



GLAMORGAN/SPRING BAY COUNCIL
NOTICE OF PROPOSED DEVELOPMENT

Notice is hereby given that an application has been made for planning approval for the following development:

SITE: **3 Cummings Place, Spring Beach**
CT 184911/1

PROPOSAL: **Dwelling**

Any person may make representation on the application(s) by letter (PO Box 6, Triabunna) or electronic mail (planning@freycinet.tas.gov.au) addressed to the General Manager.

Representations must be received before midnight on 02 February 2024

APPLICANT: **Craig Rosevear**

DATE: **01/12/2023**

APPLICATION NO: **DA 2023 / 246**

Application for Planning Approval

Advice:

Use this form for all no permit required, permitted and discretionary planning applications including visitor accommodation, subdivision as well as for planning scheme amendment & minor amendments to permits.

Completing this form in full will help ensure that all necessary information is provided and avoid any delay. The planning scheme in clause 6.0 provides details of other information that may be required. A checklist of application documents is provided on page 4 of this form.

Often, it is beneficial to provide a separate written submission explaining in general terms what is proposed and why and to justify the proposal against any applicable performance criteria.

If you have any queries with the form or what information is required, please contact the office.

| Details of Applicant and Owner | | | |
|---|------------------------------|------------------|-----------|
| Applicant: | CRAIG ROSEVEAR | | |
| Contact person: (if different from applicant) | - | | |
| Address: | 183 MACQUARIE STREET | | |
| Suburb: | HOBART | Post Code: | 7000 |
| Email: | craig@rosevearstephenson.com | Phone: / Mobile: | 6223 4471 |

Note: All correspondence with the applicant will be via email unless otherwise advised

| | |
|-------------------------------------|-------------------------------|
| Owner (if different from applicant) | JP CUMMING & A YARD - CUMMING |
| Address: | [REDACTED] |
| Suburb: | [REDACTED] |
| Email: | [REDACTED] |

| Details of Site (Note: If your application is discretionary, the following will be placed on public exhibition) | | | |
|---|---------------------|------------|------|
| Address of proposal: | 3 CUMMINGS PLACE | | |
| Suburb: | SPRING BEACH | Post Code: | 7190 |
| Size of site: (m ² or Ha) | 1000 m ² | | |
| Certificate of Title(s): | 184911 / 1 | | |
| Current use of site: | UNDEVELOPED. | | |

General Application Details *Complete for All Applications*

Description of proposed use or development:

NEW DWELLING ON UNDEVELOPED LAND.

Estimated value of works: (design & construction)

The estimated cost is to include the cost of labour and materials using current industry pricing and is to include GST.

You may be required to verify this estimate.

Is the property on the State Heritage Register?

☐ Yes / ☒ No

For all Non-Residential Applications

Hours of Operation

Number of Employees

Describe any delivery of goods to and from the site, including the types of vehicles used and the estimated average weekly frequency

Describe any hazardous materials to be used or stored on site

Type & location of any large plant or machinery used (refrigeration, generators)

Describe any retail and/or storage of goods or equipment in outdoor areas

Personal Information Protection Statement

The personal information requested will be managed in accordance with the *Personal Information Protection Act 2004*. The personal information is being collected by Glamorgan Spring Bay Council for the purposes of managing, assessing, advising on, and determining the relevant application in accordance with the *Land Use Planning and Approvals Act 1993*(LUPPA) and other related purposes, including for the purpose of data collection.

The information may be shared with contractors and agents of the Council for this purpose, law enforcement agencies, courts and other organisations and it may also be made publicly available on the Council's website and available for any person to inspect in accordance with LUPAA. If you do not provide the information sought, Council will be unable to accept and/or process your application.

Applicant Declaration

I/we hereby apply for planning approval to carry out the use or development described in this application and the accompanying documents and declare that:


- The information in this application is true and correct.
- I/we authorise Council employees or consultants to enter the site to assess the application.
- I/we have obtained all copy licenses and permission from the copyright owner for the publication, communication and reproduction of the application and reports, plans and materials provided as part of the application and for the purposes of managing, assessing, advising on, and determining the application.

I/we authorise the Council to:

- Make available the application and all information, reports, plans, and materials provided with or as part of the application in electronic form on the Council's website and in hard copy at the Council's office and other locations for public exhibition if and as required;
- Make such copies of the application and all information, reports, plans and materials provided with or as part of the application which are, in the Council's opinion, necessary to facilitate a consideration of the application;
- Publish and or reproduce the application and all information, reports, plans and materials provided with or as part of the application in Council agendas, for representors, referral agencies and other persons interested in the application; and
- provide a copy of any documents relating to this application to any person for the purpose of assessment or public consultation and agree to arrange for the permission of the copyright owner of any part of this application to be obtained.

You indemnify the Council for any claim or action taken against the Council for breach of copyright in respect of the application and all information, report, plan, and material provided with or as part of the application.

I/We declare that the Owner has been notified of the intention to make this application in accordance with section 52(1) of the *Land Use Planning and Approvals Act 1993*.

| | | | |
|----------------------|---|-------|------------|
| Applicant Signature: |  | Date: | 29.11.2023 |
|----------------------|---|-------|------------|

Owners Consent required if application is on or affects Council or Crown owned or administered land

I declare that I have given permission for the making of this application for use and/or development.

| | | | |
|--|--|-------|--|
| Council General Manager or delegate Signature: | | Date: | |
|--|--|-------|--|

If land affected by this application is owned or administered by the Crown or Council, then the written permission of the relevant Minister (or their delegate) and/or the General Manager must be provided. For Crown land, a copy of the instrument of delegation must be provided.

It is the applicant's responsibility to obtain any owners consent prior to lodgement. Written requests for Council consent are via the General Manager. Request for Ministerial consent is to be directed to the relevant department.

SEARCH OF TORRENS TITLE

| | |
|------------------|------------------------------|
| VOLUME 184911 | FOLIO 1 |
| EDITION 2 | DATE OF ISSUE 30-Jun-2023 |

SEARCH DATE : 24-Nov-2023

SEARCH TIME : 03.18 PM

DESCRIPTION OF LAND

Parish of ORFORD Land District of PEMBROKE

Lot 1 on Sealed Plan 184911

Derivation : Part of Lot 1577, 56 Acres Gtd. to Thomas Stapleton.

