



The City with Spirit

NOTICE OF MEETING

Notice is hereby given that a **Planning Authority Committee** meeting of the Devonport City Council will be held in the Aberdeen Room, parnaple centre, 137 Rooke Street, Devonport, on Monday 16 March 2020, commencing at 5:15pm.

The meeting will be open to the public at 5:15pm.

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports in this agenda contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

Matthew Atkins
GENERAL MANAGER

11 March 2020

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF
DEVONPORT CITY COUNCIL HELD ON MONDAY 16 MARCH 2020
IN THE ABERDEEN ROOM, paranapple centre, 137 ROOKE STREET, DEVONPORT AT 5:15PM**

Item	Page No.
1.0 APOLOGIES.....	1
2.0 DECLARATIONS OF INTEREST	1
3.0 DELEGATED APPROVALS	2
3.1 Planning Applications approved under Delegated Authority 1 January 2020 - 29 February 2020	2
4.0 DEVELOPMENT REPORTS	4
4.1 PA2020.0009 2 Lot Subdivision - 21 McCall Terrace Stony Rise	4
5.0 CLOSURE	30

Agenda of a meeting of the Devonport City Council's **Planning Authority Committee** to be held in the Aberdeen Room, Level 2, paranaple centre, 137 Rooke Street, Devonport on Monday 16, March 2020 commencing at 5:15pm.

PRESENT

		Present	Apology
Chairman	Cr A Rockliff (Mayor)		
	Cr J Alexiou		
	Cr P Hollister		
	Cr S Milbourne		
	Cr L Murphy		
	Cr L Perry		

IN ATTENDANCE

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Digital Recording Policy. The audio recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

1.0 APOLOGIES

2.0 DECLARATIONS OF INTEREST

3.0 DELEGATED APPROVALS

3.1 PLANNING APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY 1 JANUARY 2020 - 29 FEBRUARY 2020

ATTACHMENTS

1. Planning applications approved under delegated authority 1 January 2020 - 29 February 2020

RECOMMENDATION

That the list of delegated approvals be received.

Author:	Jennifer Broomhall	Endorsed By:	Kylie Lunson
Position:	Planning Administration Officer	Position:	Development Services Manager

Application No.	Location	Description	Approval Date
PA2019.0192	107 William Street, Devonport	Community meeting and entertainment (alterations and additions to existing church facility including demolition of dwelling)	2/01/2020
PA2019.0203	123 Melrose Rd, Aberdeen	Residential (existing outbuildings)	7/01/2020
PA2019.0214	3 Formby Road, Devonport	Storage (Signage)	8/01/2020
PA2019.0217	5 Lawrence Drive, Devonport	Education and occasional care (covered area)	10/01/2020
PA2019.0188	1/6a Kilrush Court, Devonport	Visitor Accommodation	10/01/2020
PA2019.0209	22-24 Mersey Main Road, Spreyton	Residential (shed)	14/01/2020
PA2019.0171	3 Robertson Close, Tugrah	Residential (undercover area)	16/01/2020
PA2019.0206	19 Ellice Hill Drive, Spreyton	Residential (single dwelling extension)	16/01/2020
PA2019.0202	4 Parker Street, Devonport	Residential (dwelling)	17/01/2020
PA2018.0196	131-135 Stony Rise Road, Stony Rise	Residential (Residential Aged Care Facility & Retirement Village)	20/01/2020
PA2019.0187	3/1-3 Walpole Place, Devonport	Visitor Accommodation	20/01/2020
PA2019.0210	2/25 Jiloa Way, Don	Residential (multiple dwelling additions)	20/01/2020
PA2019.0208	123 Percy Street, Devonport	Residential (demolition and replacement ancillary dwelling and garage)	20/01/2020
PA2019.0201	157 Forth Road, Don	Visitor Accommodation	20/01/2020
PA2019.0219	10 Collins Way, Tugrah	Residential (outbuilding)	22/01/2020
PA2019.0204	53 Cutts Road, Don	Visitor Accommodation	23/01/2020
PA2019.0212	170 Stony Rise Road, Stony Rise	Residential (multiple dwellings x 4)	24/01/2020
PA2019.0216	2-18 Best Street, Devonport	Visitor Accommodation (Hotel)	28/01/2020
PA2019.0220	109 Forbes Street, Devonport	Residential (shed)	3/02/2020
PA2019.0215	133 Waverley Road, Don	Residential (single dwelling and outbuilding)	3/02/2020
PA2020.0001	79 North Fenton Street, Devonport	Residential (outbuilding)	5/02/2020
PA2020.0003	34-44 Lovett Street, Devonport	Sports and recreation (storage shed & relocation of corporate box)	11/02/2020
PA2019.0211	5 Middle Road, Devonport	Subdivision - subdivision and consolidation (no additional lots)	14/02/2020
PA2020.0007	54 Madden Street, Devonport	Residential (covered deck and carport)	18/02/2020
PA2019.0221	1 Mersey Main Road, Spreyton	Education and occasional care (classroom addition)	19/02/2020
PA2020.0002	112 Mersey Main Road, Spreyton	Residential (single dwelling)	24/02/2020
PA2020.0004	77 Oldaker St, Devonport	Residential (house demolition)	27/02/2020

4.0 DEVELOPMENT REPORTS

4.1 PA2020.0009 2 LOT SUBDIVISION - 21 MCCALL TERRACE STONY RISE

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.1.1 Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use
- Strategy 2.1.2 Provide high quality, consistent and responsive development assessment and compliance processes

SUMMARY

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2020.0009.

BACKGROUND

Planning Instrument:	<i>Devonport Interim Planning Scheme 2013</i>
Applicant/Owner:	Limestone Rise Pty Ltd
Proposal:	2 lot subdivision
Existing Use:	Vacant
Zoning:	General Residential
Decision Due:	20/03/2020

SITE DESCRIPTION

The site is located on the southern side of McCall Terrace and has an area of 1,255m². The lot falls approximately 13m from the south towards the road and is surrounded by developed residential land except for a vacant lot to the west. Figure 1 shows the title for the lot and Figure 2 shows an aerial view of the subject site.



Figure 1 - Title plan for CT 145993/54



Figure 2 - Aerial view of subject site

APPLICATION DETAILS

The applicant is seeking approval for a 2 lot subdivision. Lot 1 will have an approximate area of 502m² and lot 2 an approximate area of 753m². Figure 3 shows the proposed subdivision plan. A copy of the application details are appended to this report as **Attachment 1**.

