



DEVELOPMENT APPLICATION

PDPLANPMTD-2025/056073

PROPOSAL: Spa & Pool Fence (Single Dwelling)

LOCATION: 35 Tunah Street, Howrah

RELEVANT PLANNING SCHEME: Tasmanian Planning Scheme - Clarence

ADVERTISING EXPIRY DATE: 06 November 2025

The relevant plans and documents can be inspected at the Council offices, 38 Bligh Street, Rosny Park, during normal office hours until 06 November 2025. In addition to legislative requirements, plans and documents can also be viewed at www.ccc.tas.gov.au during these times.

Any person may make representations about the application to the Chief Executive Officer, by writing to PO Box 96, Rosny Park, 7018 or by electronic mail to clarence@ccc.tas.gov.au. Representations must be received by Council on or before 06 November 2025.

To enable Council to contact you if necessary, would you please also include a day time contact number in any correspondence you may forward.

Any personal information submitted is covered by Council's privacy policy, available at www.ccc.tas.gov.au or at the Council offices.

Application for Development / Use or Subdivision

Use this form to obtain planning approval for developing or using land, including subdividing it into smaller lots or lot consolidation.

Proposal: New Spa & Pool Fence

Location: **35 Tunah Street, Howrah**

Personal Information Removed



Is the property on the Tasmanian Heritage Register?

Yes ☐ No ☐

If yes, we recommend you discuss your proposal with Heritage Tasmania prior to lodgement as exemptions may apply which may save you time on your proposal.

If you had pre-application discussions with City of Clarence, please provide planner's name:

Ryan Peterson

Current use of site:

Residential

Does the proposal involve land administered or owned by the Crown or Council? Yes ☐ No ☒

Declaration

- I have read the Certificate of Title and Schedule of Easements for the land and am satisfied that this application is not prevented by any restrictions, easements or covenants.
- I authorise the provision of a copy of any documents relating to this application to any person for the purposes of assessment or public consultation. I agree to arrange for the permission of the copyright owner of any part of this application to be obtained. I have arranged permission for Council's representatives to enter the land to assess this application
- I declare that, in accordance with Section 52 of the Land Use Planning and Approvals Act 1993, that I have notified the owner of the intention to make this application. Where the subject property is owned or controlled by Council or the Crown, their signed consent is attached.
- I declare that the information in this declaration is true and correct.

Acknowledgement

- I acknowledge that the documentation submitted in support of my application will become a public record held by Council and may be reproduced by Council in both electronic and hard copy format in order to facilitate the assessment process; for display purposes during public consultation; and to fulfil its statutory obligations. I further acknowledge that following determination of my application, Council will store documentation relating to my application in electronic format only.

Personal Information Removed

Please refer to the development/use and subdivision checklist on the following pages to determine what documentation must be submitted with your application.



Development/use or subdivision checklist

Mandatory Documents

This information is required for the application to be valid. We are unable to proceed with an application without these documents.

- ☐ Details of the location of the proposed use or development.
- ☐ A copy of the current Certificate of Title, Sealed Plan, Plan or Diagram and Schedule of Easements and other restrictions for each parcel of land on which the use or development is proposed.
- ☐ Full description of the proposed use or development.
- ☐ Description of the proposed operation. May include where appropriate: staff/student/customer numbers; operating hours; truck movements; and loading/unloading requirements; waste generation and disposal; equipment used; pollution, including noise, fumes, smoke or vibration and mitigation/management measures.
- ☐ Declaration the owner has been notified if the applicant is not the owner.
- ☐ Crown or Council consent (if publically-owned land).
- ☐ Any reports, plans or other information required by the relevant zone or code.
- ☐ Fees prescribed by the City of Clarence.

Application fees (please phone 03 6217 9550 to determine what fees apply). An invoice will be emailed upon lodgement.

Additional Documents

In addition to the mandatory information required above, Council may, to enable it to consider an application, request further information it considers necessary to ensure that the proposed use or development will comply with any relevant standards and purpose statements in the zone, codes or specific area plan, applicable to the use or development.

