager City Planning. Details of the colour scheme must be submitted and approved prior to construction.

#### **GEN AM4 – CONSTRUCTION HOURS**

Works associated with excavations, road construction and other activities associated with the development are only to be undertaken between the following hours:

Monday - Friday	7.00am to 6.00pm
Saturday	9.00am to 6.00pm
Sunday	10.00am to 6.00pm

#### **GEN AM5 – TRADING HOURS**

Trading hours must be within the following hours:

Monday - Friday	[time] to [time]
Saturday	[time] to [time]
Sunday	[time] to [time]
Public Holidays	[time] to [time]

#### **GEN AM6 – PA SYSTEM**

Any form of public address system must not be audible outside the property.

#### **GEN AM7 – OUTDOOR LIGHTING**

Outdoor lighting, where provided, must be located, designed and baffled to ensure that no direct light is emitted outside the boundaries of the site.

**GEN AM8 – TENNIS COURTS**

Any tennis court lighting system must not exceed an illumination level of 12 lux and an average illumination of 10 lux when measured at the nearest habitable room window of an adjoining dwelling or at a point 3 metres outside the property boundary, whichever is nearest to the light source and must:

- be baffled to ensure that a light source is not directly visible from a habitable room window of an adjoining dwelling; and
- use light poles which are not more than 8 metres above the court surface;
- be in accordance with AS 4282 – 1997 Control of Obtrusive Effects of Outdoor Lighting.

A report, demonstrating compliance with this condition, from a suitable qualified lighting engineer is to be submitted prior to the commencement of the use.

## *Approval*

**GEN AP1 – ENDORSED PLANS**

The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions and must not be altered without the consent of Council.

**GEN AP2 - STAGING**

The development must only proceed in accordance with the approved stages as set out below:

- **[describe eg: Stage 1: Lots 1-10]**

**GEN AP3 – AMENDED PLAN**

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

**GEN AP4 – COMMENCEMENT**

The use/development allowed by this permit must not commence until:

- **[describe]**

**GEN AP5 – TEMPORARY PERMIT**

This permit is valid for a period of **[number]** years and will expire on **[date]**. The use approved by this permit must cease at that time and any development on the site undertaken for that use must be removed.

## Bushfire

### GEN B1 – WATER SUPPLY

A water storage supply of a minimum of 45,000 litres must be provided, prior to the commencement of the use, of which at least 22,500 litres must be in the form of water tanks and not less than 5,000 litres must be reserved for fire fighting purposes, readily identifiable and accessible to fire fighting vehicles.

### GEN B2 – TAS FIRE ACCESS

Access to the site must be constructed in accordance with the requirements of the Tasmania Fire Service.

## Carparking

### GEN C1 – ONSITE CARPARKING

[number] car parking spaces must be provided on-site prior to the commencement of the use. Each space, including disabled parking, must be clearly marked and used solely for parking purposes. Plans showing the layout of the car parking area, designed with suitable manoeuvring areas in accordance with Section 8.1 (Off-Street Car Parking and Loading) of the Clarence Planning Scheme 2007, must be submitted to and approved by Council's Manager City Planning prior to the commencement of any works. In relation to the endorsed plan the parking and/or manoeuvring for car parking spaces [describe] require modification.

### GEN C2 – CASH IN LIEU

A cash contribution of [total amount] must be provided in lieu of the [number] car parking spaces which cannot be provided onsite. This contribution must be paid prior to the commencement of the use or the landowner must enter into an agreement in a registrable form with Council under Part 5 of the *Land Use Planning Approvals Act 1993*, prior to the commencement of the use, which provides for the carparking contribution, its calculation and payment arrangement.

The landowner is responsible for the preparation of the agreement and is responsible for all Land Titles Office fees and charges.

### GEN C3 – PARKING DURING CONSTRUCTION

[number] car parking spaces are to be provided onsite for construction employees during the period of construction. A plan showing this must be submitted to and approved by the Manager City Planning prior to the commencement of any works.

### GEN C4 – LOADING/UNLOADING

All loading and unloading of vehicles must be carried out wholly within the property.

**GEN C5 – DISPLAY OF GOODS/PARKING**

Parking of vehicles or display/sale of goods must not occur between the road and the building.

**GEN C6 – DIRECTIONAL SIGN**

A sign must be provided at the frontage of the site to direct vehicles to the car parking area. The sign must not exceed 0.3 square metres in area.

## *External Referrals*

**GEN EX1 – TASMANIAN HERITAGE COUNCIL**

The proposal is to comply with any requirements of an approval of a Works Application by the Tasmanian Heritage Council.

**GEN EX2 – THREATENED SPECIES**

Sufficient evidence must be submitted, to the satisfaction of Council's Manager City Planning, demonstrating that the development meets the requirements of the Threatened Species Protection Act 1995, prior to the commencement of works.

## *Final Plans*

**GEN F1– SECTION 112 ENDORSEMENT**

The Final Plan must be endorsed in accordance with Section 112 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

**GEN F2 – COVENANTS**

Suitable covenants must be included in the Schedule of Easements with respect to:

- [describe]

Additional covenants or other controls must not be included on the titles to the lots created by the subdivision where they are in conflict with any provisions of, or seek to prohibit any use provided for within, the relevant Planning Scheme applying to the lot.

**GEN F3 – ENDORSEMENTS**

All titles must be endorsed to the effect that:

- (a) Each lot on the plan is suitable for the installation of an onsite waste water disposal system for a Single Dwelling.

**GEN F4 – BUILDING ENVELOPE**

The Final Plan and Schedule of Easements for Lot [number] must describe a building envelope of [description] outside of which no building is to be constructed.

**GEN F5 – PART 5 AGREEMENT**

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

- [describe]

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

**GEN F6 – SECTION 115**

The Final Plan must be endorsed to the effect that the proposal is exempt under Section 115 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

**GEN F7 – BOUNDARY IDENTIFICATION**

A boundary identification survey must be undertaken by a registered surveyor.