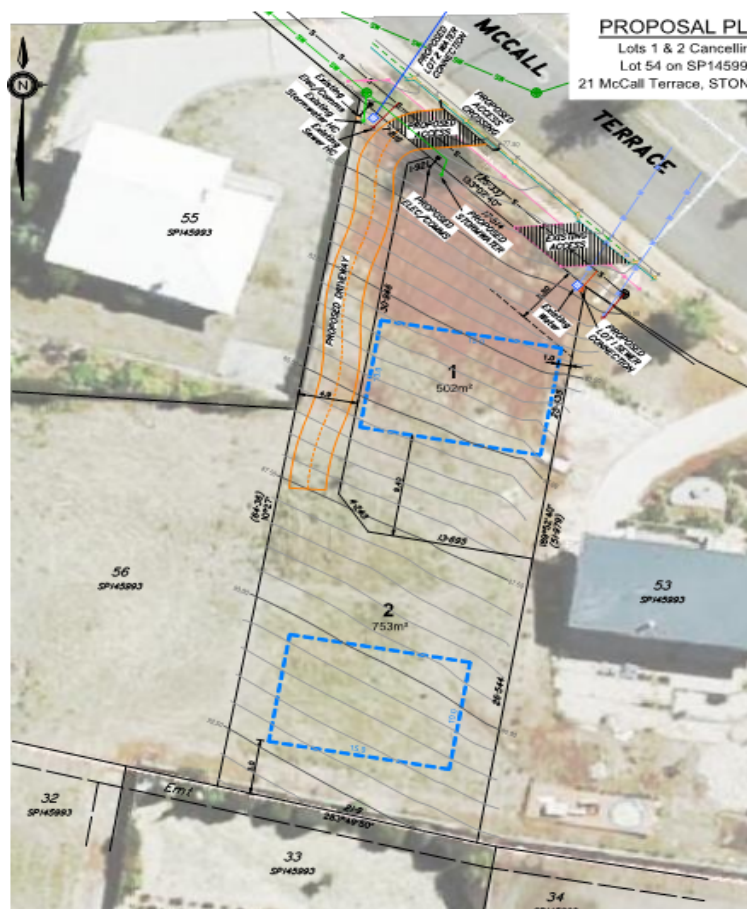


Figure 3 - Proposed subdivision plan

PLANNING ISSUES

The land is zoned General Residential under the *Devonport Interim Planning Scheme 2013*. The intent of the zone is to provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided and to provide for compatible non-residential uses that primarily serve the local community.

Subdivision is permitted in the General Residential zone provided the proposal complies with all relevant development standards and codes contained within the planning scheme. In instances where the applicable standards cannot be met the proposal must be assessed against the corresponding performance criteria.

In this case the proposal complies with all necessary standards except for clause 10.4.13 A2 which requires a lot not be an internal lot if for residential use. The relevant sections of the planning scheme are reproduced below, along with comments.

10.4.9 Suitability of a site or lot for use or development

Objective:	
The minimum properties of a site and of each lot on a plan of subdivision are to –	
(a) provide a suitable development area for the intended use;	
(b) provide access from a road; and	
(c) make adequate provision for connection to a water supply and for the drainage of sewage and stormwater	
Acceptable Solutions	Performance Criteria
A1	P1
A site or each lot on a plan of subdivision must –	A site or each lot on a plan of subdivision must –
(a) have an area of not less than 330m ² excluding any access strip; and	(a) be of sufficient area for the intended use or development without likely constraint or interference for –
(b) if intended for a building, contain a building area of not less than 10.0m x 15.0m	(i) erection of a building if required by the intended use;
(i) clear of any applicable setback from a frontage, side or rear boundary;	(ii) access to the site;
(ii) clear of any applicable setback from a zone boundary;	(iii) use or development of adjacent land;
(iii) clear of any registered easement;	(iv) a utility; and
(iv) clear of any registered right of way benefiting other land;	(v) any easement or lawful entitlement for access to other land; and
(v) clear of any restriction imposed by a utility;	(b) if a new residential lot, be orientated to maximise opportunity for solar access to a building area
(vi) not including an access strip;	
(vii) accessible from a frontage or access strip; and	
(viii) if a new residential lot, with a long axis within the range 30° east of north and 20° west of north	

The proposal meets the acceptable solution.

<p>A2</p> <p>A site or each lot on a subdivision plan must have a separate access from a road –</p> <p>(a) across a frontage over which no other land has a right of access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road –</p> <p>(i) over land not required as the means of access to any other land; and</p> <p>(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than –</p> <p>(i) 3.6 m for a single dwelling development; or</p> <p>(ii) 6.0 m for multiple dwelling development or development for a non-residential use; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan</p>	<p>P2</p> <p>(a) A site must have a reasonable and secure access from a road provided –</p> <p>(i) across a frontage; or</p> <p>(ii) by an access strip connecting to a frontage, if for an internal lot; or</p> <p>(iii) by a right of way connecting to a road over land not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(iv) the dimensions of the frontage and any access strip or right of way must be adequate for the type and volume of traffic likely to be generated by –</p> <p>a. the intended use; and</p> <p>b. the existing or potential use of any other land which requires use of the access as the means of access for that land; and</p> <p>(v) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or</p> <p>(b) It must be unnecessary for the development to require access to the site or to a lot on a subdivision plan</p>
--	--

The proposal meets the acceptable solution.

<p>A3</p> <p>A site or each lot on a plan of subdivision must be capable of connecting to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i></p>	<p>P3</p> <p>It must be unnecessary to require a water supply</p>
---	--

The proposal meets the acceptable solution.

<p>A4</p> <p>A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and waste water to a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i></p>	<p>P4</p> <p>It must be unnecessary to require the drainage and disposal of sewage or waste water</p>
--	--

The proposal meets the acceptable solution.

<p>A5</p> <p>A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i></p>	<p>P5</p> <p>It must be unnecessary to require the drainage of stormwater</p>
---	--

The proposal meets the acceptable solution.

10.4.13 Subdivision

Objective:

The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the General Residential zone

Acceptable Solutions

A1

Each new lot on a plan of subdivision must be –

- (a) intended for residential use;
- (b) a lot required for public use by the State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority

Performance Criteria

P1

Each new lot on a plan of subdivision must be –

- (a) for a purpose permissible in the zone

The proposal meets the acceptable solution.

A2

A lot, other than a lot to which A1(b) applies, must not be an internal lot

P2

(a) An internal lot on a plan of subdivision must be –

- (i) reasonably required for the efficient use of land as a result of a restriction on the layout of lots imposed by –
 - a. slope, shape, orientation and topography of land;
 - b. an established pattern of lots and development;
 - c. connection to the road network;
 - d. connection to available or planned utilities;
 - e. a requirement to protect ecological, scientific, historic, cultural or aesthetic values, including vegetation or a water course; or
 - f. exposure to an unacceptable level of risk from a natural hazard; and
- (ii) without likely impact on the amenity of adjacent land

The proposal does not meet the acceptable solution as an internal lot is proposed. However, it does satisfy the performance criteria as the new lots make efficient use of the land through the creation of two new lots of 502m² and 753m², which are greater than the minimum lot size of 330m². The established pattern of development means an internal lot is the only possible option available to enable subdivision of the land. The internal lot will not impact the amenity of adjacent land as the situation essentially remains unchanged. Given the size of the existing lot, 3 dwellings could currently be built on the land. This will still be possible as a result of the subdivision. The setbacks and height limits affecting the external boundaries will remain unchanged.