- ☐ Site analysis and site plan, including where relevant:
 - Existing and proposed use(s) on site.
 - Boundaries and dimensions of the site.
 - Topography, including contours showing AHD levels and major site features.
 - Natural drainage lines, watercourses and wetlands on or adjacent to the site.
 - Soil type.
 - Vegetation types and distribution, and trees and vegetation to be removed.
-



- Location and capacity of any existing services or easements on/to the site.
 - Existing pedestrian and vehicle access to the site.
 - Location of existing and proposed buildings on the site.
 - Location of existing adjoining properties, adjacent buildings and their uses.
 - Any natural hazards that may affect use or development on the site.
 - Proposed roads, driveways, car parking areas and footpaths within the site.
 - Any proposed open space, communal space, or facilities on the site.
 - Main utility service connection points and easements.
 - Proposed subdivision lot boundaries.
- ☐ Where it is proposed to erect buildings, detailed plans with dimensions at a scale of 1:100 or 1:200 showing:
- Internal layout of each building on the site.
 - Private open space for each dwelling.
 - External storage spaces.
 - Car parking space location and layout.
 - Major elevations of every building to be erected.
 - Shadow diagrams of the proposed buildings and adjacent structures demonstrating the extent of shading of adjacent private open spaces and external windows of buildings on adjacent sites.
 - Relationship of the elevations to natural ground level, showing any proposed cut or fill.
 - Materials and colours to be used on rooves and external walls.
- ☐ Where it is proposed to erect buildings, a plan of the proposed landscaping showing:
- Planting concepts.
 - Paving materials and drainage treatments and lighting for vehicle areas and footpaths.
 - Plantings proposed for screening from adjacent sites or public places.
- ☐ Any additional reports, plans or other information required by the relevant zone or code.

This list is not comprehensive for all possible situations. If you require further information about what may be required as part of your application documentation, please contact City of Clarence Planning team on (03) 6217 9550.



SEARCH OF TORRENS TITLE

VOLUME 178665	FOLIO 3
EDITION 3	DATE OF ISSUE 29-Jan-2021

SEARCH DATE : 30-Mar-2021

SEARCH TIME : 09.50 AM

DESCRIPTION OF LAND

City of CLARENCE

Lot 3 on Sealed Plan 178665

Derivation : Part of 730 Acres Gtd. to F. Butler & Anor.

Prior CT 174742/200

SCHEDULE 1

M856304 TRANSFER to JULIE MAREE PADMAN Registered
29-Jan-2021 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP178665 EASEMENTS in Schedule of Easements

SP178665 COVENANTS in Schedule of Easements

SP178665 FENCING PROVISION in Schedule of Easements

E219829 BURDENING EASEMENT: a right of carriageway
(appurtenant to Lot 9 on Sealed Plan 178665) over the
land marked Right of Way 'Y' Variable Width on Sealed
Plan 178665 Registered 28-Aug-2020 at 12.01 PM

E219829 BURDENING EASMEENT: a service easement (appurtenant
to Lot 9 on Sealed Plan 178665) over the lands marked
Services Easement & Drainage Easement 2.50 wide &
Variable Width, Services Easement Variable Width and
Services Easement 2.00, 2.50 & 5.00 wide on Plan
178665 Registered 28-Aug-2020 at 12.01 PM

E247538 BENEFITNG EASEMENT: a right of carriageway over the
lands marked "A" Services & Drainage Easement & Right
of Way (Private) 3.60 wide & Variable Width, "B"
Services & Drainage Easement & Right of Way (Private)
3.60 wide & Variable Width, "C" Services & Drainage
Easement & Right of Way (Private) 3.60 wide and "D"
Services & Drainage Easement & Right of Way (Private)
3.60 wide & Variable Width on Sealed Plan 178665
Registered 29-Jan-2021 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

SCHEDULE OF EASEMENTS	Registered Number SP 178665
NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	

PAGE 1 OF 9 PAGES

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

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

Each lot on the plan is subject to:-

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

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

Lot 1 is:

SUBJECT TO a Pipeline and Services Easement (as hereinafter defined) in gross in favour of TasWater over the land marked PIPELINE & SERVICES EASEMENT VARIABLE WIDTH ("the Easement Land") passing through that lot on the plan.

Lot 2 is:

SUBJECT TO a Right of Drainage (as hereinafter defined) in gross in favour of Clarence City Council over the land marked SERVICES EASEMENT & DRAINAGE EASEMENT 2.50 WIDE & VARIABLE WIDTH passing through that lot on the plan.

SUBJECT TO a Pipeline and Services Easement (as hereinafter defined) in gross in favour of TasWater over the land marked PIPELINE & SERVICES EASEMENT VARIABLE WIDTH ("the Easement Land") passing through that lot on the plan.