Prior CT 29837/1

SCHEDULE 1M847205 TRANSFER to FRASGILMONT PTY LTD Registered
18-Nov-2020 at 12.01 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP184911 EASEMENTS in Schedule of Easements

SP184911 COVENANTS in Schedule of Easements

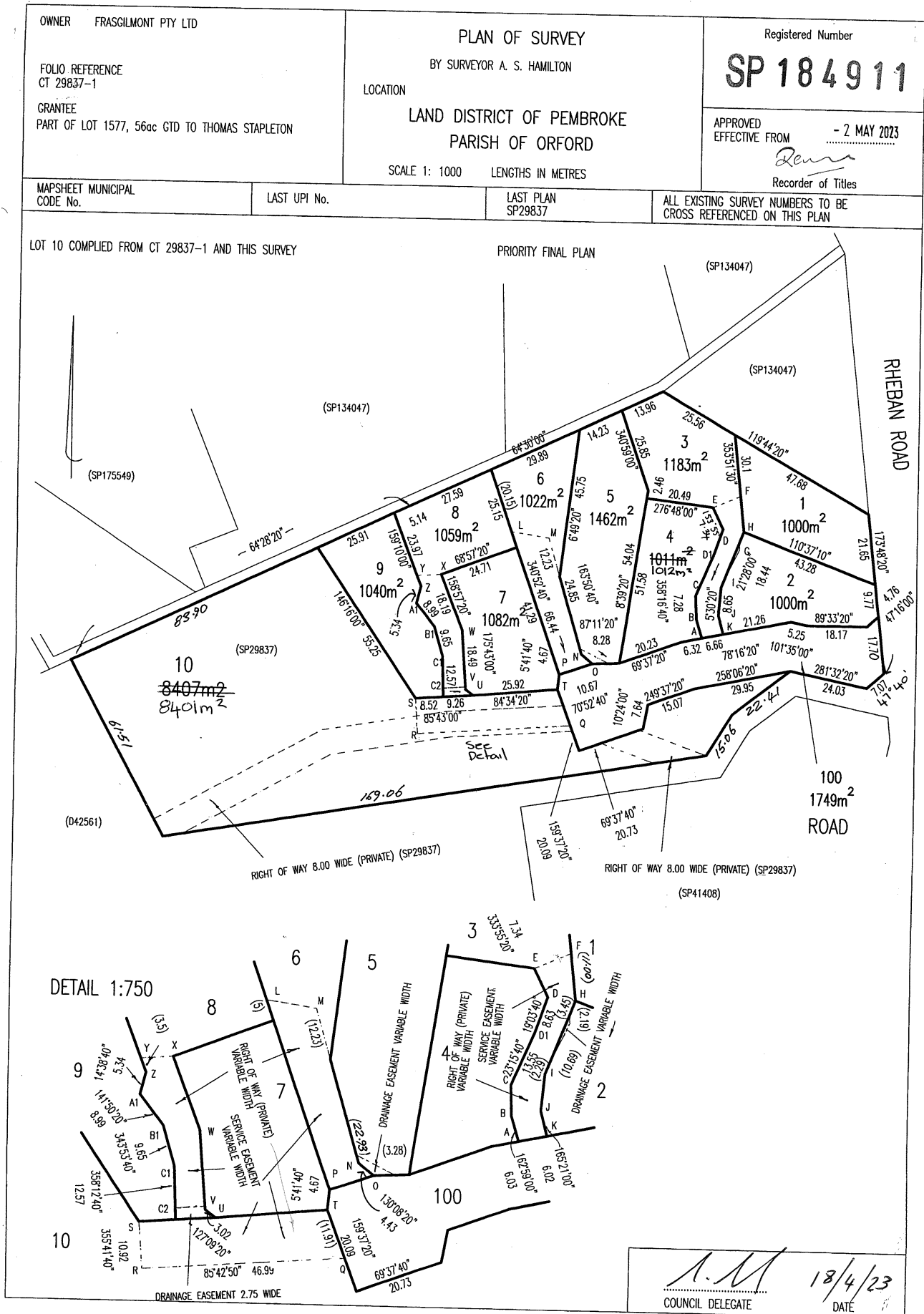
SP184911 SEWERAGE AND/OR DRAINAGE RESTRICTION

SP 29837 COVENANTS in Schedule of Easements

SP 29837 FENCING COVENANT in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



| | |
|--|-------------------|
| SCHEDULE OF EASEMENTS | Registered Number |
| NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED. | SP 184911 |

PAGE 1 OF 4 PAGES

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

Lots 1, 2 & 4

Lots 1, 2 & 4 are together with a Right of Carriageway over the "RIGHT OF WAY (PRIVATE) VARIABLE WIDTH" marked "ABCD1DEFHIJK" as shown passing through Lot 3 on the Plan.

ABCD1DEFHIJK * SPW 2/5/23

Lots 1, 2 & 4 are together with a Service Easement over the "SERVICE EASEMENT VARIABLE WIDTH" marked "ABCD1DEFHIJK" as shown passing through Lot 3 on the Plan.

ABCD1DEFHIJK * SPW 2/5/23

Lot 2

Lot 2 is subject to a Right of Drainage for the Glamorgan Spring-Bay Council over the "DRAINAGE EASEMENT VARIABLE WIDTH" as shown passing through Lot 2 on the Plan.

Lot 3

Lot 3 is subject to a Right of Carriageway in favour of Lots 1, 2 & 4 on the plan over the "RIGHT OF WAY (PRIVATE) VARIABLE WIDTH" marked "ABCD1DEFHIJK" as shown passing through Lot 3 on the Plan.

ABCD1DEFHIJK * SPW 2/5/23

Lot 3 is subject to a Service Easement in favour of Lots 1, 2 & 4 on the plan over the "SERVICE EASEMENT VARIABLE WIDTH" marked "ABCD1DEFHIJK" as shown passing through Lot 3 on the Plan.

ABCD1DEFHIJK * SPW 2/5/23

Lot 3 is subject to a Service Easement for the Glamorgan Spring-Bay Council over the "SERVICE EASEMENT VARIABLE WIDTH" marked "ABCD1DEFHIJK" as shown passing through Lot 3 on the Plan.

ABCD1DEFHIJK * SPW 2/5/23

Lot 5

Lot 5 is subject to a Right of Drainage for the Glamorgan Spring-Bay Council over the "DRAINAGE EASEMENT VARIABLE WIDTH" as shown passing through Lot 5 on the Plan.

(USE ANNEXURE PAGES FOR CONTINUATION)

| | |
|---------------------------------------|------------------|
| SUBDIVIDER: Frasgilmont Pty Ltd | PLAN SEALED BY: |
| FOLIO REF: 29837/1 | DATE: 18/4/2023 |
| SOLICITOR Simon Wilding | SA 2018/63 |
| & REFERENCE: Butler McIntyre & Butler | REF NO. |
| | Council Delegate |

NOTE: The Council Delegate must sign the Certificate for the purposes of identification.

