



*The City with Spirit*

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## **NOTICE OF MEETING**

Notice is hereby given that a **Planning Authority Committee** meeting of the Devonport City Council will be held in the Council Chambers, on Monday 19 June 2017, 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.

Paul West  
GENERAL MANAGER

**14 June 2017**

**AGENDA FOR A MEETING OF THE PLANNING AUTHORITY COMMITTEE OF  
DEVONPORT CITY COUNCIL HELD ON MONDAY 19 JUNE 2017  
AT THE COUNCIL CHAMBERS AT 5.15PM**

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Agenda of a meeting of the Devonport City Council's **Planning Authority Committee** to be held at the Council Chambers, 17 Fenton Way, Devonport on Monday 19, June 2017 commencing at 5.15pm.

**PRESENT**

		Present	Apology
Chairman	Ald S L Martin (Mayor)		✓
	Ald C D Emmerton		
	Ald G F Goodwin		
	Ald J F Matthews		
	Ald L M Perry		

**IN ATTENDANCE**

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Audio 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. Members of the public in attendance at the meeting who do not wish for their words to be recorded and/or published on the website, should contact a relevant Council Officer and advise of their wishes prior to the start of the meeting.

**APPOINTMENT OF CHAIRMAN**

In the absence of the Chairman it will be necessary for the Committee to elect an Alderman to chair the meeting.

**1.0 APOLOGIES**

The following apology was received for the meeting.

Ald Martin	Apology
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**2.0 DECLARATIONS OF INTEREST**

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### **3.0 DELEGATED APPROVALS**

#### **3.1 PLANNING APPLICATIONS APPROVED/REFUSED UNDER DELEGATED AUTHORITY 1 MAY 2017 - 9 JUNE 2017**

##### **ATTACHMENTS**

- [1.](#) Delegated approvals/refusal - 1 May 2017 - 9 June 2017

##### **RECOMMENDATION**

That the list of delegated approvals be received.

Author:	Jennifer Broomhall	Endorsed By:	Brian May
Position:	Planning Administration Officer	Position:	Development Manager



Planning Applications Approved/Refused Under Delegated Authority – 1 May 2017 – 9 June 2017			
Application No.	Location	Description	Approval/Refusal Date
PA2017.0033	139 Forth Road Don	Residential (outbuilding) – assessment against performance criteria under clause 13.4.3 (reduced boundary setback)	1/05/2017
PA2017.0037	30 Wylies Road Forthside	Permitted - Visitor Accommodation & Discretionary - Manufacturing and processing - tiny houses	10/05/2017
PA2017.0038	20-22 Nicholls Street Devonport	Community Building and Entertainment (Church and car park extension) – assessment against the Use Standards	10/05/2017
PA2017.0039	19 Steele Street Devonport	Permitted - Visitor Accommodation Discretionary - assessment against performance criteria under Code E9 for vehicle parking	4/05/2017
PA2017.0040	17 Leary Avenue Stony Rise	Residential (outbuilding) - assessment against performance criteria for setbacks and building envelope	<b>Refused</b> 8/05/2017
PA2017.0041	81 Lillico Road Lillico	Resource Development (storage shed) – discretion to allow a lesser than permitted front building setback.	10/05/2017
PA2017.0042	1 Kimpton Street Spreyton	Manufacturing and Processing	3/05/2017
PA2017.0043	27 Tatiana Close Devonport	Residential (single dwelling) - assessment against performance criteria for setbacks and building envelope	4/05/2017
PA2017.0044	20-22 Nicholls Street Devonport	Boundary Adjustment	10/05/2017
PA2017.0045	17 Mulligan Drive Spreyton	Residential (single dwelling and shed) - assessment against performance criteria for setbacks and building envelope	18/05/2017
PA2017.0046	53 Dana Drive Devonport	Residential (single dwelling) – assessment against performance criteria for setback of development for sensitive use (proximity to Bass Highway)	18/05/2017
PA2017.0048	90 Parker Street Devonport	Residential (garage and carport including demolition of existing garage) - assessment against performance criteria for setbacks and building envelope	5/06/2017
PA2017.0049	32 Lovett Street Devonport	Residential (storage shed) - Baptcare Karingal facility	12/05/2017
PA2017.0051	4 Stony Rise Road Quoiba	Change of Use - Service Industry (truck mechanic)	26/05/2017
PA2017.0052	32 Rockliff Road Melrose	Residential - dwelling extension	23/05/2017
PA2017.0053	119 River Road Ambleside	Residential (garage) - assessment against performance criteria for setbacks and building envelope	30/05/2017
PA2017.0063	8 Luck Street Spreyton	Boundary adjustment	6/06/2017
PA2017.0064	263 Tugrah Road Tugrah	Residential (dwelling extension)	31/05/2017

## **4.0 DEVELOPMENT REPORTS**

### **4.1 PA2017.0017 TWO LOT SUBDIVISION AND ASSESSMENT UNDER HISTORIC CULTURAL HERITAGE ACT 1995 - 36 CUTTS ROAD, DON**

File: 33635 D476387

#### **RELEVANCE TO COUNCIL'S PLANS & POLICIES**

Council's Strategic Plan 2009-2030:

Strategy 2.1.1 Apply and review the Devonport Interim Planning Scheme as required, to ensure it delivers local community character and appropriate land use

#### **PURPOSE**

The purpose of this report is to enable Council's Planning Authority Committee to make a decision regarding planning application PA2017.0017.

#### **BACKGROUND**

Planning Instrument: *Devonport Interim Planning Scheme 2013*  
Applicant: Lester Franks  
Owner: L Barnett and PM Grace  
Proposal: Two lot subdivision and assessment under *Historic Cultural Heritage Act 1995*  
Existing Use: Residential  
Decision Due: 23/06/2017

#### **SITE DESCRIPTION**

The site is located to the northwest of Cutts Road and falls approximately 25m from the southwest to the northeast. The lot has an area of 1.381ha and a total frontage of 221.9m along Cutts Road. The site is located in a landslip area and contains an established house, garden and dam. The northern side of the property has recently been cleared and the contours of the land altered. Figure 1 shows the title for the property, Figure 2 shows the landslide susceptibility for the site and Figure 3 shows the aerial view.

#### **SITE HISTORY**

The house contained on the site, Symbister, was built in 1873 for John Henry of the River Don Trading Company. In 1893 it was sold to Ernest Lodder who installed a water scheme and electricity plant to the house. This was the first electricity scheme in the area. The *Devonport Heritage Study 2001* states that Symbister is an exceptional and rare example of a stately Victorian residence and is extremely important to the character, streetscape and townscape of Don and is a landmark building of the original Don township. The property is listed on the Tasmanian Heritage Register.

An application for a two lot subdivision was made and approved in 2014. The original approval expired in 2016 however the applicants made application to have the permit extended until 2018. This was also approved however the current property owners did not own the property at the time the application was made and are seeking approval for an alternate subdivision configuration.

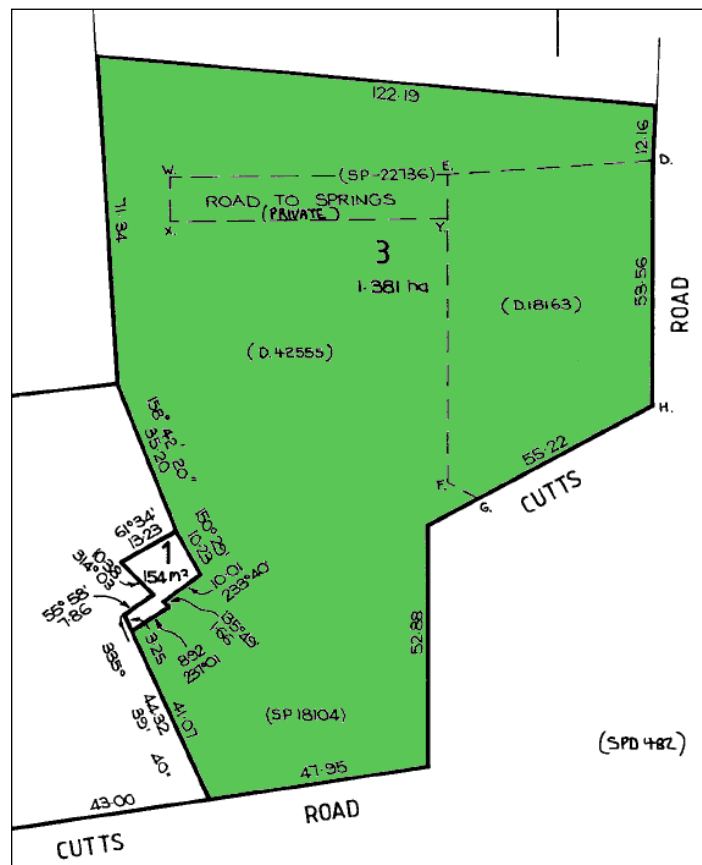


Figure 1 - Title plan

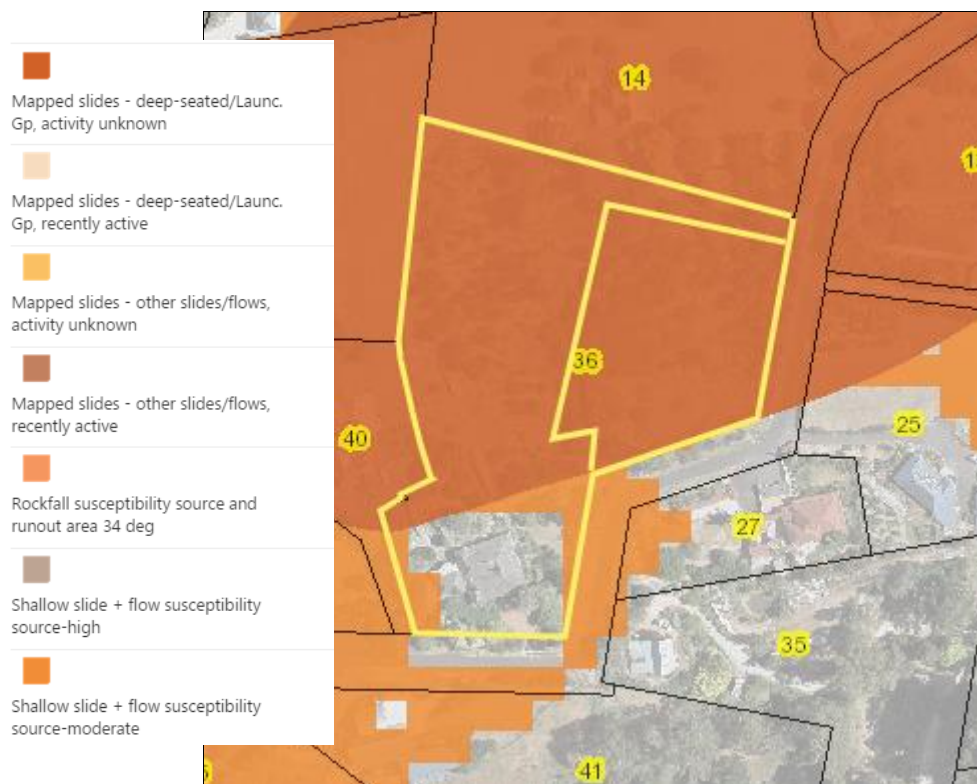


Figure 2 - Landslide susceptibility

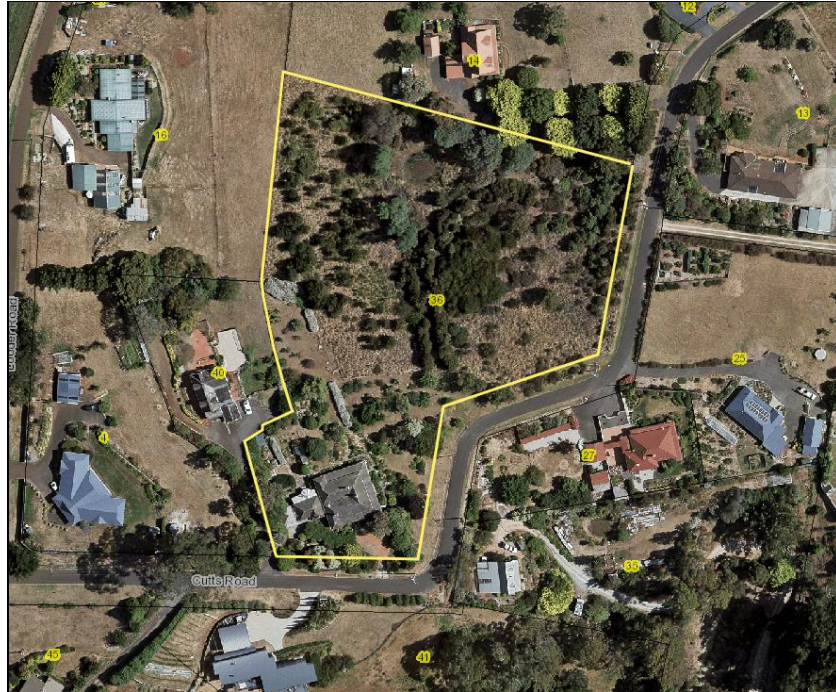


Figure 3 – Aerial view of subject site

### APPLICATION DETAILS

The applicant is seeking approval for a subdivision to create two lots, one containing the house and another vacant lot to the north east. The house lot will have an area of 9439m<sup>2</sup> and lot 1 an area of 4373m<sup>2</sup>. Figure 4 shows the proposal plan.

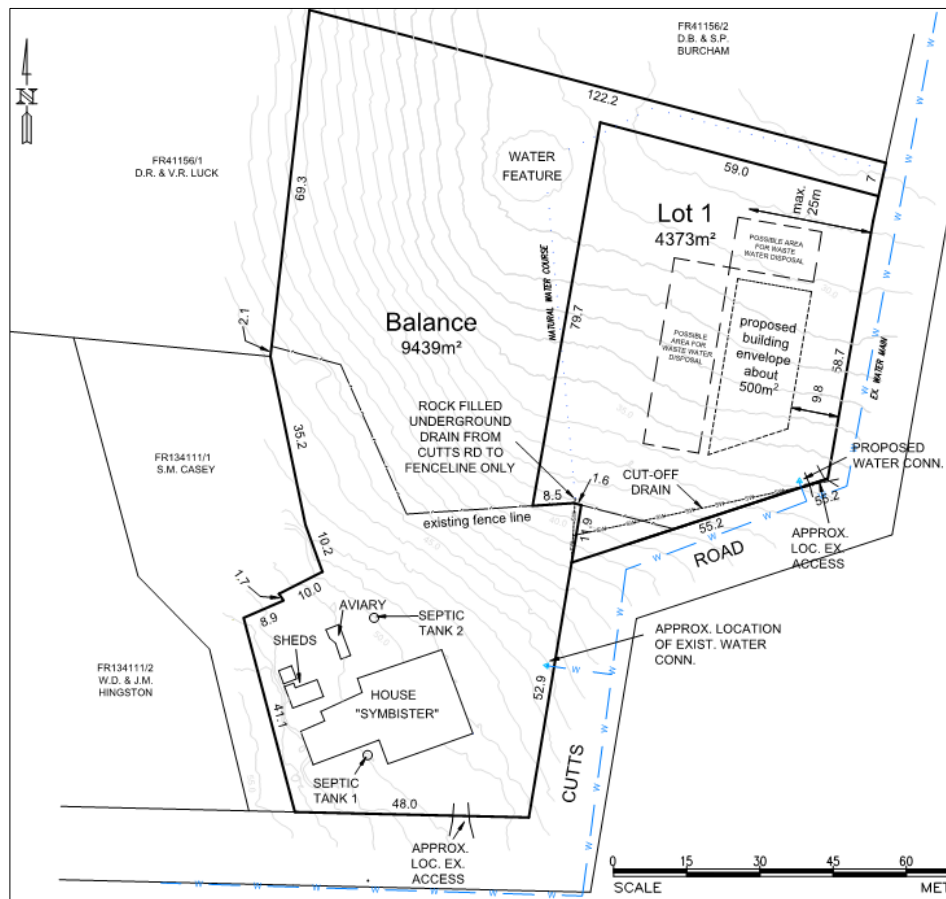


Figure 4 – Proposal plan

**PLANNING ISSUES**

The land is zoned Rural Living under the *Devonport Interim Planning Scheme 2013* and is located within the Don/Lillico Straight Conservation Area. The intent of the zone is to provide for residential use or development on large lots in a rural setting where services are limited and to provide for compatible use and development that does not adversely impact on residential amenity.

The proposal must comply with any relevant development standards of the zone along with any applicable codes. As the property is located within a conservation area the Heritage Code applies. The Hazard Management Code also applies as the property is located in an area of doubtful land stability. In addition, the title is listed on the Tasmanian Heritage Register and is therefore subject to the *Historic Cultural Heritage Act 1995* (Heritage Act).

An application must comply with all relevant acceptable solutions. In instances where this is not possible the proposal becomes discretionary and must satisfy the appropriate performance criteria.

The proposal is unable to satisfy acceptable solution 13.4.1 A1 in regard to lot size and E5.6.3 A1 as the proposal is not a boundary adjustment. The Tasmanian Heritage Council has indicated that the proposal is not exempt from the Heritage Act, which triggers another element of discretion as an application under s.57 of the *Land Use Planning and Approvals Act 1993* (LUPAA) is automatically required.

