

Attachment 2 – Report on Development Application 2020 / 080

Kelvedon, 12371 Tasman Highway, Swansea

Subdivision- adjustment of boundaries and creation of one additional lot; and construction of Stage 1A of the Tempus Village

Applicant	Tempus village Management Pty Ltd C/- Neil Shephard & Associates
Lodged	4 December 2020
Statutory Date	25 February 2021 (extended by consent of Tasmanian Planning Commission)
Planning Instruments	Glamorgan Spring Bay Interim Planning Scheme 2015, Land Use Planning and Approvals Act (Schedule 6)
Zone	Significant Agriculture; Particular Purpose Zone 8 – Tempus village
Codes	Bushfire, Road and Railway Assets, Parking and Access, Stormwater Management, Scenic Landscape, Signs
Use	Class: Residential. Type: Retirement Village; Residential Aged Care Home; subdivision
Development	Discretionary
Discretions	14
Representations	Public exhibition is undertaken after determination.
Attachments	A – conditions of approval, including Schedule 1
Author	Mick Purves, Town Planning Solutions

Executive Summary

In addition to the planning scheme amendment for the Particular Purpose Zone 8 – Tempus Village, approval is sought for a planning permit to:

- Changes to the existing land titles to create the desired two titles for the proposal; and
- to develop Stage 1A of the Tempus Village.

This is possible under section 43A of the former provisions in Schedule 6 of the Land Use Planning and Approvals Act (Act). The s.43A process enables consideration of the proposal as if the Particular Purpose zone had been approved and was part of the Planning Scheme.

Stage 1A of the proposed Tempus Village includes one Independent Living Unit as a display home, the first stage of the Communal centre to provide administration and promotional functions, and associated facilities, including access and facilities necessary for the establishment of the village.

The proposal is discretionary under the planning scheme because it involves subdivision, and because the proposed development of Stage 1A relies on performance criteria to satisfy fourteen standards:

- 27.5.2 A1 Reorganisation of Boundaries
- GSB-P7.6.2 A1 Building Height
- GSB-P7.6.4 A1 Exterior Building Finish
- GSB-P7.6.4 A2 New Buildings

- E5.6.2 A1 New Access
- E5.6.4 A1 Sight Distance
- E6.6.3 A1 Number of Motorcycle Parking Spaces
- E6.7.2 A1 Design of Access (Mount Pleasant Road)
- E6.7.5 A1 Parking Layout
- E6.7.10 A2 Design of Bicycle Parking
- E6.7.13 A1 Loading Facilities
- E7.7.1 A1 Stormwater Disposal
- E14.7.4 A1 Visibility from Scenic Road Corridor
- E17.7.1 A1 Size of Wall Sign

Under s.43F of the Act, the proposal has not been notified and will be exhibited in conjunction with the proposed draft amendment, if initiated. If the Planning Authority does not initiate the draft amendment, the development application must be refused.

Unlike a normal planning application, public exhibition occurs after the applications have been initiated/approved. Following public exhibition, a further report will be brought before the Council, acting as the Planning Authority, to consider any representations received and determine what, if any, changes are required to the amendment and the permit.

With regard to the current proposal, the Planning Authority must consider the planner's comments, the appended documents, and the recommendation, and make a determination to grant a permit, with or without conditions or to refuse to grant a permit.

The recommendation is to approve the application with conditions.

PART ONE

1. Statutory Requirements

The Act requires the planning authority to take all reasonable steps to ensure compliance with the planning scheme.

The planning scheme provides the overriding considerations for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

Section 43A of the former provisions of the Act provides for the determination of an application as if the proposed amendment had been approved and come into effect.

The initial assessment of this application identified where the proposal meets the Acceptable Solutions, and where reliance upon Performance Criteria is required. The Permit Authority has the discretion to approve or refuse proposals reliant upon Performance Criteria. This report addresses those discretions only and makes a final recommendation.

In addition to assessment against the planning scheme, requirements of the *Local Government (Building and Miscellaneous Provisions) Act 1993* for public open space contributions need to be addressed. This will be discussed at Part 3 of this report.

As a result of s.43F, exhibition and consequent consideration of representations comes after the determination of this proposal by the Planning Authority.

Whilst the Planning Authority must consider this report, it is not bound to the recommendation. It may:

1. Adopt the recommendation
2. Vary the recommendation

3. Replace the recommended approval with a refusal.

If an alternative decision is made to the recommendation, the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015* require a full statement of reasons.

2. Approving applications under the planning scheme

A Development Application must meet every relevant standard in the planning scheme to be approved. In most cases, the standards can be met in one of two ways:

1. by Acceptable Solution, or
2. by Performance Criteria.

If a proposal meets an Acceptable Solution, it does not need to satisfy the Performance Criteria.

The Planning Authority must exercise sound judgement to determine whether the proposal meets the relevant Performance Criteria.

3. The Proposal

It is proposed to create a 17.91 hectare lot, adjacent to the Tasman Highway, in the north-east corner of CT177646/1, part of the approximately 5500ha Kelvedon agricultural property. This will involve the absorption of the approximately 9290m² strip (previously considered a Crown road reserve) owned by the estate of a third party and the reconfiguration of two existing Kelvedon lots. It is then proposed to subdivide the newly created 19.9ha lot into two lots of 15.51ha and 2.4ha to provide for the retirement village and the nursing home, respectively. This is shown in Figure 1.

Following creation of the required lots and the Particular Purpose Zone, it is proposed to develop stage 1A of the Tempus proposal, including:

- a) 1 Independent Living Unit (ILU) Type B as a display home
- b) Stage 1 of the Communal Centre, including
 - Café/Bar
 - Conservatory
 - Lobbies
 - Covered playground
 - Lounge
 - Administration
 - Boardroom
 - Interim Store & garbage rooms
- c) Associated utilities, including
 - Detention ponds and rainwater tanks
 - Header tank and observatory
 - Bio-sewerage system & gas tank
 - Power substation
 - Builders' shed (future workshops) & carport
 - Highway access works
 - Southern front wall and identification signage



Figure 1: the proposed subdivision to create the required lots for the retirement village and nursing home of the Tempus Village concept.



Figure 2: Tempus Village – All Stages

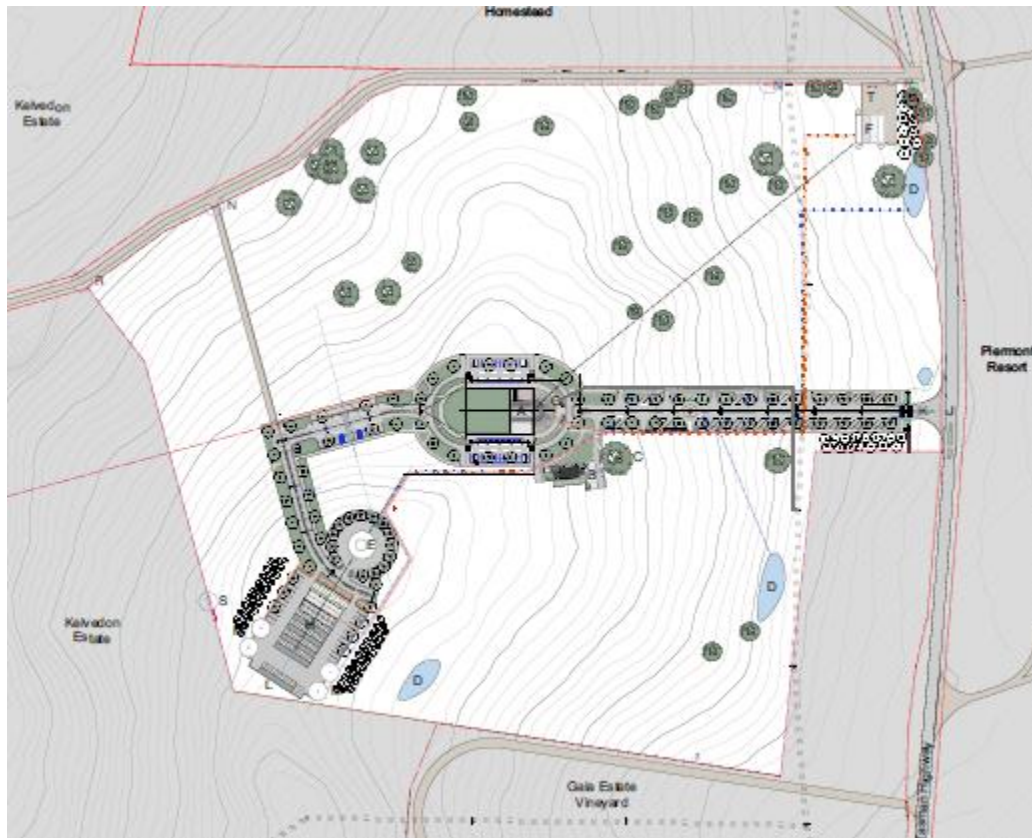
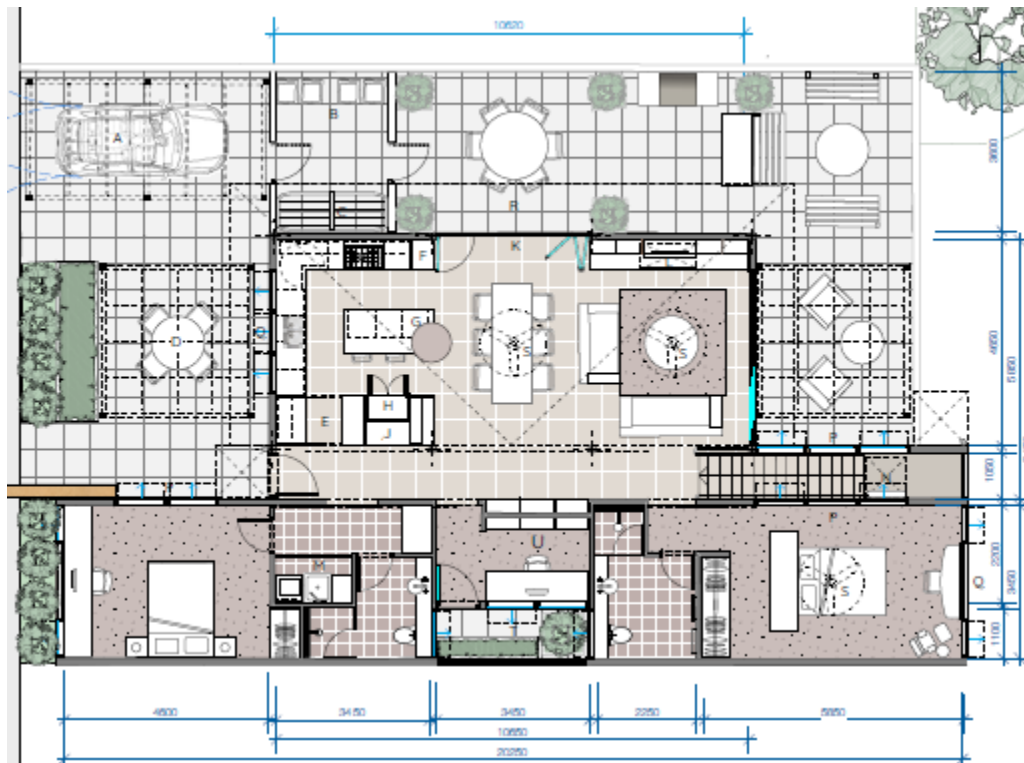