**GEN F8 – BUILDING ON LOT**

Prior to sealing the Final Plan of Survey, all parts of the dwelling must be wholly contained within the boundaries of Lot [describe] and provide adequate fire separation. Should modifications be made to the building then Building and Plumbing Permits must be obtained prior to the commencement of work. A report from a Building Surveyor is to be provided which demonstrates that the dwelling on Lot [describe] complies with the requirements of the Building Code of Australia.

**GEN F9 – PART 5 AGREEMENT (SEA LEVEL RISE)**

The landowner must enter into an agreement in a registrable form with Council under Part 5 of the *Land Use Planning Approvals Act 1993* which provides for the following:

- Indemnification of Council against future actions arising from the effects of sea level rise and storm surge activity which may impact upon the development.

The landowner is responsible for the preparation of the agreement and is responsible for all Land Titles Office fees and charges.

## *Kennels*

### **GEN K1 – ANIMAL NUMBERS**

No more than [insert number and type of animals] are to be kept on the site at any time.

### **GEN K2 – KENNEL FENCING**

A chain wire mesh fence 1.8 metres high, or similar to the satisfaction of the Manager City Planning, must be erected around the facilities to contain the animals. Such fencing must be erected prior to the commencement of the use and maintained in good condition.

## *Miscellaneous*

### **GEN M1 – TREE REMOVAL**

No trees are to be removed other than those necessary for the construction of the building, vehicular access and the connection of services.

### **GEN M2 – NO WORKS**

No works are to be undertaken, including changes in the topography of the site or the removal, destruction or lopping of trees other than in accordance with the approved plans, without the consent of Council. Adequate steps must be taken to prevent the damage and/or removal of any other vegetation during any works.

### **GEN M3 – LOT FENCING**

All lots, including any public open space, must be fenced, and suitable fire breaks created, in accordance with Council's adopted fencing standard. The Final Plan and Schedule of Easements will not be sealed until this work is complete or a sufficient bond and Guarantee to provide security for the work is lodged.

The bond is to be for an amount of 1.5 times the estimated cost of construction and may be a cash deposit or a bank guarantee. The work is to be completed within 6 months of the lodging of the bond. If the works are not completed within this time, Council may have the fencing work undertaken and may recover those costs incurred from the bonded amount.

### **GEN M4 – HEIGHT CONFIRMATION**

The building must not exceed a height of [describe]. The applicant must provide spot levels of the natural ground level at the proposed highest part(s) of the building prior to the commencement of development. This level is to be established based on the Australian Height Datum and prior to the completion of the building, the applicant is to provide a written certification, from a registered land surveyor, that the building does not exceed this height.

**GEN M5 - ADHESION**

All separate titles of the subject land must be consolidated into one title prior to [describe].

**GEN M6 – STRATA LOT**

The ancillary dwelling is to be contained on the same lot as the main dwelling and is not to be located on a separate lot created under the *Strata Titles Act 1998*.

**GEN M7 – DOMESTIC USE**

The building must only be used for domestic purposes.

**GEN M8 – SINGLE DWELLING**

The building is approved as part of a single dwelling and must not be used for independent accommodation.

**GEN M9 – NONHABITABLE PURPOSES**

The building must not be used for any habitable purposes.

**GEN M10 – SEATING PLAN**

The number of tables and chairs available for customers must not exceed the number shown on the endorsed plans and the arrangement of the seating must be generally in accordance with such plans.

**GEN M11 – NUMBER OF SEATS**

Accommodation for patrons must not exceed [number] seats without the further consent of Council.

**GEN M12 – RESIDENT MANAGER**

A caretaker or manager must be permanently resident on the site and be responsible for the control and supervision of the use or development.

**GEN M13 – HOME OCCUPATION**

A Home Occupation must meet the following requirements:

- (a) The person conducting the home occupation must use the dwelling as their principal place of residence.
- (b) No more than one person who does not live in the dwelling may work in the occupation at any time.
- (c) The gross floor area used in conducting the occupation including the storage of any materials or goods must not exceed 30 square metres or one-third of the gross floor area of the dwelling, whichever is the lesser.
- (d) The occupation must not impose a load on any utility greater than normally required for domestic use.
- (e) The occupation must not adversely affect the amenity of the neighbourhood in any way including:
  - (i) the appearance of any building, works or materials used;
  - (ii) the parking of motor vehicles;
  - (iii) the transporting of materials or goods to or from the dwelling;
  - (iv) the hours of operation;
  - (v) electrical interference;
  - (vi) the storage of chemicals, gases or other hazardous materials;
  - (vii) emissions from the site;
- (f) No motor vehicle may be serviced or repaired for gain.
- (g) Only one commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck, not exceeding 2 tonnes capacity and with or without a trailer registered to a resident of the dwelling) may be present at any time. The vehicle must not be fuelled or repaired on the land.
- (h) No goods other than goods manufactured or serviced in the home occupation may be offered for sale.
- (i) Materials used or goods manufactured, serviced or repaired in the home occupation must be stored within a building and must not be displayed so that they are visible from outside the site.

**GEN M14 – STORAGE AREAS**

Outside storage areas must be suitable screened so as to prevent goods and waste materials being seen from the street to the satisfaction of the Manager City Planning. The areas must be maintained in a clean and hygienic manner.

**GEN M15 – CARETAKERS RESIDENCE**

The use of land as a caretaker's residence is incidental to the primary use of [describe] and must cease when this primary use ceases.



**GEN M16 – BIN COLLECTION PLACEMENT AREAS**

Each multiple dwelling must be provided with a bin collection placement area of 800mm deep and a minimum of 1700mm long in a direction parallel to the roadway in accordance with Standard Drawing 5911. The area is to be located on the nature strip as close as practicable to the residence and located so as not to impede the movement of pedestrians.

Following construction, the bin collection placement area must be maintained by the owner at the owner's expense in accordance with any directions given by Council to the owner.

## *Multiple Dwellings*

**GEN MD1 - (DELETED 4/4/11)****GEN MD2 – MULTIPLE DWELLING PRIVATE OPEN SPACE**

A minimum of 50m<sup>2</sup> of Private Open Space is to be assigned to each dwelling. This space is to have a minimum width of 4.5m, be located other than within 4.5m directly on the southern side of a building wall within 15 degrees of east-west alignment, have a maximum gradient of 1:4 and be delineated by a 1.5m high fencing or screen planting to achieve sufficient privacy to the satisfaction of Council's Manager City Planning.