The proposal is able to satisfy the acceptable solutions in regard to the Hazard Management Code.

The relevant sections of the planning scheme are reproduced below, along with comments.

**Rural Living zone****13.4 Development Standards****13.4.1 Suitability of a site or lot for use or development**

<b>Objective:</b>	
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 a water supply and for the drainage and disposal of sewage and stormwater	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>



<p><b>A1</b></p> <p>Each site or each lot on a plan of subdivision must –</p> <p>(a) have an area of not less than –</p> <p>(i) 1.0 ha excluding any access strip; or</p> <p>(ii) if in a locality shown in the Table to this Clause, not less than the site area shown for that locality; and</p> <p>(b) if intended for a building, contain a building area –</p> <p>(i) of not more than 1,000m<sup>2</sup>;</p> <p>(ii) clear of any applicable setback from a frontage, side or rear boundary</p> <p>(iii) clear of any applicable setback from a zone boundary;</p> <p>(iv) clear of any registered easement;</p> <p>(v) clear of any registered right of way benefiting other land;</p> <p>(vi) clear of any restriction imposed by a utility;</p> <p>(vii) not including any access strip;</p> <p>(viii) clear of any area required for the on-site disposal of sewage or stormwater; and</p> <p>(ix) accessible from a frontage or access strip</p>	<p><b>P1</b></p> <p>A site or each lot on a plan of subdivision must –</p> <p>(a) if intended for residential use be of sufficient size to be consistent with clauses 13.1.1, 13.1.2 and 13.1.3 having regard to –</p> <p>(i) the number, size and distribution of existing and approved lots on land in the vicinity;</p> <p>(ii) the pattern, intensity and character of established use and development on other lots in the vicinity;</p> <p>(iii) the capacity of any available or planned utilities; and</p> <p>(iv) capability of the land to accommodate residential use; and</p> <p>(b) be of sufficient size for the intended use having regard to the effect of one or more of the following as are relevant to the size of a site or lot –</p> <p>(i) topography of the land and land in the vicinity;</p> <p>(ii) natural drainage of the land and land in the vicinity;</p> <p>(iii) the desirability of protecting native vegetation, landscape features, natural and cultural values;</p> <p>(iv) provision for management of exposure to natural hazards;</p> <p>(v) provision of an accessible building area;</p> <p>(vi) compliance to the acceptable solution criteria in any applicable standard for location and separation of a building;</p> <p>(vii) arrangements for the convenient provision of roads and access to the land;</p> <p>(viii) arrangements for the provision of a water supply and for the drainage and disposal of sewage and stormwater;</p> <p>(ix) any restriction or requirement of a lawful easement or statutory interest in the land; and</p> <p>(x) opportunity for solar access to a building area.</p>
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The proposal does not comply with the minimum lot size requirements as both lots have an area less than 1 hectare. In addition the proposed building envelope is located within the required 20m setback, at only 9.5m, as a result of the landslip issues onsite. There are also easements within the identified building area which are discussed below.

The proposal satisfies the performance criteria above as the lots are of a similar size and pattern to those in the surrounding area. A geotechnical assessment has shown that the land is capable of supporting residential use and TasWater has approved the proposal in relation to the provision of reticulated water. Council's Engineering Department has made an In-principle agreement to ensure stormwater from the site can be dealt with and the Tasmanian Heritage Council has assessed the application in terms of heritage issues. The proposed building area is well orientated for solar access and is accessible from the existing road.

Report to Planning Authority Committee meeting on 19 June 2017

<p><b>A2</b></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 6.0m; 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><b>P2</b></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>
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The proposed lot has appropriate access.

<p><b>A3</b></p> <p>A site or each lot on a plan of subdivision must be capable of connecting to a water supply –</p> <p>(a) from a connection to a water supply provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) from a rechargeable drinking water system <sup>R 6</sup> with a storage capacity of not less than 10,000 litres if–</p> <p>(i) there is not a reticulated water supply; and</p> <p>(ii) development is for –</p> <p>a. a single dwelling; or</p> <p>b. a use with an equivalent population of not more than 10 people per day</p>	<p><b>P3</b></p> <p>(a) There must be a water supply available for the site or for each lot on a plan of subdivision with an adequate level of reliability, quality, and quantity to service the anticipated use of the site or the intended use of each lot on a plan of subdivision; or</p> <p>(b) It must be unnecessary to require a water supply</p>
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The proposed lot can connect to the reticulated water supply.

Report to Planning Authority Committee meeting on 19 June 2017

<p><b>A4</b></p> <p>A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and trade waste –</p> <p>(a) to a reticulated sewer system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) by on-site disposal if –</p> <p>(i) sewage or trade waste cannot be drained to a reticulated sewer system; and</p> <p>(ii) the development –</p> <p>a. is for a single dwelling; or</p> <p>b. provides for an equivalent population of not more than 10 people per day; or</p> <p>c. creates a total sewage and waste water flow of not more than 1,000l per day; and</p> <p>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS1547:2012 On-site domestic-wastewater management clear of any defined building area or access strip</p>	<p><b>P4</b></p> <p>(a) A site or each lot on a plan of subdivision must drain and dispose of sewage and trade waste –</p> <p>(i) in accordance with any prescribed emission limits for discharge of waste water;</p> <p>(ii) in accordance with any limit advised by the Tasmanian Environmental Protection Agency;</p> <p>(iii) without likely adverse impact for the health or amenity of the land and adjacent land;</p> <p>(iv) without compromise to water quality objectives for surface or ground water established under the State Policy on Water Quality Management 1997; and</p> <p>(v) with appropriate safeguards to minimise contamination if the use or development has potential to –</p> <p>a. indirectly cause the contamination of surface or ground water; or</p> <p>b. involve an activity or process which requires the use, production, conveyance or storage of significant quantities of sewage or trade waste that may cause harm to surface or ground water if released through accident, malfunction, or spillage; or</p> <p>(b) It must be unnecessary to require arrangements for the drainage and disposal of sewage or trade waste</p>
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The proposal has been assessed by Tasman Geotechnics and capacity for onsite waste water disposal has been shown to be available.

<p><b>A5</b></p> <p>A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater –</p> <p>(a) for discharge to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system –</p> <p>(i) for discharge to a natural drainage line, water body, or watercourse; or</p> <p>(ii) for disposal within the site if –</p> <p>a. the site has an area of not less than 5000m<sup>2</sup>;</p> <p>b. the disposal area is not within any defined building area;</p> <p>c. the disposal area is not within any area required for the disposal of sewage;</p> <p>d. the disposal area is not within any access strip; and</p> <p>e. not more than 50% of the site is impervious surface; and</p> <p>(iii) the development is for a single dwelling</p>	<p><b>P5</b></p> <p>(a) A site or each lot on a plan of subdivision must drain and dispose of stormwater –</p> <p>(i) to accommodate the anticipated stormwater –</p> <p>(ii) without likelihood for concentration on adjacent land;</p> <p>(iii) without creating an unacceptable level of risk for the safety of life or for use or development on the land and on adjacent land;</p> <p>(iv) to manage the quantity and rate of discharge of stormwater to receiving waters;</p> <p>(v) to manage the quality of stormwater discharged to receiving waters; and</p> <p>(vi) to provide positive drainage away from any sewer pipe, on-site sewage disposal system, or building area; or</p> <p>(b) It must be unnecessary to require arrangements for the drainage and disposal of stormwater</p>
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Council's Engineering Department has placed conditions in an In-principle agreement in regard to the proposed lot disposing of stormwater to the existing stormwater system.



**13.4.2 Dwelling density**

<b>Objective:</b> Residential dwelling density [R7] is to –	
(a) make efficient use of land for housing; (b) optimise utilities and community services; and (c) be consistent with any constraint on suitability of the land for residential use	
<b>Acceptable Solutions</b> <b>A1</b> The site area per dwelling must – (a) be not less than 1.0 ha; or (b) if the site is in a locality shown in the Table to this Clause, the site area for that locality	<b>Performance Criteria</b> <b>P1</b> The number of dwellings on a lot or site must be consistent with: (a) clauses 13.1.1, 13.1.2 and 13.1.3 having regard to – (i) the size of any existing or approved lot or site on land in the vicinity; and (ii) the pattern, intensity and character of established use and development on other lots in the vicinity; and (b) the capability of the land for residential use having regard to the effect of one or more of the following as are relevant to the size of a site or lot – (i) topography; (ii) natural drainage; (iii) the desirability of protecting native vegetation, landscape features, natural and cultural values; (iv) provision for management of exposure to natural hazards; (v) provision for access to the building area; (vi) compliance to the acceptable solution criteria in any applicable standard for location and separation of a building in relation to a frontage, side or rear boundary or zone boundary and from adjacent buildings; (vii) arrangements for the convenient provision of roads and access to the land; (viii) arrangements for the provision of a water supply and for the drainage and disposal of sewage and stormwater; (ix) any restriction or requirement of a lawful easement or statutory interest in the land; and (x) opportunity for solar access to each building.

The proposal complies with the above performance criteria as discussed for clause 13.4.1 P1.

Report to Planning Authority Committee meeting on 19 June 2017

**13.4.7 Subdivision**

<b>Objective:</b> The division and consolidation of estates and interests in land is to create lots that are consistent with the purpose of the Rural Living zone	
<b>Acceptable Solutions</b> <b>A1</b> 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	<b>Performance Criteria</b> <b>P1</b> Each new lot on a plan of subdivision must be – (a) for a purpose permissible in the zone
<b>A2</b> A lot, other than a lot to which A1(b) applies, must not be an internal lot	<b>P2</b> (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

Both proposed lots are intended for residential use and neither are internal lots.

**13.4.8 Reticulation of an electricity supply to new lots on a plan of subdivision**

<b>Objective:</b> Distribution and connection of reticulated electricity supply to new lots on a plan of subdivision is to be without visual intrusion on the streetscape or landscape qualities of the residential area	
<b>Acceptable Solutions</b> <b>A1</b> Electricity reticulation and site connections must be installed underground	<b>Performance Criteria</b> <b>P1</b> It must be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground

Tas Networks installs all new connections underground wherever possible.

**Local Heritage Code****E5.6.3 Subdivision**

<b>Objective:</b>	
A plan of subdivision of land is to minimise likely impact for conservation of a building, area or other place.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>
A plan of subdivision must be for a boundary adjustment.	<p>A plan of subdivision <sup>R34</sup> must not separate buildings or works from their original context of land area having regard for -</p> <p>(a) the historic pattern of the development for the place or area;</p> <p>(b) the physical and cultural setting; and</p> <p>(c) the setting forming part of the attributes or features of value for the building, area or other place</p>

The proposal is not for a boundary adjustment and therefore the performance criteria must be satisfied. The proposal will leave the house and gardens on the one lot and is also deemed satisfactory by the Tasmanian Heritage Council. In light of this the performance criteria are seen to be satisfied.

**Hazard Management Code****E6.6.2 Development on land exposed to a natural hazard**

<b>Objective:</b>	
The level of likely risk from exposure to a natural hazard is to be tolerable for the type, form, scale and duration of each development	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>
<p>If the site is within an area of risk shown on a natural hazard map forming part of this planning scheme -</p> <p>(a) a hazard risk assessment must determine -</p> <p>(i) there is an insufficient increase in risk to warrant any specific hazard reduction or protection measure; or</p> <p>(ii) a tolerable level of risk can be achieved for the type, form, scale and duration of the development; and</p> <p>(b) if a hazard risk assessment established need to involve land on another title for hazard management consistent with the objective, the consent in writing of the owner of that land must be provided to enter into a Part 5 agreement to be registered on the title of the land and providing for the effected land to be managed in accordance with recommendations for hazard management</p>	There is no performance criteria

Geotechnical consultants, Tasman Geotechnics were commissioned to assess the subject site in 2014 for the previous subdivision application. The configuration of lots has now altered however Tasman Geotechnics has confirmed that the recommendations of the report remain valid. The report states that the proposed development will not adversely impact upon the stability of the site nor its immediate surrounds, provided the list of limitations on development are adopted. They add that a copy of their report should be provided to future landowners of the new lot so they are aware of construction limitations and maintenance requirements.

The major constraint caused by the land stability is the limited area within which a house can be constructed. Tasman Geotechnics has stated that the house is to be built no more than 20m west of the eastern boundary of the property. Lester Franks requested the restriction be increased to 25m which has been noted as acceptable by Tasman Geotechnics. The subdivision plan shows the proposed house location within a building envelope which has been confirmed as suitable by Tasman Geotechnics. A condition will be placed on the permit requiring a building envelope to be shown on the final plan to ensure future purchasers are aware of the limitations.

Land external to the site is not required for hazard management.

The proposal complies with the acceptable solutions.

### REPRESENTATIONS

One representation was received during the required advertising period as shown in Figure 5. The representors own the property downhill of the subject site, on the northern boundary, and have concerns with the overland flow from the subject site onto their property and the potential for future subdivision of the proposed balance lot.

The representors state that the vegetation removal that has occurred on the subject site has increased the amount of water entering their lot however Council is unable to intervene in such circumstances as overland flow disputes are a civil matter. The upstream owner may be liable if the water is made to flow in a more concentrated form than would naturally flow however they cannot be held responsible merely because the surface water naturally flows from the land onto the lower land of a neighbour.

We wish to make a representation regarding the above development.

We have concerns about the water run off onto our adjoining land, 14 Cutts Road.

When the previous owner had the dam put in we experienced a large amount of water coming over the south side of our property, this consists of grass, mature claret ash, golden elms, blackwood trees, and our driveway. The owner had an open drain put along the fence line to carry surface water out to Cutts Road which improved our situation. This, along with hundreds of native plants has keep the run off to an acceptable level.

The property of 36 Cutts Road has now been cleared of most of the existing vegetation, leaving the south side of our property again vulnerable to flooding. This is occurring each time we have rain of any substance. The trees are at a real risk of falling over due to sitting in water for prolonged periods and the driveway is being eroded.

Therefore we have concerns about the access being proposed along this area of land. This is where much of the water ends up to be diverted to the road, and, as such, needs to be maintained as a water course.

There is also some concern that the proposed subdivision, with access in place, could lead to the balance of 9439m2 being sold as a separate building block. We would seek assurance that this will not occur.

Yours sincerely,  
Sharon and David Burcham  
14 Cutts Road  
Don.

Figure 5 – Representation

As it stands the balance lot will contain the existing house and therefore cannot be sold as a separate building block. It is not currently proposed to subdivide this lot further although it is not possible to prevent this occurring in the future.

The matters raised in the representation, although important issues, are not valid planning concerns and therefore cannot prevent the proposed application being approved.

**COMMENTARY**

The proposal is permanently listed on the Tasmanian Heritage Register and as such was required to be referred to the Tasmanian Heritage Council for a decision. The Heritage Council's decision must be included as part of the permit. It consents to the proposal but advises that lot 1 will remain entered in the Tasmanian Heritage Register as part of the original entry for the site. This means that any future development will be subject to the requirements of the *Heritage Act*.

A number of easements are shown on the existing title for the property. They refer to the right given to three people to access the property to take water from a dam and a well. There is also reference to a public road to a spring. In its submission Lester Franks has stated that the dam no longer exists, the well is located on a neighbouring property and has been partially filled and also that all three named parties are deceased, and therefore the rights can be extinguished.

The portion of land referred to in conjunction with the well is marked on the sealed plan as D.E.F.G.H. and is clearly shown to be on the subject site. While the three people specifically listed in the schedule of easements, Alfred Hedley Higgs, Alfred Lawrence Green and James Grieve Forsyth, are likely to be deceased the public right over the road to the springs cannot be disregarded. However, given reticulated water is now available in the area it is felt that access for the public or any specific parties to these water supplies is no longer required. These rights cannot simply be extinguished however and a petition to amend the sealed plan in accordance with section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* will be required. A condition will be placed on the permit requiring this be done prior to, or in conjunction with, lodgement of the final plan.

As mentioned previously, a building envelope will be placed on the final plan to show where a dwelling can be constructed, in line with Tasman Geotechnics' report. The plan below (Figure 5) shows that any future house is to be located a maximum of 20m (amended to 25m) west of the eastern boundary however the areas required for onsite wastewater disposal may be outside this area.

The septic system for the existing house consists of 2 septic tanks and associated trenches. It appears one of the trenches is located below a concrete path which has been covered with a garden bed adjacent to the house. Council's Environmental Health Officers believe this configuration is unlikely to be operating appropriately and have requested a condition be placed on the permit to resolve the issue.

No Public Open Space contribution is required as only one new lot is proposed.