The subdivision is in keeping with the area which contains a number of internal lots and higher density lots containing units. Figure 2 shows the surrounding pattern of development.

COMMUNITY ENGAGEMENT

On 07/02/2020, Council received an application for the above development. Under Section 57(3) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority must give notice of an application for a permit. As prescribed at Section 9(1) of the *Land Use*

Planning and Approvals Regulations 2014, the Planning Authority fulfilled this notification requirement by:

- (a) Advertising the application in *The Advocate* newspaper on 15/02/2020;
- (b) Making a copy of the proposal available in Council Offices from the 15/02/2020;
- (c) Notifying adjoining property owners by mail on 13/02/2020; and
- (d) Erecting a Site Notice for display from the 14/02/2020.

The period for representations to be received by Council closed on 02/03/2020.

REPRESENTATIONS

Two representations were received within the prescribed 14 day public scrutiny period required by the *Land Use Planning and Approvals Act 1993*.

The representations were received from the owners of the lots to the south and south-west of the site. The representations are reproduced as Figures 4 and 5. The concerns raised are increased density, loss of privacy, loss of view and devaluation of property.

Attention: General Manager
Good Afternoon,
We wish to object to the above subdivision on the following grounds:

1. When we invested in our block of land we were of the understanding that the blocks of land in our area were larger blocks, thus creating low density living.
2. If this subdivision is approved we shall be in the vicinity of 2 dwellings on one block opposite us and 2 dwellings on one block below us thus creating a high density living environment.
3. We built our residence for space and privacy on a large block with the understanding adjoining and surrounding blocks of land would remain large.
4. We have concerns that if this subdivision proceeds that our property shall devalue considerably causing us financial hardship.

Kind Regards,
David & Lyn Kent

Figure 4 - Representation 1

To Planning Devonport City Council
I am writing to express some concern relating to the proposed changes of sub dividing this block. Our house (33 Leary Avenue) sits above the corner of this block . We are concerned that by dividing the block into 2 separate blocks it will force the back dwelling to be close to our house and much higher than a single dwelling would have been, reducing views . When our house was designed we anticipated future dwellings but only allowed for a single block as was the case at the time. The proposed plan is also providing high density living which is not typical of this area, and I feel will have a detrimental affect cosmetically and could reduce the value of the existing dwellings in the area.
Andrea and Esmatullah Rahel.

Figure 5 - Representation 2

Clause 8.10.1 of the planning scheme states that the planning authority must take into consideration any representations received but, in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

As the only element of discretion is due to the creation of an internal lot that is the only matter that can be taken into account.

The proposed lots exceed the minimum lot size and will not result in an increase in density given 3 multiple dwellings are currently able to be built on the site. This was also the density

allowable under the previous planning scheme which was in place when the subdivision was developed.

The privacy provisions of the planning scheme must be met for any development proposed on the new lots and given the dwellings of both representors are approximately 18m from the rear boundary of the subject site it unlikely that privacy will be compromised.

Loss of view and property valuations are not considered by the planning scheme.

DISCUSSION

The proposal satisfies the requirements of the planning scheme and the representations do not raise any issues that warrant additional conditions.

A Part 5 Agreement is in place for the existing title which refers to the recommended use of 'good hillside design' for building on the subject site. The Part 5 Agreement is to be registered on the new lots when titles are issued.

FINANCIAL IMPLICATIONS

No financial implications are predicted.

CONCLUSION

The proposal has been assessed by Council's Development and Infrastructure and Works staff and can be approved with conditions.

ATTACHMENTS

1. Application - PA2020.0009 - 21 McCall Terrace
2. TasWater conditions - PA2020.0009 - 21 McCall Terrace

RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2020.0009 and grant a Permit to develop land identified as 21 McCall Terrace, Stony Rise for the following purposes:

- 2 lot subdivision

Subject to the following conditions:

1. The development is to proceed generally in accordance with the submitted plans referenced as Proposal Plan, DWG no 19697-PP-01 by Vision Surveys, a copy of which is attached and endorsed as a document forming part of this Planning Permit.
2. The existing Part 5 Agreement registered on CT 145993/54 is to be registered on the new titles, upon creation.
3. The developer is to comply with the conditions contained in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit, pursuant to section 56P(1) of the Water and Sewerage Industry Act 2008. Appended to the report as Attachment 2.
4. The developer is to provide each lot with a concrete vehicular access, from the existing road through to the property boundary, and generally in accordance current Tasmanian Standard Drawings and Tasmanian Subdivisional Guidelines.

5. Any proposed new driveway is to be constructed generally in accordance with Tasmanian Standard Drawing TSD-R09v1.
6. The developer is to provide each lot with a stormwater service connection generally in accordance with the Tasmanian Subdivision Guidelines and Tasmanian Standard Drawings.
7. Any existing Council infrastructure impacted by the works is to be reinstated in accordance with the relevant standards.

Note: The following is provided for information purposes.

Hours of Construction shall be: Monday to Friday Between 7am - 6pm, Saturday between 9am -6pm and Sunday and statutory holidays 10am - 6pm.

During the construction all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

In regard to condition 3 the developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 4-7 the developer should contact Council's Infrastructure & Works Department – Ph 6424 0511 with any enquiries.

Enquiries regarding other conditions can be directed to Council's Development Services Department – Ph 6424 0511.

Author:	Carolyn Milnes	Endorsed By:	Kylie Lunson
Position:	Senior Town Planner	Position:	Development Services Manager

Office use
Application no. _____
Date received: _____
Fee: _____
Permitted/Discretionary

Devonport City Council

Land Use Planning and Approvals Act 1993 (LUPAA)

Devonport Interim Planning Scheme 2013

Application for Planning Permit

Use or Development Site

Street Address: 21 MCCALL TERRACE,
DEVONPORT.

Certificate of Title Reference No.:
LOT 54 ON SP145993.

Applicant's Details

Full Name/Company Name: _____

LIMESTONE RISE PTY LTD

Postal Address: 393 HOWE PARADE,
PORT MELBOURNE. VIC. 3207.

Telephone: 0408 643 310

Email: chris.grimm1953@gmail.com

Owner's Details (if more than one owner, all names must be provided)

Full Name/Company Name: _____

LIMESTONE RISE PTY LTD

Postal Address: 393 HOWE PARADE,
PORT MELBOURNE. VIC. 3207.

Telephone: 0408 643 310

Email: chris.grimm1953@gmail.com



ABN 47 611 446 016
PO Box 604
137 Rooke Street
Devonport TAS 7310
Telephone 03 6424 0511
www.devonport.tas.gov.au
council@devonport.tas.gov.au

Sufficient information must be provided to enable assessment against the requirements of the planning scheme.