## *Public Open Space*

**GEN POS1 – POS CONTRIBUTION (Amended 02/12/2019)**

As Council has formed the opinion that the subdivision will or is likely to increase the demand for public open space and as no or no sufficient or acceptable provision has been made in the proposal plan for public open space it has been determined that payment of a cash contribution ("the Contribution") in lieu of public open space equal to **[describe ≤ 5%]** of the value of the area of land in the approved plan described as Lots **[describe]** is required in accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993.

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

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

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

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

- have the Valuation done and pay the Contribution for the lots proposed in all stages of the subdivision in which such case the lots will be valued as at the date of lodgement of the final plan for the first stage, or alternatively

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

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

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

#### **GEN POS2 – POS STAGING**

All public open space/reserve areas (other than roads) must be included in the first stage of the development.

#### **GEN POS 3 – AMENDED PLANS**

Amended plans showing:

- the provision of public open space; or
- the provision of suitable linking between the proposed public open space and [insert description of point of link]; or
- the relocation of the public open space proposed to facilitate linkage with [insert description of point of link];

must be submitted and approved by Council's Group Manager Asset Management prior to the commencement of the development. The area is to be equivalent to the value of one-twentieth of the whole area comprised in the plan of subdivision or such lesser amount to the satisfaction of Council's Group Manager Asset Management. When approved, the plans will form part of this permit.

#### **GEN POS 4 – POS CONTRIBUTION (Deleted 02/12/2019)**

## *Signs*

### **GEN S1 – SIGN CONSENT**

Signs must not be displayed on the site without further approval from Council.

### **GEN S2 – SIGN LOCATION**

All signs must be located wholly within the boundaries of the lot.

### **GEN S3 – SIGN INTERNAL ILLUMINATION**

External sign lighting must be designed, baffled and located to ensure that no direct light from the sign is emitted outside the boundaries of the lot.

### **GEN S4 – FLASHING SIGNS**

No flashing signs or lights must be erected or affixed to the premises.

### **GEN S5 – SIGN COLOURS**

No fluorescent or day-glo colours must be used in the colour-scheme of the signage.

### **GEN S6 – SIGN CONTEXT**

The sign must only identify or advertise a business located within the property.

### **GEN S7 – SIGN MAINTENANCE**

The sign must be maintained at all times in good repair and in a clean, tidy and safe condition.

### **GEN S8 – SIGN ILLUMINATION HOURS**

The sign must be illuminated only during the operating hours of the business to which it refers.

## *Vehicles*

### **GEN V1 – VEHICLE WASHING BAY**

A concrete washing bay is to be constructed for washing down vehicles. This washing bay must be located, roofed, designed and drained to a sewer through a suitably designed tradewaste system to the satisfaction of Council's Manager City Planning.

### **GEN V2 – CAR WASHING**

Car washing must only be carried out within the bay provided for this purpose.

### **GEN V3 – NO REPAIRS**

Repairs to vehicles must not be carried out on the site.

### **GEN V4 – PANEL BEATING**

Panel beating, spray painting or vehicle washing must not be carried out on the site.

### **GEN V5 – VEHICLE LOCATION**

All vehicles awaiting repair, being repaired or awaiting pick-up must be stored within the boundaries of the site.

### **GEN V6 – VEHICLE SALES**

Vehicles including motor cars, motor cycles, trailers or caravans must not be offered for sale or hire upon the site.

### **GEN V7 – CLEANING OF MACHINERY**

Machinery involved in the construction of the subdivision must be thoroughly cleaned in order to reduce the spread of weeds and fungi prior to entry/exit of the site.

### **GEN V8 – BICYCLE STORAGE**

Parking facilities for **[number]** bicycles are to be provided on site. A plan showing their location and design must be submitted to and approved by Council's Manager City Planning and the facilities constructed prior to the commencement of the use.

## Property Conditions

### **PROP 1 – LICENCE AGREEMENT**

The applicant is to enter into a licence agreement in accordance with Council's adopted Leased Facilities Pricing and Terms of Lease Policy, indemnifying Council in relation to the owner's use of Council land during the period of the licence. The agreement shall be entered into prior to the commencement of the use.

The landowner is responsible for the preparation of the agreement and is responsible for all Land Titles Office fees and charges.

### **PROP 2 – POS FENCING**

All public recreation space areas must be shown as lots on the Final Plan and noted as "Public Open Space".

All public open space lots must be fenced by the subdivider, and suitable fire breaks created, to satisfaction of Council's Manager City Planning. The Final Plan and Schedule of Easements will not be sealed until this work is complete or a suitable Bond and Guarantee for the work is lodged.

The bond is to be for an amount of 1.5 times the estimated cost of construction and may be a cash deposit or a bank guarantee. The work is to be completed within 6 months of the lodging of the bond. If the works are not completed within this time, Council may have the fencing work undertaken and may recover those costs incurred from the bonded amount.

### **PROP 3 – TRANSFER**

Any lots described as "public open space", "public access way", "road", "to be acquired by the Highway Authority" or other land designated to become public land on the Final Plan must be transferred to the Council for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Clarence City Council, all documentation in relation to discharges of any Mortgages, withdrawal of caveats, and all other relevant registrable dealings. This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office fees and charges and duty in relation to the document.

The applicant remains responsible for ensuring that any Land Titles Office requisitions are effectively resolved and the applicant must meet the costs of such requisitions.

**PROP 4 – CROWN TRANSFER**

The **[land description]** must be transferred to the Crown for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Clarence City Council, all documentation in relation to discharges of any Mortgages, withdrawal of caveats, and all other relevant registrable dealings. This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office fees and charges and duty in relation to the document.

The applicant remains responsible for ensuring that any Land Titles Office requisitions are effectively resolved and the applicant must meet the costs of such requisitions.