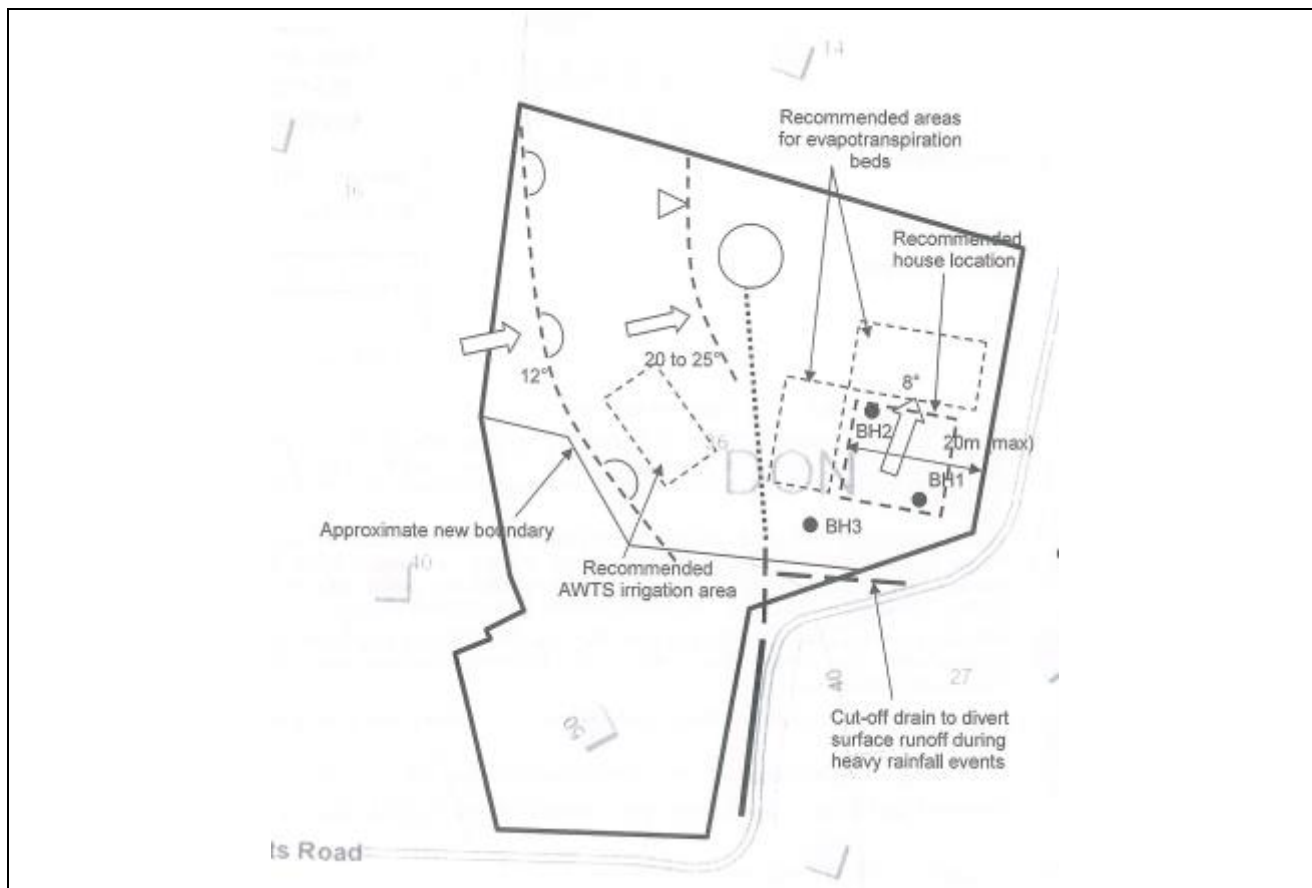


Figure 5 – Recommended house location and areas for evapotranspiration beds taken from 2014 letter (note – proposed boundary has moved and AWTs irrigation area can no longer service lot 1)

### STATUTORY REQUIREMENTS

A decision must be made by 23 June 2017 to comply with the requirements of LUPAA.

### FINANCIAL IMPLICATIONS

No financial implications are predicted.

### CONCLUSION

The proposal has been assessed by Council's Development and Engineering staff along with the Tasmanian Heritage Council and TasWater and can be recommended for approval with conditions.

### ATTACHMENTS

1. Documentation - PAC meeting - PA2017.0017 - 36 Cutts Road Don

### RECOMMENDATION

That the Planning Authority, pursuant to the provisions of the *Devonport Interim Planning Scheme 2013*, Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and Section 57 of the *Land Use Planning and Approvals Act 1993*, approve application PA2017.0017 and grant a Permit to develop land identified as 36 Cutts Road, Don as follows:-

1. Two lot subdivision – assessment against *Historic Cultural Heritage Act 1995*

Subject to the following conditions:

2. The subdivision is to be developed and configured generally in accordance with the following submitted plans and documents, copies of which are attached and endorsed as documents forming part of this Planning Permit:
  - a. Plan of subdivision – Drawing no. D14734-P03 rev 01 by Lester Franks, dated 28/03/17;
  - b. Landslide Risk Assessment – Proposed 2 lot subdivision – 36 Cutts Road, Don – Document Reference TG14077/1 – 01report, by Tasman Geotechnics, dated 27/6/14;
  - c. Letter (Building Area on Proposed New Lot) – Reference TG14077/1 – 02letter by Tasman Geotechnics, dated 4/8/14;
  - d. Letter (Response to Council Request for Clarification) – Reference TG17005/1 – 02 letter by Tasman Geotechnics, dated 10 May 2017
3. The developer is to comply with the conditions contained in the 'In-principle agreement for Roads and Stormwater' issued by the Devonport City Council on the 16 May 2017 (copy attached).
4. A building envelope is to be placed on the Final Plan to indicate the suitable location of a future dwelling in accordance with Tasman Geotechnics' recommendation.
5. The Final Plan is to be endorsed as follows:

On-site sewage and sullage disposal:

Lot 1 is suitable for the installation of a septic tank with evapotranspiration beds or an aerated on-site wastewater management system.'
6. The subdivider is to enter into an agreement in accordance with Part 5 of the *Land Use Planning and Approvals Act 1993* to ensure the report prepared by Tasman Geotechnics in regard to geotechnical and onsite wastewater disposal considerations is available to all subsequent owners.
7. The easements on the existing sealed plan in regard to water and access rights are to be removed in accordance with section 103 of the *Local Government (Building and Miscellaneous Provisions Act) 1993* at the time of, or prior to, submission of the final plan of subdivision.
8. The subdivider is not to include any covenants within the Schedule of Easements that by their intended purpose are inconsistent with the relevant zone and code standards of the *Devonport Interim Planning Scheme 2013*.
9. The developer is to either identify the location of the land application disposal system for existing septic tank 1; or submit to Council a design report, including a site and soil evaluation in accordance with AS/NZS1547:2012 and the Director's Guidelines for On-site Wastewater Management Systems, as well as an application for a plumbing permit, for a land application disposal system. As part of this, the report is to assess whether the existing septic tank is suitable for use with regard to its general condition and wastewater loadings.
10. All existing onsite wastewater treatment systems, including land application areas, are to be confined within the boundary of the property they are servicing.
11. The developer is to comply with the conditions specified in the Notice of Heritage Decision which the Tasmanian Heritage Council has required to be included in the planning permit pursuant to section 39 of the *Historic Cultural Heritage Act 1995* (copy attached).

12. The person responsible for the activity must comply with the conditions contained in the *Submission to Planning Authority Notice* which the regulated entity (trading as TasWater) has required the Planning Authority to include in the planning permit, pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008* (copy attached).

Note: The following is provided for information purposes.

Lot 1 will remain registered on the Tasmanian Heritage Register. Any future development on the site must be assessed by the Tasmanian Heritage Council.

The address of Lot 1 will be 24 Cutts Road. The address of the balance lot will remain as 36 Cutts Road.

The subdivider should contact Telstra and Tas Networks to assist them with their forward planning of infrastructure.

In regard to condition 12 the applicant/developer should contact the TasWater – Ph 136992 with any enquiries.

In regard to condition 3 the applicant should contact Council's City Infrastructure Department – Ph 6424 0511 with any enquiries.

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

Author:	Carolyn Milnes	Endorsed By:	Brian May
Position:	Senior Town Planner	Position:	Development Manager



06/02/2017 D459080



**PLANNING SUBMISSION  
SUBDIVISION – 1 LOT INTO 2**

**36 Cutts Road, Don**

**Prepared for: L. Barnett & P. Grace**

**January 2017**

06/02/2017 D459080

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## 1.0 SUMMARY

This report is in support of a Development Application for the subdivision of 36 Cutts Road, Don, also known as 'Symbister'. The proposal is to divide the existing lot into two lots. One lot will contain the existing heritage listed dwelling, the other lot will be vacant. Proposal Plan D14734-P02-2 is attached at Appendix A.

Devonport City Council is the assessment authority for the application. The application must be referred to the Tasmanian Heritage Council, as the site is listed on the Tasmanian Heritage Register. The application will also be referred to TasWater as the proposed lot will connect to reticulated water.

An assessment of the proposed development against the provisions of the *Devonport Interim Planning Scheme 2013* has been undertaken. Those provisions relevant to the development are discussed in this report.

The report also reviews the State legislative requirements, including referral agencies.

The proposal is consistent with the above-mentioned requirements and is considered appropriate for approval.

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## 2.0 SITE DESCRIPTION

The subject site is described in the following table:

Location	<ul style="list-style-type: none"> <li>Folio of the Register 109440/3 – 36 Cutts Road, Don, 'Symbister'</li> </ul>
Ownership	<ul style="list-style-type: none"> <li>Leo Barnett and Priscilla Margaret Grace</li> </ul>
Site Area (ha) and Road Frontages	<ul style="list-style-type: none"> <li>1.381 ha</li> <li>Frontage to Cutts Road of 221.77 metres.</li> </ul>
Encumbrances	<p>The Schedule of Easements states that the site is subject to a right created by an Indenture for certain parties to enter a certain part of the site and take water from a dam and well. The dam no longer exists. The well is located on a neighbouring property and has been partially filled. All parties subject to the indenture are deceased. Accordingly, the right can be extinguished.</p> <p>See Title Search at Appendix B.</p>
Existing Use	Residential (single dwelling)
Local Government Authority	Devonport City Council
Surrounding Land	The subject site is located within the rural residential area of Don and is surrounded by other rural residential lots containing single dwellings. The surrounding lots range in size from about 2554m <sup>2</sup> to 7530m <sup>2</sup> .
Flora and Fauna	The site comprises a single dwelling, associated outbuildings and formal gardens to the south. The remainder of the site is remnant pasture with some shrubs and grasses.
Topography	The site slopes downwards from the existing dwelling at an average slope of around 16%. However, there are less steep sections of the lot at the top (the existing house location) and at the north-eastern section of the site.
Planning Scheme Designations	<p>Zone: Rural Living</p> <p>Overlays: Conservation Area 11; Landslip Hazard; Operational Airspace (15m).</p>
Referral requirements	Tasmanian Heritage Council, TasWater

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### 3.0 PROPOSAL DESCRIPTION

The proposed development comprises a subdivision of two lots. Proposed Lot 1 will be approximately 3635m<sup>2</sup> and vacant. The Balance Lot will be approximately 1.02ha and will contain the existing dwelling, outbuildings and associated gardens as well as a paddock.

Access to both lots will be via Cutts Road. The access point to proposed Lot 1 is existing and marked on the Proposal Plan. An additional access point will be established to provide easy access for the owners of the Balance Lot to the paddock.

Stormwater and waste water disposal for the existing dwelling are onsite, via absorption trenches and septic system. Waste water for the new lot is recommended by the Geotechnical Engineer to be either to a septic tank with evapotranspiration beds, or to a package treatment system (AWTS) with irrigation (see Appendix C). Reticulated water is available from Cutts Road.

## 4.0 DEVELOPMENT ASSESSMENT

### 4.1 Devonport Interim Planning Scheme 2013

The site is located within the Devonport Municipality and is subject to assessment under the *Devonport Interim Planning Scheme 2013*.

The proposal has been assessed against the provisions of the following Sections:

- Subdivision
- 13.0 Rural Living Zone
- E1 Bushfire-Prone Areas Code
- E2 Airport Impact Management Code
- E3 Clearing and Conversion of Vegetation Code
- E5 Local Heritage Code
- E6 Hazard Management Code

#### 4.1.1 – Subdivision

A subdivision is to be assessed as discretionary. Application is therefore made for a discretionary Permit.

#### 4.1.2 – 13.0 – Rural Living Zone

The proposal is consistent with the Zone Purpose Statements and the Local Area Objectives as it will allow for the efficient use of land through infill development without adversely impacting on residential amenity. Any new dwelling on Lot 1 will not affect visual amenity or solar access of neighbouring dwellings.

The proposal is consistent with the Desired Future Character Statements as it provides one additional rural-residential sized lot, which will have low site coverage and will be able to accommodate on-site disposal of sewage and stormwater.

Those Clauses relevant to the proposal are addressed below:

#### ***13.4.1 Suitability of a site or lot for use or development***

##### ***Proposal Response***

The proposal does not meet the minimum lot requirement of the Acceptable Solution 1 – i.e. a minimum lot size of 1 hectare. The Balance lot satisfies this requirement with an area of approximately 1.02ha however Lot 1 will be approximately 3635m<sup>2</sup>.

The proposal has therefore been assessed against the Performance Criteria 1. Lot 1 is 6365m<sup>2</sup> below the minimum lot size required by the Acceptable Solution. This variation is considered acceptable as the lot size is consistent with lots on land in the vicinity (compare figure 1).

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Figure 1: Land in the vicinity (image by LISTmap, Lot sizes measured with LISTmap tool)

Both lots have a frontage to Cutts Road in excess of the minimum 6.0 metres required.

Both lots are of sufficient area to enable onsite disposal of stormwater and wastewater. Appropriate conditions of approval can be placed on the Permit to ensure stormwater and wastewater disposal occurs in accordance with Council's requirements.

Lot 1 can connect to the TasWater reticulated water main running along Cutts Road.

#### **13.4.7 Subdivision**

##### **Proposal Response**

The proposal complies with the Performance Criteria of this Clause. The proposed new lot is intended for residential use and has frontage to Cutts Road.

##### **4.1.3 – E1 Bushfire-Prone Areas Code**

It is noted that the proposed Lot 1 is less than 1 hectare. The Balance lot, which comprises the entire paddock, is about 1 hectare. All surrounding land comprises single dwellings with maintained gardens. Therefore, the site is not considered to be in a bushfire-prone area and the provisions of this Code are not relevant to the proposal.

##### **4.1.4 – E2 Airport Impact Management Code**

The subject site is partially within the Operational Airspace Overlay of the Scheme, therefore the Airport Impact Management Code must be considered.

It is noted that a large proportion of the Devonport City is also within this Overlay. The proposed subdivision will result in one additional rural-residential lot within an existing rural-residential area. The proposal is therefore not considered likely to interfere or constrain the operation of the airport. The likelihood for airport noise to impact the amenity of the site is also extremely small, given the 10 km distance from the airport.

##### **4.1.5 – E3 Clearing and Conversion of Vegetation Code**

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The subject site has previously been cleared for agricultural purposes (historically, prior to the development of the current rural-residential area). Accordingly, the proposal is exempt from this Code.

#### **4.1.6 – E5 Local Heritage Code**

The subject site is within the Don/Lillico Straight Conservation Area (Area 11), as identified on the Interim Planning Scheme Maps. Therefore the provisions of this Code apply.

The 'Statement of architectural or historic Interest or special cultural value' for the area is:

*Rural landscape, including the Don Heads. The area includes various plantings and is a landmark landscape within the region. It is also overviewed from parts of Devonport's residential areas.*

No Conservation Outcomes are listed for the Area.

#### ***E5.6.3 Subdivision***

##### ***Proposal Response***

The proposal must be considered under the Performance Criteria for this Clause, as the plan of subdivision is not for a boundary adjustment.

The proposal meets the requirements of the Performance Criteria, as the heritage listed house and associated gardens will be entirely encompassed by the Balance Lot.

Further consideration of the heritage impacts of the proposal will be considered under Section 4.2.

#### **4.1.7 – E6 Hazard Management Code**

This Code is applicable to the proposal as the site is subject to landslide according to the Landslide Hazard Map.

#### ***E6.6.2 Development on land exposed to a natural hazard***

This Clause requires a hazard risk assessment be undertaken to determine that a tolerable level of risk can be achieved for the type, form and duration of the development.

Tasman Geotechnics was engaged to conduct a Landslide Risk Assessment in 2014 for the granted Planning Permit PA2014.0123 (29874). In the proposal plan of this Planning Permit the boundary was along the existing fence line, therefore the paddock was part of the proposed Lot 1. However, Tasman Geotechnics confirmed that the findings of the report TG14077/1-01report are also valid for the new proposed boundaries (see attached letter TG17005-1-01letter).

The report concludes that the proposed development will not adversely impact the stability of the site or its immediate surrounds, provided a number of 'limitations' are addressed. This includes limiting a house site to the first 25 metres of the eastern portion of the lot.



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In order to determine whether a house site is possible within the 25m limitation, the minimum front setback must be determined.

The minimum front setback standards for the Rural Living Zone is as follows (Clause 13.4.3-A1):

- (a) not less than 20.0m;*
- (b) not less than or not more than the setbacks for any existing building on each of the immediate adjoining sites;*
- (c) not less than for any building retained on the site;*
- (d) in accordance with any building area shown on a sealed plan of subdivision; or*
- (e) if the site abuts a road shown in Table A1 to this clause, the setback specified for that road.*

Sub-clause (b) is applicable because the immediately adjoining sites contain existing buildings. The front setbacks for the existing buildings on those sites are:

- the existing dwelling (9.8m)
- 40 Cutts Rd (approx. 50.0m)
- 16 Lodder Rd (approx. 10.0m)
- 14 Cutts Road (approx. 50.0m)

Accordingly, the front setback for the proposed lot should be not less than 9.8 metres.

A building site of at least 15m by 15m can be located between the minimum front setback of 9.8m and the dwelling limitation of 25m from the eastern boundary of Lot 1.