Figure 3: Tempus Village - Stage 1A Site Plan



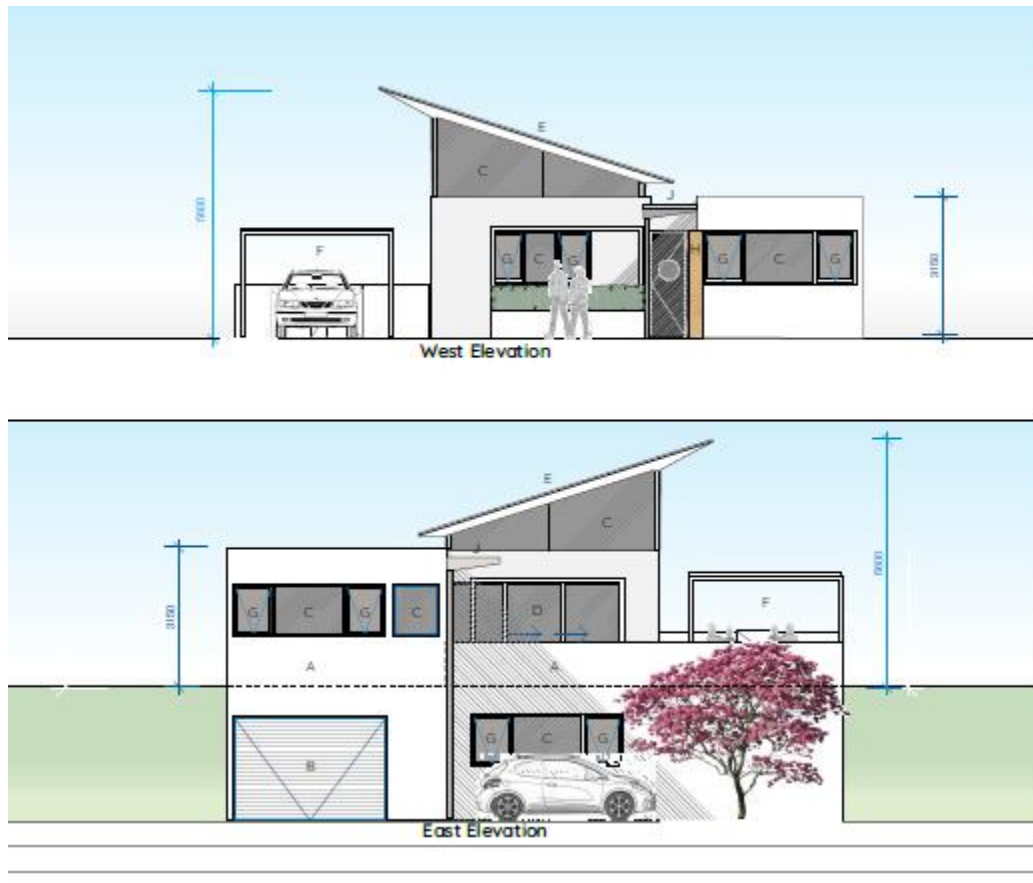


Figure 4: Typical Independent Living Unit – Ground Floor Plan and Elevations (W & E)

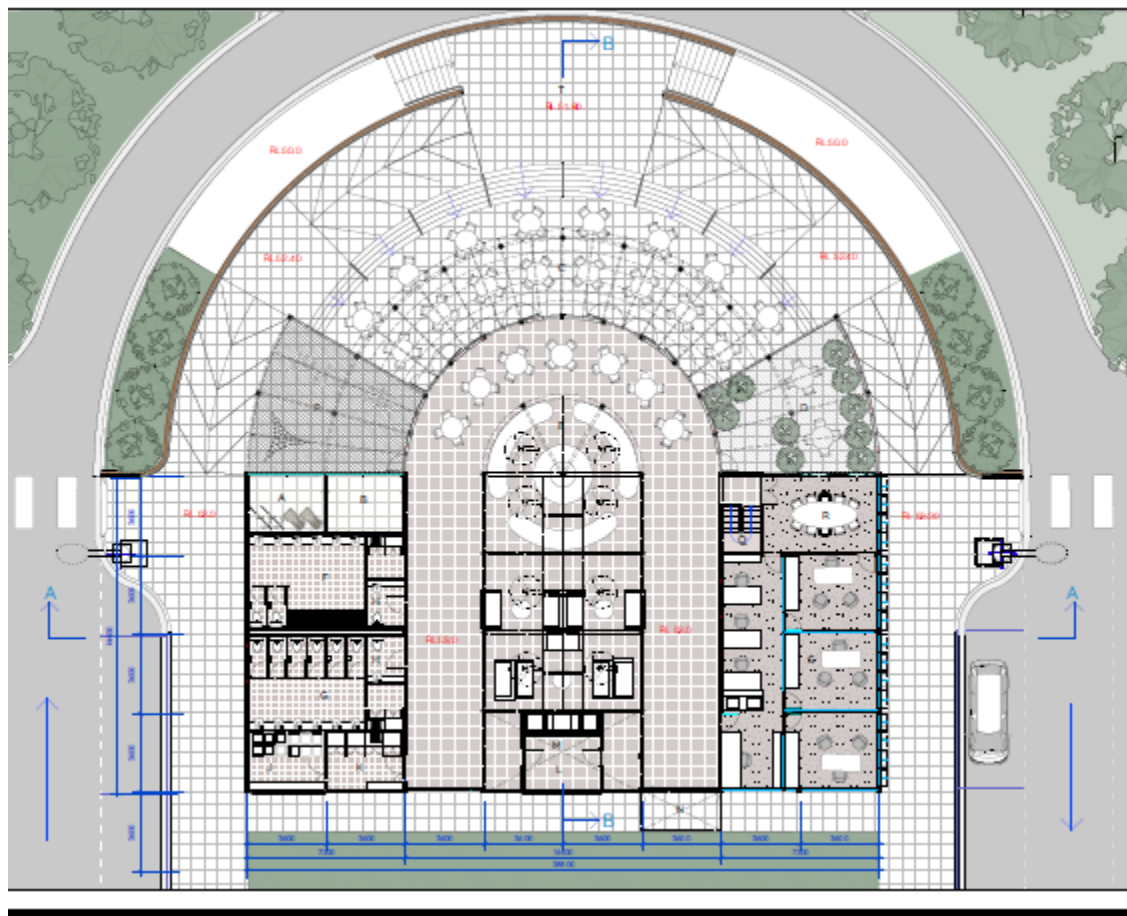




Figure 5: Stage 1A Community Centre – Floor Plan and Artist images.

4. Location

Access to the site is via the Tasman Highway, the main freight and transport link between the coastal towns to Hobart in the South and through to Launceston or Bridport in the north.

Figure 6 shows the Tempus site in relation to the Swansea settlement and surrounding land use.

The site is some 4km from the centre of the Swansea township, it is linked to the town by rural residential properties, Kate's Berry Farm and other tourism businesses. Being opposite to the existing Piermont Resort, it arguably forms the southern limit of the low-density residential area associated with Swansea.

5. Site Description

The subject site is a 17.91ha lot created from the Kelvedon agricultural property extending southwards from Swansea. It is located on the south-western corner of the junction of the Tasman Highway and Mount Pleasant Road.

The site is sparsely vegetated and climbs some 30 m from the Tasman Highway before cresting and falling away to the west. Without a reliable water source, the site has only limited agricultural



Figure 6: Location of Tempus Village Site

potential. Water rights have been directed to the newly established Gala Vineyard adjoining the south-east boundary of the site.