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|---|---------------------------------------|
| ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 4 PAGES | Registered Number SP 184911 |
| SUBDIVIDER: FOLIO REFERENCE: | |

Lot 6

Lot 6 is subject to a Service Easement for the Glamorgan Spring-Bay Council over the "SERVICE EASEMENT VARIABLE WIDTH" marked "LMNOP" as shown passing through Lot 6 on the Plan.

Lot 6 is subject to a Service Easement in favour of Lots 7, 8 and 5 over the "SERVICE EASEMENT VARIABLE WIDTH" marked "LMNOP" as shown passing through Lot 6 on the Plan.

(appurtenant to Lots 5 & 7) *SW 215/23

Lots 6 is subject to a right of carriageway over the "RIGHT OF WAY (PRIVATE) VARIABLE WIDTH" marked "LMNOP" as shown passing through Lot 6 on the Plan.

Lots 5 & 7

Lots 5, & 7 are together with a right of carriageway over the "RIGHT OF WAY (PRIVATE) VARIABLE WIDTH" marked "LMNOP" as shown passing through Lot 6 on the Plan.

Lots 7, 8 & 5

Lots 7, 8 & 5 are together with a Service Easement over the "SERVICE EASEMENT VARIABLE WIDTH" marked "LMNOP" as shown passing through Lot 6 on the Plan.

Lots 7 & 9

Lots 7 & 9 are together with a Right of Carriageway over the "RIGHT OF WAY (PRIVATE) VARIABLE WIDTH" marked "UVWXYZA1B1C1C2" as shown passing through Lot 8 on the Plan.

Lots 7 & 9 are together with a Service Easement over the "SERVICE EASEMENT VARIABLE WIDTH" marked "UVWXYZA1B1C1C2" as shown passing through Lot 8 on the Plan.

Lots 7, 8 & 9

Lots 7, 8 & 9 are together with a Right of Carriageway over the "RIGHT OF WAY (PRIVATE) VARIABLE WIDTH" marked "QRST" as shown passing through Lot 10 on the Plan.

Lots 7, 8 & 9 are together with a Service Easement over the "SERVICE EASEMENT VARIABLE WIDTH" marked "QRST" as shown passing through Lot 10 on the Plan.

Lot 8

Lot 8 is subject to a Right of Drainage for the Glamorgan Spring-Bay Council over the "DRAINAGE EASEMENT 2.75 WIDE" as shown passing through Lot 8 on the Plan.

*SW 215/23

Lot 8 is subject to a Right of Carriageway in favour of Lots 7, 8 & 9 shown on the plan over the "RIGHT OF WAY (PRIVATE) VARIABLE WIDTH" marked "QRST" as shown passing through Lot 10 on the Plan.

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

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| ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 3 OF 4 PAGES | Registered Number SP 184911 |
| SUBDIVIDER: FOLIO REFERENCE: | |

10 * SPW 215/23

Lot 8 is subject to a Service Easement in favour of Lots 7, 8 & 9 over the "SERVICE EASEMENT VARIABLE WIDTH" marked "QRST" as shown passing through Lot 10 on the Plan.

Lot 10

Lot 10 is subject to a Right of Drainage for the Glamorgan Spring-Bay Council over the "SERVICE EASEMENT VARIABLE WIDTH" marked "QRST" as shown passing through Lot 10 on the Plan.

Lot 10 is subject to a Right of Carriageway over the "RIGHT OF WAY 8.00 WIDE (PRIVATE) SP29837 as shown passing through Lot 10 on the Plan appurtenant to the balance of the land remaining in folio of the

Register Volume 3624 Folio 32 at the date of acceptance of Sealed Plan 29837 after excepting thereout Lot 1 on Sealed Plan 29837.

COVENANTS

The owner of each lot on the Plan covenants with the Vendor and the owner of each and every other lot on the Plan and to the intent that the burden of the covenant will run with and bind the covenantor's lot and every part thereof and that the benefit thereof may be created in favour of each and every other lot on the Plan to observe the following stipulations:

- (i) not to erect or permit to be erected on the lot or any part thereof or attach or permit to be attached to any dwelling or other buildings erected thereon any advertisement, billboard or poster or any similar erection of any unsightly nature;
- (ii) not to erect any building or structure built mainly from second hand materials, not to erect any dwelling or other substantial structure with the majority of the exterior wall cladding constructed from metal not any foam, power or data cable or pipe to connect the dwelling, house and outbuildings that are not buried underground.
- (iii) not to construct on the lot or permit the construction on the lot, any dwelling unless there is a skip bin having a capacity of not less than 3m³ located on the lot at all times during the construction of the dwelling through to the issue of the Certificates of Completion, to ensure that all rubbish, discarded building materials and other debris are not left visible on the lot; and
- (iv) not to erect colour bond or sheet metal fences on any Lot boundary of any Lot shown on the Plan.
- (v) the Vendor reserves the right to sell or retain any lot on the Plan free and exempt from any one or more of the covenants set forth in relation to any lot shown on the Plan and/or to waive modify alter or extinguish any one or more of the covenants set forth above as to any lot not transferred. The exercise of this right by the Vendor in relation to any lot shall not release the owner of any other lot from any other covenants imposed upon such lot or give the owner of any lot any right of action against the Vendor or any person or persons.

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

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| ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 4 OF 4 PAGES | Registered Number SP 184911 |
| SUBDIVIDER: FOLIO REFERENCE: | |

DEFINITION OF SERVICES EASEMENT**Interpretation**

"**Service Easement**" means the right to lay, repair, replace, cleanse and maintain pipes, wires and cables. The lot owners having the benefit of the Services Easement must make good any damage to the surface of the lot occasioned thereby.

EXECUTED by **FRASGILMONT PTY LTD (ACN 601 664 671)** pursuant to section 127 of the Corporations Act 2001
by:



.....
Sole Director/Sole Secretary: John Paul Cumming

** Solicitor for the Subdivider*

Simon Peter Wilding
Legal Practitioner
Butler McIntyre & Butler
20 Murray Street, Hobart TAS, 7000
Tel: (03) 6222 9444

** SPW 2/5/23*

EASEMENTS CONTINUED

Lot 8 is subject to a right of carriageway (appurtenant to Lots 7 & 9) over the RIGHT OF WAY (PRIVATE) VARIABLE WIDTH marked UVWXYZA1B1C1C2 on the Plan.

Lot 8 is subject to a service easement (appurtenant to Lots 7 & 9) over the SERVICE EASEMENT VARIABLE WIDTH marked UVWXYZA1B1C1C2 on the Plan.