Please provide one copy of all plans with your application.

Assessment of an application for a Use or Development

What is proposed?: SUBDIVIDE 1 LOT INTO 2 LOTS
AS PER ATTACHED PLAN.

Description of how the use will operate:

THE SUBDIVISION OF THE EXISTING
1,255 M² INTO TWO LOTS, A 502 M² LOT
AT THE STREET FRONT AND A REAR
LOT OF 753 M² WITH A 4.9M WIDE
FRONTAGE AND ACCESSWAY.

THE PLAN DETAILS A 10M x 15M
BUILDING ENVELOPE COMFORTABLY SITED
ON EACH LOT.

ALL SERVICES ARE AVAILABLE FROM
THE EXISTING STREET FRONTAGE.

Use Class (Office use only):

Value of use and/or development

\$ _____

Notification of Landowner/s (s.52 Land Use Planning and Approvals Act, 1993)

If land is not in applicant's ownership

I, _____ declare that the owner/s of the land has/have been notified of my intention to make this application.

Applicant's signature: _____ Date: _____

If the application involves land owned or administered by the Devonport City Council

Devonport City Council consents to the making of this permit application.

General Manager's signature: _____ Date: _____

If the application involves land owned or administered by the Crown

Crown consent must be included with the application.

Signature

I apply for consent to carry out the development described in this application. I declare that all the information given is true and correct. I also understand that:

- if incomplete, the application may be delayed or rejected; and
- more information may be requested in accordance with s.54 (1) of LUPAA.

PUBLIC ACCESS TO PLANNING DOCUMENTS - DISCRETIONARY PLANNING APPLICATIONS (s.57 of LUPAA)

I understand that all documentation included with a discretionary application will be made available for inspection by the public

Applicant's signature: _____ Date: 3/2/2020

PRIVACY ACT

The personal information requested on this form is being collected by Council for processing applications under the Land Use and Planning Approvals Act 1993 and will only be used in connection with the requirements of this legislation. Council is to be regarded as the agency that holds the information.

Fee & payment options



Pay by Direct Deposit – BSB: 067-402 Account No. 000 000 13 – Please quote your application number.



Pay in Person at Service Tasmania – Present this notice to any Service Tasmania Centre, together with your payment. See www.service.tas.gov.au for opening hours.



Pay by Phone – Please contact the Devonport City Council offices on 64240511 during office hours, Monday to Friday.



Pay by Post – Cheques should be made payable to Devonport City Council and posted to PO Box 604, Devonport, Tasmania, 7310.



DEBBIE HUTTON CONVEYANCING PTY LTD

ABN 45619555289

81 Gunn Street (Cnr Oldaker)

DEVONPORT TAS 7310

DX 70319 Devonport

Phone: 03 6424 5590

Postal: PO Box 458, DEVONPORT TAS 7310

Fax: 03 6411 6610

Also at: 31 King Edward Street

ULVERSTONE TAS 7315

DX 70512 Ulverstone

Phone: 03 6425 9375

Our Ref: DMH:191004

Your Ref:

Email: debbie@debbiehuttonconveyancing.com.au

29 January 2020

The Manager
Devonport City Council
PO Box 604
DEVONPORT TAS 7310

Dear Sir

**RE: LIMESTONE RISE PTY LTD PURCHASE FROM FRESHNEY & BOULTER
PROPERTY: 21 MCCALL TERRACE, STONY RISE**

We confirm the subject matter settled today.

Documents will be lodged at the Land Titles Office shortly..

Yours faithfully

DEBBIE HUTTON CONVEYANCING PTY LTD

Per: *D. Hutton*



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



OWNER GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD R.L. & B.J. LEARY FOLIO REFERENCE F/R.109276-1 GRANTEE PART OF LOT 5128, 142 ACRES GTD TO BENJAMIN WILLIAMSON CAMPION PART OF LOT 30589, 1A-1R-34% P. gtd to ALFRED HENRY LEE PART OF LOT 4579, 107a-2r-0% GTD TO ANDREW MURRAY MILLIGAN PART OF LOT 9716, 56 ACRES GTD TO GEORGE FREDERICK BRADLEY		PLAN OF SURVEY BY SURVEYOR KEN MICHELL of MICHELL HODGETTS & ASSOC. P/L Po.Box 712 DEVONPORT, 7310 LOCATION CITY OF DEVONPORT SCALE 1: 3000 LENGTHS IN METRES		REGISTERED NUMBER SP145993 REGISTERED UNDER APPROVED EFFECTIVE FROM - 7 MAR 2006 <i>Alice Kawa</i> Recorder of Titles	
MAPSHEET MUNICIPAL CODE No. 108 (4443-11)	LAST UPI No 4607083	LAST PLAN No. D109276	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		

LOT 2000 IS COMPILED FROM SP.104647 & THIS SURVEY

C848552 DELETING THE DRAINAGE EASEMENTS FROM LOT 2000 HEREON WHICH NOW FALL WITHIN LOTS 1005 AND 1007 ON SP153443 PURSUANT TO A REQUEST TO AMEND UNDER SECTION 103 OF THE LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993