Lot 3 is: Lot 3 is subject to a pipeline and services easement in favour of TasWater over the PIPELINE & SERVICES EASEMENT VARIABLE WIDTH shown passing through such Lot.

SUBJECT TO a Right of Drainage (as hereinafter defined) in gross in favour of Clarence City Council over the land marked SERVICES EASEMENT & DRAINAGE EASEMENT 2.50 WIDE & VARIABLE WIDTH passing through that lot on the plan.

in favour of Clarence City Council

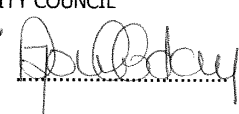
SUBJECT TO a Services Easements (as hereinafter defined) over the land marked SERVICES EASEMENT & DRAINAGE EASEMENT 2.50 WIDE & VARIABLE WIDTH passing through that lot on the plan, SERVICES EASEMENT VARIABLE WIDTH and SERVICES EASEMENT & DRAINAGE EASEMENT 5.00 WIDE shown passing through such Lot.

Lot 4 is:

SUBJECT TO a Right of Drainage in gross in favour of Clarence City Council over the land marked PIPELINE & SERVICES EASEMENT & DRAINAGE EASEMENT 4.00 WIDE passing through that lot on the plan.

SUBJECT TO a Pipeline and Services Easement (as hereinafter defined) in gross in favour of TasWater over the land marked PIPELINE AND SERVICES EASEMENT & DRAINAGE EASEMENT 4.00 WIDE ("the Easement Land") passing through that lot on the plan.

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: MALWOOD P/L FOLIO REF: 174742/200 SOLICITOR & REFERENCE: MURDOCH CLARKE	PLAN SEALED BY: CLARENCE CITY COUNCIL DATE: 27 March 2020 SD - 2011/30 2017/5 REF NO.  Council Delegate
NOTE: The Council Delegate must sign the Certificate for the purposes of identification.	

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 9 PAGES	Registered Number SP 178665
SUBDIVIDER: : MALWOOD P/L FOLIO REFERENCE: 174742/200	

Lot 5 is:

TOGETHER WITH a Right of Carriageway over the "A" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 8 on the plan.

TOGETHER WITH a Service Easement (as hereinafter defined) over the "A" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 8 on the plan.

TOGETHER WITH a Right of Carriageway over the "B" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 7 on the plan.

TOGETHER WITH a Service Easement (as hereinafter defined) over the "B" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 7 on the plan.

TOGETHER WITH a Right of Carriageway over the "C" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE shown passing through Lot 6 on the plan.

TOGETHER WITH a Service Easement (as hereinafter defined) over the "C" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE shown passing through Lot 6 on the plan.

SUBJECT TO a Right of Carriageway (appurtenant to Lots 6, 7 and 8 on the plan) over the "D" SERVICES & DRAINAGE EASEMENT and RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through that lot on the plan.

SUBJECT TO a Service Easement (as hereinafter defined) (appurtenant to Lots 6, 7 and 8 on the plan) over the "D" SERVICES & DRAINAGE EASEMENT and RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through that lot on the plan.

SUBJECT TO a Right of Drainage in gross in favour of Clarence City Council over the land marked PIPELINE & SERVICES EASEMENT & DRAINAGE EASEMENT 4.00 WIDE shown passing through that lot on the plan.

SUBJECT TO a Pipeline and Services Easement (as hereinafter defined) in gross in favour of TasWater over the land marked PIPELINE & SERVICES EASEMENT & DRAINAGE EASEMENT 4.00 WIDE ("the Easement Land") shown passing through that lot on the plan.

Lot 6 is:

TOGETHER WITH a Right of Carriageway over the land marked "A" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 8 on the plan.

TOGETHER WITH a Service Easement (as hereinafter defined) over the land marked "A" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 8 on the plan.

TOGETHER WITH a Right of Carriageway over the land marked "B" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 7 on the plan.

TOGETHER WITH a Service Easement (as hereinafter defined) over the land marked "B" SERVICES & DRAINAGE

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

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 3 OF 9 PAGES	Registered Number SP 178665
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EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 7 on the plan.

TOGETHER WITH a Right of Carriageway over the land marked "D" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 5 on the plan.

TOGETHER WITH a Service Easement (as hereinafter defined) over the land marked "D" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 5 on the plan.