** SPW 2/5/23*

COVENANTS CONTINUED

Each Lot on the Plan is burdened by the restrictive covenants created by and more fully set forth in Sealed Plan 29837.

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

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ROSEVEAR STEPHENSON

28 November 2023

The General Manager
Glamorgan Spring Bay Council
9 Melbourne Street
Triabunna TAS 7190

Dear Mr Ingham,

Application for Planning Approval – 3 Cummings Place Spring Beach TAS 7190
Property ID: 9529932, Title Ten: 184911/1

On behalf of the owners we respectfully apply to construct a new dwelling at the above address.

Please find with this letter, drawings describing the proposal for your consideration. The following responds to the overlays pertinent to the site:

Zoning

The site is zoned Low Density Residential, but as the subdivision was approved under the previous planning scheme, we seek your discretion to consider this application as a General Residential site please? We have discussed the reasonableness of this with your senior planner James Bonner.

Bushfire Prone Area

The design of the dwelling is grounded, and the construction is proposed to be substantially in concrete, which will substantially elevate bushfire concerns, but of course a full report will be provided as part of the Building Permit Application.

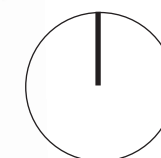
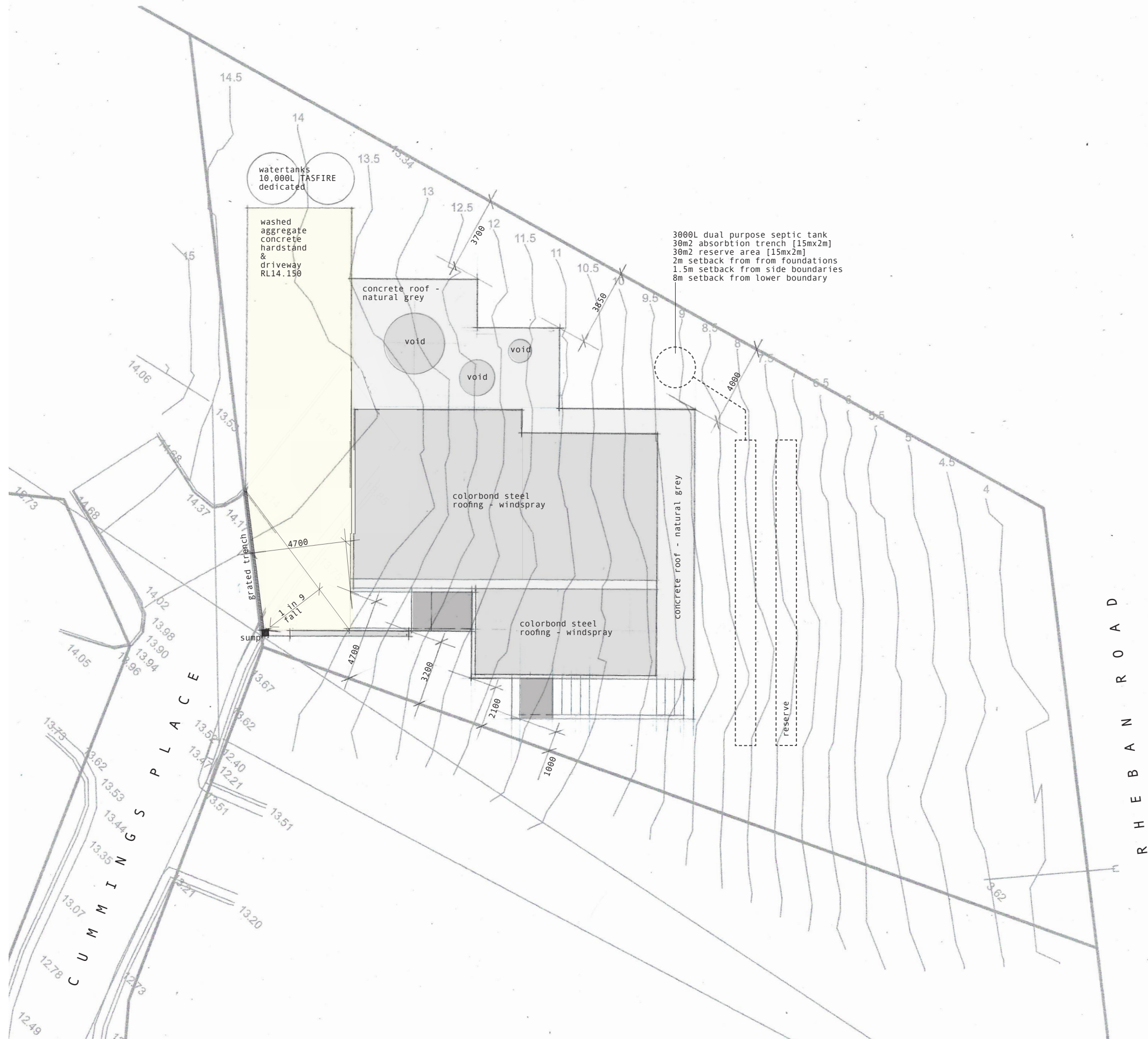
Wastewater disposal and stormwater attenuation

The owners will engage GES [GEO-ENVIRONMENTAL SOLUTIONS P/L] to provide a considered solution – the proposed areas shown on the drawings are based on preliminary advice.