Alice Kawa
 RECORDER OF TITLES
 26 MAY 2008

LOT NUMBERS 128 129 & 130
 HEREON AMENDED 11TH APRIL 2006

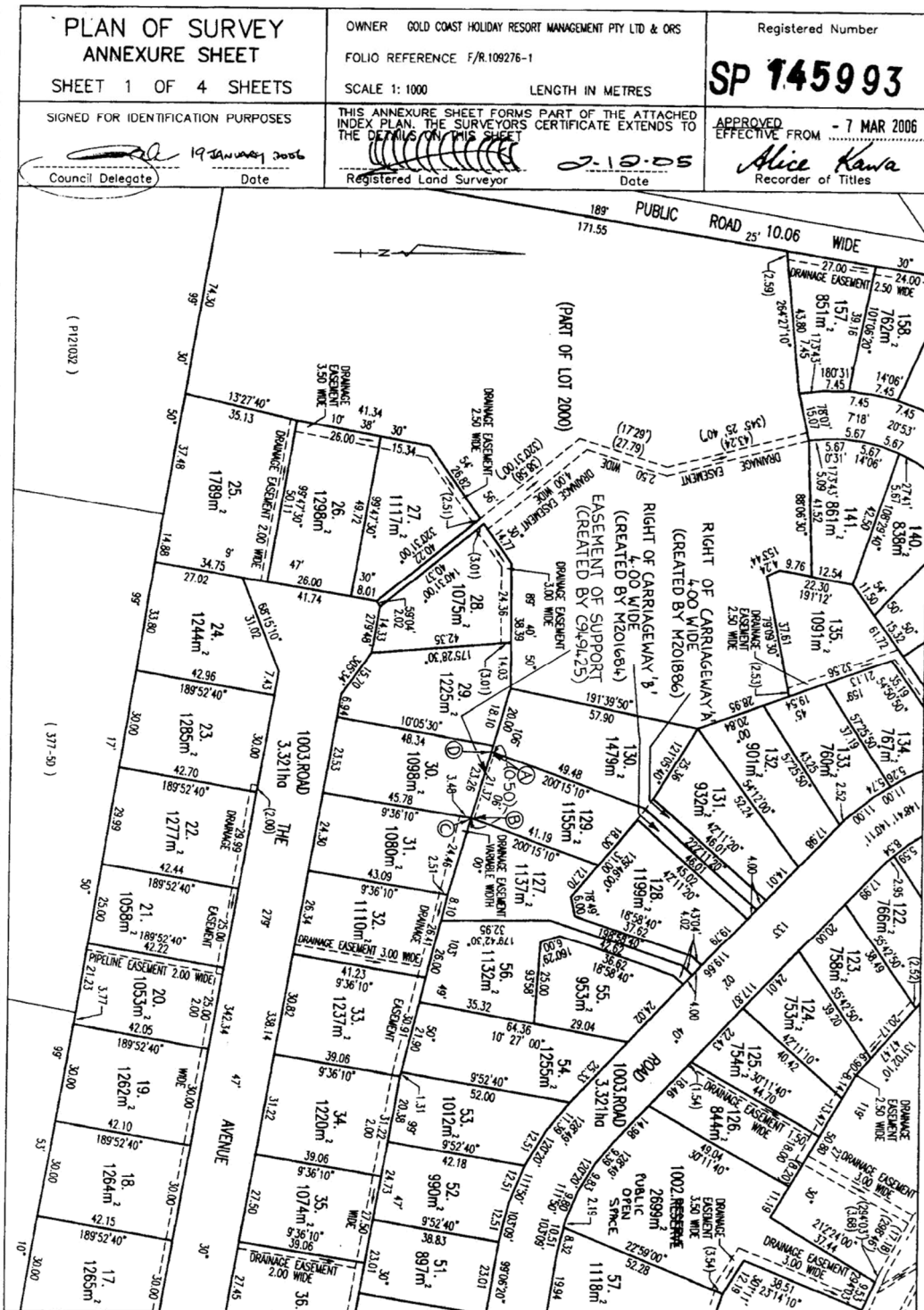
[Signature] 19 JANUARY 2006
 COUNCIL DELEGATE DATE



