

SOUTHERN
MIDLANDS
COUNCIL



A G E N D A

SPECIAL COUNCIL MEETING

Wednesday, 9 February 2022
10.00 a.m.

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NOTICE OF SPECIAL COUNCIL MEETING

Notice is hereby given that a Special Meeting of Council will be held on:-

Date: Wednesday, 9th February 2022

Time: 10.00 a.m.

Venue: via video conference (in response to COVID-19 recommendations)

I certify under s.65(2) of the *Local Government Act 1993* that the matters to be discussed under this agenda have been, where necessary, the subject of advice from a suitably qualified person and that such advice has been taken into account in providing any general advice to the Council.

Yours faithfully

A handwritten signature in black ink, appearing to read 'TF Kirkwood', written in a cursive style.

TF Kirkwood
GENERAL MANAGER

OPEN COUNCIL AGENDA

1. ATTENDANCE

2. APOLOGIES

3. DECLARATION OF PECUNIARY INTEREST

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the Agenda.

Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter on the agenda, or any supplementary item to the agenda, which Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*.

4. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME

Session of Council sitting as a Planning Authority pursuant to the Land Use Planning and Approvals Act 1993 and Council's statutory land use planning schemes.

4.1 Development Application (SA 2021/13) for Subdivision (56 Lots) at 10 East Bagdad Road, Bagdad owned by DFY Investment Pty Ltd

File Ref: SA 2021/13

AUTHOR SENIOR PLANNING OFFICER (JACQUI TYSON)

DATE 2 FEBRUARY 2022

ATTACHMENT(s)

*Development Application documents
Taswater SPAN
Representation*

PROPOSAL

The applicant JMG Engineers and Planners on behalf of DFY Investments Pty Ltd, have applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") to subdivide the land at 10 East Bagdad Road, Bagdad.

The application seeks to subdivide the 4.8ha site into the following arrangement:

- 53 residential lots with areas ranging from 600m² to 997m², with most in the 600-650m² range;
- One (1) area for detention and treatment of stormwater (Lot 102);
- One (1) area identified as public open space and stormwater easement (Lot 100);
- One (1) Road lot (Lot 101); and
- Walkway to provide pedestrian access to Midland Highway from the new Road.

The proposal includes the following development:

- Demolition of the existing buildings (dwelling and outbuildings);
- Removal of existing horse training track;
- Construction of the new road, services and infrastructure; and
- Construction of stormwater infrastructure on the site and in the Midland Highway road reserve.

The subdivision will require construction of a new road off East Bagdad Road. The new road serving the subdivision will be a loop road with a short section to provide for future road connection to the adjoining land to the south.

The subdivision includes a 1421m² area (Lot 102) which will contain a stormwater detention pond. This infrastructure is required to detain and treat stormwater before it discharges to the Midland Highway road reserve and on to Horfield Creek. Stormwater from the eastern portion of the site will be piped to the Bagdad Rivulet through Lot 100. The stormwater infrastructure including Lot 102 would be transferred to Council once constructed.

Lot 100 is identified in the subdivision documents as public open space to be transferred to Council. However, Council officers are of the view that this area would not provide a public open space that is useful or of high amenity for residents. The lot does adjoin Crown land around Bagdad Rivulet, so there is some merit in providing a public walkway here. However, the Crown land is not actively managed or developed for public use and the long, narrow lot would be onerous for Council to maintain. This is discussed further below.

The application has been lodged under the *Southern Midlands Interim Planning Scheme 2015* (“the Planning Scheme”).

The land is zoned Village and is currently used for residential purposes and for a horse training track. There is a dwelling, outbuildings, training track, fencing and associated infrastructure on the land.

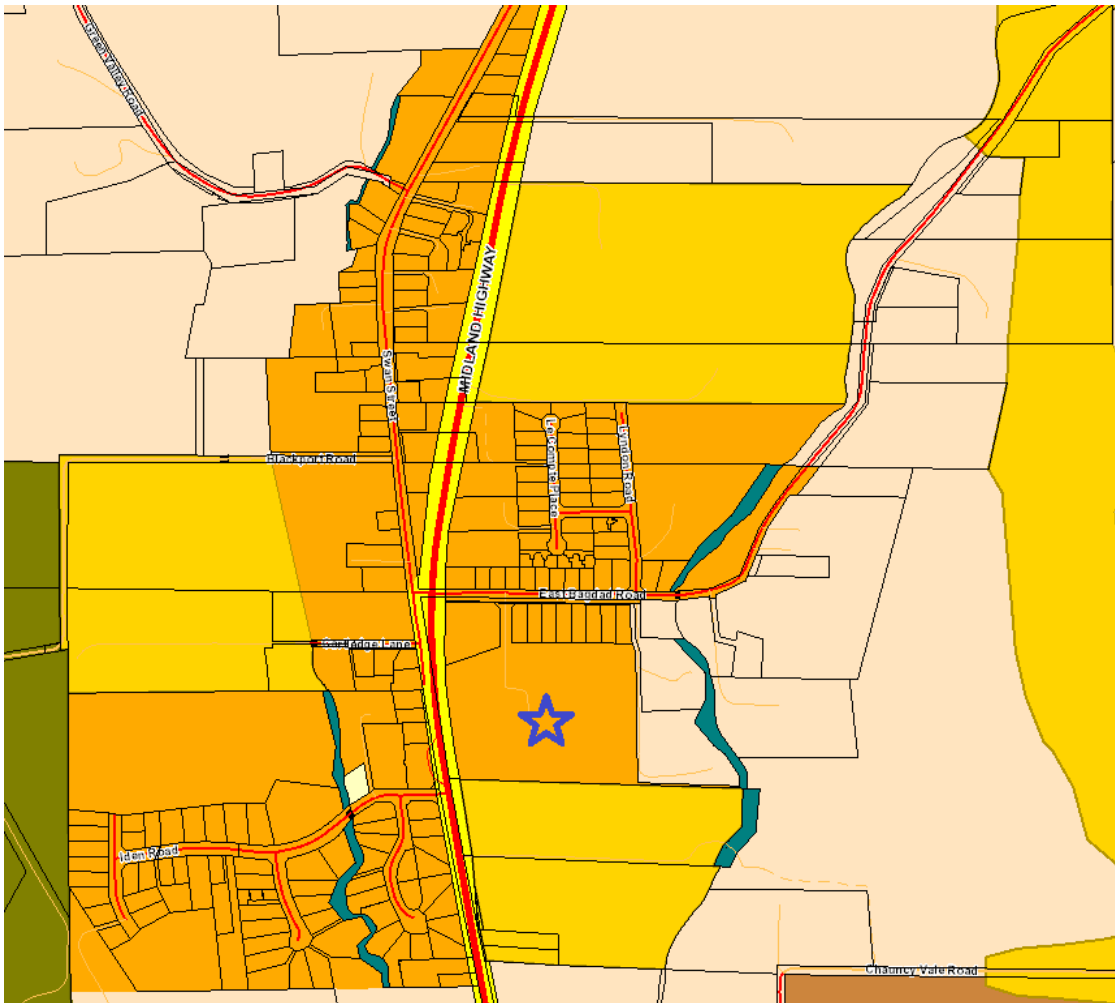
Under the Planning Scheme subdivision is defined as development. The proposal is to be assessed against the development standards of the zone and the development standards of the applicable Codes. These matters are described and assessed in this report. This is a discretionary application under the Planning Scheme.