It is not proposed to place a building envelope on the Title Plan, as more detailed assessment and design may allow an increase of the limitations. A building envelope is shown on the proposal plan to demonstrate compliance with the Tasman Geotechnics recommendations however, the exact building envelope has to be defined within the required Building Permit.

The remaining conditions relate to the eventual construction of a dwelling. The Code will be again triggered when a house is proposed for the site. Therefore Council can ensure appropriate conditions are placed on the Permit for that development at such time as a house is proposed.

See Appendix C for the full report produced by Tasman Geotechnics.

## **4.2 Legislative Requirements**

### **4.2.1 Historic Cultural Heritage Act 1995**

The subject site is listed on the Tasmanian Heritage Register. The proposal will be referred to the Tasmanian Heritage Council for formal consideration as part of this application.

Preliminary consultation with Heritage Tasmania has been undertaken. The proposal plan as well as the former granted Planning Permit for the subject land PA2014.0123 (29874)

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were provided to Tasmanian Heritage Council. Preliminary advice by Liz Fitzgerald was that the proposal to excise the heritage dwelling would be acceptable provided all the main structures and significant elements of the place were contained within a single lot.

#### **4.2.2 State Policies**

The proposal has been reviewed against the following State Policies:

- State Coastal Policy 1996
- State Policy on Water Quality Management 1997
- State Policy on Protection of Agricultural Land 2009
- National Environment Protection Measures (NEPMs)

The Policies are not considered relevant to the proposal as the site is not within 1 kilometre of the Coast, does not impact on surface waters accessible to the public, is not considered to contain Agricultural Land, and does not have any known history of contamination.

### **5.0 CONCLUSION**

The application is made pursuant to Section 57 of the Land Use Planning and Approvals Act 1993.

The proposal is considered to be consistent with the requirements of the *Devonport Interim Planning Scheme 2013*, in particular the provisions relating to subdivision, heritage and hazard management

The proposal will allow creation of one 'infill' rural-residential lot, without impacting on the heritage values of the existing house or the amenity of the area.

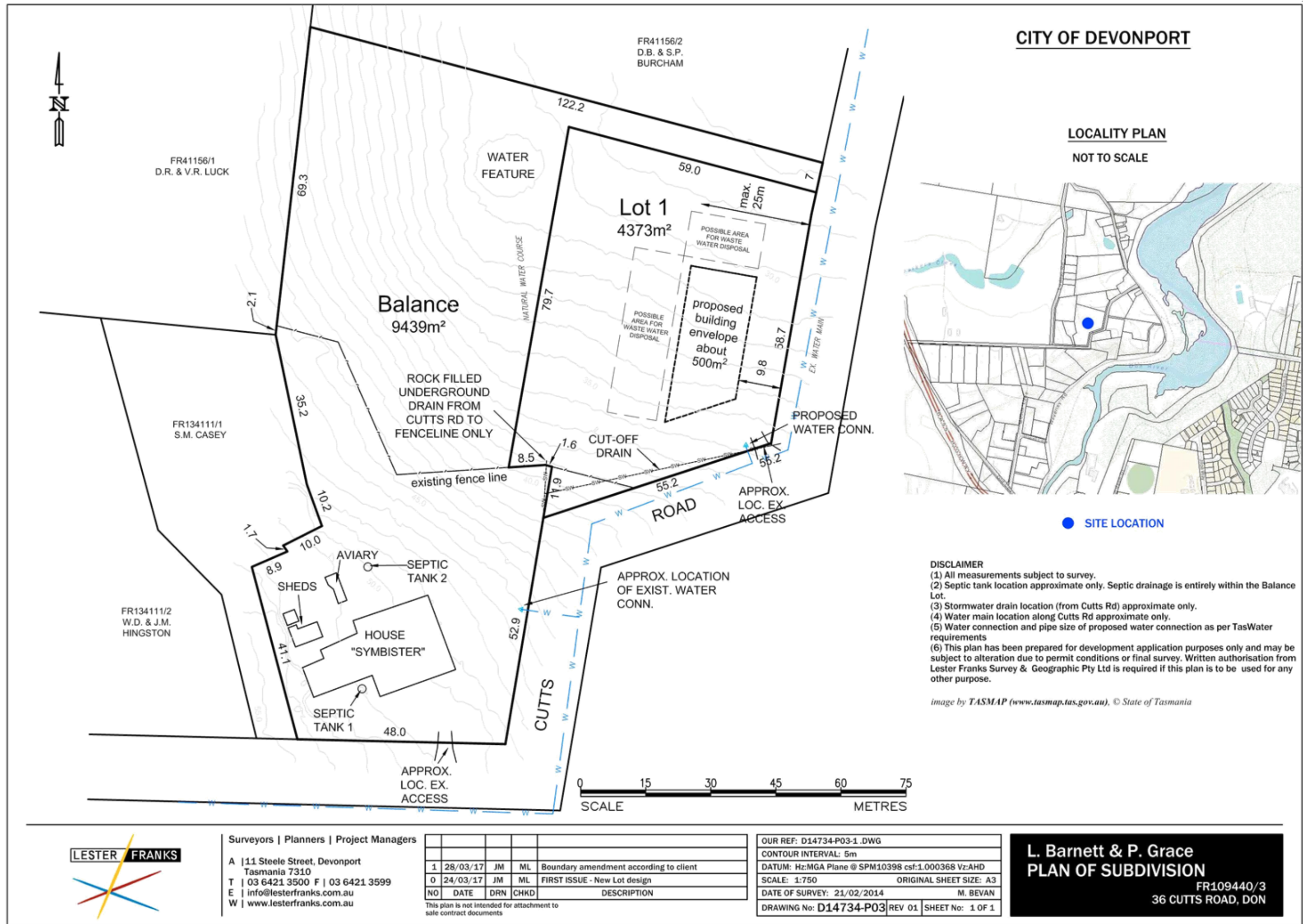
It is therefore requested that the application be recommended for approval.

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## APPENDIX A: Proposal Plan



D14734-P02-2  
proposal plan.pdf



06/02/2017 D459080

## APPENDIX B: Title Search



FolioPlan-109440-3.  
pdf



FolioText-109440-3.  
pdf



ScheduleOfEaseme  
nts-109440-3.pdf



Tasmanian  
Government

### ITEM 4.1

**RESULT OF SEARCH**

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

06/02/2017 D459080



## SEARCH OF TORRENS TITLE

VOLUME 109440	FOLIO 3
EDITION 4	DATE OF ISSUE 19-Aug-2015

SEARCH DATE : 01-Feb-2017

SEARCH TIME : 09.21 AM

DESCRIPTION OF LAND

City of DEVONPORT

Lot 3 on Sealed Plan 109440

Derivation : Part of Lot 246 Gtd to John Palmer

Prior CT 4096/38

SCHEDULE 1

M530047 TRANSFER to LEO BARNETT and PRISCILLA MARGARET GRACE  
Registered 19-Aug-2015 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP109440 EASEMENTS in Schedule of Easements

SP22736, SP109440 FENCING COVENANT in Schedule of Easements

E11319 MORTGAGE to Commonwealth Bank of Australia

Registered 19-Aug-2015 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations





## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

06/02/2017 D459080



REGISTERED NUMBER

S109440



## SCHEDULE OF EASEMENTS

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

## EASEMENTS AND PROFITS

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn 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 à prendre described hereunder.

Each lot on the plan is subject to:—

- (1) such rights of drainage over the drainage easements shewn 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 à prendre described hereunder.

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

## FENCING COVENANT

The owner of each lot on the plan covenants with ROBERT FREDERICK OAKLEY and JENNIFER ALICE OAKLEY ("the Vendors") that the Vendors shall not be required to fence.

SIGNED by the said ROBERT FREDERICK OAKLEY and JENNIFER ALICE OAKLEY the registered proprietors of the land in Certificate of Title Volume 4625 Folio 29

) Robert F. Oakley  
) Jennifer A. Oakley  
)  
)  
)  
)

SIGNED by DONALD JOHN SANDMAN and ELIZABETH FRANCES SANDMAN the registered proprietors of the land in Certificate of Title Volume 4096 Folio 39 in the presence of:

) D. J. Sandman  
) E. F. Sandman  
)  
)  
)  
)

Lot 3 on the plan is

SUBJECT TO the right created by Indenture No. 16/9441 (made between Alfred Hedley Higgs of the first part Alfred Lawrence Green of the second part and James Grieve Forsyth of the third Part) in regard to (see rev. 506)

- (i) The taking of water from a dam
  - (ii) The full right and liberty to go into and upon
  - (iii) The full right and liberty to draw and take water from a well over such portion of the land within described marked D.E.F.G.H. on the plan
- EXCEPTING AND RESERVING to the use of the public out of the said land within described a road marked W.X.Y.E. on the plan to a spring of water





# SCHEDULE OF EASEMENTS RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



06/02/2017 D459080

SIGNED on behalf of the Bass & Equitable  
Building Society Ltd by its attorneys

and **B. V. OCKERBY**  
**D. J. RUSH**

under Power of Attorney No. 66/4767  
(and the said attorneys declare  
that they have received no notice of any  
revocation of the said power)  
in the presence of:

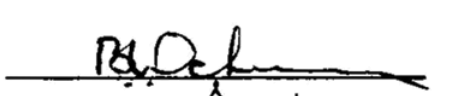
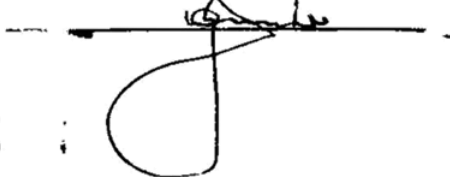


(Witness)

Address

Occupation

*Secretary*



# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



This is the schedule of easements attached to the plan of ... R F OAKLEY & ANOR, D J SANDMAN & ANOR  
(Insert Subdivider's Full Name)

..... affecting land in

CERTIFICATES OF TITLE VOLUME 4625 Folio 29 & Volume 4096 Folio 39  
(Insert Title Reference)

Scaled by ... DEVONPORT CITY COUNCIL ... on ... 13<sup>th</sup> December 1993

Solicitor's Reference MR Z SAMEC CRISP HUDSON & MANN  
.....  
Counsell Clerk/Town Clerk

7/5 x 11/4

06/02/2017 D459080

Page 3 of 3

Revision Number: 01

Volume Number: 109440

Search Time: 09:23 AM

Search Date: 01 Feb 2017

Department of Primary Industries, Parks, Water and Environment

www.thelist.tas.gov.au

06/02/2017 D459080

## **APPENDIX C: Landslide Risk Assessment**



TG14077.1-01report  
.pdf

06/02/2017 D459080



24 February 2017

Lester Franks  
11 Steele Street  
DEVONPORT TAS 7310

**Attention: Jana Motczinski**

**RE: Landslide Considerations**  
**Subdivision Application**  
**36 Cutts Road, Don**

Tasman Geotechnics completed a Landslide Risk Assessment for a proposed 2 lot subdivision at 36 Cutts Road in 2014 (report TG14077/1 – 01report, dated 27 June 2014).

We understand that the proposed subdivision layout has changed, and Lester Franks have requested feedback from us on the implications of these changes on the landslide risk assessment. The proposed subdivision with indicative building envelope was provided by Lester Franks (drawing D14734-P02, rev 2, dated 17 Jan 2017).

Comparing the proposed subdivision with the recommendations from our Landslide Risk Assessment, we note that the proposed house location is in the same area as recommended in our report. Our report recommended that the house be located within 20m of Cutts Road. Lester Frank have indicated a building envelope up to 25m from Cutts Road. It is our assessment that this change does not affect the landslide risk assessment. Hence, our report can be used to support the subdivision application.

For and on behalf of Tasman Geotechnics Pty Ltd

**Dr Wayne Griffioen**  
Senior Geotechnical Engineer

Attachments: none

**Tasman Geotechnics Pty Ltd** ABN 96 130 022 589  
Level 1, 10 Goodman Court  
PO Box 4026, Invermay TAS 7248  
M 0427 810 534 T 6332 3750  
E wayne@tasmangeotechnics.com.au

Reference: TG17005/1 - 01letter

06/02/2017 D459080



**LANDSLIDE RISK ASSESSMENT  
PROPOSED 2 LOT SUBDIVISION  
36 CUTTS ROAD, DON**

Prepared for: **Robert Oakley**

Date: 27 June 2014

Document Reference: TG14077/1 - 01report

Tasman Geotechnics Pty Ltd ABN 96 130 022 589  
Level 1, 10 Goodman Court  
PO Box 4026, Invermay TAS 7248  
M 0427 810 534 T 6332 3750  
E wayne@tasmangeotechnics.com.au

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Landslide Risk Assessment, 36 Cutts Road, Don

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**Important information about your report****Figures**

- Figure 1 MRT Geology Map  
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Figure 4 Recommended House Location

**Appendices**

- Appendix A Department of Mines Report, 1987  
Appendix B Borehole Logs  
Appendix C Landslide Risk Matrix  
Appendix D Australian Geoguide LR8 (Construction Practice)

Version	Date	Prepared by	Reviewed by	Distribution
Original	27 June 2014	Frank Huisman	Dr Wayne Griffioen	Electronic

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Landslide Risk Assessment, 36 Cutts Road, Don

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## 1 INTRODUCTION

Tasman Geotechnics was engaged by Robert Oakley to undertake a Landslide Risk Assessment for a 2 lot subdivision at 36 Cutts Road, Don (title reference 109440/3). The subdivision will divide the existing lot into a northern part (for the new dwelling) and a southern part with the existing dwelling. If possible, Mr Oakley wishes to build a new dwelling on the flatter areas of the northern part.

The assessment is required as there is a 'medium hazard band' for landslides at the site.

Our scope of work consisted of:

- Carrying out a site walkover to note features indicating landslide activity;
- Drilling three boreholes near the proposed new house location to determine subsurface conditions;
- Performing a Landslide Risk Assessment.

The assessment is consistent with the Landslide Risk Assessment guidelines published by the Australian Geomechanics Society (2007).

## 2 BACKGROUND

### 2.1 Regional Setting

The site (36 Cutts Road) is situated on the western bank of the Don River valley. The valley sides gently slope from the plateau at about 70m above sea level to the riverbank. The site is located near the crest of the plateau, between 25 and 55m above sea level. The Don River meanders around a promontory about 250m to the east of the site.

The valley slope from the plateau to the Don River varies from about 25° south of the site to about 10° at the eastern part of the site.

### 2.2 Geology

The Mineral Resources Tasmania (MRT) 1:25,000 Series Digital Geological map, Devonport Sheet, shows the property to be located on Quaternary aged landslide deposits predominantly derived from weathered Paleogene – Neogene rocks.

Tertiary aged basalt is mapped at the plateau and Permian aged mudstones are mapped on the river bank south of the site.

An extract of the geology map is shown in Figure 1.

### 2.3 Landslide Mapping

Landslide mapping by MRT has identified two typical scales of landslides for the North-West coast area: i) deep seated rotational landslides and ii) shallow slides (this includes earth or debris flows).

The MRT Deep-Seated Landslide Susceptibility map shows the site to be mapped within a possible landslide with a curved head scarp near Lodder Road. The toe of the landslide is 350m from the head scarp at the Don River. A broad band of potential source area is mapped across the site. This coincides with the relatively steep slopes observed at the site (see Section 4.1). For basalt, slopes steeper than 14° are considered to be potential source areas for deep seated landslides.

The MRT Shallow Slide and Flow Susceptibility map identifies areas within the site as being low and moderate susceptibility source areas for shallow slides and debris flow. For basalt, slope angles between 10° and 20° are considered moderately susceptible to shallow slides. Slopes between 6° and 10° have low susceptibility to shallow slides.



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Landslide Risk Assessment, 36 Cutts Road, Don

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Extracts of the MRT Landslide Hazard Mapping Series, 1:25,000, Devonport Deep-Seated Susceptibility Sheet and Shallow Slide and Debris Flow Susceptibility are shown in Figure 2.

#### 2.4 Previous Reports

A search was made of the MRT website for previous reports and investigations at this site. A total of 7 reports were found for the Don area. However, none of the reports discuss the landslide at the present site.

A copy of an unpublished report by the Department of Mines (dated 13 July 1987) was provided by Mr Oakley. The investigation comprised excavation of 3 test pits to at least 3m depth for a proposed 4 lot subdivision. Lot 3 of the 1987 subdivision coincides with the proposed location by Mr Oakley. The test pits encountered reddish clay to the full depth of the test pits, with black stained surfaces and igneous rock texture in places. A copy of the report is presented in Appendix A.

The report notes that the land appears to have been involved in mass movement and does not recommend close subdivision. The report notes that a house site should be confined to the shallower sloping eastern part of Lot 3 (of the 1987 subdivision), where Mr Oakley intends to build a new house.

### 3 FIELD INVESTIGATION

The fieldwork was undertaken by a representative from Tasman Geotechnics on 5 June 2014. The fieldwork involved the drilling of three boreholes (BH1 to BH3) using a 4WD mounted auger rig, and a site walkover. All boreholes terminated at 5.0m, but were still going. Undisturbed samples were taken at regular intervals.

Engineering borehole logs are presented in Appendix B of this report. The borehole locations are shown in Figure 3.

### 4 RESULTS OF THE INVESTIGATION

#### 4.1 Surface Conditions

The current property is about 1.4ha and located near the crest of the plateau. The existing house is located at the southern end of the site on a relatively flat area, while the proposed new house site is located to the north east on a relatively flat bench (ground slope of about 8°).