# Engineering Conditions

## Access & Driveways

### ENG A1 - NEW CROSSOVER

Each lot must be provided with a minimum 3.0m wide constructed and sealed access from the road carriageway to the property boundary in accordance with Standard Drawing [TSD-R09 (Urban) or TSD-R03 (Rural)] (copy available from Council). This access must be inspected by Council's Development Works Officer prior to sealing or pouring new concrete.

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

### ENG A2 – CROSSOVER CHANGE

A [distance] wide kerb and gutter crossing must be provided to the lot, and must be constructed in accordance with Standard Drawing TSD-R09. A 5.5m wide sealed access is required to be constructed from the road carriageway to the property boundary to accord with Standard Drawing TSD-R09 (copy available from Council). A 5.5m wide sealed driveway must then continue a minimum length of 7.5m then may reduce to 3.0m over the remaining length of the driveway. This access must be inspected by Council prior to sealing or pouring new concrete.

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

### ENG A3 – COMBINED ACCESSSES

All lots with combined right-of-way accesses must be provided with a 5.5m wide sealed access from the road carriageway to the property boundary in accordance with Standard Drawing [TSD-R09 (Urban) or TSD-R03 (Rural)] (copy available from Council). A 5.5m wide sealed driveway also must be constructed over the remaining length of the right-of-way. This access must be inspected by Council prior to sealing or pouring new concrete.

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

### ENG A4 – DIER ACCESS

Vehicular access to be constructed in accordance with the Department of State Growth's (DSG) Works Permit. Works on, or affecting, the State Road Reservation must not be commenced until the necessary approvals have been obtained by contacting DSG's Approval Section on (03) 6166 3369 or email to [permits@stategrowth.tas.gov.au](mailto:permits@stategrowth.tas.gov.au).

**ENG A5 – SEALED CARPARKING**

Driveways, parking areas and other areas accessible to vehicles must be constructed in bituminous concrete or concrete, providing for adequate stormwater drainage, prior to the commencement of the use. Details of the construction must be submitted to and approved by Council's Group Manager Asset Management prior to the commencement of any works.

**ENG A6 – GRAVELLED CARPARKING**

Driveways, parking areas and other areas accessible to vehicles must be constructed with a gravel surface of suitable thickness prior to the commencement of the use. Details of the construction must be submitted to and approved by Council's Group Manager Asset Management prior to the commencement of any works.

**ENG A7 – REDUNDANT CROSSOVER**

All redundant crossovers must be removed and kerb and guttering with footpath reinstated to match with the existing in a smooth and continuous fashion.

**ENG A8 – SIGHT DISTANCE WORK**

The developer must undertake the following works to achieve adequate sight distances to the satisfaction of Council's Group Manager Asset Management:

- [describe]

**ENG A9 – TRAILS IN HIGH DENSITY OR URBAN SUBDIVISIONS**

In high to medium density or urban subdivisions trails are to be provided in general accord with the Clarence Trails Register (copy available from Council). In addition a shared path is to be provided along collector roads.

Alternative trail alignments may be appropriate if they are able to provide similar conditions in terms of linkages, topography, gradients and amenity for trail users, subject to approval by Council's Group Manager Asset Management.

Shared paths along 1 side of collector roads and main trails through public open space areas are to be constructed with saw cut concrete to minimum width of 2.0m based on shared path standards outlined in Austroads Guide to Traffic Engineering Practice Part 14 – Bicycles.



**ENG A10 – TRAILS IN LOW DENSITY OR RURAL SUBDIVISIONS**

In low density or rural subdivisions trails are to be provided in general accord with the Clarence Trails Register (copy available from Council). Alternative trail alignments may be appropriate if they are able to provide similar conditions in terms of linkages, topography, gradients, erosion risk and amenity for trail users, subject to approval by Council's Group Manager Asset Management.

Where the need for a trail has been identified in the Trail Register a public open space reserve is to be created to accommodate a trail and provide a biodiversity and conservation corridor. Where the public open space reserve is used to create a fuel reduction zone the width will be in accord with the Fire Management Plan.

A suitable track must be provided to at least Class 3 standard according to Australian Standard AS2156.1-2001 Walking Tracks Part 1 – Classification and Signage. The track is to be constructed according to techniques and guidelines identified in Parks and Wildlife Service Walking Track Management Manual.

On collector or arterial rural roads a wider verge of **[distance]** is required on 1 side to accommodate space for walking or horseriding.

***Miscellaneous*****ENG M1 –DESIGNS DA**

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

- access arrangements;
- carpark and driveways construction;
- service upgrades or relocations

and must show the extent of any vegetation removal proposed for these works. Such designs must be submitted to and approved by Council's Group Manager Asset Management

A 'start of works' permit must be obtained prior to the commencement of any works.

A Works in Road Reservation Permit must also be obtained if any proposed works are to be conducted within the road reservation or Council land.

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted.

**ENG M2 –DESIGNS SD**

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

- road design (including line marking);
- road stormwater drainage;
- lot accesses;
- stormwater drainage;

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

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

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

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted.

**ENG M3 – GARBAGE FACILITIES**

Suitable garbage storage facilities and letter boxes must be provided near the front boundary and must be identified as part of an application for a Building Permit. The design and location of the garbage storage facilities and access will depend upon the nature of the garbage service for the development and are to be approved by the Council's Group Manager Asset Management prior to construction.

**ENG M4 – POS ACCESS**

To prevent unauthorised vehicular access to public recreation areas, access points must be obstructed with 100mm (min) diameter posts set 1.2m (max) apart. Two posts must be removable but capable of being locked in position. The design of these posts must be approved by Council's Group Manager Asset Management prior to installation.

**ENG M5 – EROSION CONTROL**

An erosion and sedimentation control plan, in accordance with the *Hobart Regional Soil and Water Management on Building and Construction Sites* document, must be submitted and approved by Council's Group Manager Asset Management prior to the commencement of works.

**ENG M6 – CONSTRUCTION FENCING**

Suitable barriers must be erected during the construction of the development to ensure native vegetation is not damaged during construction works.