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

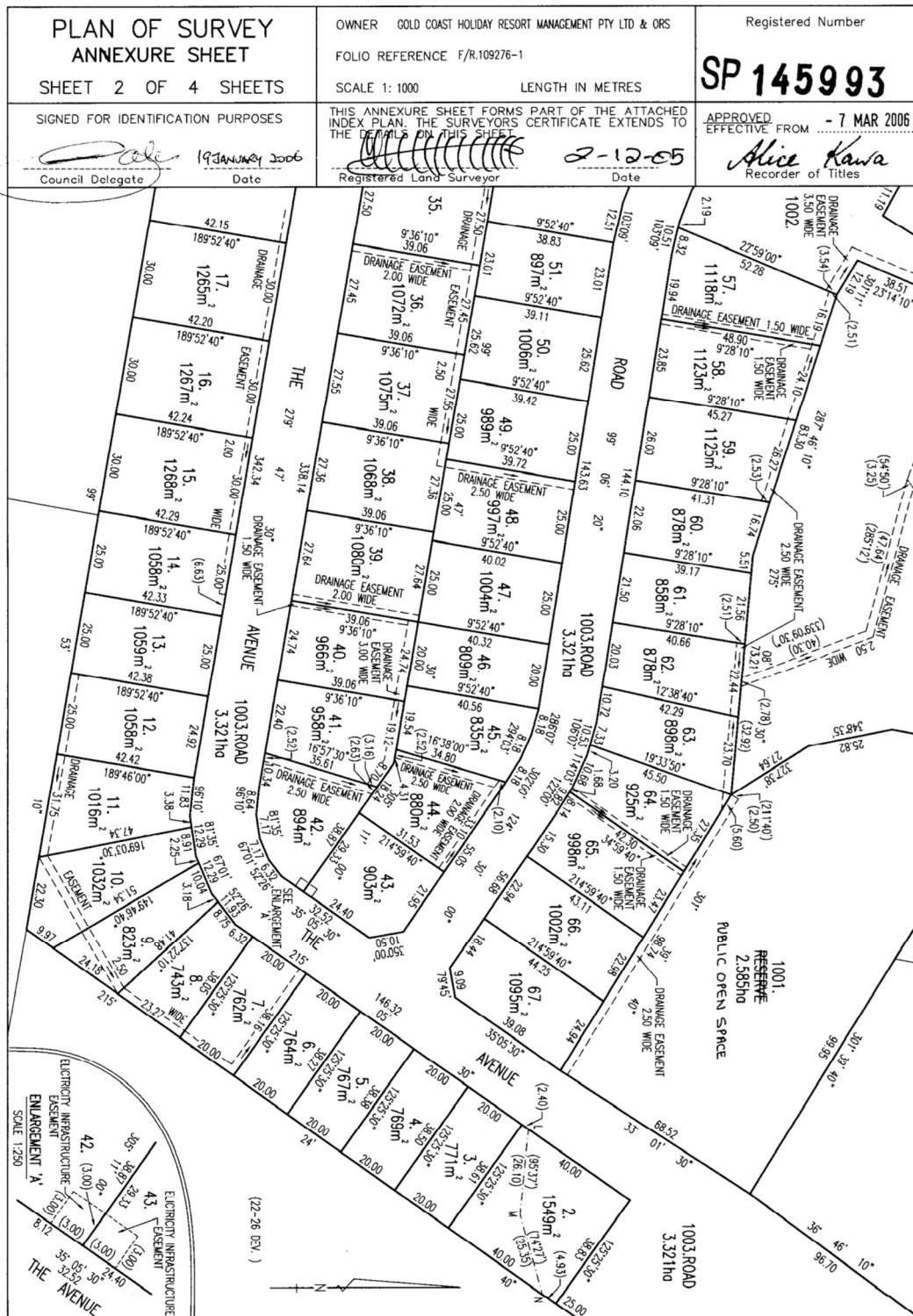




FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

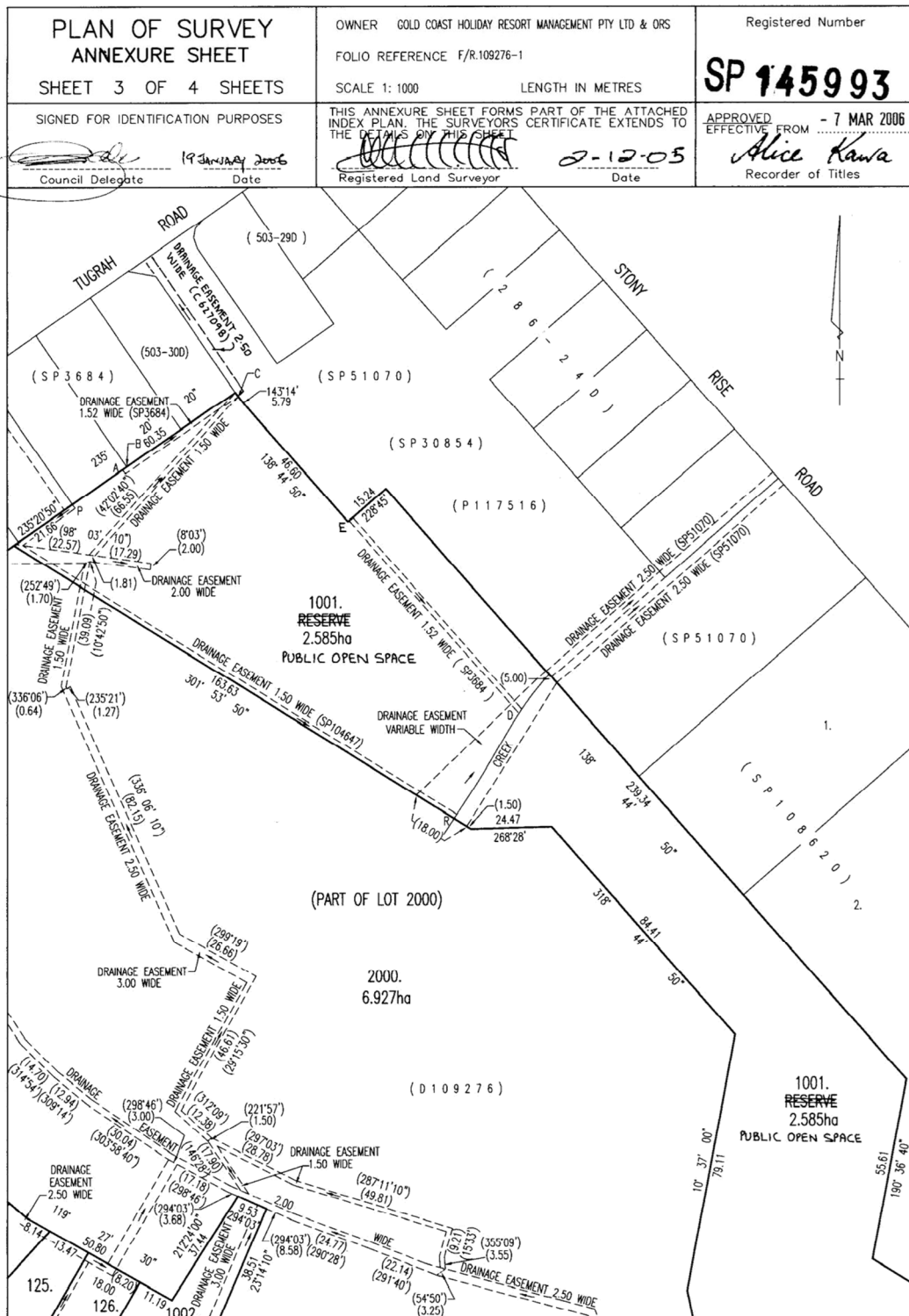




FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

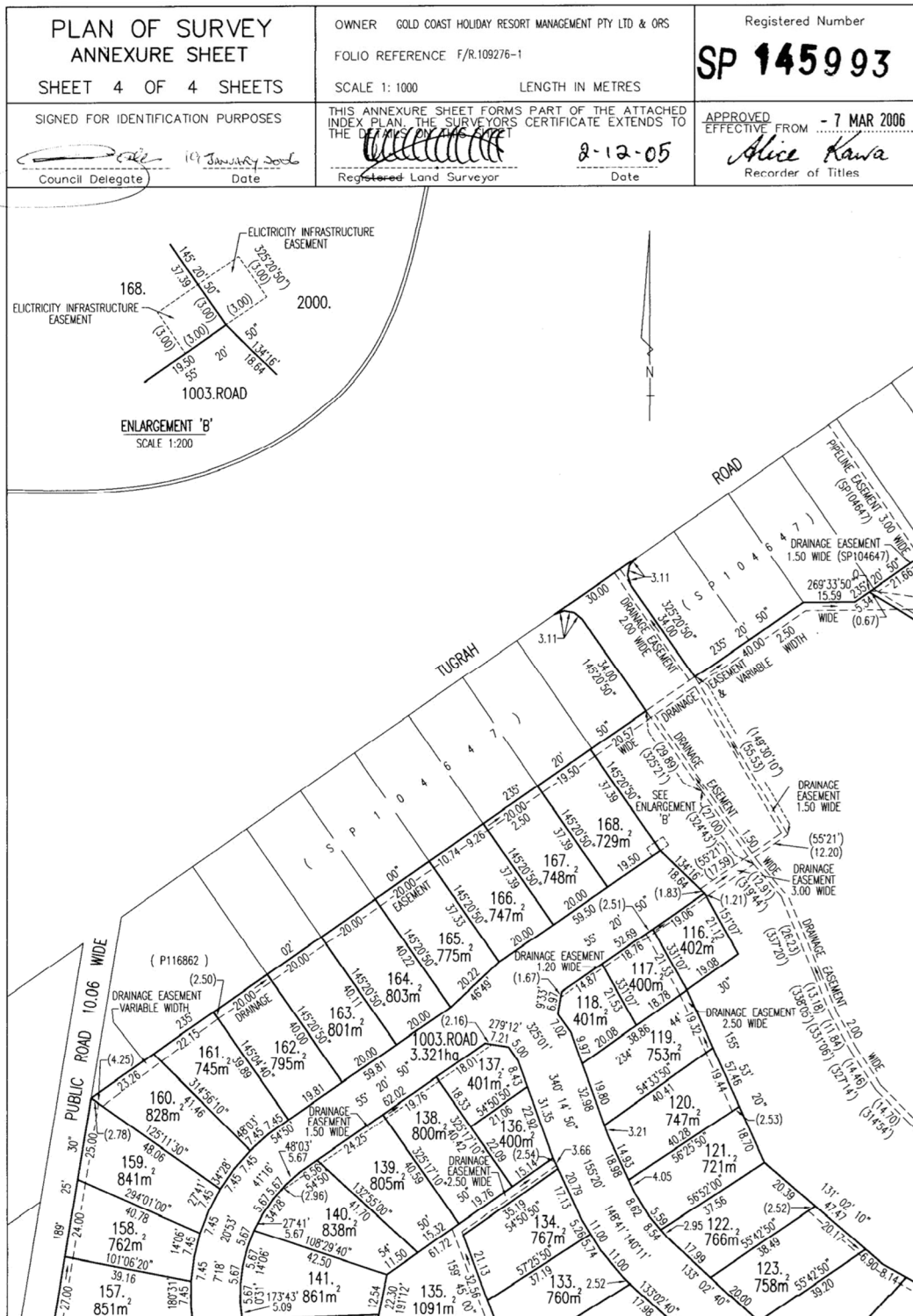




FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	Registered Number SP 145993
--	---------------------------------------

PAGE 1 OF 4 PAGE/S

6

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.