The Council gave notice of the application for public comment as required by the Act. During the notification period one representation was received from a member of the public. A representation was also received from TasFire, however this was later withdrawn following completion of their request that the Bushfire Hazard Management Plan documents be updated with the current subdivision plan.

This report will assess the proposal against the relevant provisions of the Act and the Scheme. It is recommended that Council grant a permit for the subdivision subject to conditions. Most of the conditions relate to the engineering requirements, which have been drafted with significant input from Council’s contracted Engineering Officer.

THE SITE

Map 1 below shows the land zoning and location of the property. Map 2 shows an aerial image of the property and surrounds.



Map 1_ The subject land and most surrounding properties are in the Village Zone (orange). Adjoining land to the south is in the Particular Purpose Zone 1- Settlement Growth (yellow), as is land further north. Land to the east and further north and south is in the Rural Resource Zone (cream). The Midlands Highway is in the Utilities Zone (bright yellow) and some parcels around Bagdad Rivulet and other waterways are in the Environmental Management Zone (dark green). The Bagdad/Mangalore bypass corridor is in the Particular Purpose Zone 2 – Future Road Corridor (yellow) to the west of the site. The blue star identifies the subject title.

Source: LISTmap



Map 2 _ Aerial image of the subject land and surrounding area.
Source: LISTmap

THE APPLICATION

The Applicant has submitted the attached Plans and reports to accompany the Development Application form.

Consent to lodge the application has been provided by a delegate of the Crown as required by the Act, as the proposal relies on Crown land for stormwater disposal.

A comprehensive planning report had been provided from JMG. Specific matters relevant to the application are discussed below.

Council's contracted Engineering Officer has had considerable input into the assessment of this subdivision owing to the servicing standards necessary in any large subdivision. Engineering comments and recommended conditions are incorporated into the information and the recommendation below.

Roads and Pedestrian Access

The subject land has frontage to East Bagdad Road via a fifteen (15) metre wide access strip.

The land also has frontage to the Midland Highway, however no direct access is proposed to the Highway other than a pedestrian path.

Once within the subdivision the new road reservations will be 18m in width. Connectivity is provided to the land to the south with road reservation being extended to the southern boundary.

East Bagdad Road is a Council maintained road with a posted speed limit of 60km/h. It has a sealed carriageway and the section fronting the subject land has recently been upgraded with kerb and channel and a concrete footpath on the southern side.

Engineering advice suggests that Council consider reducing the speed limit of the urbanised section of East Bagdad Road to 50km/h.

With regard to pedestrian access, there is currently a 1.2m wide concrete footpath along the southern side of East Bagdad Road from the Midland Highway past the subdivision entrance. There is also a 1.5m wide concrete footpath along the eastern side of the Midland Highway from East Bagdad Road to a bus stop approximately 90 metres south of the junction, which also coincides with start of the frontage of the subject land.

There are currently two (2) pedestrian refuges provided for crossing the Midland Highway near the subject land. One is located at the northern extent of the subdivision frontage at the bus stop and the other is further south, near the service station.

Council received correspondence from the Department of State Growth in regard to the proposal, which included the following comments:

- *Following the completion of the upgrading along this section of the Highway in 2017, there is now limited room along the property frontage to install urban infrastructure such as a footpath. With an urban density subdivision as proposed, in State Growth's experience most local councils would expect that a footpath be provided along the subdivision frontage with the Highway and it is highly probable that the North Bagdad community might also have this expectation. Attached is a pdf showing the typical section in this vicinity indicating the how the widening was installed without undertaking acquisition.*
- *Given the relatively limited room along the Highway at proposed Lots 29-38, it seems appropriate to setback the boundary to ensure there is adequate space for a reasonable width footpath that can cater for passing between pedestrians, prams, wheelchairs and cyclists, etc, and provide a good connection to the bus stop facilities on both sides of the Highway, along with the United Petroleum Service Station shop opposite.*

It is therefore recommended to include conditions requiring the footpath be extended along the entire Midland Highway frontage and advice that road widening may need to be provided to achieve this if the footpath cannot safely fit in the current reservation alongside existing drainage infrastructure.

Traffic

A Traffic Impact Statement (TIS) has been prepared by Keith Midson to support the application. The TIS considers traffic generation and impact on the existing road network, including the junction to East Bagdad Road and the nearby Midland Highway.

The TIS estimates that the development will generate approximately 414 vehicle movement per day with a peak of 44 vehicles per hour.

The report finds that the sight distance for the new junction to East Bagdad Road exceeds the requirements of the Road and Rail Assets Code in both directions and the junction design is satisfactory and safe for the amount of traffic and travel speed.

The East Bagdad Road/Midland Highway junction was improved with the recent highway upgrade works. The existing junction includes a Channelised Right Turn Lane (CHR) that

has space for approximately 20 cars. This is found to be more than sufficient for the existing and expected traffic numbers including that generated by the proposal.

The TIS notes that there is spare capacity for growth on both the Midland Highway and East Bagdad Road and supports the proposed subdivision on traffic engineering grounds.

The proposal has been referred to the Department of State Growth for comment in regard to traffic generation and impact to the Midland Highway. Other than the comments in regard to the footpath discussed above, no other issues have been identified.

Stormwater

The application includes detailed information regarding stormwater disposal details including development catchments, existing and proposed stormwater system analysis and associated calculations and design.

Stormwater from the subdivision will be divided into two catchments based on the topography.