An arc-shaped head scarp crosses the property from north west to south east. The head scarp is eroded and has ground slopes between 20° and 25°.

A dam is located along the northern boundary of the property. The dam is fed by road runoff flowing along the rock lined drain below the house, through a pipe and along an open drain.

The northern part of the property is covered with native grass, shrubs and trees. Parts of the eastern portion of the property (near the proposed house location) showed cracking up to 20mm wide. In addition, several trees on the flatter parts of the site showed distinct downhill lean, while trees along the drain appear straight. A power pole to the east of the site also exhibited a downhill lean.

According to Mr Oakley, the pipe is too small to deal with heavy rain, and at times rainwater runs over the surface, bypassing the pipe.

The soil in the vicinity of the new house location was soggy, suggesting that surface soils can become waterlogged following winter rain.

The site is not in a deep-sewerage area, thus waste water has to be disposed on-site.

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Landslide Risk Assessment, 36 Cutts Road, Don

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#### 4.2 Subsurface Conditions

The boreholes typically encountered similar conditions: high plasticity red brown silty clay. The clay extended to 5m below ground level in BH3. BH1 and BH2 encountered yellow/white/grey mottles from 3m below ground level. It is possible that these lighter clays are extremely weathered Permian mudstone underlying the Quaternary aged sediments.

Water inflow was observed in BH2 at about 4m below ground level.

#### 4.3 Laboratory testing

Laboratory testing by Tasman Geotechnics found that the soil from BH3 at 1.0m to 1.2m below ground level has a shrink/swell index ( $I_{ps}$ ) of 4.6%. This result is considered high.

### 5 LANDSLIDE RISK ASSESSMENT

#### 5.1 General

Risk assessment and management principles applied to slopes can be interpreted as answering the following questions;

- What might happen? (HAZARD IDENTIFICATION).
- How likely is it? (LIKELIHOOD).
- What damage or injury might result? (CONSEQUENCE).
- How important is it? (RISK EVALUATION).
- What can be done about it? (RISK TREATMENT).

The risk is a combination of the likelihood and the consequences for the hazard in question. Thus both likelihood and consequences are taken into account when evaluating a risk and deciding whether treatment is required.

The qualitative likelihood, consequence and risk terms used in this report for risk to property are given in Appendix C and are based on the Landslide Risk Management Guidelines, published by Australian Geomechanics Society (AGS, 2007). The risk terms are defined by a matrix that brings together different combinations of likelihood and consequence. Risk matrices help to communicate the results of risk assessment, rank risks, set priorities and develop transparent approaches to decision making.

#### 5.2 Potential Hazards

Based on our site observations the dominant landslide hazards for the proposed house location are:

- Deep-seated global failure of the whole slope, and
- Creep associated with downhill movement of slopes below the site.

Activation of a deep-seated landslide at the site could occur due to elevated regional groundwater levels or mass erosion at the base of the slope. The likelihood of a deep-seated global landslide affecting the site is assessed to be Rare.

Given the evidence of cracking ground, leaning trees and leaning power pole, the likelihood of creep movement at the site is assessed to be Almost Certain.

Given the relatively flat area, shallow slope failures are considered to be Rare.

The identification of the potential hazards considers both the site and nearby properties, and is necessary to address the stability issues that may impact upon the site and influence the risk to property.

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Landslide Risk Assessment, 36 Cutts Road, Don

### 5.3 Risk to Property

The following table summarises the risk to property of a landslide event for the site with the proposed development, **provided the limitations in Section 6.2 have been adopted.**

**Table 1. Landslide risk profiles**

Scenario	Deep-seated landslide	Creep
Likelihood	Rare: proposed development does not have significant impact on overall slope	Almost Certain: cracks in ground and leaning trees
Consequence	Minor: proposed house is on relatively flat bench below the (eroded) head scarp	Insignificant: failure would be shallow and house is to be constructed on floating raft
Risk Profile	Very Low	Low

## 6 CONCLUSION & RECOMMENDATIONS

### 6.1 General

Based on the findings of the present field investigation and the landslide risk assessment described above, it is considered that the proposed development will not adversely impact upon the stability of the site or its immediate surrounds, provided the limitations listed in Section 6.2 are adopted.

A copy of this report should be provided to future landowners of the new lot so they are aware of construction limitations and maintenance requirements.

### 6.2 Limitations

We recommend adopting the following limitations on development of the northern lot of the new subdivision:

- The location of a house on the new lot should be within the first 20m of the eastern portion of the site, as shown in Figure 4.
- A default Site Classification for the site is Class "P" according to AS2870-2011 due to the site being located in a landslip area. Notwithstanding, the footings founded in the silty clay may be designed for an equivalent Class "H2" according to AS2870-2011, as the characteristic surface movement,  $y_s$ , has been calculated to be less than 75mm.
- Relatively rigid footings (such as stiffened raft slab or waffle pod) is recommended to ensure there is no spreading of the footings from creep.
- Service connections to the house should be flexible, or be designed for articulation.
- The super-structure should be constructed from light-weight materials, articulated and flexible.
- Conventional trenches are not suitable for the new house location, given the likelihood of water logging following rain. Wastewater disposal should be to a septic tank with evapotranspiration beds, or to a package treatment system (AWTS) with irrigation. Consideration could be given to using composting toilets to reduce the wastewater volume.
- Fill depths should not exceed 0.2m above the present ground level. Fill should be compacted, and shaped such that surface runoff is not impeded. Runoff should be directed toward the road-side table drains.
- Additional cut-off drains should be installed along Cutts Road to divert surface runoff from heavy rainfall events away from the proposed house location and toward road-side table drains (as shown in Figure 4).

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Landslide Risk Assessment, 36 Cutts Road, Don

- No basement excavation should be carried out. Permanent excavation (eg for retaining wall) should not be more than 0.6m below current ground level.
- Cut slopes should be sloped at 1V:3H (about 18°) or flatter. Steeper slopes will need to be retained by an engineer designed retention system. All batter faces should be protected against erosion (eg by vegetation). Adequate subsurface and surface drainage should be provided behind any retaining walls.
- Removal of existing vegetation should be kept to a minimum. Where possible, new shrubs or medium trees should be planted to replace any removed vegetation. Planting of trees whose mature height is more than 10m is not recommended on the east end of the property where the slope is over 10°.
- Runoff from the roof may be collected in rainwater tanks to a maximum of 10,000 liters for irrigation purposes. However, the overflow from such tanks should be directed via pipes to the road-side table drains. Runoff from hardstand and paved areas should also be directed to the road-side table drains.
- Maintenance of surface runoff, vegetation and other measures described above are the responsibility of the site owner.
- Any proposed earthworks should be undertaken in accordance with AS3798 "Guidelines on Earthworks for Commercial and Residential Development", subject to approval and subsequent inspection by a registered geotechnical practitioner, and

An information sheet entitled "Australian Geoguide LR8 (Construction Practice)" from the Australian Geomechanics Journal, Vol 42, No 1, dated March 2007 is presented in Appendix D.

### 6.3 Foundations

Particular attention should be paid to the design of footings as required by AS 2870 – 2011.

In addition to normal founding requirements arising from the above classification, particular conditions at this site dictate that the founding medium for all footings should be:

**CLAY, (CH), high plasticity, red, brown or orange,**

An allowable bearing pressure of 50kPa is available for edge beams, strip and pad footings founded at ground level, and 80kPa for footings founded at a depth of 0.3m.

The site classification presented in Section 6.2 assumes that the current natural drainage and infiltration conditions at the site will not be markedly affected by the proposed site development work. Care should therefore be taken to ensure that surface water is not permitted to collect adjacent to the structure and that significant changes to seasonal soil moisture equilibria do not develop as a result of service trench construction or tree root action.

Attention is drawn to Appendix B of AS 2870 and CSIRO Building Technical File BTF18 "Foundation Maintenance and Footing Performance: A Homeowner's Guide" as a guide to maintenance requirement for the proposed structure.

Variations in soil conditions may occur in areas of the site not specifically covered by the field investigation. The base of all footing or beam excavations should therefore be inspected to ensure that the founding medium meets the requirements discussed above.

### 6.4 Wind Classification

The wind classification for the site is as follows:

**N1 (AS 4055)**

Based on region, terrain, shielding and topography as follows:

Region	Terrain category	Topography	Shielding
A	TC2	T1	FS

06/02/2017 D459080



## Important information about your report

**These notes are provided to help you understand the limitations of your report.**

### Project Scope

Your report has been developed on the basis of your unique project specific requirements as understood by Tasman Geotechnics at the time, and applies only to the site investigated. Tasman Geotechnics should be consulted if there are subsequent changes to the proposed project, to assess how the changes impact on the report's recommendations.

### Subsurface Conditions

Subsurface conditions are created by natural processes and the activity of man.

A site assessment identifies subsurface conditions at discrete locations. Actual conditions at other locations may differ from those inferred to exist, because no professional, no matter how qualified, can reveal what is hidden by earth, rock and time.

Nothing can be done to change the conditions that exist, but steps can be taken to reduce the impact of unexpected conditions. For this reason, the services of Tasman Geotechnics should be retained throughout the project, to identify variable conditions, conduct additional investigation or tests if required and recommend solutions to problems encountered on site.

### Advice and Recommendations

Your report contains advice or recommendations which are based on observations, measurements, calculations and professional interpretation, all of which have a level of uncertainty attached.

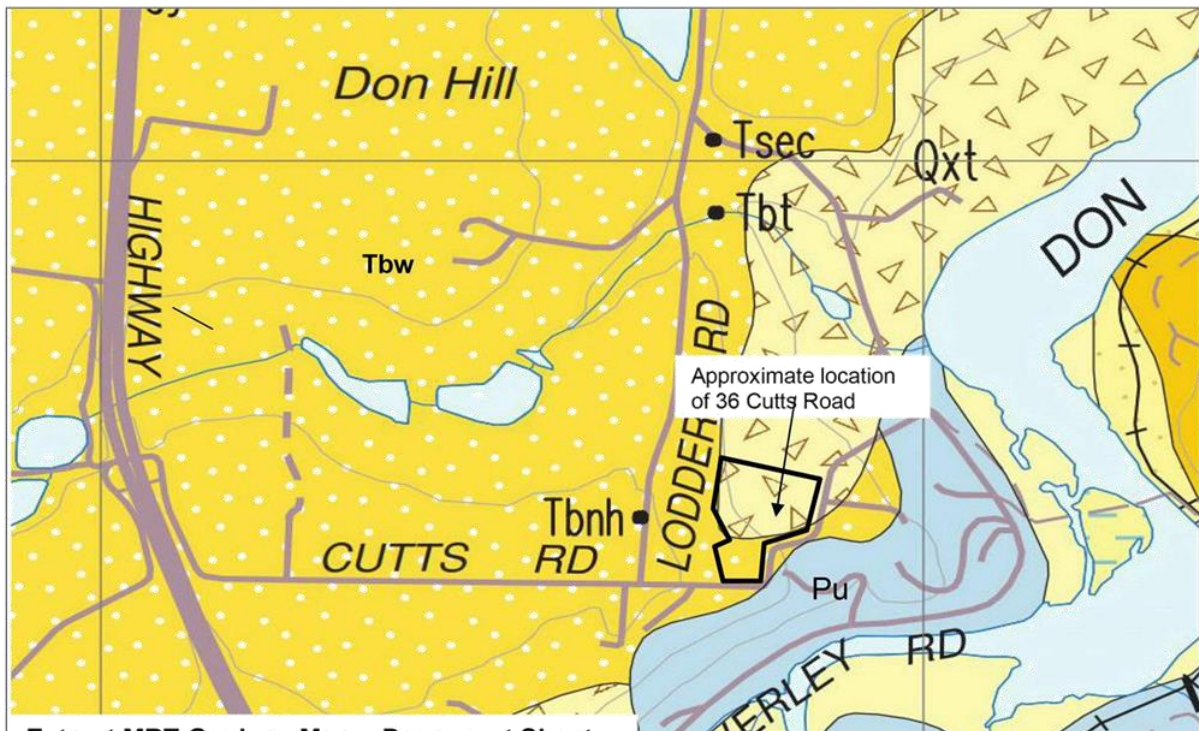
The recommendations are based on the assumption that subsurface conditions encountered at the discrete locations are indicative of an area. This can not be substantiated until implementation of the project has commenced. Tasman Geotechnics is familiar with the background information and should be consulted to assess whether or not the report's recommendations are valid, or whether changes should be considered.

The report as a whole presents the findings of the site assessment, and the report should not be copied in part or altered in any way.

TASMAN GEOTECHNICS

Rev 01, May 2008


06/02/2017 D459080



Extract MRT Geology Map – Devonport Sheet

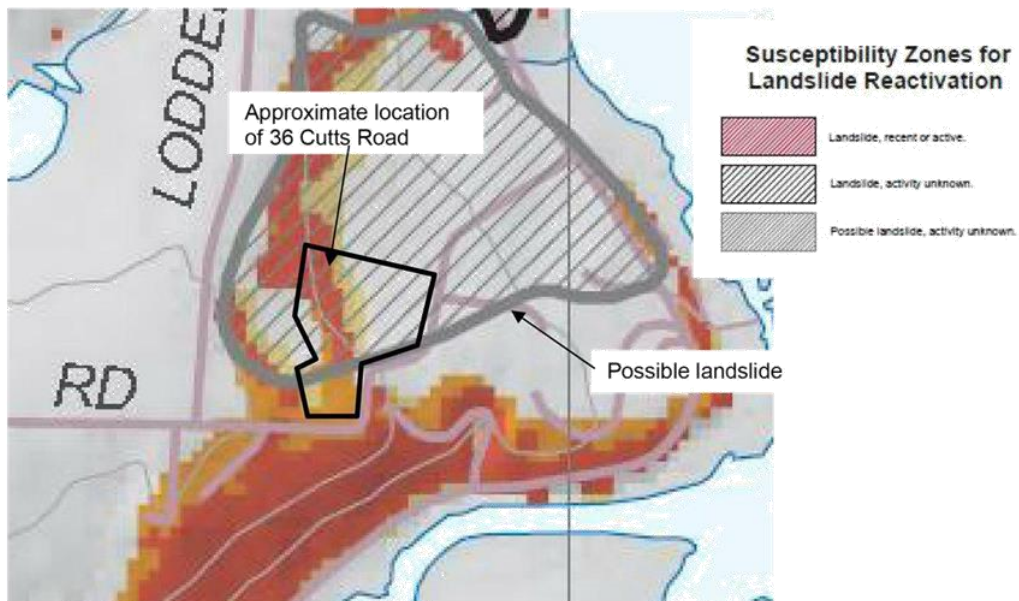
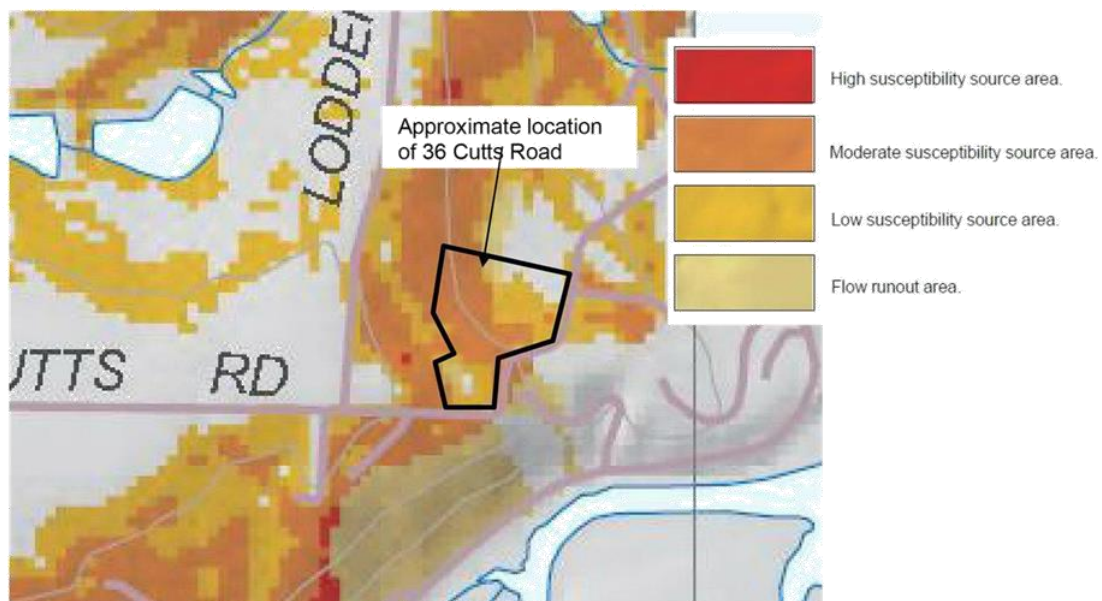
**Legend**


- Qxt Landslide deposits predominantly derived from weathered Paleogene – Neogene rocks
- Tbw Predominantly deeply weathered basalt
- Tsec Poorly consolidated claystone
- Tbt Olivine nephelinite
- Tbnh Nepheline hawaiiite
- Pu Upper Glaciomarine sequences of pebbly mudstone, pebbly sandstone and limestone

drawn	FH	 <b>TASMAN</b> geotechnics	client:	Robert Oakley	
approved	WG		project:	Landslide Risk Assessment 36 Cutts Road, Don	
date	23/06/2014		title:	Geology Map	
scale	1:10000		project no:	TG14077/1 – 01report	figure no: FIGURE 1
original size	A4				