The site is otherwise bordered on the south and west by the Kelvedon agricultural property. To the north, over Mount Pleasant Road, is bushland and the Piermont residence, providing staff accommodation for the adjacent resort. To the east, the site adjoins the Tasman Highway and Piermont Estate.

Travellers heading north on the Tasman Highway emerge from broad agricultural and occasional ocean views to the Gala Vineyard and Piermont Resort, and water views through to Freycinet. The character of the area, whilst still inherently rural, is signalling the commencement of an activity centre.

6. Overlays

The site is affected by six codes and overlays:

- E1 Bushfire Code
- E5 Road and Railways Assets Code
- E6 Parking and Access Code
- E7 Stormwater management Code
- E14 Scenic Landscape Code
- E17 Signs Code

The relevant standards of these are discussed in part two of this report.

7. Easements and covenants

The title documents do not identify that the site is subject to any easements or covenants.

8. Services

The site does not have mains sewerage and water connections. Stormwater currently is contained on site or flows to the existing stormwater drains within the Tasman Highway corridor.

The proposal intends to upgrade the existing TasWater main from Swansea to Piermont to service the site. Whilst TasWater have advised that sufficient capacity is available, the proposal includes water sensitive urban design and re-use initiatives to reduce demand upon the TasWater supply.

Stormwater will be collected in detention ponds for re-use on the site. In Stage 1A, stormwater from the central roadway will continue to be directed to the existing stormwater drains in the Tasman Highway road corridor.

It is intended to construct and maintain a specific sewerage treatment plant for the Tempus Village, in the north-eastern corner of the site. For the purposes of Stage 1A, there will be insufficient volume for this to function effectively and it is proposed to detain sewerage for transport and appropriate disposal at an alternative site.

Electricity supply currently traverses the site, and an appropriate substation is proposed to access that supply and service the site. Future stages of the Tempus Village include solar arrays and battery storage to provide for on-site street lighting.

9. Background and previous applications

There are no previous planning applications on the site relevant to this proposal.

The Piermont property, opposite the site and on the eastern side of the Tasman Highway, retains

approval for the development of a further 360 dwellings.

10. Risk and implications

The proposed development of the Tempus Village is reliant upon the draft amendment and it is considered that the proposed amendment, subject to incorporation of documents within the scheme, is considered to provide reasonable certainty that any development of the site will be consistent with the intention of the proposed particular purpose zone.

The site is subject to the provisions of six of the planning scheme's codes and extensive reports, prepared by appropriately qualified people, have been provided with the application to support the conclusion that risk of an adverse outcome is minor.

An Aboriginal heritage assessment was provided with the application and concluded that no Aboriginal cultural heritage places were located on, or in the immediate proximity of, the site. It provided the following conclusion: *if, during the course of the proposed development works, previously undetected archaeological sites or objects are located, the processes outlined in the Unanticipated Discovery Plan should be followed (see Appendix 1). A copy of the Unanticipated Discovery Plan should be kept on site during all ground disturbance and construction work. All construction personnel should be made aware of the Unanticipated Discovery Plan and their obligations under the Aboriginal Heritage Act 1975 (the Act).*, and that a copy of the Aboriginal heritage report be kept on site at all times.

PART TWO

11. Meeting the Standards – via Acceptable Solution

The proposal has been assessed against the Acceptable Solutions provided in the:

- 27.0 Significant Agriculture Zone
- PP7 Tempus village Zone
- E1 Bushfire Code
- E5 Road and Railway Assets Code
- E6.0 Parking and Access Code
- E7.0 Stormwater Management Code
- E14 Scenic Landscape Code
- E17 Signs Code

The proposal did not meet the Acceptable Solutions in fourteen instances and will need to satisfy the Performance Criteria listed below to be approved.

12. Meeting the Standards – via Performance Criteria

The proposal will need to satisfy the following Performance Criteria to be approved:

- 27.5.2 A1 Reorganisation of Boundaries
- GSB-P7.6.2 A1 Building Height
- GSB-P7.6.4 A1 Exterior Building Finish
- GSB-P7.6.4 A2 New Buildings
- E5.6.2 A1 New Access
- E5.6.4 A1 Sight Distance

- E6.6.3 A1 Number of Motorcycle Parking Spaces
- E6.7.2 A1 Design of Access (Mount Pleasant Road)
- E6.7.5 A1 Parking Layout
- E6.7.10 A2 Design of Bicycle Parking
- E6.7.13 A1 Loading Facilities
- E7.7.1 A1 Stormwater Disposal
- E14.7.4 A1 Visibility from Scenic Road Corridor
- E17.7.1 A1 Size of Wall Sign

The Planning Authority must consider the planner's comments and the performance criteria associated with the fourteen discretions.

PART THREE

13. Assessing the proposal against the Performance Criteria

Standard 1: Clause 27.5.2 A1 – Reorganisation of Boundaries

Acceptable Solution A1 requires that the resulting lot from a reorganisation of boundaries be for public open space, a riparian or littoral reserve, or utilities. The proposed reorganisation of boundaries is not for such prescribed use and is intended to create a single lot for the proposed Particular Purpose 7 – Tempus Village zone and thus facilitate the further subdivision and development of Stage 1A of the Tempus Village concept. As such, assessment against the relevant Performance Criteria (27.5.2 P1) is required.

Performance Criterion	Planner's comments
<i>P1 The reorganisation of boundaries must satisfy all of the following:</i>	
<i>(a) all existing lots are adjoining or separated only by a road;</i>	The existing lots are adjoining.
<i>(b) no existing lot was formerly a Crown reserved road or other reserved land;</i>	All lots are in private ownership and were not formerly Crown reserved road or other reserved land. While the proposal plan identifies one such reserve (refer Figure 1), extensive title researched confirmed it was never transferred to the crown and the applicant's advised they are in the process of purchasing this land from the current owner.
<i>(c) provide for the sustainable commercial operation of the land by either:</i> <i>i. encompassing all or most of the agricultural land and key agricultural infrastructure (including the primary dwelling) in one lot, the 'primary agricultural lot', as demonstrated by a whole farm management plan,</i> <i>ii. encompassing an existing or proposed non-agricultural rural resource use in one lot;</i>	Most of the sustainable agricultural land is encompassed in a single lot and the proposal is consistent with the two agricultural reports, provided with the application and prepared by suitably qualified professionals.

<i>(d) if a lot contains an existing dwelling, setbacks to new boundaries satisfy clause 27.4.2</i>	The lots subject to the reorganisation of boundaries do not contain any existing dwellings.
<i>(e) if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the primary agricultural lot;</i>	The lots subject to the reorganisation of boundaries do not contain any existing dwellings.
<i>(f) a new vacant lot must:</i> <i>i. contain land surplus to rural resource requirements of the primary agricultural lot;</i> <i>ii. Not result in increased demand for public infrastructure or services;</i>	The small title, CT240461/1, is to be consolidated with the balance of CT177646/1. The initial two Significant Agriculture zone lots will reduce to one. The overall reduction in size of CT177646/1 is the result of the removal of the PPZ land into a new title and the two agricultural reports confirm that the sustainable commercial operation of the Kelvedon farm will not be affected by the subdivision.
<i>(g) all new lots must comply the following:</i> <i>i. be no less than 1ha in size;</i> <i>ii. have a frontage of no less than 25m;</i> <i>iii. be serviced by safe vehicular access arrangements;</i>	The resulting lots are approximately 664ha and 18ha. Each lot has frontage to both the Tasman Highway and Mount Pleasant Road greater than 25m and each are serviced by safe vehicular access.
<i>(h) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.</i>	There are no Local Area Objectives or Desired Future Character Statements provided for the area. The Performance Criteria are considered satisfied.

Standard 2: Clause GSB- P7.6.2 A1 – Building Height

Acceptable Solution A1 requires residential buildings to have a maximum height of 8.5m and buildings for other than residential use to have a maximum height of 10. The development proposal includes an observatory, located on top of the proposed heater tank and with a maximum height of 13.8m. Assessment against the Performance Criteria is required.

Performance Criterion	Planner's comments
<i>P1 Building height must be compatible with the scenic, environmental and landscape values of the area, having regard to:</i>	
<i>(a) the height, bulk and form of proposed buildings</i>	The proposed retirement village and nursing home development will, over time, develop large buildings such as the Community Centre, the Nursing Home and the workshop buildings. The proposed observatory structure, whilst smaller than these in overall bulk, will be the tallest and the only structure ultimately visible from the Tasman Highway.
<i>(b) the height, bulk and form of existing buildings;</i>	There are no existing buildings on the subject site.
<i>(c) the topography of the site;</i>	The site rises some 30m relatively smoothly from the Tasman Highway, before falling away again to the west. The main viewing point for the site will be the Tasman Highway, as addressed under the Scenic Management code, The

	backdrop to the site is formed to by the Kelvedon Hills to the west, which rise some 60+ metres above the main viewing points for the structures. The topography reduces the impact of the observatory within the landscape.
<i>(d) the visual impact of the buildings when viewed from roads and public places;</i>	The observatory will be a point of interest within the wider landscape rather than be seen as something out of place. By its nature, it is necessary for it to sit above the other buildings and be visible within the landscape. It will be in the rear half of the site and all views of the observatory will be distant. It is not unusual to see various structures such as radio communication towers, water tanks or silos in the rural landscape.
<i>(e) the landscape values of the surrounding area;</i>	The landscape values of the area are comprised of a mix or low density style housing, screening vegetation, rural, agricultural and vegetated areas and the Kelvedon Hills to the west. The observatory will not have an unreasonable impact on the amenity of the proposed residences or on the scenic landscape values of the area as confirmed in the Landscape Impact Statement prepared by Kristine Ancher.
<i>(f) if for a non-residential use, the height is reasonably necessary for that use</i>	It is considered necessary for an observatory building to be in an elevated position and to rise above the surrounding structures. The Performance Criteria are considered satisfied.