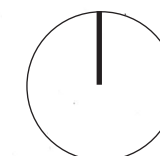
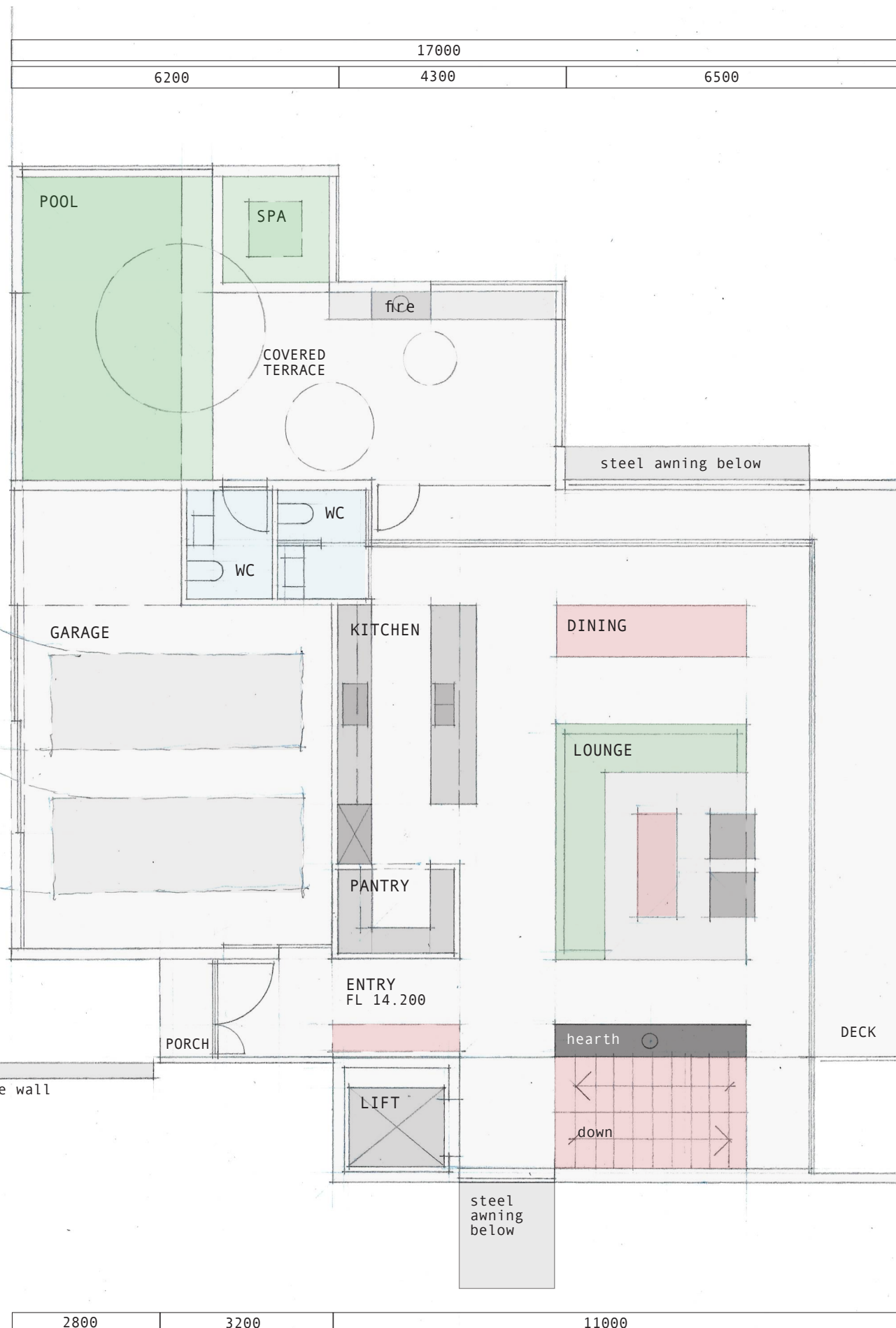
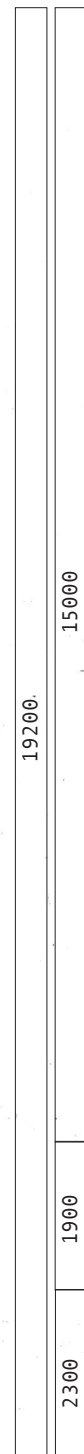
Yours faithfully,
ROSEVEAR STEPHENSON

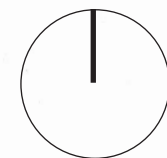


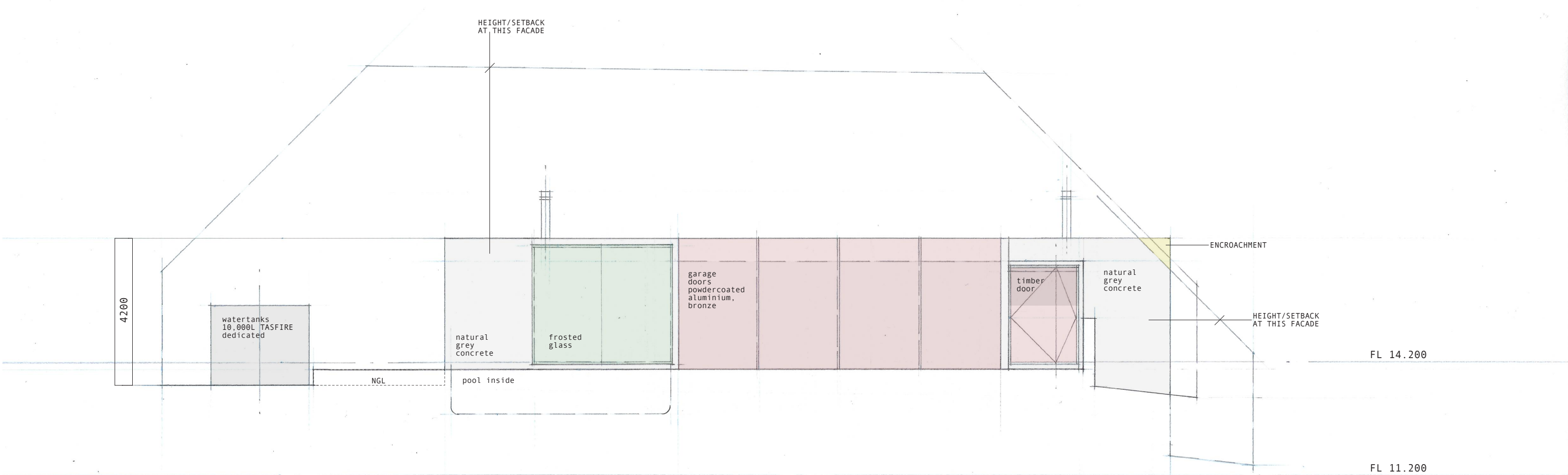
Craig Rosevear FRAIA
Registered Architect 501 [TAS] Director Rosevear & Stephenson Pty Ltd