Catchment 1 includes approximately 4.7ha of the site and will drain to the west, to the Midland Highway, via the proposed detention basin. The detention basin will be constructed in the south western corner of the site. It is required to contain stormwater during rainfall events allowing for gradual disposal to the existing stormwater system in the Midland Highway road reserve, which then drains via Iden Road to Horfield Creek. The detention basin also allows for stormwater to be treated before discharge, which is in accordance with Water Sensitive Urban Design principles.

Catchment 2 will be much smaller, approximately 7500m², and will drain to Bagdad Rivulet east of the site via a new stormwater pipe. No specific treatment is proposed for this portion of the stormwater catchment.

Bushfire

A 50m wide strip of the land along the southern boundary is identified as bushfire prone. As such, a Bushfire Hazard Management Plan has been provided to address the requirements of the Bushfire Code (assessed below). In summary, the proposed subdivision is able to meet the requirements of the Code.

Public Open Space

The proposal plan identifies Lot 100 (a strip of land between lots 17 and 18 and extending to the Bagdad Rivulet) as Public Open Space. This land is required to provide stormwater drainage to Bagdad Rivulet. Lot 100 could potentially contain a walkway, however unless there were a walkway or other development in the Crown land by Bagdad Rivulet this would serve no useful purpose.

This strip of land is long and narrow (approximately 6m wide and 200m long) and would be onerous for Council to maintain. While the future stormwater assets would be owned and managed by Council, there is no need for the land to also be owned by Council. A stormwater easement can be created to ensure access for maintenance or upgrade of the stormwater infrastructure.

As such, it is considered appropriate for Council to refuse to take on Lot 100 and require the subdivision to be altered accordingly. Other possibilities include the subdivider retaining ownership, combining with one of the subdivision lots or adhering part or all of the land to an adjoining title.

With regard to Lot 102, this will contain the stormwater detention basin and is not considered as contributing to Public Open Space. A recommended condition requires that it be identified on the Plan of Survey as Set Apart for Drainage Purposes. This lot will need to be transferred to Council as it is primarily for stormwater infrastructure and will require ongoing management and maintenance.

As no land will be provided for Public Open Space in this subdivision a condition requiring payment of cash in lieu of 5% of the value in accordance with the *Local Government (Building and Miscellaneous Provisions) Act 1994* is included in the recommendation.

Noise

A Noise Assessment was provided with the Development Application considering the impact of traffic noise from the highway on the amenity of future residents of the subdivision, as required by the Road and Railway Assets Code.

The assessment finds that it will be necessary for dwellings within 50m of the Midland Highway road corridor to be constructed to a standard that will sufficiently reduce the internal noise level to a satisfactory level.

A condition requiring a Part 5 agreement on lots within 50 metres of the highway reservation to be developed in accordance with the recommendations of the noise report is recommended.

Taswater

Sewer and Water reticulation is available in the area.

The developer will need to extend a sewer main south along the Midland Highway to connect to the existing sewer near 1830 Midland Highway.

The proposal has been referred to Taswater and conditions have been provided to be attached to the planning permit if the proposal is approved by Council.

Taswater require an upgrade to water supply infrastructure to ensure adequate flows prior to title being issued for the 21st lot of the subdivision.

Power and Telecommunications

Existing power reticulation in the area is overhead. The new power should be provided underground in accordance with current best practice.

NBN is currently available in the area via a Fixed Wireless service. Given the size of the development fibre ready pit and pipe should be provided as part of the subdivision to future proof the development.

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as development for Subdivision, which is Discretionary in accordance with Clause 9.7.2 of the Southern Midlands Interim Planning Scheme 2015.

Use/Development Status under the Planning Scheme

As a discretionary development, the application was advertised in accordance with Section 57 of the Act.

Council has the discretion to grant a permit for this proposal with or without conditions, or refuse to grant a permit.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised from the 20th July 2019 until the 10th January 2022. The usual 14 day notification period was extended due to the office closure over the Christmas/New Year break.

One (1) representation was received from a member of the public.

A representation was also received from TasFire, however this was withdrawn following completion of their request that the Bushfire Hazard Management Plan documents be updated with the current subdivision plan.

The matters raised in the representation are considered in the table below.

<i>Representation 1</i>	<i>Council Officer Comment</i>
<p>We are new to the neighbourhood and community of Bagdad. We purchased our first home after careful considerations last year. We are a small family of four with two young children (2&4) we chose the area for the quiet, peaceful, relaxing surrounds for our children and family to enjoy and grow.</p> <p>The impacts of the subdivision will bring much challenge to our peaceful home.</p> <p>Firstly the initial site works just over our back fence, as a shift worker this can cause disturbance and can affect areas of my employment.</p> <p>Once the development is complete its then the next few years of building and construction.</p>	<p><i>It is acknowledged that this proposal is a significant one and nearby neighbours will experience changes as a result of the subdivision and future development of the land.</i></p> <p><i>The subdivision works and future building and construction on the lots will be required to comply with the usual construction amenity conditions which limit hours of operation and other matters such as keeping roads clean and clear and disposing of building waste appropriately in order to minimise impact on surrounding residences.</i></p>
<p>If you have seen our boundary fence you would understand that this would have to be replaced and risen to create some sort of privacy retained at the cost of the proposed.</p>	<p><i>In Tasmania boundary fencing is governed by the Boundary Fences Act 1908.</i></p> <p><i>Under this Act it will be possible for the representor to seek half of the cost of a new paling fence from future neighbours.</i></p> <p><i>It is noted that it is possible to build a solid rear or side boundary fence to a height of 2.1m without planning permission.</i></p>

	<p>Vegetation plantings could also provide effective screening with no permissions required.</p>
<p>56 lots = average single house on block family of 4 (units not inc) is approx 224 people living over my back fence, that's approx 448 cars.</p>	<p>The Traffic Impact Statement states that the development will generate approximately 414 vehicle movements per day with a peak of 44 vehicles per hour.</p> <p>This will certainly be an increase to the current level of traffic on East Bagdad Road and it will be a change for nearby residents.</p> <p>However this land is designated as Village Zone and subdivision to an urban density is the expected outcome of that. Access via East Bagdad Road is preferred over creation of a new access point to the Midland Highway and the TIS has found it will be well within the capacity of the road and junction to the Midland Highway.</p>
<p>I understand this will have some positive impacts on our community.</p> <p>However what does the council plan on doing to support such growth in this area; better transport options; daycare options; small supermarkets; schools and support for our community.</p> <p>I would encourage the southern midlands council to consider our letter when making decisions on our community and children's future.</p>	<p>Council recognise that Bagdad and the surrounding area will require a higher level of services as it grows.</p> <p>Council is involved in a regional project that will assess land supply and demand across greater Hobart and surrounding communities ahead of a comprehensive review of the Southern Regional Land Use Strategy that will help provide clarity of future growth and service expectations for settlements such as Bagdad.</p> <p>Officers are also currently investigating funding options to allow for strategic planning work to be undertaken for the Bagdad area in order to develop a Structure Plan project similar to what has recently been completed for Oatlands. This would allow us to consider all matters impacting future planning for this area and would include community consultation.</p> <p>While Council cannot generally compel private businesses such as shops to establish, we can work to provide suitable land and servicing options to encourage these services.</p>