Standard 3: Clause GSB- P7.6.4 A1 – Exterior Building Finish

The Acceptable Solution A1 requires exterior building finishes to be in dark natural tones of grey, green, or brown with a reflectance value of not more than 40%. The proponents advise that the buildings will have a mix of external finishes to reflect the combination of natural features and rural buildings within the broader surrounding area and the Kelvedon homestead buildings, featuring whites. Some features will exceed the reflectivity value prescribed and thus rely upon performance criteria.

Performance Criterion	Planner's comments
<i>P1 Exterior building finishes must not cause an unreasonable loss of amenity to occupiers of adjoining properties or detract from the landscape values of the site or surrounding area, having regard to:</i>	
<i>(a) the appearance of the building when viewed from roads or public places in the surrounding area;</i>	<p>The observatory will be visible within the wider landscape and several of the proposed buildings will be clearly visible from the Highway for several years.</p> <p>It is not uncommon to see a range of buildings and structures within rural landscapes and the scenic corridor of the Tasman Highway. The traveller expects to see a vista of bush and agricultural lands. Within this vista is a frequent array of farm buildings featuring dwellings, barns, sheds, silos, fences and feature stone entrances. The vast majority of these buildings are in natural 'earthy' colours, the dominant white of dwellings or the galvanised iron of many roofs and silos.</p> <p>The proposed buildings, many of which will be obscured by landscaping over time, are not expected to stand out as unusual in the landscape and will simply form part of the vista expected by the traveller. The exception to this is the</p>

	proposed observatory, which is clearly not a usual building in the rural landscape and will be visible in the centre of the site.
<i>(b) any screening vegetation;</i>	A windrow of casuarinas is proposed which will, in time, combine with other proposed landscaping of the site to screen most of the buildings. Only those immediately adjacent to the Highway (i.e. the plant shed, entry sign and future stables) and the observatory, which by its nature must extend clear of the vegetation, will remain visible.
<i>(c) the nature of the exterior finishes.</i>	<p>The NSA report notes that the only buildings visible from the public road will be:</p> <ul style="list-style-type: none"> • The entry sign – brass and stone • The Enclave – stone, white weatherboard walls and grey colorbond roof • The display home – white rendered masonry walls and grey roof • The header tank and observatory – stone and white; and • The sewerage treatment plant shed – grey colorbond walls and roof. <p>Rather than adversely impacting on the amenity of adjoining properties or somehow detracting from the landscape values of the area, the proposed buildings were designed to be compatible with those expected in the landscape.</p> <p>Further, the observatory is expected to become a feature of the landscape. It will be a landmark, announcing the arrival at, or departure from, Swansea. Regular travellers will look for it, whilst infrequent travellers will be intrigued.</p> <p>Having regard to the prescribed matters, it is considered that the exterior building finishes will not cause an unreasonable loss of amenity to occupiers of adjoining properties or detract from the landscape values of the site or surrounding area.</p> <p>The Performance Criteria are considered satisfied.</p>

Standard 4: Clause GSB- P7.6.4 A2 – New Buildings

Acceptable Solution A2 requires that buildings and works be for the alteration or extension to an existing building, with cut or fill less than 1m and that the building be more than 10m below the skyline. There are no existing buildings on the site. All proposed buildings and works are new and are reliant upon the performance criteria.

Performance Criterion	Comments
<i>P1 Buildings and works must be located to minimize impacts on landscape values, having regard to:</i>	
<i>a) The topography of the site;</i>	<p>The site rises some 30m relatively smoothly from the Tasman Highway, before falling away again to the west and then rising up to the Kelvedon Hills.</p> <p>This topography provides extensive view lines to the Freycinet peninsular to the east and rural vistas to the north, south and west and contribute to the attractiveness of the site</p>

	for the Tempus Village proposal.
<i>(b) The size and shape of the site;</i>	The site is roughly square in shape, with an area of 17.9ha. the proposed Tempus Village will, over time result in a significant residential development in a landscaped rural setting, surrounded by extensive rural lands and the adjoining vineyard.
<i>(c) the proposed building height, size and bulk;</i>	With the exception of the observatory, all proposed buildings are of a size and scale compatible with the range of farm buildings expected in the rural landscape and will not have any unusual visual impact when viewed from the road. This is enhanced by the retention of existing vegetation, other than weeds, and the extensive landscape plantings proposed.
<i>(d) any constraints imposed by existing development;</i>	There is no existing development on the subject site. The agricultural reports provided with the application demonstrate that the adjoining vineyard development is not constrained by, and will not constrain, the Tempus Village proposal.
<i>(e) visual impact when viewed from roads and public places;</i>	Clearly, the proposed observatory will be prominently visible and form part of the skyline from some distant views. By its nature, the observatory needs to stand above the surrounding area and there are no other suitable areas on the site able to meet the requirements of both features of this building.
<i>(f) any vegetation removal required for the construction of the proposal or as a result of a Bushfire Hazard Management Plan</i>	Removal of vegetation is largely limited to the removal of weeds.
<i>(g) any existing or proposed screening vegetation.</i>	The detailed landscape plan includes orchards, significant windrows and screen planting which will, over time effectively screen most of the site.
<i>P2.1 If the building and works are less than 10m in elevation below a skyline or ridgeline, there are no other suitable building areas.</i>	The current application deals with Stage 1A of the proposal. The overall plan for the Tempus Village development is an integrated development of the whole site and whilst some buildings will be within 10m of the ridgeline or skyline, there are indeed no practicable alternatives within the site. The Performance Criteria are considered to be satisfied.

Standard 5: Clause E5.6.2 A1 – New Access

Acceptable Solution A1 requires that there be no new access or junction to roads with a speed limit of more than 60km/h. The proposal includes a new access to the site from the Tasman Highway, in an area with a speed limit in excess of 60km/h. The proposal relies upon the Performance Criteria.

Performance Criterion	Comments
<i>P1 For roads in an area subject to a speed limit of more than 60km/h, access and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</i>	

<i>(a) The nature and frequency of the traffic generated by the use;</i>	Section 5 of the TIA has addressed the prescribed matters. It notes that, when fully developed, it is expected to generate between 40 - 56 vehicle movements per hour, providing a Level of Service A. The addendum to the TIA notes that Stage 1A traffic volumes will be substantially less.
<i>(b) The nature of the road;</i>	Tasman Highway is part of the State Highway network. Sections 5 and 6 of the TIA considered the impacts to the existing road conditions and recommended improvements to meet the relevant standards.
<i>(c) The speed limit and traffic flow of the road;</i>	The Tasman Highway has a speed limit of 100km/h at the site and carries a significant volume of traffic. Section 6 of the TIA addressed the impact and provided recommendations regarding safety in this speed limit and traffic flow.
<i>(d) Any alternative access</i>	The TIA identified that Mount Pleasant Road could provide alternative access, but concluded that existing sight line distances were significantly less than the prescribed standards and that the proposed new junction had preferred sight lines and offered a safer outcome.
<i>(e) The need for the access or junction;</i>	The site currently has no access to the Tasman Highway. Given that the TIA and the advice from the Department of State Growth (DSG) does not support the use of the Mount Pleasant Road junction as the primary access, a new access is required.
<i>(f) Any traffic impact assessment</i>	The TIA supports the proposed access and its design, undertaken in conjunction with advice from DSG.
<i>(g) Any written advice received from the road authority</i>	Based on the TIA and the advice from DSG, the proposed access is considered to be safe and to not unreasonably impact upon the efficiency of the Tasman Highway. The proposal complies with the Performance Criteria.

Standard 6: Clause E5.6.4 A1 – Sight Distance

The Acceptable Solution A1 requires sight distances at an access junction that comply with the Safe Intersection Sight Distances (SISD) as shown in Table E5.1 of the scheme. The Table requires and Safe Intersection Sight Distance (SISD) of 210m for a vehicle speed of 90km/h. The TIA notes that the 85th percentile vehicle speed is 92km/h at the site of the proposed junction. However, the sight distance to the north, for a vehicle entering the highway is below the prescribed SISD and performance criteria are relied upon.