EASEMENTS

1. ~~Lot 1001 is subject to an existing right of drainage (appurtenant to Lot 1 on SP3684) over the Drainage Easement marked BCD on D109276, that easement having been created by Sealed Plan 3684.~~
2. Lot 1001 is subject to an existing right of drainage (appurtenant to Lot 2 on SP3684) over the Drainage Easement marked ACD on D109276 that easement having been created by Sealed Plan 3684.
3. Lot 1001 is subject to an existing right of drainage (appurtenant to lots 4 and 5 on SP104647) over the drainage easement marked "DRAINAGE EASEMENT 1.50 WIDE" on SP104647 that easement being created by SP104647.
4. The lots on the plan are together with existing rights of drainage created by and more fully set forth in SP51070 and B477458 over the Drainage Easements 2.50m wide on D109276 and shown on the plan.
5. The lots on the plan are together with an existing pipeline right over the pipeline easement 3.00 wide created by and more fully set forth in SP104647 shown passing through Lot 4 on SP104647.
6. ~~The lots on the plan are together with an existing right of carriageway created by SP108620 over the Right of Way 5.00 wide shown on Diagram No. 109276.~~

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: Gold Coast Holiday Resort Management Russell Leon Leary & Belinda Jayne Leary as trustees of the RL & BJ Leary Pension Fund FOLIO REF: 109276/1 SOLICITOR & REFERENCE: GJ Nevin	PLAN SEALED BY: Devonport City Council DATE: 19 January 2006 20566 REF NO. Council Delegate
NOTE: The Council Delegate must sign the Certificate for the purposes of identification.	



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 6 PAGES	Registered Number SP 145993
SUBDIVIDER: Gold Coast Holiday Resort Management Russell Leon Leary & Belinda Jayne Leary as trustees of the RL & BJ Leary Pension Fund FOLIO REFERENCE: 109276/1	

1. Lots 42, 43, 168 and 2000 on the plan are subject to an Electricity Infrastructure easement (as hereinafter defined) over that portion of the land marked "ELECTRICITY INFRASTRUCTURE EASEMENT" as passes through such lots shown on the plan.
2. Lot 20 on the plan is subject to a right of pipeline easement (appurtenant to the Devonport City Council) defined below as "right of pipeline easement" over the strip of land 2.00m wide marked "PIPELINE EASEMENT 2.00 WIDE" shown on the plan.

COVENANTSEASEMENTS CONTINUED ON PAGE 5

The owner of lot 2 on the plan covenants with the Devonport City Council to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof, and that the benefit thereof may be created in favour of the said Devonport City Council to observe the following stipulations:-

- Not to erect or maintain or permit to be erected or maintained any dwelling upon that part of lot 2 north of the line LMN on the plan.

The owners of lots 2, 3, 62, 63, 64, 65, 66 and 67 on the plan covenant with the Devonport City Council to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof, and that the benefit thereof may be created in favour of the said Devonport City Council to observe the following stipulations:-

- Not to erect maintain or permit to be erected or maintained on the lot a dwelling with windows in noise sensitive rooms facing ~~the Reserve~~ 1001 other than with at least 10mm laminated glazing.

The owner of each lot on the plan covenants with GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD and RL & BJ LEARY PENSION FUND ("the Vendor") and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of every other lot shown on the plan to observe the following stipulations, namely:-

- ~~That in respect of each lot shown on the plan GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD and RL & BJ LEARY PENSION FUND shall not be required to fence.~~
- Not to erect maintain or permit to be erected or maintained on the lot any portable or easily removable, or transportable, residential or other buildings.




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.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 3 OF 4 PAGES	Registered Number SP T45993
SUBDIVIDER: Gold Coast Holiday Resort Management Russell Leon Leary & Belinda Jayne Leary as trustees of the RL & BJ Leary Pension Fund FOLIO REFERENCE: 109276/1	

2. Other than lots 116, 117, 118, 136, 137 and 2000, not to erect maintain or permit to be erected or maintained on the lot any single dwelling house or residential house unit (other than a Strata Unit if permitted by Devonport City Council) of less than 100 square metres in living area.
3. Not to erect maintain or permit to be erected or maintained upon the said lot or any part thereof any shop building or erection whatsoever for the purpose of selling or offering for sale therein or thereon any articles ware or merchandise whatsoever
4. Not to carry on or permit to be carried on any trade or business upon the lot.
5. Other than lot 2000, not to affix or display on any wall or fence upon such Lot or any part thereof posters, bills, hoardings or advertisements (except any notice of advertisement in the usual form for the sale or letting of such Lot or any building erected thereon).

The owners of lots ~~26, 27~~, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42 on the plan covenant with GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD and RL & BJ LEARY PENSION FUND ("the Vendor") and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof and that the benefit shall be annexed to and devolve with each and every part of every other lot shown on the plan to observe the following stipulations, namely: -

1. Not to erect maintain or permit to be erected or maintained on the lot any building (or part thereof) exceeding a height of five (5) metres measured vertically from the middle of the southern boundary line (natural ground level) of the lot.

DEFINITIONS

"ELECTRICITY INFRASTRUCTURE EASEMENT" means the full and free right and liberty for Aurora Energy (or its successors) its employees, agents, and those authorised by it or them to enter upon the strips of land marked "ELECTRICITY INFRASTRUCTURE EASEMENT" on the plan to inspect, maintain, repair, amend and replace the electricity infrastructure (including electrical substation) in on or under the said strips of land provided that the rights granted are exercised in a manner so as to cause, as little inconvenience and damage, as practical to the said strips of land.

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.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 4 OF 4 PAGES	Registered Number SP 145993
SUBDIVIDER: Gold Coast Holiday Resort Management Russell Leon Leary & Belinda Jayne Leary as trustees of the RL & BJ Leary Pension Fund FOLIO REFERENCE: 109276/1	

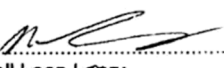
"right of pipeline easement" means a full free unrestricted right and liberty for the Devonport City Council (herein called "the Council") and its servants, agents and workmen from time to time and at all times hereafter to break the surface of dig open and use the strip of land marked "PIPELINE EASEMENT 2.00 WIDE" for the purpose of laying down fixing taking up repairing cleansing amending relaying or examining pipes to carry water stormwater sewage and other surplus water and of using and maintaining such pipes and for such purposes a full and free and unrestricted right and liberty of entry egress and regress from time to time and at all times hereafter for the Council its agents servants and workmen with or without machinery in through over across and along the said strip of land and to remove or cut back all trees stumps and tree roots growing on or projecting into the said strip of land and temporarily to removes any fences on the same provided however that all fences so affected shall be replaced and restored to their former state so soon as it is reasonably possible so to do and without doing unnecessary damage.