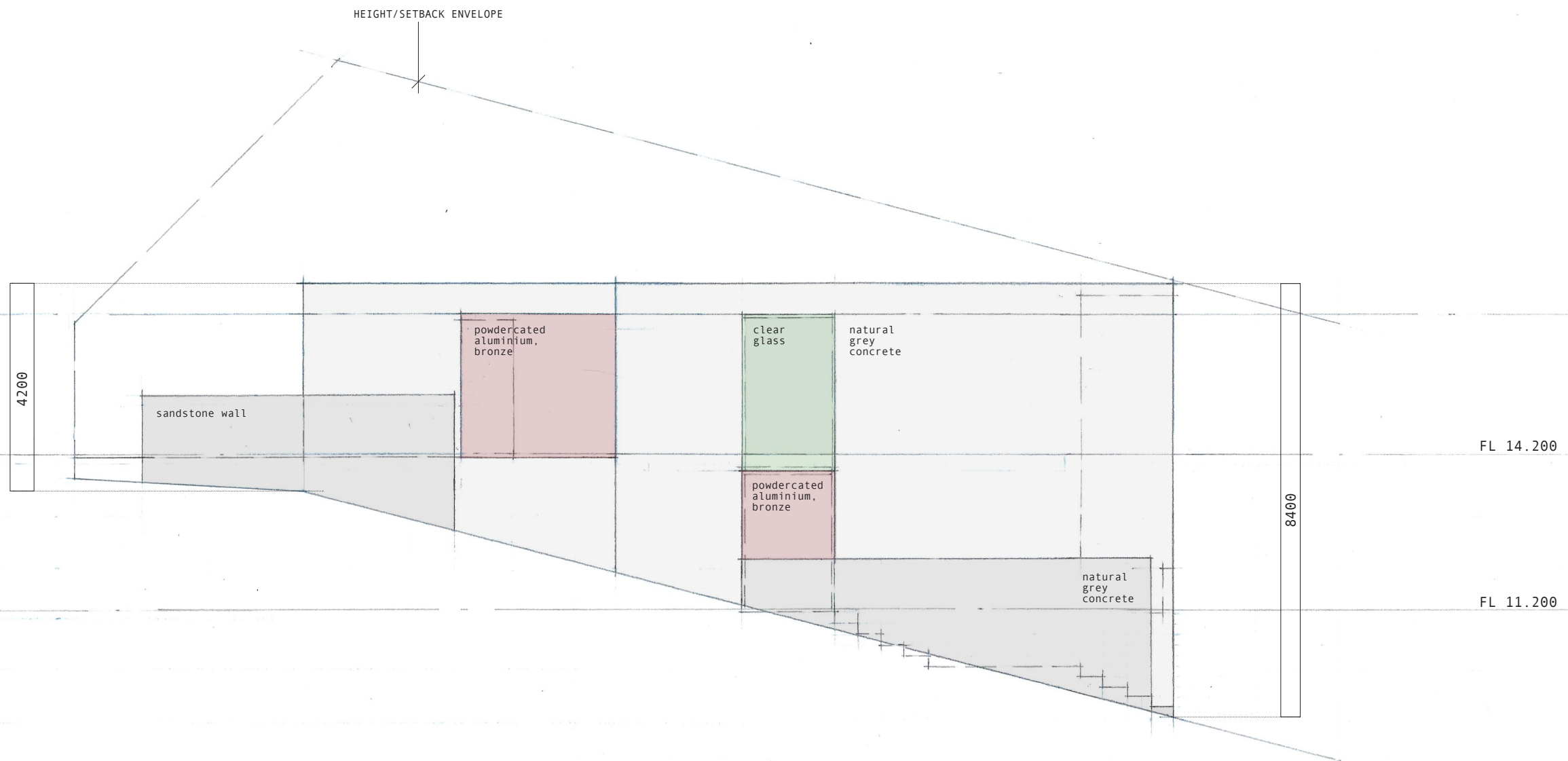


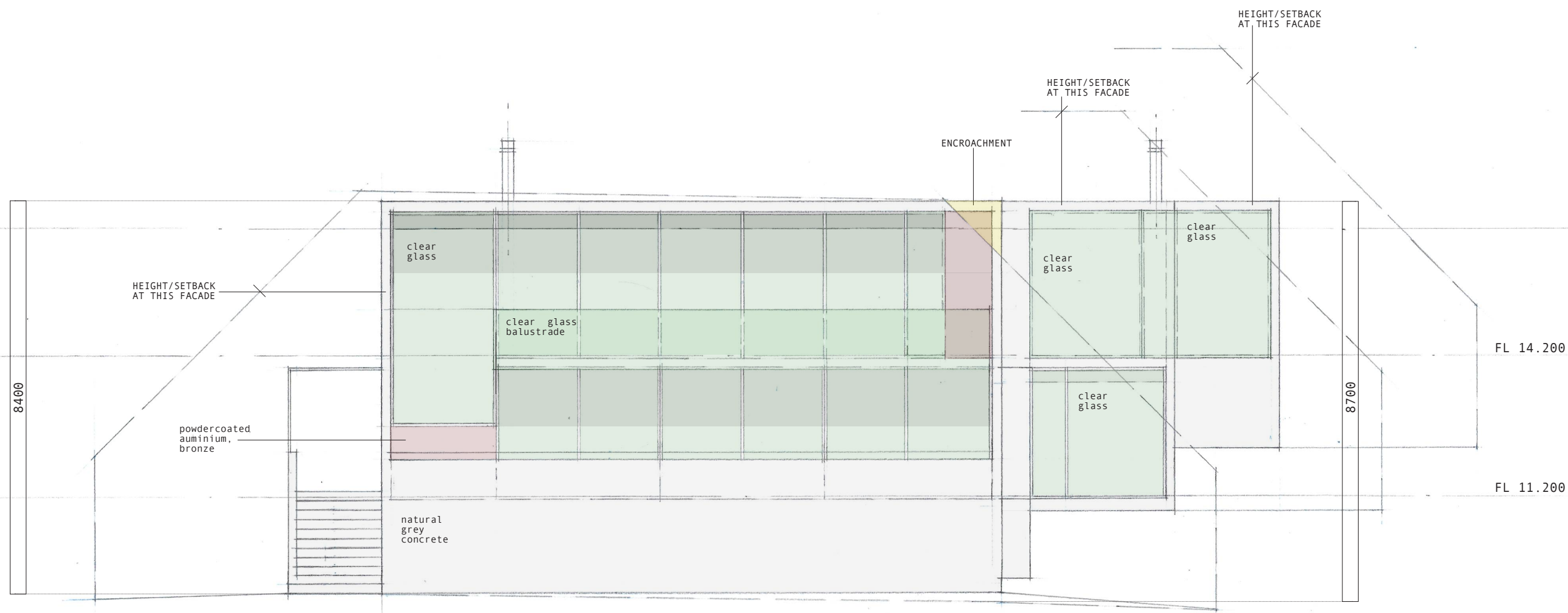
SPRING BEACH HOUSE
3 CUMMINGS PLACE SPRING BEACH
A01 SITE PLAN 1:200 [A3]
ROSEVEAR STEPHENSON