**ENG M7 – WEED MANAGEMENT PLAN**

A weed management plan identifying methods to control weeds, must be submitted to and approved by Council's Group Manager Asset Management prior to commencement of works. The plan must:

- reference any Weeds of National Significance and Declared Weeds under the Weed Management Act and address the spread of soil based pathogens in accordance with the Tasmanian Washdown Guidelines for Weed and Disease Control;
- identify the weed species, initial treatment, on-going management and maintenance period thereof. The plan may include manual removal of larger plants and/or chemical control as recommended by the relevant Government department; and
- include a detailed breakdown of estimated costs.

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

**ENG M8 – EASEMENTS**

The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all Council infrastructure required to service the lots in a form to the satisfaction of Council's relevant / delegated officer.

**ENG M8A – SERVICE EASEMENTS**

The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all utilities infrastructure required to service the lots in a form to the satisfaction of the relevant utility service provider.

**ENG M9 – FILLING OF LAND**

Prior to commencing any works on-site, a filling plan shall be prepared by a suitably qualified person and submitted to and approved by Council's Group Manager Asset Management. The plan is to conform with principles outlined in AS3798-2007 – Guidelines on Earthworks for Commercial and Residential Developments and is to include start and end dates, a staging plan (if applicable) and a rehabilitation plan.

Filling of the land shall be fit for the purposes of those future uses reasonably expected on the land and must be undertaken in a manner which does not create nuisance by way of dust, noise, traffic movements or weed dispersal, either during the filling operation or after completion.

Upon completion of filling operations, the works shall be certified by a suitably qualified person as being carried out in accordance with the approved filling plan and rehabilitation plan and is fit for purpose and free of deleterious matter or hazardous/controlled substances.

An as constructed topographical survey plan at a suitable scale is to be provided to Council upon completion of the works.

## **Roads**

### **ENG R1 – ROAD NAMES**

Proposed street names for any new roads are to be submitted to Council along with the engineering design plans. The names are to comply with Council's Policy and that of the Nomenclature Board through the Department of Primary Industries, Parks, Water and Environment.

### **ENG R2 – URBAN ROAD**

Street construction, including line marking, concrete kerbs, gutters and footpaths with bitumen roads, must be carried out to the requirements of Council's Local Highways Standard Requirements By-Law. Pavement designs must be based upon laboratory soaked CBR values. Line marking must be in thermoplastic material.

### **ENG R3 – RURAL ROAD**

Street construction, including line marking and bitumen sealed roads with table drains, must be carried out to the requirements of Council's Local Highways Standard Requirements By-Law. Dished hot-mix, concrete channels or rock pitching may be required in some cases, but constructed footpaths and kerbs are not required. Pavement designs must be based upon laboratory soaked California Bearing Ratio (CBR) values. Line marking must be in thermoplastic material.

### **ENG R4 – ROAD WIDENING**

Land for road widening must be provided to a setback of **[distance]** from the centre of the existing road carriageway.

### **ENG R5 – ROAD EXTENSION**

The new road must join with existing road construction in a smooth and continuous fashion and extend to the boundaries of the balance lot.

### **ENG R6 – VEHICLE BARRIERS**

Suitable barriers must be erected during the stages of construction and at access points to the balance land to prevent unauthorised vehicle access.

## Services

### ENG S1 – INFRASTRUCTURE REPAIR

The owner must, at their expense, repair any Council services (eg pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council.

If the owner does not undertake the required repair works within the timeframe specified by Council, the Council may arrange for the works to be carried out at the owner's expense.

### ENG S2 – SERVICES

Any existing services on the land must be contained within a single lot. For any services extending beyond the property boundary, a suitable easement must be created on the affected titles and the service replaced in PVC or copper type A for water.

### ENG S2A – URBAN DRAINAGE SYSTEMS EASEMENTS

All existing watercourses and constructed drains are to be shown on the Final Plan of Survey and a suitable easement of **[insert specified width]** created over the watercourse and constructed infrastructure in favour of the Council. The width of the easements to be created must be consistent with recognised industry guidelines, the Stormwater System Management Plan for the relevant catchment area and to the satisfaction of Council's Group Manager Engineering Services.

The watercourse located **[specify location and width]** must be altered to satisfy the proposed development and ensure adequate protection of the development from stormwater emanating from the catchment of the waterway. The modified waterway must be designed and constructed to satisfy all current and future stormwater flows from the catchment with all minor flows (5% AEP) being contained within a piped system and overland flow paths being provided for major events (1%AEP). A hydraulic analysis of the catchment is to be provided and include provision of future development of the catchment together with all management requirements included within the Stormwater System Management Plan associated with the catchment, to the satisfaction of Council's Group Manager Engineering Services. Engineering design drawings must be submitted and approved prior to the commencement of works.

### ENG S2B – URBAN DRAINAGE SYSTEMS CROSSINGS

All proposed waterway crossing are to be designed and constructed in a manner to ensure the waterway is not obstructed in any way. A hydraulic analysis of the catchment is to be provided to demonstrate the adequacy of the crossing to meet a 1%AEP. Engineering designs and drawings are to be prepared for approval of Council's Group Manager Engineering Services prior to the commencement of works.

**ENG S2C – URBAN DRAINAGE SYSTEMS MODIFICATIONS**

Any and all modifications to an existing waterway are to be designed and constructed in a manner to ensure the waterway is not obstructed in any way. A hydraulic analysis of the catchment is to be provided to demonstrate the adequacy of the modification to meet a 1%AEP. Engineering designs and drawings are to be prepared for approval of Council's Group Manager Engineering Services prior to the commencement of works.

**ENG S3 – (DELETED 4/4/11)****ENG S3A – WATER SENSITIVE URBAN DESIGN PRINCIPLES – PART 5**

For the purposes of protecting Council's stormwater system all stormwater runoff from impervious surfaces within the site must be treated and discharged from the site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions or a model using industry accepted proprietary software, such as MUSIC must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. A Maintenance Management Schedule/Regime must also be submitted and the facility must be maintained in accordance with this schedule.

Prior to **[the sealing of the Final Plan / the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works]** the landowner must enter into and thereafter abide by an agreement with Council under Part 5 of the Land Use Planning and Approvals Act, 1993 in such form as Council may require and which provides for the following:

to incorporate the Maintenance Management Schedule / Regime obligations for the stormwater treatment facility and a requirement to report to Council on an annual basis stating that all maintenance requirements for the facility have been met.