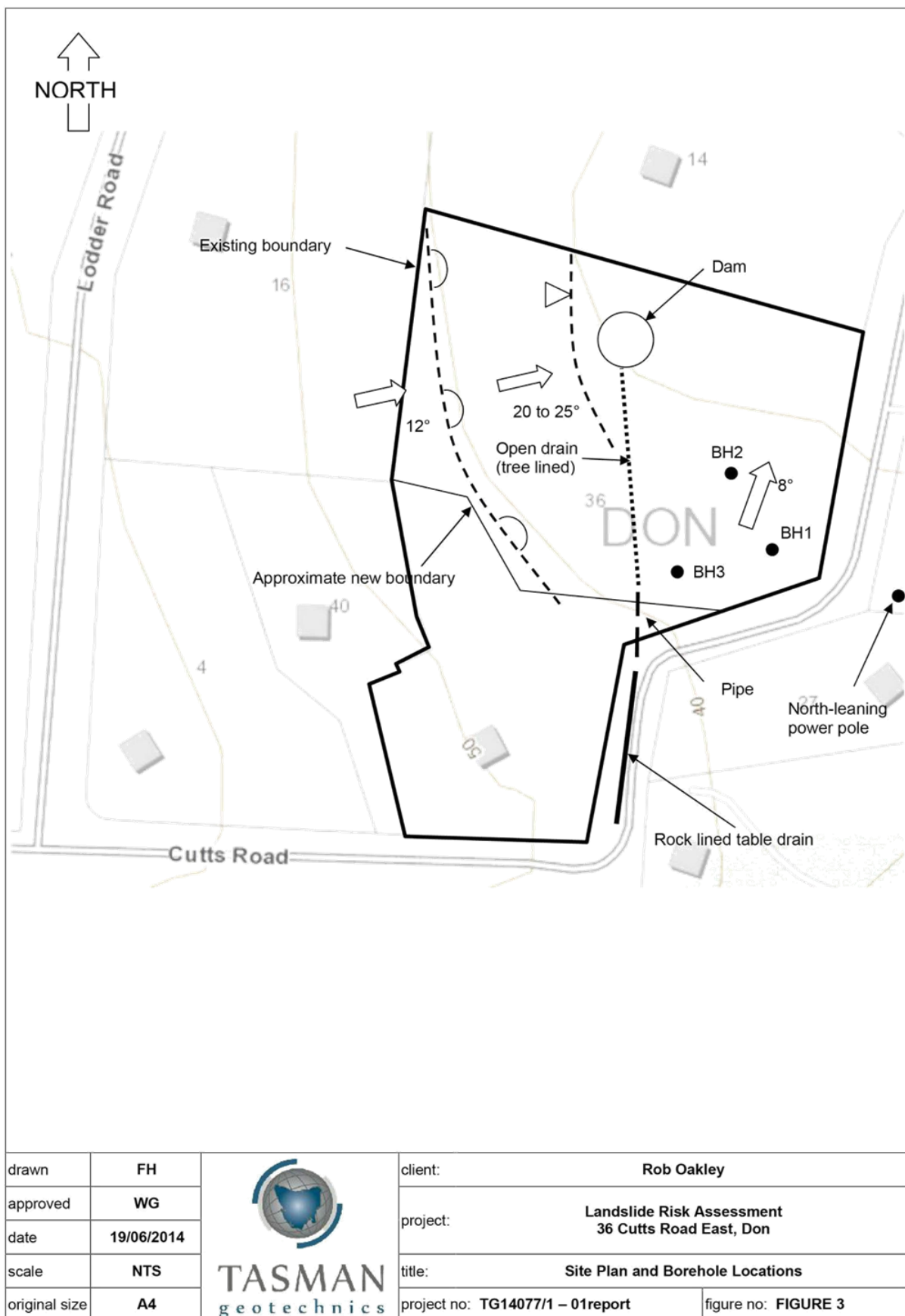


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**MRT Deep Seated Landslide Map****MRT Shallow Slide and Flow Susceptibility Map**

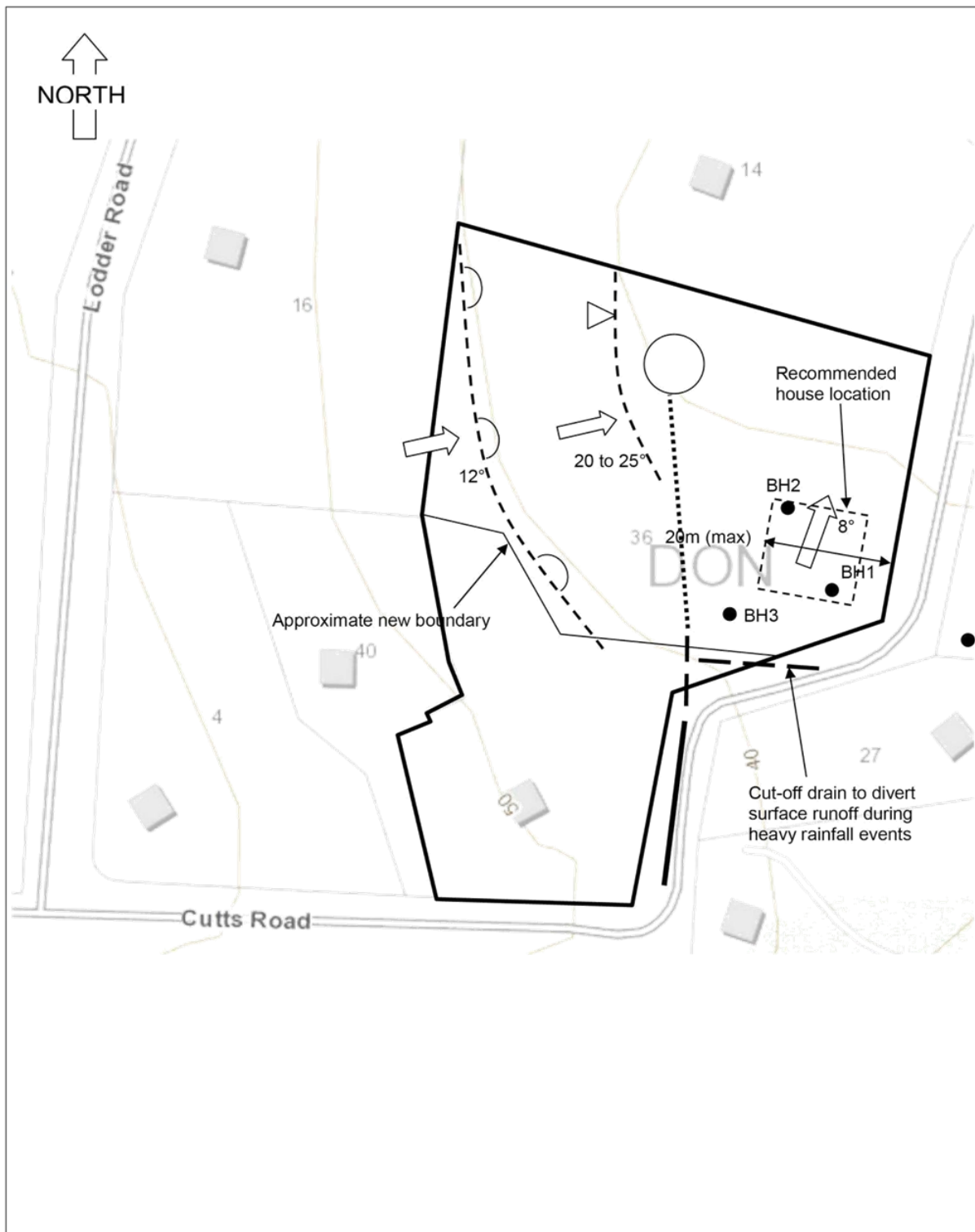
drawn	FH	 <b>TASMAN</b> geotechnics	client:	Robert Oakley	
approved	WG		project:	Landslide Risk Assessment 36 Cutts Road, Don	
date	23/6/2014		title:	Extract of MRT Landslide Mapping	
scale	NTS		project no:	TG14077/1 – 01report	figure no: FIGURE 2
original size	A4				

06/02/2017 D459080





06/02/2017 D459080



drawn	FH	 <b>TASMAN</b> geotechnics	client:	Rob Oakley	
approved	WG		project:	Landslide Risk Assessment 36 Cutts Road East, Don	
date	19/06/2014		title:	Recommended House Location	
scale	NTS		project no:	TG14077/1 – 01report	figure no: FIGURE 4
original size	A4				

06/02/2017 D459080

Landslide Risk Assessment, 36 Cutts Road, Don

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## Appendix A

Department of Mines Report, 1987

Tasman Geotechnics  
Reference: TG14077/1 - 01report

06/02/2017 D459080

NOTE—ALL CORRESPONDENCE TO BE ADDRESSED TO THE DIRECTOR OF MINES



## DEPARTMENT OF MINES

TELEX No. 58276  
TELEPHONE: 30 8033  
WHEN TELEPHONING OR  
CALLING ASK FOR

W.L. Matthews EXT. No. 8325

GORDON'S HILL RD  
P.O. BOX 56  
ROSNY PARK  
TASMANIA 7018

DX 70404

13 JUL 1987

Mr N.D. Lester,  
Lester Franks and Co Pty Ltd,  
Land and Engineering Surveyors,  
P.O. Box 358,  
DEVONPORT  
Tasmania 7310

Dear Sir,

TEST PITS - SHARPLES' PROPERTY - DON

Three test pits have been dug in the approximate positions shown on the enclosed plan. Logs of the pits are enclosed.

Each pit encountered dominantly clay material derived from the weathering of basalt. Rounded quartzite and other siliceous pebbles were encountered in pits 2 and 3. It is not known whether these represent a sedimentary layer between two basalt flows, a deposit associated with a higher sea level or whether they have been brought downslope by a past mass movement. No particularly soft wet zones were encountered in any of the pits, the clay in all cases being relatively stiff.

Although the land in this general area appears to have been involved in mass movement in the past and close subdivision is not recommended, the land comprising the eastern half of the proposed lot 3 has a relatively low slope angle (7-8°) while the western part is much steeper. With particular care it should be possible to build a house on the shallow sloping part of the lot with reasonable safety. Good drainage should be encouraged and unretained excavation faces kept to a minimum. Sullage and other water should be discharged around the contour, a little away from the house rather than directly downslope of it. A house site should be confined to the shallower sloping eastern position of the lot.

Yours faithfully,

(M.R. Hargreaves)  
ACTING DIRECTOR OF MINES

Encl.

93097 05/01/87

06/02/2017 D459080

TEST PITS - SHARPLES - CUTTS ROAD, DONHole 1

- 0 - 0.3 Brown clayey soil, damp, grass roots
- 0.3 - 1.7 Brown fragmental clay with basalt boulders up to 10 cm across. Surfaces with black staining throughout, iron oxide pisolites, moist.
- 1.7 - 3.3 Reddish clay, some black stained surfaces, slip surfaces common, fissured, fragmental igneous texture becoming visible towards base.

No free water in pit.

Hole 2

- 0 - 0.3 Dark brown clay soil, grass roots
- 0.3 - 1.6 Reddish brown clay, fragmental, fissured slip surfaces towards base, moist
- 1.6 - 2.0 Reddish brown clay with a few pebbles (siliceous)
- 2.0 - 3.3 Reddish and grey mottled clay, fragmental, slip surfaces, definite igneous texture and obvious vesicularity from 2.6 m

Slow seepage into pit from a few points from 2.2m depth.

Hole 3

- 0 - 0.4 Brown clay soil
- 0.4 - 1.2 Brown fragmental clay becoming lighter in colour with depth, moist
- 1.2 - 3.0 Reddish and reddish brown clay, fragmental, moist. No definite igneous texture visible. Occasional rounded quartzite pebbles at about 2.6 m, slip surfaces, some surfaces with black staining.

Some seepage entering pit from 1.3 m to base.

13



ESTER, FRANKS & CO. PTY. LTD. AUTHORISED SURVEYORS

TELEPHONE (004) 24 6444

06/02/2017 D459080

Landslide Risk Assessment, 36 Cutts Road, Don

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## Appendix B

Borehole Logs

Tasman Geotechnics  
Reference: TG14077/1 - 01report

06/02/2017 D459080



## SOIL DESCRIPTION EXPLANATION SHEET

Soils are described in accordance with the Unified Soil Classification System (USCS), as shown in the following table.

### FIELD IDENTIFICATION

COARSE GRAINED SOILS					DRY STRENGTH	DILATANCY	TOUGHNESS				
more than 50% of material less than 63mm is larger than 0.075mm	GRAVELS	GW	Well graded gravels and gravel-sand mixtures, little or no fines								
		GP	Poorly graded gravels and gravel-sand mixtures, little or no fines								
	GRAVELLY SOILS	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines								
		GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines								
	SANDS	SW	Well graded sands and gravelly sands, little or no fines								
		SP	Poorly graded sands and gravelly sands, little or no fines								
	SANDY SOILS	SM	Silty sand, sand-silt mixtures, non-plastic fines								
		SC	Clayey sands, sand-clay mixtures, plastic fines								
					DRY STRENGTH	DILATANCY	TOUGHNESS				
FINE GRAINED SOILS					more than 50% of material less than 63mm is less than 0.075mm	SILT & CLAY, liquid limit less than 50%	ML	Inorganic silts, very fine sands or clayey fine sands	None to low	Quick to slow	None
					SILT & CLAY, liquid limit greater than 50%	CL	Inorganic clays or low to medium plasticity, gravelly clays, sandy clays and silty clays	Medium to high	None to very slow	Medium	
						OL	Organic silts and organic silty clays of low plasticity	Low to medium	Slow	Low	
						MH	Inorganic silts, micaceous or diatomaceous fine sands or silts	Low to medium	Slow to none	Low to medium	
						CH	Inorganic clays of high plasticity, fat clays	High	None	High	
						OH	Organic clays of medium to high plasticity	Medium to high	None to very slow	Low to medium	
PEAT					Pt	Peat muck and other highly organic soils					

### Particle size descriptive terms

Name	Subdivision	Size
Boulders		>200mm
Cobbles		63mm to 200mm
Gravel	coarse	20mm to 63mm
	medium	6mm to 20mm
	fine	2.36mm to 6mm
Sand	coarse	600µm to 2.36mm
	medium	200µm to 600µm
	fine	75µm to 200µm

### Moisture Condition

Dry (D)	Looks and feels dry. Cohesive soils are hard, friable or powdery. Granular soils run freely through fingers.
Moist (M)	Soil feels cool, darkened in colour. Cohesive soils are usually weakened by moisture presence, granular soils tend to cohere.
Wet (W)	As for moist soils, but free water forms on hands when sample is handled

Cohesive soils can also be described relative to their plastic limit, ie: <Wp, =Wp, >Wp

The plastic limit is defined as the minimum water content at which the soil can be rolled into a thread 3mm thick.

### Consistency of cohesive soils

Term	Undrained strength	Field guide
Very soft VS	<12kPa	A finger can be pushed well into soil with little effort
Soft S	12 - 25kPa	Easily penetrated several cm by fist
Firm F	25 - 50kPa	Soil can be indented about 5mm by thumb
Stiff St	50-100kPa	Surface can be indented but not penetrated by thumb
Very stiff VSt	100-200kPa	Surface can be marked but not indented by thumb
Hard H	>200kPa	Indented with difficulty by thumb nail
Friable Fb	-	Crumbles or powders when scraped by thumb nail

### Density of granular soils

Term	Density index
Very loose	<35%
Loose	15 to 35%
medium dense	35 to 65%
Dense	65 to 85%
Very dense	>85%

### Minor Components

Term	Proportions	Observed properties
Trace of	Coarse grained: <5% Fine grained: <15%	Presence just detectable by feel or eye. Soil properties little or no different to general properties of primary component.
With some	Coarse grained: 5-12% Fine grained: 15-30%	Presence easily detected by feel or eye. Soil properties little different to general properties of primary component.

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## ENGINEERING BOREHOLE LOG

Borehole no. BH1

Client : Rob Oakley  
 Project : Landslide Risk Assessment  
 Location : 36 Cutts Road East, Don



Sheet no. 1 of 1  
 Job no. TG14077/1

Date : 5/6/2014  
 Logged By : FH

Drill model : 4WD Proline  
 Hole diameter : 150mm

Slope : deg  
 Bearing : deg

RL Surface :  
 Datum :

Method	Penetration				Notes Samples Tests	Water	Graphic Log	Classification	Material Description	Moisture Condition	Consistency density, index	Structure, additional observations
	1	2	3	4								
4WD Proline								CH	SILTY CLAY topsoil, high plasticity, red/brown	M	F	Organics, roots
								CH	SILTY CLAY, high plasticity, red/brown	M	F-St	
							0.50					
							1.00				VSt	black (organic) mottles pp = 250 - 300 kPa
					U50		1.50					
							2.00					pp = 350 kPa
					U50		2.50		trace of fine grained, rounded gravel		H	
							3.00		orange/red with some grey mottles			pp = 500 kPa
					U50		3.50					
							4.00		orange/red with blue-grey mottles		St	
							4.50				H	
							5.00					

Terminated at 5.0m. Still going.