SUBJECT TO a Right of Carriageway (appurtenant to Lots 5, 7 and 8) over the land marked "C" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE shown passing through Lot 6 on the plan.

SUBJECT TO a Service Easement (as hereinafter defined) (as appurtenant to Lots 5, 7, and 8) over the land marked "C" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE shown passing through Lot 6 on the plan.

SUBJECT TO a Service Easement (as hereinafter defined) (as appurtenant to Lots 5, 7, and 8) over the land marked SERVICES EASEMENT & DRAINAGE EASEMENT 2.00, 2.50 & 5.00 WIDE shown passing through Lot 6 on the plan.

SUBJECT TO a Right of Drainage in gross in favour of Clarence City Council over the land marked SERVICES EASEMENT & DRAINAGE EASEMENT 2.00, 2.50 & 5.00 WIDE shown passing through Lot 6 on the plan.

SUBJECT TO a Right of Drainage in gross in favour of Clarence City Council over the land marked PIPELINE & SERVICES EASEMENT & DRAINAGE EASEMENT 4.00 WIDE and PIPELINE & SERVICES EASEMENT & DRAINAGE EASEMENT 3.00 WIDE passing through that lot on the plan.

SUBJECT TO a Pipeline and Services Easement (as hereinafter defined) in gross in favour of TasWater over the land marked PIPELINE & SERVICES EASEMENT & DRAINAGE EASEMENT 4.00 WIDE and PIPELINE & SERVICES EASEMENT & DRAINAGE EASEMENT 3.00 WIDE ("the Easement Land") passing through that lot on the plan.

Lot 7 is:

TOGETHER WITH a Right of Carriageway over the land marked "A" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 8 on the plan.

TOGETHER WITH a Service Easement (as hereinafter defined) over the land marked "A" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 8 on the plan.

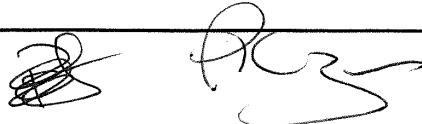
TOGETHER WITH a Right of Carriageway over the land marked "C" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE shown passing through Lot 6 on the plan.

TOGETHER WITH a Service Easement (as hereinafter defined) over the land marked "C" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE shown passing through Lot 6 on the plan.

TOGETHER WITH a Right of Carriageway over the land marked "D" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE AND VARIABLE WIDTH shown passing through Lot 5 on the plan.

TOGETHER WITH a Service Easement (as hereinafter defined) over the land marked "D" SERVICES & DRAINAGE

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ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 4 OF 9 PAGES	Registered Number SP 178665
SUBDIVIDER: : MALWOOD P/L FOLIO REFERENCE: 174742/200	

EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE AND VARIABLE WIDTH shown passing through Lot 5 on the plan.

SUBJECT TO a Right of Carriageway (appurtenant to Lots 5, 6 and 8 on the plan) over the land marked "B" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE AND VARIABLE WIDTH shown passing through Lot 7 on the plan.

SUBJECT TO a Service Easement (as hereinafter defined) (appurtenant to Lots 5, 6 and 8 on the plan) over the land marked "B" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE AND VARIABLE WIDTH shown passing through Lot 7 on the plan.

SUBJECT TO a Right of Drainage in gross in favour of Clarence City Council over the land marked SERVICES EASEMENT & DRAINAGE EASEMENT 2.00, 2.50 & 5.00 WIDE shown passing through Lot 7 on the plan.

SUBJECT TO a Service Easement (as hereinafter defined) (appurtenant to Lots 5, 6 and 8 on the plan) over the land marked SERVICES EASEMENT & DRAINAGE EASEMENT 2.00, 2.50 & 5.00 WIDE shown passing through Lot 7 on the plan.

SUBJECT TO a Pipeline and Services Easement (as hereinafter defined) in gross in favour of TasWater over the land marked PIPELINE & SERVICES EASEMENT & DRAINAGE EASEMENT 3.00 WIDE ("the Easement Land") passing through that lot on the plan.

SUBJECT TO a Right of Drainage in gross in favour of Clarence City Council over the land marked PIPELINE & SERVICES EASEMENT & DRAINAGE EASEMENT 3.00 WIDE shown passing through that lot on the plan.

Lot 8 is:

TOGETHER WITH a Right of Carriageway over the land marked "B" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE AND VARIABLE WIDTH shown passing through Lot 7 on the plan.