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

Note: The landowner is to give 14 days notice to Council of the request to prepare a Part 5 Agreement. Alternatively, in cases where strata division is contemplated with this development, a suitable provision is to be made in the Body Corporate rules associated with this development to the satisfaction of Council for the proper management of the stormwater treatment facility by the Body Corporate. Evidence of either of these options being in place must be provided prior to **[the sealing of the Final Plan / the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works]**.

**ENG S3B – WATER SENSITIVE URBAN DESIGN PRINCIPLES – BODY CORPORATE**

For the purposes of protecting Council's stormwater system all stormwater runoff from impervious surfaces within the site must be treated and discharged from the site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions or a model using industry accepted proprietary software, such as MUSIC must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. A Maintenance Management Schedule/Regime must also be submitted and the facility must be maintained in accordance with this schedule.

Suitable provision must be made in the Body Corporate rules associated with this development to the satisfaction of Council for the proper management of the stormwater treatment facility by the Body Corporate. Evidence of either of these options being in place must be provided prior to **[the sealing of the Final Plan / the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works]**.

**ENG S4 – STORMWATER CONNECTION**

Each lot must be provided with minimum 150mm diameter stormwater drainage connected to Council's main prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. An extension to Council's stormwater main may be required at the owner's expense.

**ENG S4A – STORMWATER CONNECTION FOR EXISTING LOTS**

The lot is to be provided with a minimum of 150mm diameter stormwater drainage connection to Council's main prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. An extension to Council's stormwater main may be required at the owner's expense.



**ENG S5 - STORMWATER PRINCIPLES**

Stormwater reticulation is to be designed in accordance with the requirements of Council's Local Highways Standard Requirements By-Law and the State Stormwater Strategy to the satisfaction of Council's Group Manager Engineering Services. The design is to identify and design overland flow paths and run-off handling systems for 1% AEP events. These systems shall ensure that no concentrated flow or overflow from street drainage and stormwater reticulation is directed across or through proposed lots (unless dedicated as an overland flow path with easements in favour of Council). Designs shall ensure that net discharge of stormwater does not exceed predevelopment levels and water quality characteristics of receiving waters are maintained or improved. The design must incorporate Water Sensitive Urban Design principles and be submitted for approval by Council's Group Manager Engineering Services prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.

**ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION**

All stormwater for the development must be designed and constructed to include Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council for approval by the relevant / delegated officer for approval prior to the issue of the approved engineering drawings. This report is to include the maintenance management regime / replacement requirements for any treatment facilities.

**ENG S6 – GROSS POLLUTANT TRAP**

A Gross Pollutant Trap is to be installed on the stormwater outfall. The design and location of the trap is to be undertaken by a suitably qualified person and approved by Council's Group Manager Asset Management prior to the commencement of works.

**ENG S7 – (DELETED 4/4/11)****ENG S8 – (DELETED 4/4/11)****ENG S9 – (DELETED 4/4/11)****ENG S10 – UNDERGROUND SERVICES**

All services, including the street lighting system, must be underground and within the road reserve or subject by a suitable easement approved by the Group Manager Asset Manager.

**ENG S11 – SEALING OF SERVICES**

All services must be sealed off prior to any demolition works.



**ENG S12 – HEADWORKS - SUBDIVISION**

In accordance with the Headworks Levy Policy, a headworks charge of [**\$ Amount**] is applicable in relation to each of the ### additional lot/s created by the permit.

- The amount of headworks charge applicable to this development shall be indexed quarterly by CPI (All Groups Index) Hobart, effective from the Permit date until the date of payment of the headworks charge to Council.

**Either**

- Headworks charges must be paid prior to sealing of the final plan for the subdivision.

**Or**

- Headworks charges must be paid prior to sealing of any “staged” final plan based on the stages approved in this permit commensurate with the number of additional lots created in each such stage as detailed on the “staged” final plan.

In accordance with the Council’s Headworks Levy Policy and relevant provisions of Council’s Policy for Bonding Development Works,-

- Bonds and/or security can be accepted for the headworks charges in the event that early issue of titles is sought by the applicant.
- Any headworks charges bonded are to be paid on the completion of the subdivision infrastructure works, or where the works have been approved to be carried out in stages, then on the completion of each approved stage of the subdivision.

**ENG S13 – HEADWORKS - INTENSIFIED USE INCLUDING BUILDING WORK**

In accordance with the Headworks Levy Policy, a headworks charge of [**\$ Amount**] is applicable in relation to the development consisting of [facility/use].

- The amount of headworks charge applicable to this development shall be indexed quarterly by CPI (All Groups Index) Hobart, effective from the Permit date until the date of payment of the headworks charge to Council.

**Either**

- The headworks charge (as indexed) is to be paid prior to the issue of a Building Permit in respect to this development

**Or**

- Where the amount calculated for headworks charge in respect to this development is greater than \$25,000, the headworks charge (as indexed):

- must be paid prior to issue of a Building Permit; or
- in accordance with Council's Headworks Levy Policy and relevant provisions of Council's Policy for Bonding Development Works, the applicant may, prior to the issue of a Building Permit, enter into a bond agreement with Council, and provide security for the headworks charge. Council may release or draw down the security as necessary on the understanding and by agreement with Council that the headworks charges are paid prior to occupancy of the premises or commencement of the use (as applicable).

#### **ENG S14 – HEADWORKS – INTENSIFIED USE NOT INCLUDING BUILDING WORK**

In accordance with the Headworks Levy Policy, a headworks charge of [\$ **Amount**] is applicable in relation to the development consisting of [facility/use].

- The amount of headworks charge applicable to this development shall be indexed quarterly by CPI (All Groups Index) Hobart, effective from the Permit date until the date of payment of the headworks charge to Council.
- The headworks charge (as indexed) is to be paid prior to commencement of the use or within 3 months of the date of the Permit whichever is the earlier.

#### **ENG S15 – SERVICES ACROSS ROADS**

Where it is necessary for underground services to be installed across roads classified as arterial or major collector roads in Council's road hierarchy they must be installed by boring under the road pavement.