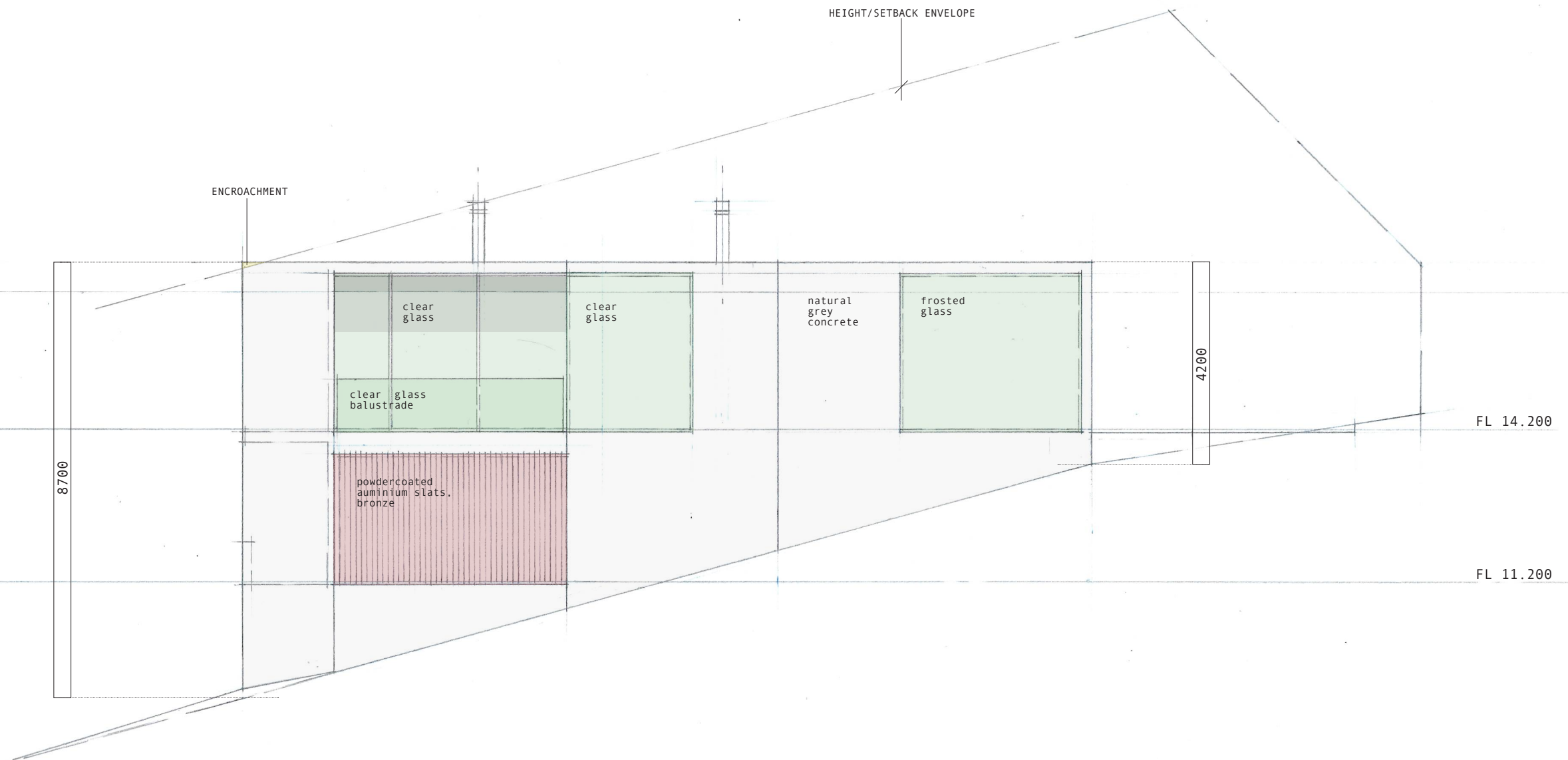






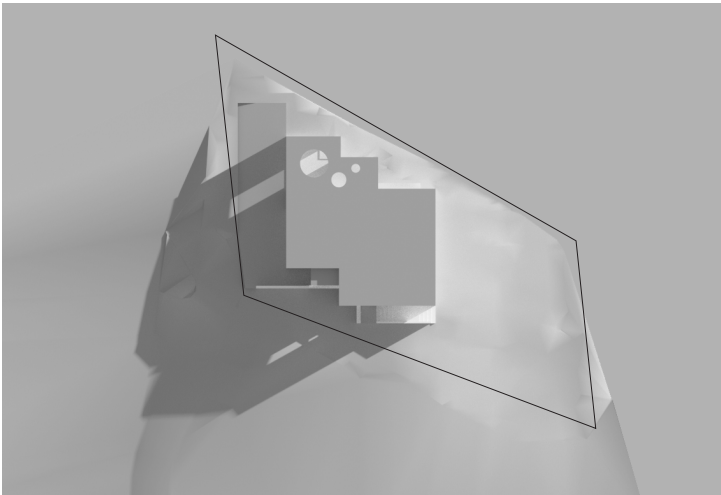






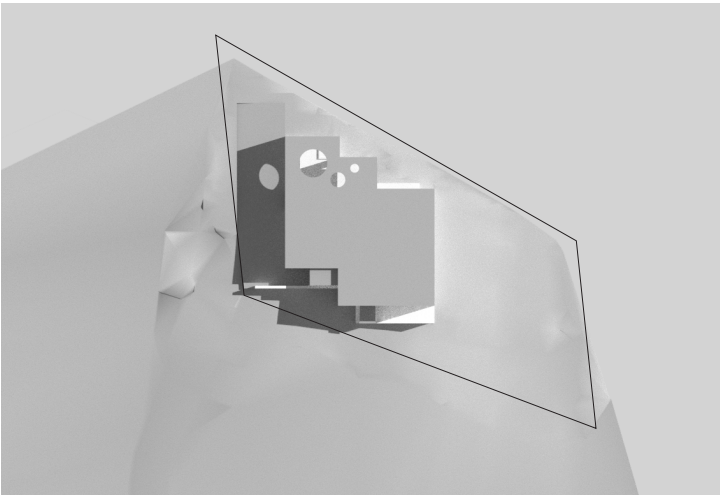
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9 AM