	<p>Council continually improves our assets (such as the recent footpath addition to East Bagdad Road) and advocates for better/improved government services in areas outside our direct responsibilities, including public transport, schools and the like.</p>
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ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

Village Zone

The subject site is in the Village Zone. The proposal must satisfy the requirements of the following relevant development standards of this zone:

Development Standards - Subdivision		
16.5.1 Lot Design		
<p>To provide for new lots that:</p> <ul style="list-style-type: none"> (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements; (b) contain building areas which are suitable for development, consistent with the Zone Purpose, located to avoid hazards and values; (c) are capable of providing for a high level of residential amenity including privacy, good solar access; and passive surveillance of public spaces; (d) are not internal lots, except if the only reasonable way to provide for efficient use of land; (e) are provided in a manner that provides for the efficient and ordered provision of infrastructure. 		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The size of each lot must be no less than as specified below, except if for public open space, a riparian or littoral reserve or utilities:</p> <ul style="list-style-type: none"> (a) no less than 600 m2 and no more than 1,000 m2 (except balance lot) if in Bagdad, Campania, Kempton; (b) no less than 800 m2 and no more than 1,500 m2 (except balance lot) if in Colebrook; (c) no less than 5,000 m2 if located in Parattah, Tunbridge or Tunnack. 	<p>P1 The size of each lot must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) variance above the maximum lot size only to the extent necessary due to demonstrated site constraints; (b) be consistent with the Zone Purpose and any applicable Local Area Objectives or Desired Future Character Statements. 	<p><i>The residential lots all comply with the Acceptable Solution (a), as they have areas between 600m² and 1000m².</i></p> <p><i>The remaining lots are for utilities, roads and open space and therefore meet the Acceptable Solution.</i></p>
<p>A2 The design of each lot must provide a minimum building area that is rectangular in</p>	<p>P2 The design of each lot must contain a building area able to satisfy all of the following:</p>	<p><i>All proposed lots are sized and shaped to allow for a 10 x 15m building area.</i></p>

<p>shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p> <p>(b) not subject to any codes in this planning scheme;</p> <p>(c) clear of title restrictions such as easements and restrictive covenants;</p> <p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) has the long axis of the developable area facing north or within 20 degrees west or 30 degrees east of north;</p> <p>(f) is a minimum of 10 m x 15 m in size.</p>	<p>(a) be reasonably capable of accommodating residential use and development;</p> <p>(b) meets any applicable standards in codes in this planning scheme;</p> <p>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</p> <p>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</p> <p>(e) provides for sufficient useable area on the lot for both of the following;</p> <p>(i) on-site parking and manoeuvring;</p> <p>(ii) adequate private open space.</p>	<p><i>However as the site is partly within a Bushfire Hazard Prone Area it cannot meet A2 part (b).</i></p> <p><i>Assessment against the Performance Criteria is therefore required.</i></p> <p>(a) <i>All lots can accommodate a 10x15m building area which per the A2 is considered the minimum needed to accommodate development in the village zone.</i></p> <p>(b) <i>The lots meet applicable standards in Codes of the scheme (see further below).</i></p> <p>(c) <i>The lots are oriented to maximise allowance for solar access.</i></p> <p>(d) <i>Minimal earthworks are needed to facilitate development or necessary to construct future dwellings and associate works. This owes to the gentle slope of the land.</i></p> <p>(e) <i>The residential lot sizes all comply with the A1 and therefore considered a suitable size for a residential use with ample room for parking and private open space.</i></p> <p><i>The proposal is considered to comply with the Performance Criteria P2.</i></p>
<p>A3 The frontage for each lot must be no less than 15 m, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.</p>	<p>P3 The frontage of each lot must satisfy all of the following:</p> <p>(a) provides opportunity for practical and safe vehicular and pedestrian access;</p> <p>(b) provides opportunity for passive surveillance between residential</p>	<p><i>Lot 8-10 and Lots 16-18 have frontages less than 15m and therefore the proposal must be assessed against P3 as follows:</i></p> <p>(a) <i>The lots in question are all located in the corners of the site. All of these frontages are of sufficient width to accommodate practical</i></p>

	<p>development on the lot and the public road,</p> <p>(c) is no less than 6m.</p>	<p><i>and safe vehicle and a pedestrian access.</i></p> <p><i>(b) All of the lots have sufficient frontages to allow for passive surveillance of the immediate road.</i></p> <p><i>(c) No frontage is less than 6m</i></p> <p><i>The proposal is considered to comply with the Performance Criteria P3.</i></p>
<p>A4 No lot is an internal lot.</p>	<p>P4 An internal lot must satisfy all of the following:</p> <p>(a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</p> <p>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</p> <p>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</p> <p>(d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;</p> <p>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p> <p>(g) passing bays are provided at appropriate</p>	<p><i>No internal lots are proposed in compliance with the Acceptable Solution A4.</i></p>

	<p>distances to service the likely future use of the lot;</p> <p>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</p> <p>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</p> <p>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</p>	
<p>A5 Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.</p>	<p>P5 Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.</p>	<p><i>All existing buildings will be removed from the site, so A5 is not applicable.</i></p>

<p>Development Standards - Subdivision 16.5.2 Roads To ensure that the arrangement of new roads within a subdivision provides for all of the following:</p> <p>(a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community;</p> <p>(b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic;</p> <p>(c) the efficient ultimate subdivision of the entirety of the land and of neighbouring land.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The subdivision includes no new road.</p>	<p>P1 The arrangement and construction of roads within a subdivision must satisfy all of the following:</p> <p>(a) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</p>	<p><i>The subdivision includes a new road and must be assessed against the performance criteria P1 as follows:</i></p> <p><i>(a) There is no road network plan for this area. The proposed road layout has been assessed by Council's contract engineering officer and found to be acceptable</i></p>