Performance Criterion	Comments
<i>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:</i>	
<i>(a) The nature and frequency of the traffic generated by the use;</i>	The TIA addressed the prescribed matters. It notes that, when fully developed, it is expected to generate between 40 - 56 vehicle movements per hour, providing a Level of Service A. The addendum to the TIA notes that Stage 1A traffic volumes will be substantially less.
<i>(b) The frequency of use of the</i>	The Tasman Highway is part of the State highway network and experiences a relatively high usage. The TIA considered

<i>road or rail network;</i>	these impacts and provided recommendations at section 7 to maintain safe access and sight distances to the property.
<i>(c) Any alternative access;</i>	Consideration of alternative access options, specifically use of the existing Mount Pleasant Road junction, indicated that existing sight line distances were significantly less than the prescribed standards and that the proposed new junction had preferred sight lines and offered a safer outcome.
<i>(d) The need for the access, junction or level crossing;</i>	As previously noted, the site currently has no access to the Tasman Highway. Given that the TIA and the advice from the Department of State Growth (DSG) does not support the use of the Mount Pleasant Road junction as the primary access, a new access is required.
<i>(e) Any traffic impact assessment;</i>	The TIA supports the proposed access and its design, undertaken in conjunction with advice from DSG.
<i>(f) Any measures to improve or maintain sight distance</i>	The TIA provides recommendations to maintain safety of the Tasman Highway and the access. These include the pruning of some existing vegetation to maintain suitable sight distance to the south to maintain visibility.
<i>(g) Any written advice received from the road or rail authority</i>	<p>The proposed design of the access junction, including the provision of a right turn lane and appropriate islands and road markings, was prepared in consultation with DSG and all design and works within the Highway reserve will be subject to further approval by DSG.</p> <p>Having regard to the prescribed matters and with the proposed junction works in mind, the TIA has concluded that adequate sight distances to ensure the safe movement of vehicles is available.</p>

Standard 7: Clause E6.6.3 A1 – Number of Motorcycle Parking Spaces

Acceptable Solution A1 requires the provision of one motorcycle parking space for every 20 car parking spaces, after the first 19. The proposal plans include 139 car parking spaces and therefore should provide six motorcycle parking spaces.

Notwithstanding an abundance of car parking relative to the proposed development of Stage 1, the proposal plans do not provide for motorcycle parking and it is necessary to rely upon Performance Criteria.

Performance Criterion	Planner's comments
<i>P1 The number of on-site motorcycle parking spaces must be sufficient to meet the needs of likely users having regard to all of the following, as appropriate:</i>	
<i>(a) motorcycle parking demand;</i>	<p>The demand for motorcycle parking at Stage 1 is likely to be relatively low, consistent with the likely demand for car parking. It will be possible for motorcycles to utilise the car parking spaces without conflict.</p> <p>Nevertheless, the demand for car parking will increase with future stages, as too will the demand for motorcycle parking. With ample space available at this stage, there is no justification for creating a future problem by failing to provide motorcycle parking now. An appropriate condition is provided</p>

	in the recommendation.
<i>(b) the availability of on-street and public motorcycle parking in the locality;</i>	Parking of motorcycles, or other vehicles, in the road reserve of the Tasman Highway is not considered safe or convenient and is not supported.
<i>(c) the availability and likely use of other modes of transport;</i>	No alternative transport to the site is available currently and whilst it is proposed that the Tempus Village will run its own small bus service to Swansea, this will be some time away and of itself, unlikely to significantly alter the number of motorcycles at the site.
<i>(d) the availability and suitability of alternative arrangements for motorcycle parking provision.</i>	<p>Whilst clearly motorcycles can be parked in available car parking spaces in this early stage, it is not considered a sound planning practice to defer provision of motorcycle parking to a later time when it may be more difficult to provide.</p> <p>Subject to an appropriate condition, the Performance Criteria are considered to be met.</p>

Standard 8: Clause E6.7.2 A1 – Design of Vehicular Access

Acceptable Solution A1 requires the design of vehicular access to comply with the relevant provisions of section 3 of the Australian Standards for off-street parking and off-street commercial vehicle facilities.

Whilst it is clear that the design of the main access will be compliant with the relevant Australian Standards, no discussion of such compliance is offered for the access points to Mount Pleasant Road.

Performance Criterion	Planner's comments
<i>P1 Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:</i>	
<i>(a) Avoidance of conflicts between users including vehicles, cyclists and pedestrians;</i>	The main access to the site is via the Tasman Highway access point and this will be constructed to the applicable standards. Vehicle traffic and conflict were addressed in the TIA, which determined conflict with other users of Mount Pleasant Drive is not considered likely.
<i>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads</i>	Traffic flow on Mount Pleasant Road is minimal and the increased usage from the Tempus Village site is similarly expected to be minimal and unlikely to cause any unreasonable interference with the Tasman Highway junction.
<i>(c) Suitability for the type and volume of traffic likely to be generated by the use or development</i>	The access points to Mount Pleasant Road will be constructed to a farm standard, with all-weather access. It is expected that the usage of these access points will continue to be infrequent and of a low volume.
<i>(d) Ease of accessibility and recognition for users</i>	<p>The access points to Mount Pleasant Road will be easily recognisable and useable for their desired purpose associated with the sewerage ponds and the agricultural use of the site.</p> <p>The Performance Criteria are considered to be met.</p>

Standard 9: Clause E6.7.5 A1 – Design of Bicycle Parking

Acceptable Solution A1 requires bicycle parking to be provided in accordance with Table E6.2 and to be located within 30m of the main entrance of the building.

Whilst the Table requires only two bicycle parking spaces for the Stage 1A development, and these are provided in the display home, the bicycle parking spaces are required for the community centre and the workshop rather than the display home. The parking spaces are therefore not within the prescribed 30m of the main entrance and rely upon the Performance Criteria.

Performance Criterion	Planner's comments
<i>P1 The design of bicycle parking facilities must provide safe, obvious and easy access for cyclists, having regard to all of the following:</i>	
<i>(a) minimising the distance from the street to the bicycle parking area;</i>	The distance from the street to the bicycle parking area in the display home is minimal, however it is some distance from the areas where it is likely to be needed. It is considered appropriate to require the provision of at least one secure bicycle parking space at both the workshops and the community centre.
<i>(b) providing clear sightlines from the building or the public road to provide adequate passive surveillance of the parking facility and the route from the parking facility to the building;</i>	The plans identify there are clear sight lines from the road to the bicycle parking area.
<i>(c) avoiding creation of concealment points to minimise the risk.</i>	No avoidable concealment points would be created. Subject to the inclusion of the condition noted at P1(a), the Performance Criteria are considered to be met.

Standard 10: Clause E6.7.10 A2 – New Access

Acceptable Solution A2 requires bicycle parking to be designed in accordance with the relevant Australian Standard.

No comment is offered or otherwise demonstrated in the proposal to demonstrate compliance with this standard and the Performance Criteria are relied upon.

Performance Criterion	Planner's comments
<i>P2 The design of bicycle parking spaces must be sufficient to conveniently, efficiently and safely serve users without conflicting with vehicular or pedestrian movements or the safety of building occupants.</i>	As noted at P1(a), the provision of bicycle parking is not convenient and an appropriate condition is recommended. Similarly, it is considered appropriate that such a condition should also require compliance with the standard referred to at A2. Subject to such a condition, the Performance Criteria are complied with.

Standard 11: Clause E6.7.13 A1 – Loading Facilities

Acceptable Solution A1 requires loading and unloading facilities for commercial vehicles in accordance with the appropriate Australian Standard, unless all inwards delivery is by a single person parked in a dedicated loading zone and the use is not primarily dependant on outward

delivery of goods.

As A1 does not make it clear whether those two exclusions are mutually exclusive, it is presumed that the intent is for compliance with both. In this case, as no dedicated loading zones or other loading and unloading spaces in compliance with the Australian Standard are indicated, Performance Criteria are relied upon.

Performance Criterion	Planner's comments
<i>P1 Commercial vehicle arrangements for loading, unloading or manoeuvring must not compromise the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users.</i>	The nature of the central spine roadway allows for delivery vehicles to drive around both the Enclave and the workshop buildings and thus minimise the need for any specific manoeuvring on-site and similarly minimise any potential for conflict with other road users. The Performance Criterion is considered to have been met.

Standard 12: Clause E7.7.1 A1 – Stormwater Disposal

Acceptable Solution A1 requires stormwater from new impervious surfaces to be disposed of via gravity to public stormwater infrastructure.

To the extent that the table drain in the Highway reserve can be considered public stormwater infrastructure, this is where some of the stormwater, particularly that from the proposed central roadway, will be directed. However, some of the stormwater will be directed to detention ponds for reuse as irrigation water for the proposed landscaping and rural buffer. Performance Criteria are relied upon.

Performance Criterion	Planner's comments
<i>P1 Stormwater from new impervious surfaces must be managed by any of the following:</i>	
<i>(a) Disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles.</i>	Whilst a small component of the stormwater will be directed to the public stormwater drain within the road reserve, the majority will be collected in detention ponds for reuse on the site and incorporating soakage devices and water sensitive urban design principles.
<i>(b) Collected for re-use on the site</i>	The majority of the stormwater will be collected for re-use on the site to water pasture and plantings. The Performance Criteria are considered to have been met.

Standard 13: Clause E14.7.4 A1 – Visibility from Scenic Road Corridor

Acceptable Solution A1 requires buildings and works to be either not visible from the Tasman Highway or to be additions to an existing building.

As the proposed buildings and works are new, there are no existing buildings or works on the site, and that the buildings and works will be visible from the Tasman Highway, Performance Criteria are relied upon.