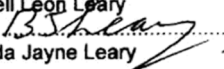
EXECUTED by GOLD COAST HOLIDAY)
 RESORT MANAGEMENT PTY LTD)
 ACN 075 054 367 by authority of its)
 Directors in accordance with Section 127)
 of the Corporations Act 2000)



 Director


 Director

SIGNED SEALED and DELIVERED by)
 RUSSELL LEON LEARY and BELINDA)
 JAYNE LEARY as trustees of the RL & BJ)
 Leary Pension Fund ABN 27 730 720 911)


 Russell Leon Leary


 Belinda Jayne Leary

Witness Sign: 
 Name: Andrea Evans
 Address: 33 Aikatoress Avenue 4214
 Occupation: Naturopath

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.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 5 OF 6 PAGES		Registered Number SP 145993
SUBDIVIDER: - GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD and R L B J LEARY FOLIO REFERENCE: - 109276/1		
EASEMENTS (continued) ✓ All lots on the plan are together with a right of drainage over the Drainage Easements 2.50 wide (SP51070) shown on the plan as created by and more fully set forth in Sealed Plan 51070 and B477458. All lots on the plan are together with a right of drainage over the Drainage Easement 2.50 wide (C627098) shown on the plan as created by and more fully set forth in C627098. ✓ All lots on the plan are together with a pipeline right over the Pipeline Easement 3.00 wide (SP104647) shown on the plan as created by and more fully set forth in Sealed Plan 104647. ✓ All lots on the plan are together with a right of carriageway over the Right of Way (private) 5.00 wide shown on the plan. ✓ Lot 1001 on the plan is subject to a right of drainage (appurtenant to Lot 1 on Sealed Plan 3684) over the Drainage Easement 1.52 wide (SP3684) marked BC shown passing through such lot. ✓ Lot 1001 on the plan is subject to a right of drainage (appurtenant to Lot 1 on Sealed Plan 3684) over the Drainage Easement 1.52 wide (SP3684) marked ED shown passing through such lot. ✓ Lot 1001 on the plan is subject to a right of drainage (appurtenant to Lot 2 on Sealed Plan 3684) over the Drainage Easement 1.52 wide (SP3684) marked AC shown passing through such lot. ✓ Lot 1001 on the plan is subject to a right of drainage (appurtenant to Lot 2 on Sealed Plan 3684) over the Drainage Easement 1.52 wide (SP3684) marked ED shown passing through such lot. ✓ Lot 1001 on the plan is subject to a right of drainage (appurtenant to Lots 4 and 5 on Sealed Plan 104647) over the Drainage Easement 1.50 wide (SP104647) marked PQR shown passing through such lot. FENCING PROVISION In respect of each lot shown on the plan, the vendor, Gold Coast Holiday Resort Management Pty Ltd, Russell Leon Leary and Belinda Jayne Leary shall not be required to fence. Drainage Easements from within Lot 2000 hereon which now fall within Lots 1005 and 1007 on SP153443 are deleted pursuant to Request to Amend C848552 made under Section 103 of the Local Government (Building & Miscellaneous Provisions) Act 1993 <div style="text-align: center;"> RECORDER OF TITLES 26/5/2008 </div>		
NOTE: - Every annexed sheet 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.		

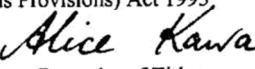


SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p align="center">ANNEXURE TO SCHEDULE OF EASEMENTS</p> <p align="center">PAGE 6 OF 6 PAGES</p>	<p align="center">Registered Number</p> <p align="center">SP145993</p>
<p>SUBDIVIDER: - GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD and R L & B J LEARY</p> <p>FOLIO REFERENCE: - 109276/1</p>	
<p>COVENANTS CONTINUED</p> <p>The owners of Lots 26 & 27 on the plan covenant with GOLD COAST HOLIDAY RESORT MANAGEMENT PTY LTD and RL & BJ LEARY (the Vendor) and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof and that the benefit shall be annexed to and devolve with each and every part of every other lot shown on the plan to observe the following stipulation, namely:</p> <p>Not to erect maintain or permit to be erected or maintained on the lot any building (or part thereof) exceeding a height of five (5) metres measured vertically from the middle of the eastern boundary line (natural ground level) of the lot.</p> <p>Covenants hereon amended by me pursuant to Request to Amend No. C793280 made under Section 103 of the Local Government (Building & Miscellaneous Provisions) Act 1993.</p> <p align="center">  10 / 8 / 2007 Recorder of Titles </p>	
<p>NOTE: - Every annexed sheet 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.</p>	



Airlie Beach | Mackay | Townsville | Rockhampton | Brisbane | Gold Coast
E : admin@visionsurveysqld.com.au P : 13000VISION

Scale: 1 : 250 @ A3	DWG No: 19697-PP-01
Surveyed: -	Sheet: 1 of 1
Drawn: AG	Revision: G



Submission to Planning Authority Notice

Council Planning Permit No.	PA2020.0009	Council notice date	7/02/2020
TasWater details			
TasWater Reference No.	TWDA 2020/00157-DCC	Date of response	10/02/2020
TasWater Contact	David Boyle	Phone No.	6345 6323
Response issued to			
Council name	DEVONPORT COUNCIL		
Contact details	council@devonport.tas.gov.au		
Development details			
Address	21 MCCALL TERRACE, STONY RISE	Property ID (PID)	2675781
Description of development	Subdivision		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Vision Surveys	19697-PP-01	G	Feb 2020
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 1. A suitably sized water supply with metered connections / sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 3. Prior to commencing construction of the subdivision, any water connection utilised for construction must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. <p>FINAL PLANS, EASEMENTS & ENDORSEMENTS</p> <ol style="list-style-type: none"> 4. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made. <i>Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.</i> 5. In the event that the property sewer connection for affected lots cannot control the lot for a gravity connection, the Plan of Subdivision Council Endorsement Page for those affected lots is to note, pursuant to Section 83 of the Local Government (Building and Miscellaneous Provisions) Act 1993, that TasWater cannot guarantee sanitary drains will be able to discharge via gravity into TasWater's sewerage system. <i>Advice: See WSA 02—2014-3.1 MRWA Version 2 section 5.6.5.3 Calculating the level of the connection point</i> 			

**DEVELOPMENT ASSESSMENT FEES**

6. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:

- a. \$211.63 for development assessment; and
- b. \$149.20 for Consent to Register a Legal Document

The payment is required by the due date as noted on the statement when issued by TasWater.

Advice**General**

For information on TasWater development standards, please visit

<https://www.taswater.com.au/Development/Technical-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

Authorised by
Jason Taylor

Development Assessment Manager

TasWater Contact Details

Email	development@taswater.com.au	Web	www.taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001		

5.0 CLOSURE

There being no further business the Chairperson declared the meeting closed at pm.