	<p>(b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</p> <p>(c) the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian lanes, where appropriate, to common boundaries;</p> <p>(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;</p> <p>(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;</p> <p>(f) connectivity with the neighbourhood road network is maximised;</p> <p>(g) the travel distance between key destinations such as shops and services is minimised;</p> <p>(h) walking, cycling and the efficient movement of public transport is facilitated;</p> <p>(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;</p> <p>(j) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.</p>	<p><i>with consideration of all relevant Local Government subdivision standards.</i></p> <p><i>(b) A balance lot is not proposed. The proposed roads make provision for access throughout each stage of the subdivision.</i></p> <p><i>(c) The subdivision does provide for appropriate connectivity to adjoining land zoned for future growth. Pedestrian connection to the Midland Highway is also provided.</i></p> <p><i>(d) The proposed subdivision road would achieve an acceptable level of access, safety, convenience, and legibility by providing a consistent road function hierarchy with proposed road widths and pedestrian infrastructure (footpaths) being provided in accordance with the relevant standards.</i></p> <p><i>(e) There are no cul de sacs or other terminated roads in the subdivision. The subdivision road will be circular and provides for future connection to adjoining land.</i></p> <p><i>(f) See comments (d) – (e)</i></p> <p><i>(g) Walking and cycling is promoted through footway connectivity and minimises travel distance to the bus stop and commercial property on the Midland Highway.</i></p> <p><i>(h) See above.</i></p> <p><i>(i) This is not an arterial or collector road and therefore the provision cycling lanes is not necessary.</i></p> <p><i>(j) There is no existing grid like pattern of streets. Connectivity to adjoining land is provided.</i></p>
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Development Standards - Subdivision		
16.5.3 Ways and Public Open Space		
To ensure that the arrangement of ways and public open space provides for all of the following:		
(a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community;		
(b) the adequate accommodation of pedestrian and cycling traffic.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 No Acceptable Solution.	P1 The arrangement of ways and public open space within a subdivision must satisfy all of the following: (a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate; (b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate; (c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate; (d) convenient access to local shops, community facilities, public open space and public transport routes is provided; (e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land	<i>There is no Acceptable Solution for development that includes any proposed ways and public open space and therefore the development must be satisfy the Performance Criteria P1 as follows:</i> (a) <i>a footway provides connection to Midland Highway from the new road and the new road connects to East Bagdad Road.</i> (b) <i>A connection point is provided to the land to the south which is zoned for future growth.</i> (c) <i>This has been provided through a logical subdivision layout and through the proposed footway.</i> (d) <i>The proposed footway will provide access to the commercial property on the opposite side of Midland Highway.</i> (e) <i>Adequate passive surveillance has been achieved.</i> (f) <i>A legible movement network is achieved.</i> (g) <i>There are no relevant plans to consider, however suitable connections are achieved.</i> (h) <i>As discussed above, Lot 100 is identified as Public Open</i>

	<p>and public roads as appropriate;</p> <p>(f) provides for a legible movement network;</p> <p>(g) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;</p> <p>(h) Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.</p> <p>(i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</p> <p>i. the width of the way;</p> <p>ii. the length of the way;</p> <p>iii. landscaping within the way</p> <p>iv. lighting;</p> <p>v. provision of opportunities for 'loitering';</p> <p>vi. the shape of the way (avoiding bends, corners or other opportunities for concealment).</p>	<p><i>Space however this area is required for stormwater infrastructure and is not considered useful or desirable as Public Open Space.</i></p> <p><i>Therefore Council will require a cash in lieu payment equal to 5% of land value in accordance with the requirements of Local Government Building and Miscellaneous Provisions Act 1993.</i></p> <p><i>(i) This is satisfied.</i></p> <p><i>The proposal is found to comply with the Performance Criteria.</i></p>
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Development Standards - Subdivision		
16.5.4 Services		
To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Each lot must be connected to a reticulated potable water supply in Bagdad, Campania, Kempton, Colebrook and Tunbridge.	P1 No Performance Criteria.	<i>The proposal complies with the Acceptable Solution</i>
A2 Each lot must be connected to a reticulated sewerage system in Bagdad, Campania, Kempton and Colebrook.	P2 Where a reticulated sewerage system is not available, each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.	<i>The proposal complies with the Acceptable Solution.</i>
A3 Each lot must be connected to a stormwater system able to service the building area by gravity.	P3 If connection to a stormwater system is unavailable, each lot must be provided with an on-site stormwater management system adequate for the future use and development of the land.	<i>The proposal complies with the Acceptable Solution.</i>

E1.0 Bushfire Prone Area Code

The purpose of this Code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

The Code applies to the development per E1.2 as part of the land falls within a bushfire prone area as identified by the overlay in the Scheme.

A Bushfire Hazard Assessment Report *Bushfire Hazard Report, 10 East Bagdad Road, Bagdad – Subdivision (Rhys Menadue and David Lyne - JMG Planners & Engineers) Revision 2.3 dated 13 January 2022* was provided with the Development Application and later updated to include the current lot layout.

The assessment against the development standards of the code is provided in the following tables.

Development Standards - Subdivision		
E1.6.1 Subdivision: Provision of hazard management areas		
Subdivision provides for hazard management areas that:		
<p>(a) facilitate an integrated approach between subdivision and subsequent building on a lot;</p> <p>(b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</p> <p>(c) provide protection for lots at any stage of a staged subdivision.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4</p>	<p>P1</p> <p>A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</p> <p>(a) the dimensions of hazard management areas;</p> <p>(b) a bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) the topography, including site slope;</p> <p>(e) any other potential forms of fuel and ignition sources;</p> <p>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>(g) an instrument that will facilitate management of fuels located on land</p>	<p>A Bushfire Hazard Assessment Report is provided with a Certificate under Section 51 (2) (d) of the Act that requires the Planning Authority <u>must accept</u> any certificate issued by an accredited person that certifies the plans provided are acceptable to manage/mitigate risk or that the development will result in an insufficient risk from the hazard.</p> <p>The Certificate/Report demonstrates that Hazard Management Areas can be provided and are to be implemented through the staging of the subdivision. The proposal therefore complies with A1 (b) and sub criteria.</p> <p>There is no need to extend hazard management areas into the adjoining land and therefore A1 (c) is not applicable.</p> <p>It is noted also that the land once developed will be subject to Council's fire hazard abatement program.</p>

<p>of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>external to the subdivision; and</p> <p>(h) any advice from the TFS.</p>	
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Development Standards - Subdivision
E1.6.2 Subdivision: Public and fire fighting access