Performance Criterion	Planner's comments
<i>P1 Buildings and works visible from the pertinent road must maintain scenic landscape value</i>	

<i>through satisfying one or more of the following, as necessary;</i>	
<i>(a) Be setback from the pertinent road as far as reasonably practical;</i>	The design of the retirement village complex provides a substantive setback to the corridor. The sewerage treatment plant room and entrance wall provides 20 metre setback to the entrance wall. This is considered reasonably practical.
<i>(b) Be externally coloured using colours commonly applied to buildings within the local rural landscape;</i>	The wall is to be constructed in stone, sourced from the area and consistent with similar walls on other properties in the surrounding area. The proposed shed will be constructed largely in a dark grey colorbond, a material and colour common in the rural landscape.
<i>(c) Be designed to:</i> <i>i. Minimise visual impact due to height and bulk;</i> <i>ii. Minimise cut and fill;</i>	The height and bulk of the wall and shed are minimised to the extent possible whilst maintaining their purpose and are consistent with similar structures commonly seen in the rural landscape and within the Scenic Corridor. Cut and fill has been similarly minimised.
<i>(d) Be located to maintain significant view corridors from the pertinent major road to prominent natural features;</i>	The proposal does not interfere with view corridors to prominent natural features as the sought-after views from the Highway are generally those to the ocean.
<i>(e) Be located to take advantage of any existing native or exotic vegetation, or new vegetation, for visual screening purposes;</i>	New vegetation is proposed that will, over time shield all but the proposed observatory and entrance feature wall from the Highway views.
<i>(f) Fences are post & wire or other design of a similarly transparent appearance.</i>	Other than the proposed entrance feature wall, fencing will be post and wire or other design of similarly transparent design. It is considered that the Performance Criteria have been met.

Standard 14: Clause E5.6.2 A1 – Size of Wall Sign

Acceptable Solution A1 requires a sign to comply with the standards listed in Table E17.2 and be a permitted sign in Table E17.3. The application includes a wall sign identifying the Tempus site with a smaller quote.

The 'TEMPUS' sign proposed for the frontage wall is considered to best fit the description of a wall sign – *a sign attached to the wall of a building or fence* – whilst the quote is considered to best fit the description of an interpretative sign – *a sign ... includes artworks that convey meaning*.

Neither sign is exempt under Table E17.1 and Table E17.2 does not provide standards for interpretative signs. However, it does provide standards for wall signs, one of which requires a maximum area of 2m². The proposed TEMPUS sign is to be approximately 1.4m x 8m, giving an area of 11.2m² and thus relies upon performance criteria.

Table E17.3 deals with the status of signs within zones. However, Particular Purpose Zone 8 - Tempus Village is not listed in the Table.

Performance Criterion	Planner's comments
<i>P1 A sign not complying with the standards in Table E17.2 or has a discretionary status in Table E17.3 must satisfy all of the following:</i>	

<i>(a) Be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;</i>	The proposed sign is integrated into the proposed wall and will identify the site without dominating the building or streetscape.
<i>(b) Be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;</i>	The proposed signage is of appropriate dimensions to ensure that it does not dominate the wall or the streetscape and is consistent with similar entry wall signage on other properties on the approach to the urban centre of Swansea.
<i>(c) Be constructed of materials which are able to be maintained in a satisfactory manner at all times;</i>	The proposed use of brass lettering affixed to a stone wall will ensure only minimal maintenance is required.
<i>(d) Not result in loss of amenity to neighbouring properties;</i>	The low impact signage and similarity to other such signs in the broader area ensures there is no loss of amenity to neighbouring properties.
<i>(e) Not involve the repetition of messages or information on the same street frontage;</i>	Only one such sign is proposed.
<i>(f) Not contribute to or exacerbate visual clutter;</i>	With only one sign, there will not be visual clutter.
<i>(g) Not cause a safety hazard</i>	The signage is designed to blend and identify the site in a manner that is not intrusive and will not cause a safety hazard. The Performance Criteria are considered to have been met.

Public Open Space contribution

Part 3 of the Local Government (Building and Miscellaneous Provisions) Act 1993 establishes a range of issues for subdivisions. Conditions were provided to deal with the majority of those requirements, however public open space requirements need further examination.

Section 116 of this Act creates an ability for Council to require public open space contributions through subdivision, up to 1/20 or 5% of the whole area before additional costs are incurred. Section 117 allows for payment in lieu of this contribution.

The lots being created in this proposal being total 17.9 hectares. The proposal includes extensive facilities for the use of residents in a range of different types of recreation. The future aged care facility is not expected to create any additional open space requirements within the area, due to its co-location on the site and nature of the use.

The ILU's are at a density of 1 per 1,200m², which is consistent with a large scale urban residential area or the Low Density Residential zone of the Tasmanian Planning Scheme. While the proposal includes substantial open space within the site, it can be reasonably expected that the application documents are correct and residents will be mobile, increasing usage and demand for public open space and recreation facilities within Swansea and the surrounding area.

The nature of the proposal and density of the ILU's supports taking an open space contribution through the subdivision process. Detailed assessment identified that Lot 100 was unlikely to generate any significant requirement for open space, which lot 50 was considered likely (based on the previous discussion). A condition was applied to require a contribution based on Lot 50.

The location of the site does not support taking land for public open space. Council's practice for open space contributions in urban and low density areas is to require a cash in lieu contribution.

A condition is provided to reflect this practice.

Referrals

The application was referred to Council's Engineering Consultant, the Department of State Growth, Tas Networks and TasWater. Conditions are included to reflect their responses.

Representations

As noted above, the s.43A process requires the Planning Authority to determine the development application prior to public exhibition and as if the draft amendment had been approved and come into effect.

The development application and the Planning Authority's decision will be exhibited with the draft amendment, if initiated.

Conclusion

The assessment of the application identifies that the proposal satisfies the relevant provisions of the *Glamorgan Spring Bay Interim Planning Scheme 2015*, as amended for the Tempus proposal.

A recommendation was provided for approval with conditions and should be recommended for approval.

Recommendation (repeated in agenda report)

Pursuant to Section 43F of the *Land Use Planning and Approvals Act 1993* and the *Glamorgan Spring Bay Interim Planning Scheme 2015*, Development Application 2020/080 to subdivide, develop and use Stage 1A of the Tempus Village at 12371 Tasman Highway, Swansea (CT 240461/1, CT177646/1 and CT1023761/1) be approved subject to the following conditions:

ENDORSED PLANS & DOCUMENTS

- 1) The use and development must be undertaken substantially in accordance with all commitments and recommendations detailed in the proposal documents and endorsed plans identified in Schedule 1 – Approved documents, except as modified by this permit. :

AMENDED PLANS REQUIRED

- 2) Prior to the commencement of any work or use, amended plans must be submitted to the satisfaction of the General Manager to replace plans annotated as "Amended Plans Required" and attached to the Permit. Once approved, these amended plans will be endorsed and will then form part of the Permit. The amended plans must show:
 - a) Not less than six (6) motorcycle parking spaces in accordance with clause E6.7.9 A1 of the planning scheme.
 - b) Not less than one (1) bicycle parking bay, located at the workshop building and the community centre, and constructed in accordance with the acceptable solutions at clause E6.7.10 of the planning scheme.

SECTION 71 AGREEMENTS

- 3) Prior to the permit becoming effective, agreements under Section 71 of the *Land Use Planning and Approvals Act 1993* shall be prepared, executed and registered on the respective titles to achieve the following outcomes:
 - a) that lot 100 can only be developed and used for the purposes of an aged care facility under the *Aged Care Act 1997* and as identified in the Integrated Impact Assessment

submitted as part of the application, and that this agreement terminates on completion of the aged care facility; and

- b) that residents on lot 50 acknowledge the Tempus site is located adjoining an area used for primary industry and agriculture, they accept that the site will not enjoy an amenity consistent with an urban residential area and that agricultural uses nearby and in the area will have detrimental impacts on amenity from time to time.

SUBDIVISION CONDITIONS

- 4) The subdivision must be carried out substantially in accordance with the application for planning approval, the endorsed drawings, the bushfire hazard management report and plan, and with conditions 4 to 34 of this permit and must not be altered or extended without the further written approval of Council.
- 5) Use and development must comply with the requirements of TasWater specified by 'Submission to Planning Authority Notice' reference number TWDA 2020/00706, dated 25/05/2020 and attached to this permit.

EASEMENTS

- 6) Property services must be contained wholly within each lot served or an easement to the satisfaction of Council's General Manager or responsible authority.
- 7) The final plan of survey must include easements over all drains, pipelines, wayleaves and services to the satisfaction of Council's General Manager.
- 8) Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.

FINAL PLAN

- 9) A final approved plan of survey and schedule of easements as necessary, together with two copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- 10) Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Glamorgan Spring Bay Council. The security must be in accordance with section 86(3) of the Local Government (Building and Miscellaneous Provisions) Act 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.
- 11) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied.

PUBLIC OPEN SPACE

- 12) Prior to sealing the final plan of survey, a cash contribution for public open space must be provided to Council that is equal to 5% of the value of the area of land in lot 50 on the plan of subdivision as at the date of lodgement of the final plan or survey. The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001*.

Advice: this condition is imposed pursuant to section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and Council policy.

ENGINEERING

- 13) The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 (attached).

- 14) Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by Council before development of the land commences.
- 15) Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show -
 - a) all existing and proposed services required by this permit;
 - b) all existing and proposed roadwork required by this permit;
 - c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - d) measures to be taken to limit or control erosion and sedimentation;
 - e) any other work required by this permit.
- 16) Approved engineering design drawings will remain valid for a period of two years from the date of approval of the engineering drawings.
- 17) The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

SERVICES

- 18) Taswater service connection must be provided to the lots in accordance with TWDA 2020/00706-GSB, dated 25/05/2020.
- 19) Property services must be contained wholly within each lot served or within an easement to the satisfaction of the Council's General Manager or responsible authority.
- 20) The developer must pay the cost of any alterations and/or reinstatement to existing services for the subdivision, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Advice: The developer may submit photographs showing the existing condition of roads, footpaths, kerb and gutter and similar in the nearby area as evidence of the existing conditions prior to any works occurring.