Bored installations must extend at least from side drain to side drain. Road bores must have a minimum cover under the road of 1.2m. The bore must not exceed the service pipe plus 100mm in diameter. Bores for services greater than 100mm diameter must have a pumped backfill to complete installation.

The above works must be to the satisfaction of Council's Group Manager Asset Management.

## Environmental Health Conditions

### **EHO 1 – NOISE LEVELS**

Noise levels from the [describe] must not exceed 5dB(A) above background, determined by a suitable qualified person, so as not to interfere with the amenity of the area. A report, from a suitably qualified person, verifying the noise levels as not exceeding 5 dB(a) is to be submitted to Council within 30 days of the commencement of the use.

### **EHO 2- NOISE ATTENUATION**

No dwellings are to be constructed on lots [describe] unless they incorporate such attenuation measures necessary to achieve a noise level of below 63db(A) within any part the dwelling. These measures are to be certified by a recognized Acoustic Engineer or other appropriately qualified person and submitted as part of a Building Permit. A suitable covenant is to be included in the Schedule of Easements to this effect.

### **EHO 3 – KENNEL WASHDOWN**

The floor of the kennels must be constructed of an impervious material and designed to enable the washdown of the facilities. All washdown water and other wastes are to be disposed of to the satisfaction of Council's Senior Environmental Health Officer.

### **EHO 4 – NO BURNING**

Accumulated vegetation or the like must be managed by:

- (a) chipping/mulching for removal or reuse on the site; or
- (b) removal from the site to a location to be approved by Council's Senior Environmental Health Officer prior to such removal; or
- (c) removal to a waste management facility licensed to take such material (receipts must be retained as proof of disposal location); or
- (d) other method approved in writing by Council's Senior Environmental Health Officer.

No on-site burning of materials is permitted unless approved in writing by Council's Senior Environmental Health Officer and the burn conducted in accordance with any directions given.

No on-site burning will be approved within 500m of a habitable building.

The burning of accumulated building debris (including paper, cardboard, plastic, wood etc) is not permitted and must be removed from the site and disposed of at a waste management facility licensed to take such material.

### **EHO 5 – SPECIAL PLUMBING PERMIT (TRADEWASTE)**

An application for a special plumbing permit (tradewaste) for the disposal of trade wastes must be submitted to and approved by the Senior Environmental Health Officer prior to the commencement of the use.

**EHO 6 – NOISE MANAGEMENT PLAN**

Prior to [commencement of the use/activity OR issue of a building permit] a Noise Management Plan must be submitted and approved to the satisfaction of Council's Senior Environmental Health Officer describing how noise from the activities will be minimised and managed.

## Landscape Conditions

### LAND 1A – LANDSCAPE PLAN

A landscape plan must be submitted to and approved by Council's Manager City Planning prior to the commencement of works. The plan must be to scale and show:

- a north point;
- existing trees and those to be removed;
- proposed driveways, paths, buildings, carparking, retaining walls and fencing;
- any proposed rearrangement of ground levels;
- details of proposed planting's including botanical names, and the height and spread of canopy at maturity; and
- estimated cost of the landscaping works.

The landscaping works must be completed prior to the commencement of the use.

### LAND 1B – LANDSCAPE PLAN (NON-STAGED MULTIPLE DWELLINGS)

A landscape plan must be submitted to and approved by Council's Manager City Planning prior to the commencement of works. The plan must be to scale and show:

- a north point;
- existing trees and those to be removed;
- proposed driveways, paths, buildings, carparking, retaining walls and fencing;
- any proposed rearrangement of ground levels; and
- details of proposed planting's including botanical names, and the height and spread of canopy at maturity.

The landscaping works must be completed prior to completion of the development.

### LAND 2 – LANDSCAPE BOND (RESIDENTIAL)

A bond of 2.5% of the estimated cost of the development must be submitted with the landscape plan. The bond will be held as security to ensure both development and maintenance of the landscape work is undertaken in accordance with the approved plan.

The bond may be a cash deposit or a bank guarantee. The work is to be completed prior to commencement of the use. If the works are not completed within this time, Council may have the landscaping work undertaken and may recover those costs incurred from the bonded amount.

**LAND 3 – LANDSCAPE BOND (COMMERCIAL)**

A bond of 1.5 times the estimated cost of landscape works must be submitted with the landscape plan. The bond will be held as security to ensure both development and maintenance of the landscape work is undertaken in accordance with the approved plan.

The bond may be a cash deposit or a bank guarantee. The work is to be completed prior to commencement of the use. If the works are not completed within this time, Council may have the landscaping work undertaken and may recover those costs incurred from the bonded amount.

**LAND 4 – LANDSCAPE BOND (SUBDIVISION)**

No vegetation is to be removed other than in accordance with the approved engineering plans. A bond of [amount] must be submitted, and a suitable agreement entered into with Council, and the bond will be held until the Final Plan is sealed, as security to ensure this condition is complied with.

The bond may be a cash deposit or a bank guarantee. The work is to be completed within 6 months of the lodging of the bond. If the works are not completed within this time, Council may have the landscaping work undertaken and may recover those costs incurred from the bonded amount.

**LAND 5 – SUBDIVISION LANDSCAPING**

A landscape plan for the proposed road reserves and public open space areas within the subdivision must be submitted to and approved by Council's Group Manager Asset Management prior to the commencement of works. The plans must be developed in association with the engineering plans to ensure suitable locations and planting types and the retention of as much natural vegetation as possible. Where appropriate, the plan must include construction details for footways and other public links within both road reserves and public open space areas.

Prior to the sealing of the Final Plan and Schedule of Easements for each stage the following is required.

- For landscaping, excluding hard form infrastructure, each stage is to be completed and maintained for a period of 3 years. Alternatively, a bond of 1.5 times the estimated cost of landscape works must be submitted with the landscape plan. The bond will be held as security to ensure both development and maintenance of the landscape work for a period of 3 years is undertaken in accordance with the approved plan. The bond is to be a cash deposit or a bank guarantee.
- For hard form landscaping (ie paths, footways etc), each stage is to be completed and will form part of the infrastructure which is subject to an "onmaintenance" period. For the final plan to be sealed prior to the completion of the works or the expiry of the "on-maintenance" period a bond must be paid and an agreement entered into in accordance with Council Policy.