06/02/2017 D459080

## ENGINEERING BOREHOLE LOG

Borehole no. BH2

Client : Rob Oakley  
 Project : Landslide Risk Assessment  
 Location : 36 Cutts Road East, Don



Sheet no. 1 of 1  
 Job no. TG14077/1

Date : 5/6/2014  
 Logged By : FH

Drill model : 4WD Proline  
 Hole diameter : 150mm

Slope : deg  
 Bearing : deg

RL Surface :  
 Datum :

Method	Penetration				Notes Samples Tests	Water	Graphic Log	Classification	Material Description	Moisture Condition	Consistency density, index	Structure, additional observations
	1	2	3	4								
4WD Proline								CH	SILTY CLAY topsoil, high plasticity, red	M	MD/Fb	
								CH	SILTY CLAY, high plasticity, orange with a trace of fine grained sand	M	VSt	
											H	
					U50							pp = 450 kPa
									SILTY CLAY, high plasticity, orange orange/red		VH	
												some black organics
					U50							pp > 600 kPa
											St	
										W	S	
									SANDY CLAY, high plasticity fines, grey/yellow/whitish			

Terminated at 5.0m. Still going.



06/02/2017 D459080

Landslide Risk Assessment, 36 Cutts Road, Don

---

## Appendix C

Landslide Risk Matrix

Tasman Geotechnics  
Reference: TG14077/1 - 01report

06/02/2017 D459080



## Terminology for use in Assessing Risk to Property

These notes are provided to help you understand concepts and terms used in **Landslide Risk Assessment** and are based on the “Practice Note Guidelines for Landslide Risk Management 2007” published in *Australian Geomechanics* Vol 42, No 1, 2007.

### Likelihood Terms

The qualitative likelihood terms have been related to a nominal design life of 50 years. The assessment of likelihood involves judgment based on the knowledge and experience of the assessor. Different assessors may make different judgments.

Approximate Annual Probability	Implied indicative Recurrence Interval	Description	Descriptor	Level
$10^{-1}$	10 years	The event is expected to occur over the design life	Almost Certain	A
$10^{-2}$	100 years	The event will probably occur under adverse conditions over the design life	Likely	B
$10^{-3}$	1000 years	The event could occur under adverse conditions over the design life	Possible	C
$10^{-4}$	10,000 years	The event might occur under very adverse conditions over the design life	Unlikely	D
$10^{-5}$	100,000 years	The event is conceivable but only under exceptional circumstances over the design life	Rare	E
$10^{-6}$	1,000,000 years	The event is inconceivable or fanciful for the design life	Barely Credible	F

### Qualitative Measures of Consequence to Property

Indicative Cost of Damage	Description	Descriptor	Level
200%	Structure(s) completely destroyed and/or large scale damage requiring major engineering works for stabilisation. Could cause at least one adjacent property major consequential damage.	Catastrophic	1
60%	Extensive damage to most of structure, and/or extending beyond site boundaries requiring significant stabilisation works. Could cause at least one adjacent property medium consequential damage	Major	2
20%	Moderate damage to some of structure, and/or significant part of site requiring large stabilisation works. Could cause at least one adjacent property minor consequential damage.	Medium	3
5%	Limited damage to part of structure, and/or part of site requiring some reinstatement stabilisation works	Minor	4
0.5%	Little damage.	Insignificant	5

The assessment of consequences involves judgment based on the knowledge and experience of the assessor. The relative consequence terms are value judgments related to how the potential consequences may be perceived by those affected by the risk. Explicit descriptions of potential consequences will help the stakeholders understand the consequences and arrive at their judgment.

06/02/2017 D459080

**Qualitative Risk Analysis Matrix – Risk to Property**

Likelihood		Consequences to Property				
	Approximate annual probability	1: Catastrophic	2: Major	3: Medium	4: Minor	5: Insignificant
A: Almost Certain	$10^{-1}$	VH	VH	VH	H	L
B: Likely	$10^{-2}$	VH	VH	H	M	L
C: Possible	$10^{-3}$	VH	H	M	M	VL
D: Unlikely	$10^{-4}$	H	M	L	L	VL
E: Rare	$10^{-5}$	M	L	L	VL	VL
F: Barely credible	$10^{-6}$	L	VL	VL	VL	VL

**NOTES:**

1. The risk associated with Insignificant consequences, however likely, is defined as Low or Very Low
2. The main purpose of a risk matrix is to help rank risks and set priorities and help the decision making process.

**Response to Risk**

In general, it is the responsibility of the client and/or regulatory and/or others who may be affected to decide whether to accept or treat the risk. The risk assessor and/or other advisers may assist by making risk comparisons, discussing treatment options, explaining the risk management process, advising how others have reacted to risk in similar situations and making recommendations. Attitudes to risk vary widely and risk evaluation often involves considering more than just property damage (eg environmental effects, public reaction, business confidence etc).

The following is a guide to typical responses to assessed risk.

Risk Level		Example Implications
VH	Very High	Unacceptable without treatment. Extensive detailed investigation and research, planning and implementation of treatment options essential to reduce risk to Low; may be too expensive and not practical. Work likely to cost more than the value of the property.
H	High	Unacceptable without treatment. Detailed investigation, planning and implementation of treatment options required to reduce risk to Low. Work would cost a substantial sum in relation to the value of the property.
M	Moderate	May be tolerated in certain circumstances (subject to regulator's approval) but requires investigation, planning and implementation of treatment options to reduce the risk to Low. Treatment options to reduce to Low risk should be implemented as soon as practicable.
L	Low	Usually accepted by regulators. Where treatment has been required to reduce the risk to this level, ongoing maintenance is required.
VL	Very Low	Acceptable. Manage by normal slope maintenance procedures

06/02/2017 D459080

Landslide Risk Assessment, 36 Cutts Road, Don

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## Appendix D

### Guidelines to Hillside Construction

Tasman Geotechnics  
Reference: TG14077/1 - 01report



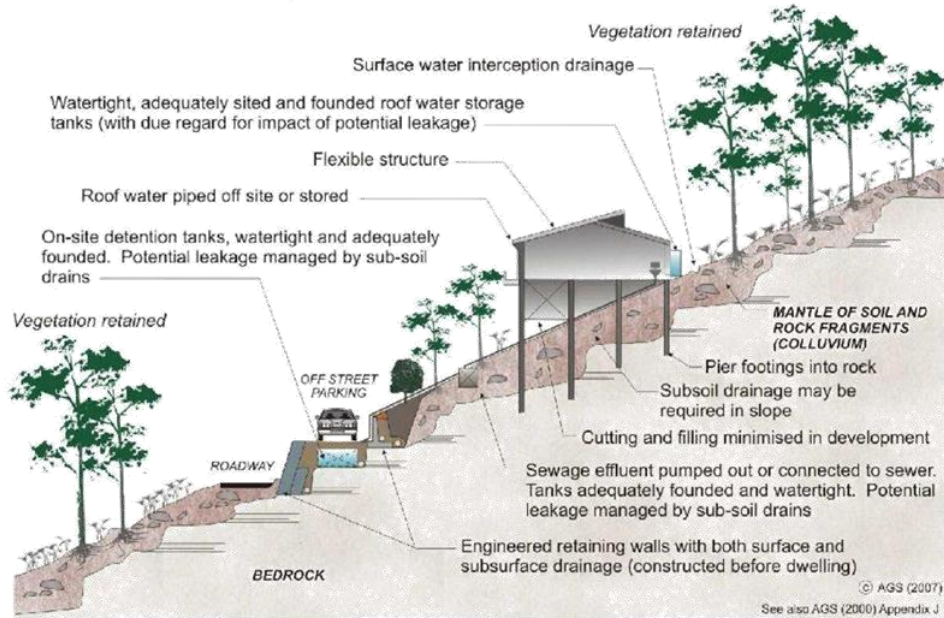
06/02/2017 D459080

## AUSTRALIAN GEOGUIDE LR8 (CONSTRUCTION PRACTICE)

### HILLSIDE CONSTRUCTION PRACTICE

Sensible development practices are required when building on hillsides, particularly if the hillside has more than a low risk of instability (GeoGuide LR7). Only building techniques intended to maintain, or reduce, the overall level of landslide risk should be considered. Examples of good hillside construction practice are illustrated below.

### EXAMPLES OF GOOD HILLSIDE CONSTRUCTION PRACTICE



### WHY ARE THESE PRACTICES GOOD?

**Roadways and parking areas** - are paved and incorporate kerbs which prevent water discharging straight into the hillside (GeoGuide LR5).

**Cuttings** - are supported by retaining walls (GeoGuide LR6).

**Retaining walls** - are engineer designed to withstand the lateral earth pressures and surcharges expected, and include drains to prevent water pressures developing in the backfill. Where the ground slopes steeply down towards the high side of a retaining wall, the disturbing force (see GeoGuide LR6) can be two or more times that in level ground. Retaining walls must be designed taking these forces into account.

**Sewage** - whether treated or not is either taken away in pipes or contained in properly founded tanks so it cannot soak into the ground.

**Surface water** - from roofs and other hard surfaces is piped away to a suitable discharge point rather than being allowed to infiltrate into the ground. Preferably, the discharge point will be in a natural creek where ground water exits, rather than enters, the ground. Shallow, lined, drains on the surface can fulfil the same purpose (GeoGuide LR5).

**Surface loads** - are minimised. No fill embankments have been built. The house is a lightweight structure. Foundation loads have been taken down below the level at which a landslide is likely to occur and, preferably, to rock. This sort of construction is probably not applicable to soil slopes (GeoGuide LR3). If you are uncertain whether your site has rock near the surface, or is essentially a soil slope, you should engage a geotechnical practitioner to find out.

**Flexible structures** - have been used because they can tolerate a certain amount of movement with minimal signs of distress and maintain their functionality.

**Vegetation clearance** - on soil slopes has been kept to a reasonable minimum. Trees, and to a lesser extent smaller vegetation, take large quantities of water out of the ground every day. This lowers the ground water table, which in turn helps to maintain the stability of the slope. Large scale clearing can result in a rise in water table with a consequent increase in the likelihood of a landslide (GeoGuide LR5). An exception may have to be made to this rule on steep rock slopes where trees have little effect on the water table, but their roots pose a landslide hazard by dislodging boulders.

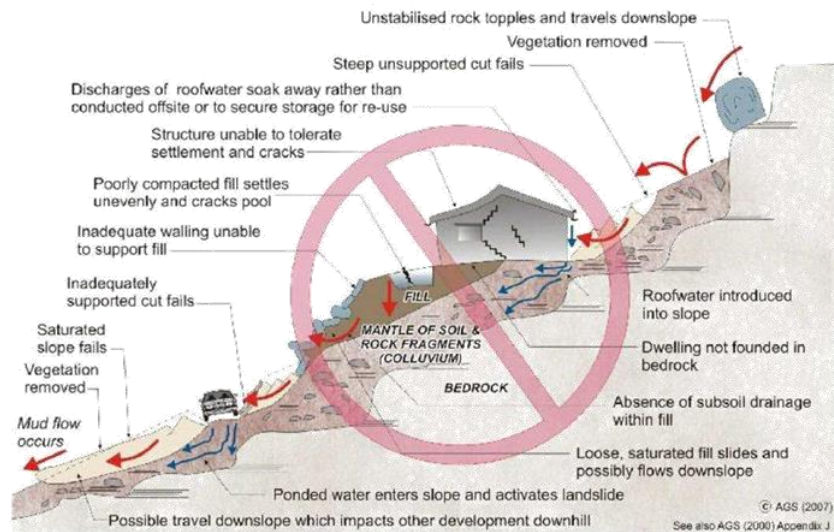
Possible effects of ignoring good construction practices are illustrated on page 2. Unfortunately, these poor construction practices are not as unusual as you might think and are often chosen because, on the face of it, they will save the developer, or owner, money. You should not lose sight of the fact that the cost and anguish associated with any one of the disasters illustrated, is likely to more than wipe out any apparent savings at the outset.

### ADOPT GOOD PRACTICE ON HILLSIDE SITES

06/02/2017 D459080

## AUSTRALIAN GEOGUIDE LR8 (CONSTRUCTION PRACTICE)

### EXAMPLES OF **POOR** HILLSIDE CONSTRUCTION PRACTICE



#### WHY ARE THESE PRACTICES POOR?

**Roadways and parking areas** - are unsurfaced and lack proper table drains (gutters) causing surface water to pond and soak into the ground.

**Cut and fill** - has been used to balance earthworks quantities and level the site leaving unstable cut faces and added large surface loads to the ground. Failure to compact the fill properly has led to settlement, which will probably continue for several years after completion. The house and pool have been built on the fill and have settled with it and cracked. Leakage from the cracked pool and the applied surface loads from the fill have combined to cause landslides.

**Retaining walls** - have been avoided, to minimise cost, and hand placed rock walls used instead. Without applying engineering design principles, the walls have failed to provide the required support to the ground and have failed, creating a very dangerous situation.

**A heavy, rigid, house** - has been built on shallow, conventional, footings. Not only has the brickwork cracked because of the resulting ground movements, but it has also become involved in a man-made landslide.

**Soak-away drainage** - has been used for sewage and surface water run-off from roofs and pavements. This water soaks into the ground and raises the water table (GeoGuide LR5). Subsoil drains that run along the contours should be avoided for the same reason. If felt necessary, subsoil drains should run steeply downhill in a chevron, or herring bone, pattern. This may conflict with the requirements for effluent and surface water disposal (GeoGuide LR9) and if so, you will need to seek professional advice.

**Rock debris** - from landslides higher up on the slope seems likely to pass through the site. Such locations are often referred to by geotechnical practitioners as "debris flow paths". Rock is normally even denser than ordinary fill, so even quite modest boulders are likely to weigh many tonnes and do a lot of damage once they start to roll. Boulders have been known to travel hundreds of metres downhill leaving behind a trail of destruction.

**Vegetation** - has been completely cleared, leading to a possible rise in the water table and increased landslide risk (GeoGuide LR5).

#### DON'T CUT CORNERS ON HILLSIDE SITES - OBTAIN ADVICE FROM A GEOTECHNICAL PRACTITIONER

More information relevant to your particular situation may be found in other Australian GeoGuides:

- |                                     |  |
|-------------------------------------|--|
| • GeoGuide LR1 - Introduction       | • GeoGuide LR6 - Retaining Walls                   |
| • GeoGuide LR2 - Landslides         | • GeoGuide LR7 - Landslide Risk                    |
| • GeoGuide LR3 - Landslides in Soil | • GeoGuide LR9 - Effluent & Surface Water Disposal |
| • GeoGuide LR4 - Landslides in Rock | • GeoGuide LR10 - Coastal Landslides               |
| • GeoGuide LR5 - Water & Drainage   | • GeoGuide LR11 - Record Keeping                   |

The Australian GeoGuides (LR series) are a set of publications intended for property owners; local councils; planning authorities; developers; insurers; lawyers and, in fact, anyone who lives with, or has an interest in, a natural or engineered slope, a cutting, or an excavation. They are intended to help you understand why slopes and retaining structures can be a hazard and what can be done with appropriate professional advice and local council approval (if required) to remove, reduce, or minimise the risk they represent. The GeoGuides have been prepared by the Australian Geomechanics Society, a specialist technical society within Engineers Australia, the national peak body for all engineering disciplines in Australia, whose members are professional geotechnical engineers and engineering geologists with a particular interest in ground engineering. The GeoGuides have been funded under the Australian governments' National Disaster Mitigation Program.



06/02/2017 D459080

**Lester Franks Survey & Geographic Pty. Ltd.**

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**Document Status**

Revision No.	Author	Int.	Reviewed By	Int.	Date
0	J. Motczinski	JM	M. Lester	ML	01/02/17



FS 520442



OHS 539211



10 May 2017

Lester Franks  
11 Steele Street  
DEVONPORT TAS 7310

**Attention: Jana Motczinski**

**RE: Response to Council Request for Clarification**  
**Subdivision Application PA2017.0017**  
**36 Cutts Road, Don**

Tasman Geotechnics was commissioned by Lester Franks to address 2 issues raised by Devonport City Council in a letter dated 15 March 2017 for the proposed subdivision at 36 Cutts Road, Don:

- Confirm reference to subdivision plan prepared by Lester Franks, and
- Confirm condition of septic tank at south side of the existing house

## **1 SUBDIVISION PLAN**

Tasman Geotechnics completed a Landslide Risk Assessment for a proposed 2 lot subdivision at 36 Cutts Road in 2014 (report TG14077/1 – 01report, dated 27 June 2014).

We understand that the proposed subdivision layout has changed, and Lester Franks have requested feedback from us on the implications of these changes on the landslide risk assessment. The proposed subdivision with indicative building envelope was provided by Lester Franks (drawing D14734-P03-01, rev 2, dated 17 Jan 2017). An extract of the drawing is presented in Figure 1.

Comparing the proposed subdivision with the recommendations from our Landslide Risk Assessment, we note that the proposed house location is in the same area as recommended in our report. Our report recommended that the house be located within 20m of Cutts Road. Lester Frank have indicated a building envelope up to 25m from Cutts Road. It is our assessment that this change does not affect the landslide risk assessment. Hence, our report can be used to support the subdivision application.

We also confirm that the proposed wastewater disposal areas are on the flatter areas around the proposed building envelope.