DRAINAGE

- 21) The developer is to provide stormwater services to each in accordance with the endorsed plans.
- 22) The stormwater services must be capable of accommodating a storm with an ARI of 20 years, when the land serviced by the system is fully developed.

TELECOMMUNICATIONS AND ELECTRICAL RETICULATION

- 23) Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
- 24) Prior to the work being carried out a drawing of the electrical and telecommunications reticulation in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's General Manager.
- 25) Prior to sealing the final plan of survey the developer must submit to Council:
 - a) Evidence that each lot has existing electrical and telecommunication connections; or
 - b) A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co or Telstra; and

- c) A Letter of Release from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

VEHICLE ACCESS

- 26) Lot 50 must be provided with a new vehicle crossover to Tasman Highway to allow two separate vehicles to pass at the same time when entering and exiting the subdivision, to the satisfaction of Council and the Department of State Growth.

Advice: no works are allowed within the State Road reservation without first obtaining relevant permits from the Department of State Growth.

- 27) Lot 100 must be provided with a right of way over the full width of the proposed internal road on lot 50, to provide access to the Tasman Highway.
- 28) All proposed vehicle access to Mount Pleasant Road shall be constructed to an appropriate rural road standard to the satisfaction of Council's General Manager and include:
- a) A gravel surface or other material approved by Council's General Manager.
 - b) A minimum carriageway width of 4m;
 - c) Stormwater drainage; and
 - d) Any requirements of the approved Bushfire Hazard Report
- 29) Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.

'AS-CONSTRUCTED' DRAWINGS

- 30) Prior to the works being placed on the maintenance and defects liability period an 'as constructed' drawing set of all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council's General Manager. These drawings and data sheets must be prepared by a qualified and experienced civil engineer or other person approved by the General Manager in accordance with Council's Guidelines for As Constructed Data.

MAINTENANCE AND DEFECT LIABILITY PERIOD

- 31) The subdivision must be placed onto a twelve-month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
- 32) Prior to placing the subdivision onto the twelve-month maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

INTERSECTION SIGHT LINES

- 33) Prior to the commencement of the use, sight lines to and from the intersection with the Tasman Highway shall be cleared and maintained in accordance with the recommendations of the endorsed Traffic Impact Assessment.

SERVICES

- 34) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Advice: The developer may submit photographs showing the existing condition of roads, footpaths,

kerb and gutter and similar in the nearby area as evidence of the existing conditions prior to any works occurring.

PARKING AND ACCESS

- 35) Prior to the commencement of use, at least Thirty-to (32) car parking spaces must be provided on site and must be available for car parking at all times. Within three months of the use commencing, all 139 car parking spaces proposed in the endorsed Stage 1A Integrated Impact Assessment must be provided.
- 36) Car parking spaces must be provided for people with a disability in accordance with the relevant provisions of the Building Code of Australia.
- 37) Parking and vehicle circulation roadways and pedestrian paths serving five or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in *AS/NZS 1158.3.1:2005 Lighting for roads and public spaces* Part 3.1: Pedestrian area (Category P) lighting, or as otherwise approved by Council’s General Manager.
- 38) To the satisfaction of Council’s General Manager or their delegate, the internal roadway and areas set aside for vehicle parking and associated access and turning must be provided in accordance with Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney and the endorsed plans.
- 39) The central roadway must be completed prior to the commencement of use.
- 40) To the satisfaction of Council’s General Manager or their delegate, surface water runoff from the internal driveways and areas set-aside for vehicle parking and turning must be controlled and drained to avoid unreasonable impact to adjoining land.

Advice: The design of drainage associated with driveways, parking areas and buildings is regulated under the Building Act 2016 and may require a Certificate of Likely Compliance or Plumbing Permit under the Building Act 2000.

- 41) Car parking spaces, vehicular access and vehicular turning areas, including line marking, signage and drainage, and access to all such areas, must be constructed and maintained to the satisfaction of Council’s General Manager.
- 42) The proposed access off the Tasman Highway must be designed and constructed in accordance with a Works Permit issued by the Department of State Growth prior to the commencement of use.

Advice: A permit in accordance with the Roads and Jetties Act - Section 16 will be required prior to any works being undertaken within the State road reservation, application is available via <http://www.transport.tas.gov.au/road/permits>.

- 43) Prior to the commencement of works, plans for the proposed accesses to Mount Pleasant Road must be submitted to the Road Authority for approval. Construction of the accesses shall be in accordance with those approved plans.
- 44) On completion of internal roads and car parking and prior to the commencement of use, a practicing civil engineer must provide certification to Council stating that the works have been constructed in accordance with the endorsed drawings and specifications approved by Council.

STORMWATER

- 45) The Developer is to incorporate Water Sensitive Urban Design Principles into the development for the treatment and re-use or disposal of stormwater. These Principles will be in accordance with the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council’s General Manager or their delegate.

- 46) Stormwater drainage must be disposed of on site by means of detention ponds and irrigation or other means approved by the General Manager or the Department of State as appropriate.

SOIL AND WATER MANAGEMENT

- 47) The developer must implement a soil and water management plan (SWMP) to ensure that soil and sediment does not leave the site during the construction process and must provide a copy of the SWMP to Council's General Manager or their delegate prior to the commencement of works.

Advice: information on Soil and Water Management Plans on construction sites is available at <https://epa.tas.gov.au/epa/water/stormwater/soil-and-water-management-on-building-sites>

CONSTRUCTION

- 48) The subdivider must provide not less than forty eight hours written notice to Council's General Manager before commencing construction works onsite or within a council roadway.
- 49) The subdivider must provide not less than forty eight hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.
- 50) Through the construction process to the satisfaction of Council's General Manager, and unless otherwise noted on the endorsed plans or approved in writing by Council's General Manager, the developer must:
- a) Ensure soil, building waste and debris does not leave the site other than in an orderly fashion and to be disposed of at an approved facility.
 - b) Not burn debris or waste on site.
 - c) Promptly pay the costs associated with any alteration, extension, reinstatement, and repair or cleaning of Council infrastructure, public land or private property.
 - d) Ensure public land, footpaths and roads are not unreasonably obstructed by vehicles, machinery or materials or used for storage.

CONSTRUCTION WASTE

- 51) The developer must provide a commercial skip (or similar) for the storage of construction waste on site and arrange for the removal and re-use or disposal of the waste to an approved landfill site by private contract.

BIODIVERSITY

- 52) Prior to the commencement of construction, the following must occur:
- a) all trees (irrespective of species) with diameter at breast height over bark (DBHOB) of ≥ 60 cm must be flagged by use of plastic flagging tape;
 - b) all trees so identified must be inspected by a suitably qualified arborist to determine which individual specimens may be removed due to public / private / building safety hazards; and
 - c) all trees identified, other than those identified for removal, will be clearly marked for protection, identified on the site plan, and subject to barrier protection (e.g. stakes and barrier mesh) which must be installed prior to the commencement of construction to minimise the risk of inadvertent disturbance during works.
- 53) Suitable barriers must be erected during the construction of the development to ensure native vegetation that must be retained is not damaged during construction works.
- 54) The approved removal of native vegetation must minimise impact to retained native vegetation, soils and watercourses to the satisfaction of the Council's General Manager or their delegate.

WEED MANAGEMENT

- 55) Prior to the commencement of any work and/or use, hygiene, and weed and disease management plans, prepared by a suitably qualified person must be submitted to the satisfaction of the General manager. Once approved by the General Manager, the plans will be endorsed and will then form part of the Permit.
- 56) The Hygiene and Weed & Disease Management Plans must be prepared with regard to the Department of Primary Industries, Parks, Water and Environment (2015). Weed and Disease Planning and Hygiene Guidelines – Preventing the spread of weeds and diseases in Tasmania. (Eds.) Karen Stewart and Michael Askey-Doran. Department of Primary Industries, Parks, Water and Environment, Hobart, Tasmania.
- 57) All vehicles and equipment associated with construction of the development and/or operation of the use must be cleaned of soil prior to entering and leaving the site to minimise the introduction and/or spread of weeds and diseases including *Phytophthora cinnamomi* to the satisfaction of the Council's General Manager or their delegate.
- 58) Prior to commencement of construction, an appropriate machinery wash-down facility will be identified and indicated on a site plan.
- 59) Prior to commencement of construction, a "hygiene register" must be developed that specifies vehicle (make, model, registration), date of entry, and acknowledgement by driver that wash-down has occurred at the specified facility (or that the vehicle has been previously washed down and only travelled on sealed roads and the existing well-formed and weed-free access road).
- 60) Within 12 months of completion of construction, the development area should be subject to a follow-up weed survey to identify species requiring follow-up treatment. All such species/sites identified should be treated within 12 months of identification. A record of the monitoring and treatment should be kept.