Please note that the bond for the “on-maintenance” period is 5% the cost of the construction.

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted.

#### **LAND 6 – REPLACEMENT TREES**

Any trees, 3 metres or more in height, which have been damaged, lopped, felled or removed, or are nominated to be removed, must be replaced by semi-mature trees of the same or similar species. A landscape plan detailing this is to be submitted to and approved by Council’s Manager City Planning prior to the commencement of works.

A bond of 1.5 times the estimated cost of landscape works must be submitted with the landscape plan. The bond will be held as security to ensure both development and maintenance of the landscape work is undertaken in accordance with the approved plan.

The bond may be a cash deposit or a bank guarantee. The work is to be completed within 6 months of the lodging of the bond. If the works are not completed within this time, Council may have the landscaping work undertaken and may recover those costs incurred from the bonded amount

#### **LAND 7 – WATERING**

The landscaping areas shown on the endorsed plans must be provided with an appropriate irrigation system.

## Refusal Reasons

### REFUSAL 1 – PLANNING SCHEME

The proposal is contrary to the provisions of the **[planning scheme]** with regard to **[describe issue– eg: amenity]** in that **[describe part of scheme and how it is not met]**.

### REFUSAL 2 – STATE POLICY

The proposal is contrary to the provisions of the **[name of State Policy]** with regard to **[describe]** in that **[describe]**.

### REFUSAL 3 - OBJECTIVES

The proposal is contrary to the Objectives **[describe]** of the *Land Use Planning and Approvals Act 1993* in that **[describe]**.

### REFUSAL 4 - REPRESENTATIONS

Because of the representations received with regard to **[describe]**.



## Advice

### ADVICE 1 – PERMIT EXPIRY ADVICE

This permit is valid for a period of 2 years and will lapse on [date] unless the use/development has been substantially commenced, to the satisfaction of Council's Manager City Planning.

Note: An extension of time to this period under Section 53 (5A) of the Land Use Planning and Approvals Act 1993 may only be granted if a request is received prior to the expiry of the above time period.

### ADVICE 2 – CHANGE OF USE ADVICE

The proposed change of use of the building may require an assessment and supporting documents to be provided by a building surveyor, to ensure compliance with the National Construction Code and any requirements of the Building Act 2016.

Your building surveyor may also take into consideration any prescribed essential health and safety features and measures schedule, or provision for an occupancy permit as required by the Building Regulations 2004.

### ADVICE 3 – SPECIAL PLUMBING ADVICE

An application for a Plumbing Permit to install an onsite waste water disposal system must be submitted and approved as part of the Building Application.

### ADVICE 4 – FOOD SAFETY ADVICE

A food safety plan must be submitted for approval prior to registration.

### ADVICE 5 – FOOD SPECIFICATIONS ADVICE

Detailed plans and specifications for all food handling areas, showing all internal surfaces, fittings and fixtures, must form part of a request for report from an Environmental Health Officer in accordance with Regulation 26B(3) of the Building Regulations 2016 where the proposed work is notifiable building work or Regulation 28 of the Building Regulations 2016 where the proposed work is permit building work. The plans must comply with the *Food Act 2003*, the *Tasmanian Appendix Part H102 Food Premises of Volume 1 of the National Construction Code* and the *Food Standards Code*.

### ADVICE 6 – FOOD REGISTRATION ADVICE

The site must be registered as a business in accordance with the *Food Act 2003* prior to the commencement of the use.

### ADVICE 7 – PUBLIC HEALTH ADVICE

The premises must comply with the requirements of the Public Health Act 1997 – Guidelines for Health and Safety in Public Places.

**ADVICE 8 – CHEMICAL STORAGE ADVICE**

The storage of chemicals must be in accordance with the *Dangerous Goods Act 1998*.

**ADVICE 9 – SKIN PENETRATION ADVICE**

The premises must comply with the requirements of the Public Health Act 1997 - Guidelines for Ear and Body Piercing.

**ADVICE 10 – PLUMBING CODE ADVICE**

All plumbing works must comply with the Tasmanian Plumbing Code and Australian Standard 3500.

**ADVICE 11 – BACKFLOW ADVICE**

A backflow prevention device is required.

**ADVICE 12 – GREASE TRAP ADVICE**

A commercial type grease trap is required.

**ADVICE 13 – DRAINAGE ADVICE**

A drainage plan is required.

**ADVICE 14 – BUILDING ADVICE**

This is a Development Permit only. An application for a Building Permit, including any demolition work, must be submitted and approved prior to the commencement of works.

**ADVICE 15 – DDA ADVICE**

The granting of this permit does not ensure compliance with the provisions of the Commonwealth *Disability Discrimination Act 1992*, and the applicant will therefore be responsible for any complaints arising under that Act in relation to non compliance with the provisions of that legislation. Applicants are advised to check the current Australian Standards and seek independent technical advice regarding disability matters.

**ADVICE 16 – THREATENED SPECIES ADVICE**

The Department of Primary Industries, Parks, Water and Environment, Threatened Species Unit has advised that the property may contain species identified in the schedules of the *Threatened Species Protection Act 1995*. I have enclosed a copy of the Department's letter. It is your responsibility to comply with the legislation and therefore you should contact the Department to determine whether there will be any issues which may arise under that Act in relation to the development.

**ADVICE 17 – ABORIGINAL RELICS ADVICE**

The site may contain relics which are protected under the *Aboriginal Relics Act 1975* and the applicant is therefore responsible to ensure compliance with the provisions of that Act. Applicants are advised to seek independent technical advice in relation to identification and protection of any relics.

**ADVICE 18 – SIGN BUILDING ADVICE**

The structural details, including the footings of the sign must be identified as part of an application for a Building Permit.

**ADVICE 19 – STREET NUMBERING**

As a consequence of the development, the street numbering allocated to each lot/unit will be as set out in the following table:

Lot/Unit	Number