TOGETHER WITH a Service Easement (as hereinafter defined) over the land marked "B" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE AND VARIABLE WIDTH shown passing through Lot 7 on the plan.

TOGETHER WITH a Right of Carriageway over the land marked "C" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE shown passing through Lot 6 on the plan.

TOGETHER WITH a Service Easement (as hereinafter defined) over the land marked "C" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE shown passing through Lot 6 on the plan.

TOGETHER WITH a Right of Carriageway over the land marked "D" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 5 on the plan.

TOGETHER WITH a Service Easement (as hereinafter defined) over the land marked "D" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 5 on the plan.

SUBJECT TO a Right of Carriageway (appurtenant to Lots 5, 6 and 7 on the plan) over the land marked "A" SERVICES

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ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 5 OF 9 PAGES	Registered Number SP 178665
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& DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 8 on the plan.

SUBJECT TO a Service Easement (as hereinafter defined) (appurtenant to Lots 5, 6 and 7) over the land marked "A" SERVICES & DRAINAGE EASEMENT & RIGHT OF WAY (PRIVATE) 3.60 WIDE & VARIABLE WIDTH shown passing through Lot 8 on the plan.

SUBJECT TO a Pipeline and Services Easement (as hereinafter defined) in gross in favour of TasWater over the land marked PIPELINE & SERVICES EASEMENT & DRAINAGE EASEMENT 3.00 WIDE ("the Easement Land") passing through that lot on the plan.

SUBJECT TO a Right of Drainage in gross in favour of Clarence City Council over the land marked PIPELINE & SERVICES EASEMENT & DRAINAGE EASEMENT 3.00 WIDE shown passing through that lot on the plan.

SUBJECT TO a Right of Drainage in gross in favour of Clarence City Council over the land marked PIPELINE & SERVICES EASEMENT 2.50 WIDE shown passing through that lot on the plan & over the land marked SERVICES EASEMENT & DRAINAGE EASEMENT 5.00 WIDE shown passing through such Lot.

SUBJECT TO a Pipeline and Services Easement (as hereinafter defined) in gross in favour of TasWater over the land marked PIPELINE & SERVICES EASEMENT 2.50 WIDE ("the Easement Land") passing through that lot on the plan.

Lot 9 is:

SUBJECT TO a Pipeline and Services Easement (as hereinafter defined) in gross in favour of TasWater over the land marked PIPELINE & SERVICES EASEMENT VARIABLE WIDTH passing through that lot on the plan;

SUBJECT TO a Pipeline and Services Easement (as hereinafter defined) in gross in favour of TasWater over the land marked PIPELINE & SERVICES EASEMENT 2.50 WIDE ("the Easement Land") passing through that lot on the plan.

COVENANTS

1-9

The owners of lots ~~8-12~~ on the plan covenant with the Vendors, Clarence City Council and the owners for the time being of every other lot shown on the plan to the intent that the burden of this covenant may run with and bind the covenantors lot and every part thereof and that the benefit thereof shall be annexed to and devolved with each and every lot shown on the plan and with the Clarence City Council to observe the following stipulation:

Not to develop a habitable building on such lot unless it is located and constructed in accordance with BAL 19 in AS 3959-2009 Construction of Buildings in Bushfire Prone Areas.

FENCING PROVISION

In respect to the lots on the plan (except lots 100, ~~101 and 102~~) the Vendor (Malwood Pty Ltd) shall not be required

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to fence.

INTERPRETATION

"TasWater" means the Tasmanian Water and Sewerage Corporation Pty Limited its successors & assigns

"Pipeline and Services Easement" means-

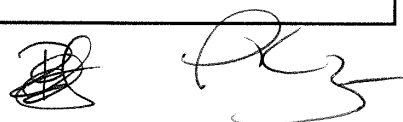
THE FULL RIGHT AND LIBERTY for the TasWater at all times to:

- (1) enter and remain upon the Easement Land with or without employees, contractors, agents and all other persons duly authorised by it and with or without machinery, vehicles, plant and equipment;
- (2) investigate, take soil, rock and other samples, survey, open and break up and excavate the Easement Land for any purpose or activity that TasWater is authorised to do or undertake;
- (3) install, retain, operate, modify, relocate, maintain, inspect, cleanse and repair the Infrastructure;
- (4) remove and replace the Infrastructure;
- (5) run and pass sewage, water and electricity through and along the Infrastructure;
- (6) do all works reasonably required in connection with such activities or as may be authorised or required by any law:
 - (a) without doing unnecessary damage to the Easement Land; and
 - (b) leaving the Easement Land in a clean and tidy condition; and
- (7) if the Easement Land is not directly accessible from a highway, then for the purpose of undertaking any of the preceding activities TasWater may with or without employees, contractors, agents and all other persons authorised by it, and with or without machinery, vehicles, plant and equipment enter the Lot from the highway at any then existing vehicle entry and cross the Lot to the Easement Land; and
- (8) use the Easement Land as a right of carriageway for the purpose of undertaking any of the preceding purposes on other land, TasWater reinstating any damage that it causes in doing so to any boundary fence of the Lot

PROVIDED ALWAYS THAT:

- (1) The registered proprietors of the Lot in the folio of the Register ("the Owner") must not without the written consent of TasWater first had and obtained (which cannot be unreasonably refused) and only in compliance with any conditions which form the consent:
 - (a) alter, excavate, plough, drill or otherwise penetrate the ground level of the Easement Land;
 - (b) install, erect or plant any building, structure, fence, pit, well, footing, pipeline, paving, tree, shrub or

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ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 7 OF 9 PAGES	Registered Number SP178665
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- other object on or in the Easement Land;
- (c) remove any thing that supports, protects or covers any Infrastructure on or in the Easement Land;
 - (d) do anything which will or might damage or contribute to damage to any of the Infrastructure on or in the Easement Land;
 - (e) in any way prevent or interfere with the proper exercise and benefit of the Easement Land by TasWater or its employees, contractors, agents and all other persons duly authorised by it; or
 - (f) permit or allow any action which the Owner must not do or acquiesce in that action.
- (2) TasWater is not required to fence any part of the Easement Land.
- (3) The Owner may erect a fence across the Easement Land at the boundaries of the Lot.
- (4) The Owner may erect a gate across any part of the Easement Land subject to these conditions:
- (a) the Owner must provide TasWater with a key to any lock which would prevent the opening of the gate; and
 - (b) if the Owner does not provide TasWater with that key or the key provided does not fit the lock, TasWater may cut the lock from the gate.
- (5) If the Owner causes damage to any of the Infrastructure, the Owner is liable for the actual cost to TasWater of the repair of the Infrastructure damaged.
- (6) If the Owner fails to comply with any of the preceding conditions, without forfeiting any right of action, damages or otherwise against the Owner, TasWater may:
- (a) reinstate the ground level of the Easement Land; or
 - (b) remove from the Easement Land any building, structure, pit, well, footing, pipeline, paving, tree, shrub or other object; or
 - (c) replace anything that supported, protected or covered the Infrastructure.

"Infrastructure" means-

Infrastructure owned or for which TasWater is responsible and includes but is not limited to-

- (a) sewer pipes and water pipes and associated valves;
- (b) telemetry and monitoring devices;
- (c) inspection and access pits;
- (d) power poles and lines, electrical wires, electrical cables and other conducting media (excluding telemetry and monitoring devices);
- (e) markers or signs indicating the location of the Easement Land, the Infrastructure or any warnings or

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

ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 8 OF 9 PAGES	Registered Number SP 178665
SUBDIVIDER: : MALWOOD P/L FOLIO REFERENCE: 174742/200	