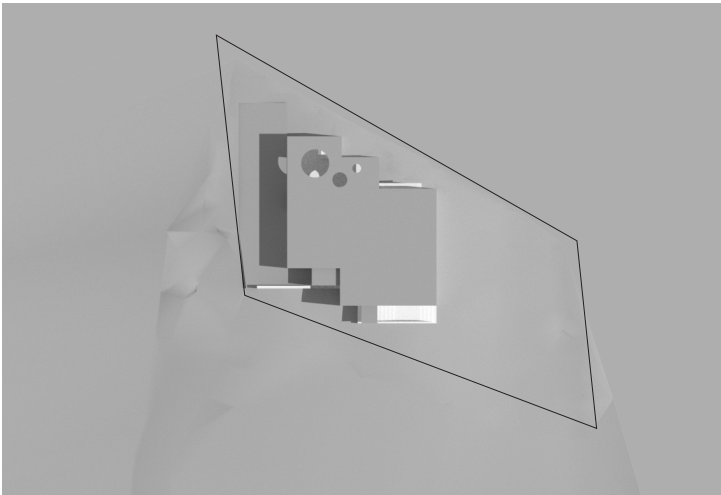
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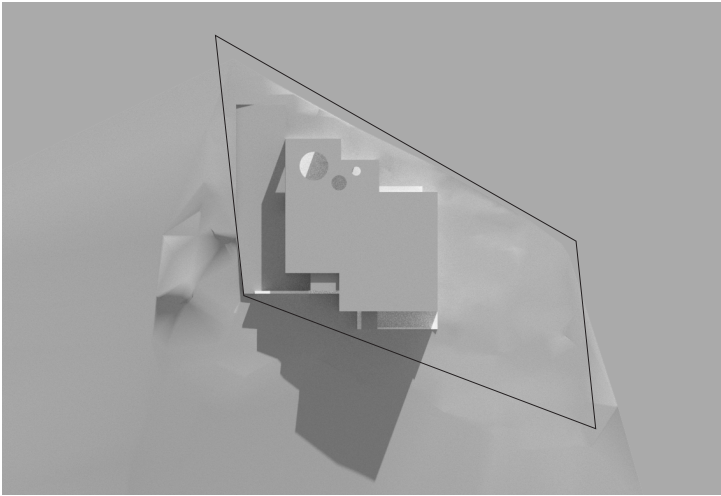


22 DEC

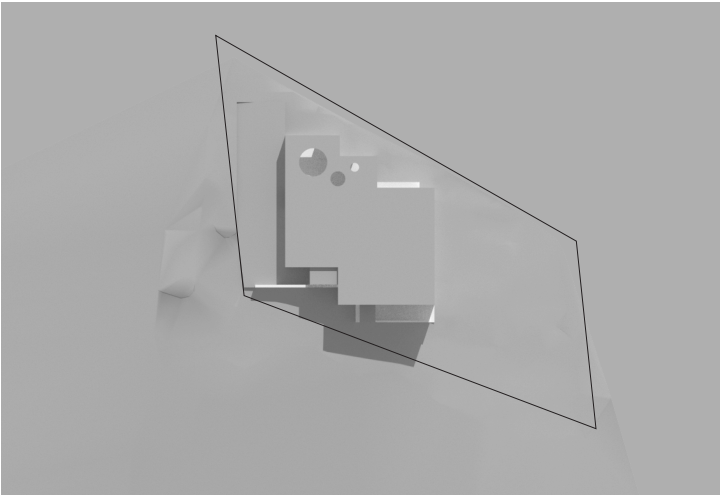
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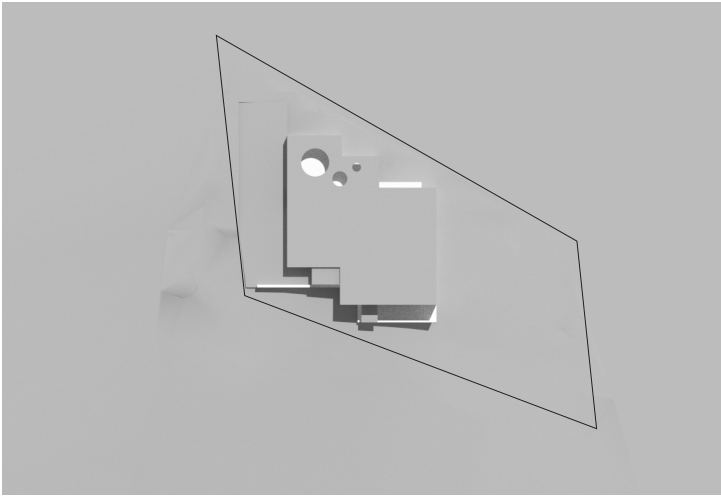
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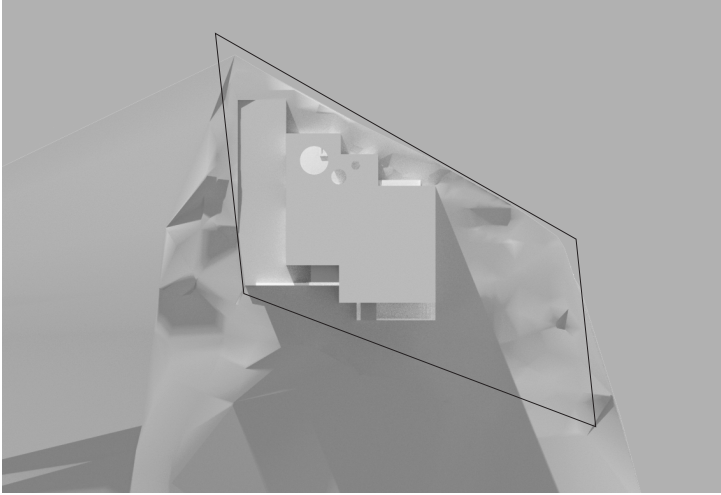
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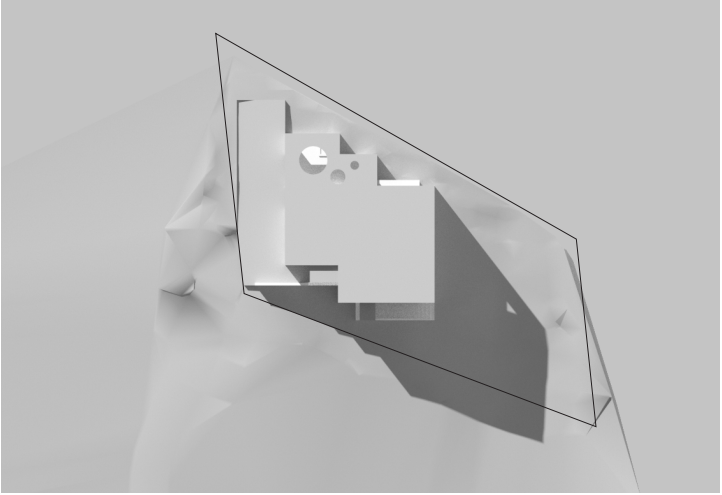
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