Access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, firefighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances; and
- (e) are designed to allow connectivity, and where needed, offering multiple evacuation points.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <ul style="list-style-type: none"> (i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and (ii) is certified by the TFS or an accredited person. 	<p>P1</p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <ul style="list-style-type: none"> (a) appropriate design measures, including: <ul style="list-style-type: none"> (i) two way traffic; (ii) all weather surfaces; (iii) height and width of any vegetation clearances; (iv) load capacity; (v) provision of passing bays; (vi) traffic control devices; (vii) geometry, alignment and slope of roads, tracks and trails; (viii) use of through roads to provide for connectivity; 	<p><i>The Report/Certificate states that the access will comply with the relevant standards for road access.</i></p> <p><i>The proposal therefore complies with A1 (b) and sub criteria.</i></p>

	<ul style="list-style-type: none"> (ix) limits on the length of cul-de-sacs and dead-end roads; (x) provision of turning areas; (xi) provision for parking areas; (xii) perimeter access; and (xiii) fire trails; <p>(b) the provision of access to:</p> <ul style="list-style-type: none"> (i) bushfire-prone vegetation to permit the undertaking of hazard management works; and (ii) fire fighting water supplies; and <p>(c) any advice from the TFS.</p>	
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Development Standards - Subdivision		
E1.6.3 Subdivision: Provision of water supply for fire fighting purposes		
Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is</p>	<p>P1 No Performance Criterion.</p>	<p><i>The reticulated water supply complies with the Table E4 as certified in the report/certificate.</i></p>

<p>included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire</p>		
<p>A2 In areas that are not serviced by reticulated water by the water corporation:</p> <p>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</p> <p>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and</p>	<p>P2 No Performance Criterion.</p>	<p><i>Not applicable.</i></p>

lives in the event of a bushfire.		
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E5.0 Road and Railway Assets Code

The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and
- (b) reduce conflicts between sensitive uses and major roads and the rail network.

The proposal includes a new road with access onto Climie Street and the new vehicle crossings for the lots. This will result in an intensification of the local road network in additional traffic movements. The details of which are captured in the Traffic Impact Assessment provided by the Applicant.

The applicable standards of the Code are addressed in the following tables:

Development Standards		
E5.6.2 Road accesses and junctions		
To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 No new access or junction to roads in an area subject to a speed limit of more than 60km/h.</p>	<p>P1 For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority. 	<p><i>The new junction with East Bagdad Road complies with the Acceptable Solution as the speed limit on East Bagdad Road 60km/h.</i></p>
<p>A2 No more than one access providing both entry and</p>	<p>P2 For roads in an area subject to a speed limit of</p>	<p><i>There is no more than one access per property</i></p>

<p>exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p>60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access to a road; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority. 	<p><i>proposed. The development Complies with the Acceptable Solution.</i></p>
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<p>Development Standard E5.6.1 Development adjacent to roads and railways To ensure that development adjacent to category 1 or category 2 roads or the rail network:</p> <ul style="list-style-type: none"> (a) ensures the safe and efficient operation of roads and the rail network; (b) allows for future road and rail widening, realignment and upgrading; and (c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.. 		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1.1</p> <p>Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots. <p>A1.2</p> <p>Buildings, may be:</p>	<p>P1</p> <p>The location of development, from the rail network, or a category 1 road or category 2 road in an area subject to a speed limit of more than 60km/h, must be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:</p> <ul style="list-style-type: none"> (a) the proposed setback; (b) the existing setback of buildings on the site; (c) the frequency of use of the rail network; (d) the speed limit and traffic volume of the road; (e) any noise, vibration, light and air emissions from the rail network or road; 	<p><i>The land is located adjacent to the Midland Highway, a Category 1 road.</i></p> <p><i>New dwellings on the new lots adjoining the highway will not be able to achieve a 50m setback as required by A1.1 and there is not an established row of dwellings as referred to in A1.2.</i></p> <p><i>The proponent has sought a noise report to consider this matter. The report finds that construction measures (eg location and size of windows and construction materials) will need to be used to ensure the noise level inside houses on these properties is appropriate.</i></p>

<p>(a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or</p> <p>(b) an extension which extends no closer than:</p> <p>(i) the existing building; or</p> <p>(ii) an immediately adjacent building.</p>	<p>(f) the nature of the road;</p> <p>(g) the nature of the development;</p> <p>(h) the need for the development;</p> <p>(i) any traffic impact assessment;</p> <p>(j) any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and</p> <p>(k) any written advice received from the rail or road authority.</p>	<p><i>A condition is included in the recommendation for a Part V agreement to be applied to these titles so that future owners are aware of the requirements.</i></p>
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<p>Development Standard E5.6.4 Sight distance at accesses, junctions and level crossings To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1</p> <p>Sight distances at:</p> <p>a. an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and</p> <p>b. rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</p>	<p>P1</p> <p>The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the frequency of use of the road or rail network;</p> <p>(c) any alternative access;</p> <p>(d) the need for the access, junction or level crossing;</p> <p>(e) any traffic impact assessment;</p> <p>(f) any measures to improve or maintain sight distance; and</p> <p>(g) any written advice received from the road or rail authority.</p>	<p><i>The Sight distances at the new junction with East Bagdad Road are found to comply the Acceptable Solutions for Sight Distance.</i></p> <p><i>This is detailed in the Traffic Impact Statement.</i></p>

E6.0 Parking and Access Code

The Parking and Access Code applies to all use and development.

The location and design of the access will comply with the Acceptable Solutions through conditioning for a detailed design plan to be submitted to Council prior to construction works and to be approved by Council’s Engineer. There were no concerns otherwise raised by Council’s engineer in the application based on the lot layout and likely location of property access points.

Stormwater Management Code

The Stormwater Code applies to all development requiring the management of stormwater.

The majority of stormwater from the development will be treated and disposed of to Horfield Creek via the Midland Highway and the proposed retention basin. The remaining stormwater will be disposed of to Bagdad Rivulet.