**Tasman Geotechnics Pty Ltd** ABN 96 130 022 589  
Level 1, 10 Goodman Court  
PO Box 4026, Invermay TAS 7248  
M 0427 810 534 T 6332 3750  
E wayne@tasmangeotechnics.com.au

Reference: TG17005/1 - 02letter

## 2 SEPTIC TANK

Investigations by Tasman Geotechnics in 2014 for the wastewater system at 36 Cutts Road, observed a septic tank to the south of the existing house (Septic Tank 1), but noted that the tank did not appear to have a disposal trench.

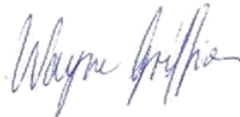
Clarification was requested by Council in their letter dated 15 March 2017, about the discharge from the septic tank.

A Senior Geotechnical Engineer and Geotechnical Engineer from Tasman Geotechnics visited the site on Thursday 27 April 2017 to carry out probing and investigation to see if there are any outlets at Septic Tank 1.

Several test pits were attempted in the garden bed to the south of the house. The test pits terminated at about 0.25m depth on a concrete slab. The slab appears to be a path, about 1.3m wide along the south side of the house.

Selected photographs are attached, showing that the existing septic tank is a concrete structure and there is an inflow and outflow to the septic tank. The outflow is assumed to be connected to a trench located below the concrete footpath.

For and on behalf of Tasman Geotechnics Pty Ltd



**Dr Wayne Griffioen**

Senior Geotechnical Engineer

Attachments: Important Information about your report (1 page)

Figure 1. Proposed subdivision layout (1 page)

Selected site photographs (2 pages)



## Important information about your report

**These notes are provided to help you understand the limitations of your report.**

### Project Scope

Your report has been developed on the basis of your unique project specific requirements as understood by Tasman Geotechnics at the time, and applies only to the site investigated. Tasman Geotechnics should be consulted if there are subsequent changes to the proposed project, to assess how the changes impact on the report's recommendations.

### Subsurface Conditions

Subsurface conditions are created by natural processes and the activity of man.

A site assessment identifies subsurface conditions at discreet locations. Actual conditions at other locations may differ from those inferred to exist, because no professional, no matter how qualified, can reveal what is hidden by earth, rock and time.

Nothing can be done to change the conditions that exist, but steps can be taken to reduce the impact of unexpected conditions. For this reason, the services of Tasman Geotechnics should be retained throughout the project, to identify variable conditions, conduct additional investigation or tests if required and recommend solutions to problems encountered on site.

### Advice and Recommendations

Your report contains advice or recommendations which are based on observations, measurements, calculations and professional interpretation, all of which have a level of uncertainty attached.

The recommendations are based on the assumption that subsurface conditions encountered at the discreet locations are indicative of an area. This can not be substantiated until implementation of the project has commenced. Tasman Geotechnics is familiar with the background information and should be consulted to assess whether or not the report's recommendations are valid, or whether changes should be considered.

The report as a whole presents the findings of the site assessment, and the report should not be copied in part or altered in any way.

TASMAN GEOTECHNICS

Rev 01, May 2008







Subdivision, 36 Cutts Road, Don



Photo 1. View of septic tank

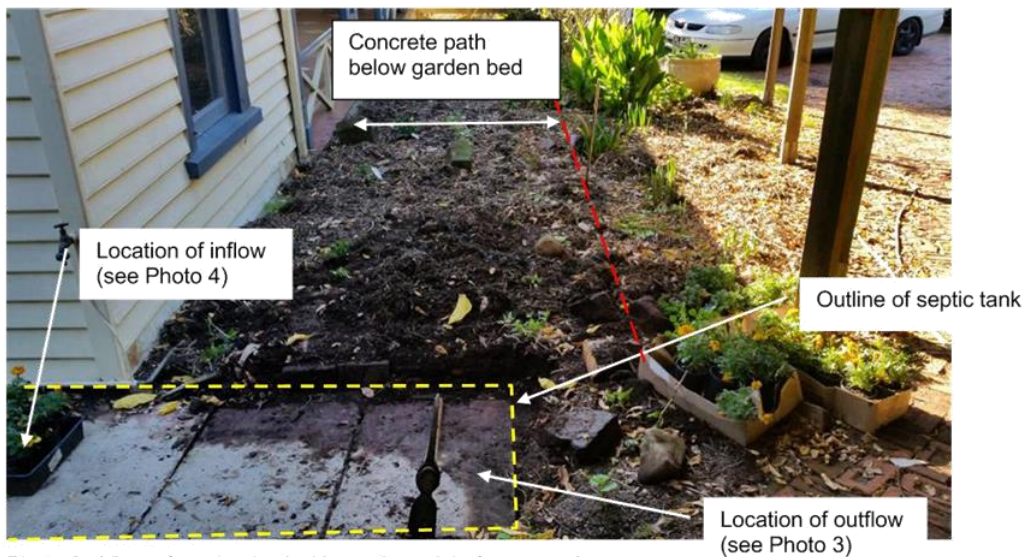


Photo 2. View of garden bed with septic tank in foreground

Tasman Geotechnics  
Reference: TG17005/1 - 02letter

Subdivision, 36 Cutts Road, Don

---



Photo 3. Septic tank outlet near carport



Photo 4. Septic tank inlet adjacent to house

Tasman Geotechnics  
Reference: TG17005/1 - 02letter





4 August 2014

Robert Oakley  
36 Cutts Road  
DON TAS 7310

Dear Sir

**RE: Building Area on Proposed New Lot**

Tasman Geotechnics recently carried out a Landslide Risk Assessment for the proposed subdivision at 36 Cutts Road, Don (current title reference 109440/3). We understand Devonport City Council have requested clarification on the location of i) the wastewater treatment unit and ii) associated on-site disposal area.

The area identified in Figure 4 of our report (TG14077/1 – 01report, dated 27 June 2014) is for the house. With respect to the location of the wastewater treatment unit (septic or AWTS) we recommend that it be situated close to the house but not necessarily within the 'building area' or within the 20m set back from Cutts Road. Therefore, it may be (marginally) outside the 'building area'.

With respect to the wastewater disposal area, there would probably be insufficient area for wastewater disposal within the 'building area'. We would consider the following areas suitable for on-site wastewater disposal (see Figure 1):

- i) Relatively flat areas immediately north or west of the 'building area' if using evapo-transpiration beds, or
- ii) Slopes in south-west part of site if using drip irrigation from AWTS effluent

The size of the disposal area is to be designed in accordance with AS1547 – 2012.

For and on behalf of Tasman Geotechnics Pty Ltd

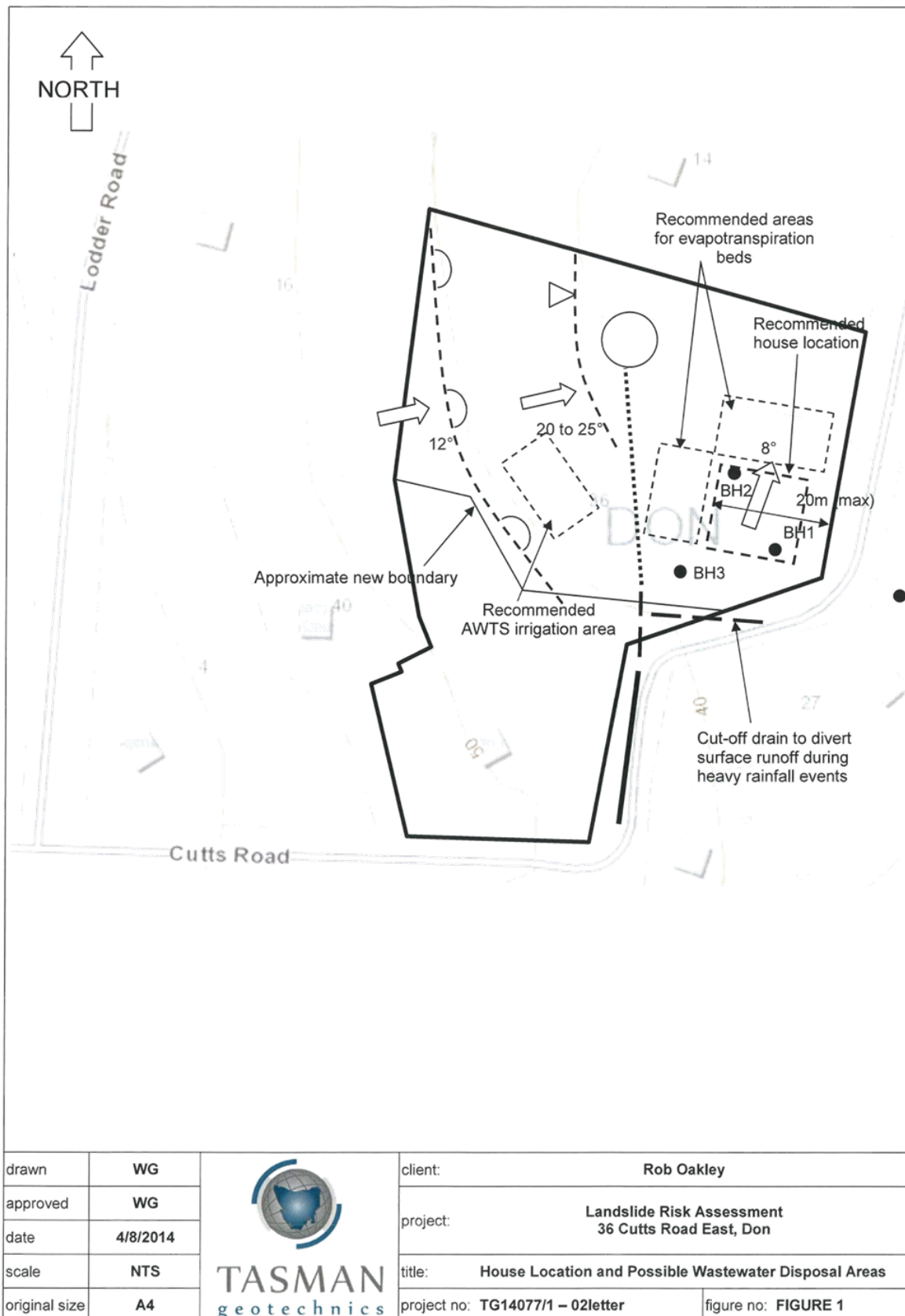
**Dr Wayne Griffioen**  
Senior Geotechnical Engineer

Attachment: Figure 1: House Location and Possible Wastewater Disposal Areas

Tasman Geotechnics Pty Ltd ABN 96 130 022 589  
Level 1, 10 Goodman Court  
PO Box 4026, Invermay TAS 7248  
M 0427 810 534 T 6332 3750  
E wayne@tasmangeotechnics.com.au

Reference: TG14077/1 - 02letter







## Devonport City Council In-principle agreement Roads and Stormwater

**Development Address:** 36 CUTTS ROAD

**Applicant Details:** Lester Franks Pty Ltd

**Details of Development:** SUBDIVISION (1 ADDITIONAL LOT)

In-principle agreement to submit an application for planning is granted under the *Local Government (Highways) Act 1982* and the *Urban Drainage Act 2013* subject to the following conditions:

1. The construction of two additional access driveways, to both lot 1 and the northern end of the balance lot, shall be constructed in accordance with IPWEA Tasmanian Standard Drawing TSD R03v1.
2. If required, any existing redundant driveways are to be demolished and reinstated to match the adjoining nature strip and drains.
3. The proposed cut-off drain is to be designed and certified by a suitably qualified hydraulic engineer, for all storm events up to and including a 100-year Average Recurrence Interval (ARI), and for a suitable range of storm durations to adequately contain peak discharge flows and prevent concentrated stormwater flows entering the proposed building and waste disposal area sites. The proposed drain is to generally align with Cutts Road and continue passed the proposed development site and discharge into the existing drainage system downstream.
4. The developer is to submit for approval design drawings of the proposed driveways and drainage works, prior to any subsequent building or plumbing permit application, or work commencing on site.
5. The driveways and drainage works are to be completed to the satisfaction of the City Engineer prior to the creation of the proposed new lot.
6. A permit to work within the road reserve must be sought and granted prior to any works being undertaken within the road reserve.

Please note, this is not a development or building/plumbing permit but must be submitted to Council's planning department in support of your application for planning.

This agreement is valid for a period of 12 months from the date on which it is signed.

Approved by Engineering Development Officer under delegated authority.

Signed

Date 16 May 2017

Document Controller	Date	TRIM doc.	Review	Responsible Manager
ENGINEERING DEVELOPMENT OFFICER	AUGUST 2014	D384095	AUGUST 2015	IWM

**What does this in-principle agreement mean to you?**

In accordance with the *Devonport Interim Planning Scheme 2013* each application for development must be supported by the relevant road or service authority prior to the application being lodged for planning assessment. This in-principle agreement serves as notification that your proposal has been assessed by Council's City Infrastructure Department and has been determined to be permissible in regards to road asset infrastructure, road network safety and stormwater drainage, subject to compliance with any conditions listed.

This in-principle agreement must be submitted as supporting information with your documentation for planning approval and will subsequently form part of your conditional approval, should it be granted.

**Does this in-principle agreement allow me to start work?**

No, prior to undertaking any works you will need to be granted approval from Council's permit authority, once this obtained you may need to seek approval to undertake works within the road reserve, please speak with Council officers to confirm which permits may be applicable to your works.

**Under what power is this in-principle agreement issued?**

This in-principle agreement is issued under the delegated authority of the *Local Government (Highways) Act 1982*, and the *Urban Drainage Act 2013*. Failure to comply with the conditions of this agreement may result in legal action.

**What if I don't agree with the conditions of this in-principle agreement?**

If you have any concerns, queries or disagreements with the conditions applied to this in-principle agreement please contact Council's City Infrastructure department to discuss your concerns prior to submission of your planning application.

**How long does this in-principle agreement last?**

This in-principle agreement will expire 12 months from the date it is signed, if this period elapses prior to submission of your planning application you will need to re-submit your plans to Council's City Infrastructure department for further assessment.

Document Controller	Date	TRIM doc.	Review	Responsible Manager
ENGINEERING DEVELOPMENT OFFICER	AUGUST 2014	D384095	AUGUST 2015	IWM



## Submission to Planning Authority Notice

Council Planning Permit No.	PA2017.0017	Council notice date	9/02/2017
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2017/00182-DCC	Date of response	16/02/2017
TasWater Contact	Anthony Cengia	Phone No.	(03) 6237 8243
<b>Response issued to</b>			
Council name	DEVONPORT COUNCIL		
Contact details	council@devonport.tas.gov.au		
<b>Development details</b>			
Address	36 CUTTS RD, DON	Property ID (PID)	7654947
Description of development	Subdivision - 2 Lots		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Lester Franks	D14734-P02	3	10/02/2017
<b>Conditions</b>			
<p><b>SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL</b></p> <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><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered 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.</li> <li>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.</li> <li>3. Prior to commencing construction / use of the development, a boundary backflow prevention device and water meter must be installed, to the satisfaction of TasWater.</li> </ol> <p><b>FINAL PLANS, EASEMENTS &amp; ENDORSEMENTS</b></p> <ol style="list-style-type: none"> <li>4. Prior to the Sealing of the Final Plan of Survey, the developer must obtain a Consent to Register a Legal Document from TasWater and the certificate must be submitted to the Council as evidence of compliance with these conditions when application for sealing is made.</li> </ol> <p><b>DEVELOPMENT ASSESSMENT FEES</b></p> <ol style="list-style-type: none"> <li>5. 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:             <ol style="list-style-type: none"> <li>a. \$246.00 for development assessment; and</li> <li>b. \$133.25 for Consent to Register a Legal Document</li> </ol> <p>The payment is required within 30 days of the issue of an invoice by TasWater.</p> </li> </ol>			



#### Advice

For information on TasWater development standards, please visit  
<http://www.taswater.com.au/Development/Development-Standards>

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

The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developers cost to locate the infrastructure.

#### Declaration

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

#### Authorised by

A handwritten signature in black ink, appearing to read "J. Taylor".

**Jason Taylor**

Development Assessment Manager

#### TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au



Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
134 Macquarie St, Hobart Tasmania 7000  
Tel: 1300 850 332  
enquiries@heritage.tas.gov.au  
www.heritage.tas.gov.au

PLANNING REF: PA2017.0017  
THC WORKS REF: 5229  
REGISTERED PLACE NO: 1349  
FILE NO: 15-18-74THC  
APPLICANT: Lester Franks  
DATE: 7 June 2017

## NOTICE OF HERITAGE DECISION

*(Historic Cultural Heritage Act 1995)*

The Place: 'Symbister', 36 Cutts Road, Don.  
Proposed Works: Two lot subdivision.

Under section 39(6)(a) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with the documentation submitted with Development Application PA2017.0017, advertised on 20/05/2017.

### Advice

The applicant should note that all of the areas affected by the subdivision will remain entered in the Tasmanian Heritage Register as part of the original entry for the site, and that heritage works to the new lots shall require heritage approval pursuant to Part 6 of the *Historic Cultural Heritage Act 1995*. The applicant/owner may request a review and amendment to the place's entry in the THR once the new property title/s are sealed.

Please contact Liz Fitzgerald on 1300 850 332 if you require clarification of any matters contained in this notice.

A handwritten signature in purple ink, appearing to read "Ian Boersma".

Ian Boersma  
**Works Manager – Heritage Tasmania**  
*Under delegation of the Tasmanian Heritage Council*

## **5.0 CLOSURE**

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