*Advice: 'Weed and Disease Planning and Hygiene Guidelines' can be found at:
<http://dPIPWE.tas.gov.au/invasive-species/weeds/weed-hygiene/weed-and-disease-planning-and-hygiene-guidelines>.*

VISUAL IMPACT

- 61) Any variation to the colour scheme or external cladding shown on the endorsed plans must be approved in writing by Council's General Manager. Where the finishes of external surfaces are yet to be determined, they must be finished using colours with limited light reflectance value the details of which must be submitted to, and approved by, Council's General Manager or their delegate prior to commencement of works.
- 62) All illumination must be confined to the land in accordance with the requirements of Australian Standard AS 4282-1997 Control of the obtrusive effects of outdoor lighting at all times, for the duration of the development and use.
- 63) Before the approved development commences, landscaping plans must be submitted for approval by Council's General Manager. The landscape plan must be prepared by a suitably qualified person, be at a suitable scale, and indicate the following:
 - a) outline of the proposed buildings;
 - b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
 - c) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;
 - d) earth shaping proposals, including any retaining wall(s);
 - e) fencing, paths and paving (indicating materials and surface finish);
 - f) irrigation system; and
 - g) proposed maintenance program

64) Landscaping must be maintained for the duration of the use.

ADVICE:

- a) Please read all conditions of this permit and contact the planner for clarification if required.
- b) All costs associated with acting on this permit are borne by the person(s) acting on it.
- c) Further and separate approval or consent will be required for:
 - Building and plumbing approval from Council under the Building Act 2016
 - Certificate of certifiable work for Water and sewerage from TasWater under the *Water and Sewerage Industry Act 2008*
 - Work in a State Road reservation under the *Roads and Jetties Act 1935*
- d) The permit does not take effect until such date as may be prescribed by the Tasmanian Planning Commission.
- e) This permit is valid for two years from the date of approval and shall lapse unless it has been substantially commenced to the satisfaction of Council's General Manager, or otherwise extended by written consent.
- f) The permit and conditions on it are based on the information submitted in the endorsed plans and documents. The Planning Authority is not responsible or liable for any errors or omissions. I encourage you to engage a land surveyor to accurately set out the location of buildings and works.
- g) It is recommended that information sessions be provided for all contractors before commencement of work to become familiar with the protection mechanisms required for nearby Aboriginal heritage sites and contingencies in case of unanticipated discovery of Aboriginal materials or remains.
- h) A copy of the Aboriginal heritage assessment prepared by Cultural Heritage Management Australia and dated 23/10/2019, should be kept on site at all times.
- i) In the event that any suspected Aboriginal cultural material is inadvertently encountered during surface or sub surface disturbance, please consult the Unanticipated Discovery Plan at <https://www.aboriginalheritage.tas.gov.au>
- j) Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- k) The issue of this permit does not ensure compliance with the provisions of the Tasmanian Threatened Species Protection Act 1995 or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
- l) To minimise the spread of weeds and plant diseases through the site and region it is recommended that
 - Construction vehicles and equipment be washed or shaken down to remove soil prior to entering or leaving either the construction site of the transport depot
 - Any gravel and earth products introduced to the site should be obtained from certified weed-free and disease-free sources.
- m) The granting of this permit takes in no account of any civil covenants applicable to the land. The developer should make their own enquiries as to whether the proposed development is restricted or prohibited by any such covenant and what consequences may apply.

Schedule 1 – Approved documents

- a) Subdivision Proposal Plan, prepared by Andy Hamilton & Associates, ref. 8190, dated 17/10/2019
- b) Stage 1A – Set-out plan, Tempus, Swansea, version H, dated 3/11/2020
- c) Stage 1A – Site plan, Tempus, Swansea, version H, dated 3/11/2020
- d) Stage 1A – The Enclave, Ground Floor plan, Tempus, Swansea, drawing no. TEN2 DA01, version A, dated 15/10/2020
- e) Stage 1A – The Enclave, Basement plan, Tempus, Swansea, drawing no. TEN1 DA02, version A, dated 18/10/2020
- f) Stage 1A – The Enclave, Sections, Tempus, Swansea, drawing no. TEN2 DA05, version M, dated 12/11/2020
- g) Stage 1A – The Enclave, E & W Elevations, Tempus, Swansea, drawing no. TEN2 DA04, version M, dated 15/10/2020
- h) Stage 1A – The Enclave, N & S Elevations, Tempus, Swansea, drawing no. TEN2 DA03, version M, dated 15/10/2020
- i) Stage 1A – The Enclave, Interiors, Tempus, Swansea, drawing no. TEN2 DA07, version M, dated 18/10/2020
- j) Stage 1A – The Enclave, Exteriors, Tempus, Swansea, drawing no. TEN2 DA07, version M, dated 18/10/2020
- k) Stage 1A – Display Home, Ground Floor plan, Tempus, Swansea, drawing no. THB1 DA01, version A, dated 12/11/2020
- l) Stage 1A – Display Home, Basement plan, Tempus, Swansea, drawing no. THB1 DA02, version A, dated 12/11/2020
- m) Stage 1A – Display Home, E & W Elevations, Tempus, Swansea, drawing no. THB1 DA04, version C, dated 13/11/2020
- n) Stage 1A – Display Home, N&S Elevations, Tempus, Swansea, drawing no. THB1 DA05, version C, dated 13/11/2020
- o) Stage 1A – Display Home, Section, Tempus, Swansea, drawing no. THB1 DA03, version A, dated 13/11/2020
- p) Stage 1A – Workshops, Site Plan, Tempus, Swansea, drawing no. TWO2 DA00, version C, dated 18/10/2020
- q) Stage 1A – Workshops, Plan, Tempus, Swansea, drawing no. TWO2 DA01, version M, dated 18/10/2020
- r) Stage 1A – Workshops, N & S Elevations, Tempus, Swansea, drawing no. TWO1 DA03, version C, dated 03/11/2020
- s) Stage 1A – Workshops, E & W Elevations, Tempus, Swansea, drawing no. TWO1 DA02, version C, dated 03/11/2020
- t) Stage 1A – Workshops, Carport Elevations & N/S Elevations, Tempus, Swansea, drawing no. TWO1 DA04, version C, dated 03/11/2020
- u) Fire Protection Report, prepared by Castellan Consulting, Retirement & Aged Care Facility, 12371 Tasman Highway, Swansea, project no. 19068, revision 00, dated 14/07/2020
- v) Stage 1A – Header Tank, Elevations, Tempus, Swansea, drawing no. TWO1 DA03, version B, dated 09/10/2020
- w) Stage 1A – Header Tank, Plan Sections, Tempus, Swansea, drawing no. TWO1 DA01, version B, dated 08/10/2020
- x) Stage 1A – Header Tank, Sections & Site Plan, Tempus, Swansea, drawing no. TWO1 DA02, version B, dated 08/10/2020

- y) Stage 1A – Front Sign, Entry Drive, Tempus, Swansea, drawing no. TRP1 DA04, version A, dated 14/08/2020
- z) Stage 1A – Entry Sign, Images, Tempus, Swansea, drawing no. TEM1 ENTY DA02, dated 14/08/2020
- aa) Stage 1A – Finishes Schedule, Tempus, Swansea, version C, dated 06/11/2020
- bb) Stage 1A – Landscape Plans, Entry Avenue, Tempus, Swansea, drawing no. TEM1 LAND DA01, version C, dated 07/11/2020
- cc) Stage 1A – Landscape Plans, Enclave Environs, Tempus, Swansea, drawing no. TEM1 LAND DA02, version C, dated 07/11/2020
- dd) Stage 1A – Landscape Plan, Workshops Environs, Tempus, Swansea, drawing no. TEM1 LAND DA03, version B, dated 22/08/2020
- ee) Stage 1A – Landscape Strategy, Tempus, Swansea, version C, dated 01/11/2020
- ff) Stage 1A – Utilities Yard, Site Plan, Tempus, Swansea, drawing no. TUT1 DA00, version A, dated 13/10/2020
- gg) Stage 1A – Plant Shed, Plan, Tempus, Swansea, drawing no. TUT1 DA01, version A, dated 13/10/2020
- hh) Stage 1A – Plant Shed, E & W Elevations, Tempus, Swansea, drawing no. TUT1 DA02, version A, dated 06/11/2020
- ii) Stage 1A – Plant Shed, N & S Elevations, Tempus, Swansea, drawing no. TUT1 DA03, version A, dated 06/11/2020
- jj) Stage 1A – Plant Shed, Sections, Tempus, Swansea, drawing no. TUT1 DA04, version A, dated 06/11/2020
- kk) Intersection Overall Plan, prepared by Gandy and Roberts, Tempus, Swansea, drawing no. C025, version B, dated 05/11/2020
- ll) Intersection Layout Plan, prepared by Gandy and Roberts, Tempus, Swansea, drawing no. C026, version B, dated 05/11/2020
- mm) Building Services, Stage 1A, Proposed Layouts, prepared by Coordinated Engineering Services, Tempus, Swansea, drawing no. 196103–DA-EL, version DA2, dated 06/11/2020
- nn) Stage 1A -Hydraulic - Activated Sludge Bio-Reactor Image
- oo) Stage 1A -Hydraulic - Activated Sludge Bio-Reactor Image, Mak Water product Data Sheet
- pp) Concept Sewer, prepared by Gandy and Roberts, Tempus, Swansea, drawing no. C022, version D, dated 07/08/2020
- qq) Concept Fire Service, prepared by Gandy and Roberts, Tempus, Swansea, drawing no. C024, version C, dated 05/08/2020
- rr) Concept Stormwater, prepared by Gandy and Roberts, Tempus, Swansea, drawing no. C021, version D, dated 07/08/2020
- ss) Addendum to Traffic Impact Assessment, prepared by Milan Prodanovic, Tempus, Swansea, dated July 2020
- tt) Traffic Impact Assessment, prepared by Milan Prodanovic, Tempus, Swansea, dated November 2020
- uu) Submission to Planning Authority Notice, TWDA 2020/00706, dated 26/08/2020.