The development complies with all Acceptable Solutions. This is detailed in the table below:

Development Standards		
E7.7.1 Stormwater Drainage and Disposal		
To ensure that stormwater quality and quantity is managed appropriately.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</p>	<p>P2 Stormwater from new impervious surfaces must be managed by any of the following:</p> <p>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</p> <p>(b) collected for re-use on the site;</p> <p>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</p>	<p><i>The Application demonstrates that all lots created, including the road lot can be drained to a public stormwater system.</i></p> <p><i>The recommended permit is further conditioned to ensure compliance and to ensure modern best practices are implemented through Water Sensitive Urban Design Principles.</i></p>
<p>A2 A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:</p>	<p>P2 A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy</p>	<p><i>The proposed stormwater system incorporates Water Sensitive Urban Design as the core method of water treatment.</i></p>

<p>(a) the size of new impervious area is more than 600 m²;</p> <p>(b) new car parking is provided for more than 6 cars;</p> <p>(c) a subdivision is for more than 5 lots.</p>	<p>2010, as detailed in Table E7.1 unless it is not feasible to do so.</p>	
<p>A3 A minor stormwater drainage system must be designed to comply with all of the following:</p> <p>(a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed;</p> <p>(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.</p>	<p>P3 No Performance Criteria.</p>	<p><i>The proposal is for a major stormwater drainage system.</i></p>
<p>A4 A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.</p>	<p>P4 No Performance Criteria.</p>	<p><i>Council's Development Engineer has assessed the proposal and has provided conditioning to ensure compliance with the Acceptable Solution.</i></p>

CONCLUSION

The report has assessed a Development Application for a subdivision at 10 East Bagdad Road, Bagdad.

One representation was received and has been considered in the report.

The proposal is found to be compliant with the Scheme and is considered to be a quality development that will contribute to meeting the demand for housing in the region.

The proposal has been found to comply with all the relevant standards of the Village Zone and the applicable Codes.

It is recommended that the Application be approved and a Permit issued with conditions and advice.

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (SA 2021/13) for Subdivision (56 Lots) at 10 East Bagdad Road, Bagdad owned by DFY Investment Pty Ltd subject to conditions detailed below.

CONDITIONS

General

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. Lot 100 on the proposal plan being the strip of land between lots 17 and 18 and extending to the Bagdad Rivulet is not accepted as Public Open Space or other public land designation.
Prior to the development commencing an amended proposal plan is to be submitted including:
 - a) Alteration of the designation and/or layout of this lot; and
 - b) Stormwater drainage easement to be included over the proposed stormwater infrastructure.

Advice: Consideration may be given to transferring this land to an adjoining property owner, incorporating into a subdivision lot or retaining in the developers name.

3. The development and works must be carried out in accordance with:
 - a) Bushfire Hazard Report for DFY Investments Pty Ltd, 10 East Bagdad Road, Bagdad – Subdivision dated September 2021, prepared by JMG Engineers & Planners.
4. Prior to Council sealing the final plan of survey for any stage the developer must provide certification from a suitably qualified person that all works required by the approved Bushfire Hazard Management Plan has been complied with.

Agreements

5. Agreements made pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must be prepared by the applicant on a blank instrument form to the satisfaction of the Council and registered with the Recorder of Titles. The subdivider must meet all costs associated with the preparation and registration of the Part 5 Agreement.
6. Prior to the sealing of the Final Plan of Survey an agreement pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must be entered into for the proposed lots, to the effect that the owner covenants and agrees with the Southern Midlands Council that –
 - a) Any lots within 50 metres of the Midland Highway are developed in accordance with the recommendations of 10 EAST BAGDAD RD — TRAFFIC NOISE ASSESSMENT dated 6 September 2021, prepared by Noise Vibration Consulting (Ref: 1504-1 Traffic Noise)

Staged development

7. The subdivision must be carried out in the approved stages or in accordance with a staged development plan submitted to and approved by Council's General Manager. The staging plan is to include detail and timing of:
 - a) Staging of lot construction;
 - b) Infrastructure and road works; and
 - c) Stormwater detention and treatment system.

Easements

8. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's General Manager. The cost of locating and creating the easements shall be at the subdivider's full cost.

Transfer of reserves

9. All roads or footways must be shown as "Road" or "Footway" on the Final Plan of Survey and transferred to the Council by Memorandum of Transfer submitted with the Final Plan of Survey.

Public Open Space

10. Lot 102 on the proposal plan containing the stormwater detention and treatment system is to be notated on the Final Plan of Survey as being Set Apart for Drainage Purposes and transferred to the Southern Midlands Council.
11. In accordance with the provisions of Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey.

The cash contribution amount is to be equal to 5% of the value of the land being subdivided in the plan of subdivision at the date of lodgement of the Final Plan of Survey.

The value is to be determined by a Land Valuer within the meaning of the Land Valuers Act 2001 at the developers' expense.
12. The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.

Covenants

13. Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's Manager Environment and Development Services.

Final plan

14. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
15. A fee of \$250.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.

16. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Southern Midlands Council. The security must be in accordance with section 86(3) of the *Local Government (Building & Miscellaneous Provisions) Council 1993*. The amount of the security shall be determined by the Council's Municipal Engineer in accordance with Council Policy following approval of any engineering design drawings.
17. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
18. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Landscaping

19. The road reserves and public open space must be landscaped by trees or plants in accordance with a detailed landscape plan prepared by a landscape architect, or other person approved by Council, and submitted for endorsement with the engineering design drawings. The landscape plan must include at least the following:
 - a) the areas to be landscaped;
 - b) the form of landscaping;
 - c) A minimum of one (1) tree for each allotment with a frontage to the roadway is to be planted in an approved location in accordance with Standard Drawing TSD-R36;
 - d) Details of fencing design for the footways;
 - e) the species of plants and details of the growth speed and expected height at maturity; and
 - f) estimates of the cost of the works.
20. Unless approved otherwise by Council's General Manager, street trees must be a minimum of 2 metres in height at the time of planting.
21. Landscaping works for each stage are to be completed by the developer prior to sealing of the final plan for that stage, or as otherwise approved by Council's Manager Environment and Development Services.
22. Street tree planting must be installed by the end of the initial defects liability period of each stage. A further 2 year defects liability period applies.

Weed management

23. Prior to the carrying out of any works approved or required by this approval, the subdivider must provide a weed management plan detailing measures to be adopted to control any weeds on the site and limit the spread of weeds listed in the *Weed Management Act 1999* through imported soil or land disturbance by appropriate water management and machinery and vehicular hygiene to the satisfaction of Council's Municipal Engineer and of the Regional Weed Management Officer, Department of Primary Industries Water and Environment.

Engineering

24. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 (attached), or as otherwise agreed by Council's General Manager.
25. The subdivision must be carried out, designed and constructed in accordance with the:
 - a. *Tasmanian Subdivision Guidelines*
 - b. *Tasmanian Municipal Standard – Specifications*
 - c. *Tasmanian Municipal Standard – Drawings*as published by the Local Government Association of Tasmania and to the satisfaction of Council's General Manager, or as otherwise required by this permit.
26. Engineering design drawings, to the satisfaction of the Council's General Manager, must be submitted to and approved by Council before any works associated with development of the land commence.

Advice: Engineering drawings submitted with the application are considered to be concept plans and may require alterations prior to consideration for approval.
27. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show –
 - a) all existing and proposed services required by this permit;
 - b) all existing and proposed roadwork required by this permit;
 - c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - d) measures to be taken to limit or control erosion and sedimentation;
 - e) any other work required by this permit.
28. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
29. The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

Services

30. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's General Manager or responsible authority.
31. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

Advice: Any redundant services under the subject land are to be removed.
32. Property services to internal lots must be extended to the lot proper to the satisfaction of Council's General Manager.

Roadworks

33. Roadworks must, unless approved otherwise by Council's General Manager, include –
 - a) New Roads
 - i. Minimum road reserve of 18.00 metres

- ii. Fully sealed, paved and drained carriageway with a minimum carriageway width of 8.9m;
 - iii. Concrete kerb and channel;
 - iv. 1.5m min. width concrete footpath on at least one side; and
 - v. Underground stormwater drainage.
34. Midland Highway (across the entire frontage of the subdivision)
- b) 1.5 metre minimum width concrete footpath providing connection to existing paths to the north and pedestrian refuges on the Midland Highway.
- Advice: Road widening may be required to accommodate the path within the road corridor and provide sufficient clearance to open drains.*
35. A 1.5 metre minimum width concrete footpath must be provided in the walkway between Lots 33 and 34.
36. All carriageway surface courses must be constructed with a hotmix asphalt with a minimum compacted depth of 35 mm, or 40mm where bus traffic is expected, in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager.
37. A reinforced concrete vehicle access must be provided from the road carriageway to each Lot.
38. Kerb ramps must be provided to accommodate the needs of people with disabilities.
39. Temporary turning heads are to be provided at the termination of roads for each stage. Unless approved otherwise by Council's General Manger, turning heads are to be surfaced with hotmix asphalt within 12 months of the plan of survey being sealed for the relevant stage.

Stormwater

40. The stormwater system must be substantially in accordance with:
- a) 10 East Bagdad Road, Proposed Subdivision, Stormwater Report, version 4 dated 30.11.2021, prepared by JMG Engineers & Planners.
- or as required by conditions of this permit.
41. The developer is to provide a minor (piped) stormwater drainage system within the subdivision able to accommodate a storm with an ARI of 20 years when the land serviced by the system is fully developed.
42. The developer is to provide a major stormwater drainage system (overland flow path) through the site designed to accommodate a storm with an ARI of 100 years.
43. The developer is to provide on site stormwater detention such that any discharge from the site to the existing stormwater system in the Midland Highway is limited to the site's pre development 1% Annual Exceedance Probability (AEP) flows.
44. The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's General Manager. Unless approved otherwise by Council's General Manager the stormwater property connections must be DN150 minimum.

45. Stormwater from the proposed subdivision and development must be treated to achieve the quality targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 of the Southern Midlands Interim Planning Scheme 2015. Water Sensitive Urban Design Principles will be in accordance with the *Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania*, and to the satisfaction of the Council's General Manager.

Sewer & Water

46. Each lot must be connected to a reticulated potable water supply.
47. Each lot must be connected to a reticulated sewerage system.

Tas Water

48. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2021/01720-STM, dated 28/01/2022.

Telecommunications and electrical reticulation

49. Electrical and telecommunications services (including fibre ready pit and pipe) must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.
50. Prior to the work being carried out a drawing of the electrical reticulation and street lighting, and telecommunications reticulation in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's General Manager.
51. Prior to sealing the final plan of survey the developer must submit to Council:
- a) An Exemption from the installation of fibre ready pit and pipe, A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
 - b) Written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with.

Access to State Road

52. Prior to the approval of engineering drawings the applicant must obtain:
- a) The consent of the Minister under Section 16 of the Roads and Jetties Act 1935 to undertake works within the State road reservation.

*Advice: For further information please visit
<http://www.transport.tas.gov.au/road/permits> or contact
permits@stategrowth.tas.gov.au*

- b) The consent of the Minister under Section 17B of the Roads and Jetties Act 1935 to concentrate and discharge drainage to the State road reserve.

Advice: The proponent must submit a drainage plan, including catchment area, flows and drainage design for any area discharging to the State road reserve.

If any enlargement of the existing State road drainage infrastructure is required in order to carry any additional drainage, these works must be undertaken under the supervision and to the satisfaction of an officer designated by the Minister. If such works are required, the costs associated with the works will be payable by the proponent.

The proponent is responsible for the ongoing maintenance of their own infrastructure.

It is recommended that the proponent initiates early discussions with the Department concerning the overall stormwater design associated with the application to assist in streamlining the consent process.

For further information please contact Road Assets at roadassets.utilities@stategrowth.tas.gov.au.

No works on the State Road shall commence until the Minister's consent has been obtained and a permit issued in accordance with the Roads and Jetties Act 1935.

Soil and Water Management

53. A soil and water management plan (here referred to as a 'SWMP') prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences.
54. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.
55. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.
56. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

Construction

57. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.
58. The subdivider must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.
59. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's General Manager.

'As constructed' drawings

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

Maintenance and Defects Liability Period

61. The subdivision must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.

62. Prior to placing the subdivision onto the twelve (12) month maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.
63. Water Sensitive Urban Design elements provided as part of the subdivision (including the bio retention basin) are to be placed and an extended maintenance and defects liability period to be determined at the detailed design stage, but not less than twenty four (24) months.

Construction amenity

64. The road frontage of the development site (including the section of East Bagdad Road from the Midland Highway to the subdivision site) including road, kerb and channel, footpath and nature strip, must be:
 - c) Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
 - d) Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.

In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion will be deemed a result of construction activity requiring replacement prior to approval.

65. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
 - Monday to Friday 7:00 AM to 6:00 PM
 - Saturday 8:00 AM to 6:00 PM
 - Sunday and State-wide public holidays 10:00 AM to 6:00 PM
66. All works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
 - (a) emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
 - (b) transport of materials, goods or commodities to or from the land; and/or
 - (c) appearance of any building, works or materials.
67. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on-site will be permitted unless approved in writing by the Council's General Manager.
68. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the subdivision during the construction period.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.
- D. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works, or a minimum of \$335.00, must be paid to Council in accordance with Council’s fee schedule.
- E. All approved engineering design drawings will form part of this permit on and from the date of approval.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**[THIS CONCLUDES THE SESSION OF COUNCIL
ACTING AS A PLANNING AUTHORITY]**

5. CLOSURE