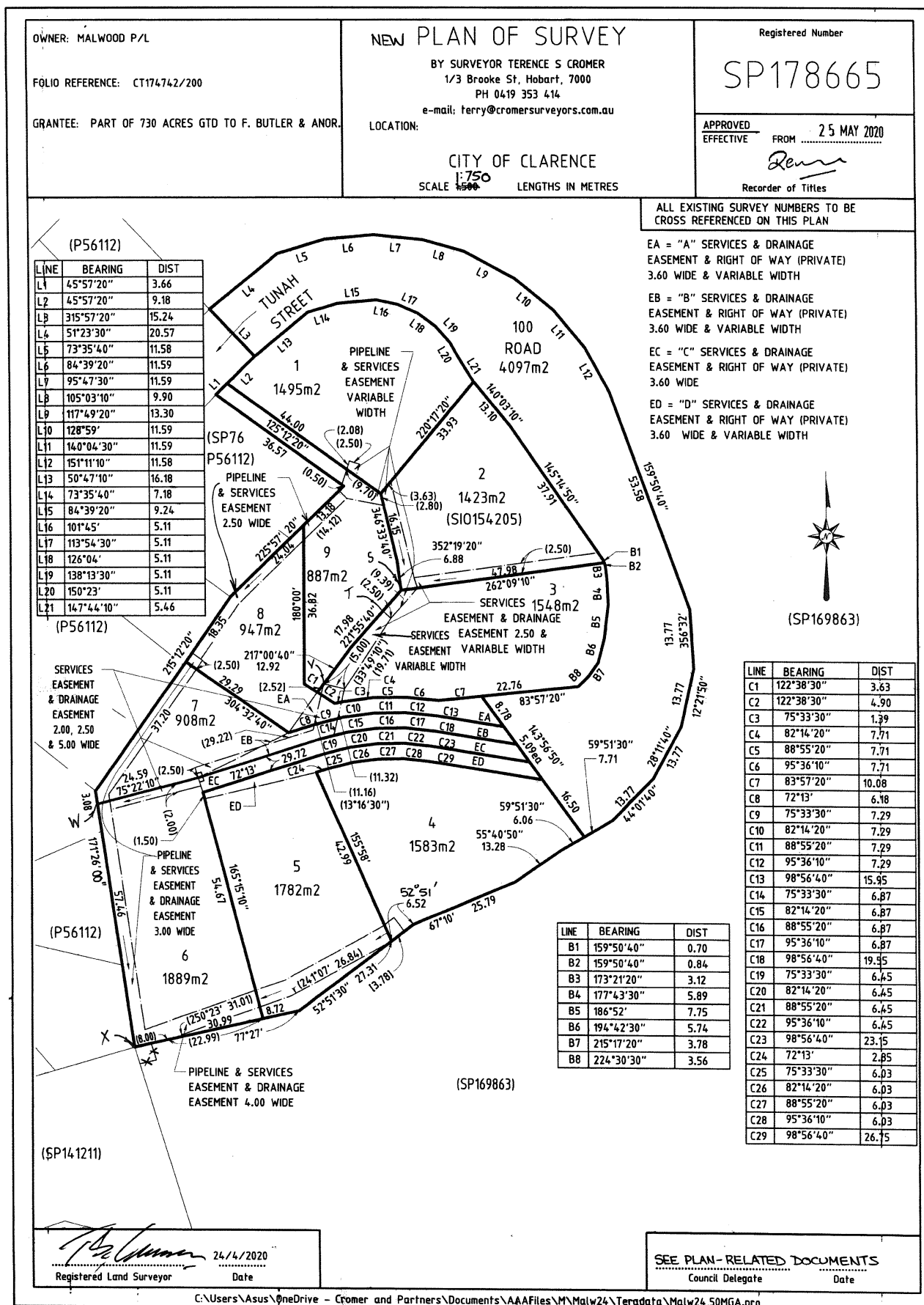
- restrictions with respect to the Easement Land or the Infrastructure;
- (f) anything reasonably required to support, protect or cover any of the Infrastructure;
 - (g) any other infrastructure whether of a similar nature or not to the preceding which is reasonably required for the piping of sewage or water, or the running of electricity, through the Easement Land or monitoring or managing that activity; and
 - (h) where the context permits, any part of the Infrastructure.

"Service Easement" means the full free right of every person who is entitled to an estate or interest in possession indicated as the dominant tenement or any part thereof with which said rights shall be capable of enjoyment in common with the owner of the servient tenement the Clarence City Council, Telstra Corporation Limited, the Aurora Energy Pty Ltd, Her Majesty the Queen and TasWater to lay use and maintain forever water mains, pipes, drains, mains, channels, gutters, sewers, wires, cables and other conducting media of such size and number as shall from time to time be required in the strips of land shown on the plan hereon and marked "Service Easement" and the right for their surveyors and workmen from time to time and at all times hereafter to enter into upon the said strips of land or any part thereof bringing upon the Service Easement such material machinery and other things as it shall think fit and proper to inspect the condition thereof and to repair amend and cleanse PROVIDED HOWEVER that any damage occasioned thereby shall be made good.

"Right of Drainage" means a right of drainage (including the right of construction of drains) for Clarence City Council with which the right shall be capable of enjoyment for the purpose of carrying away stormwater and other surplus water form any land over or under the land herein indicated as the land over which the right is to subsist, and through all sewers and drains which may hereafter be made or passing under, through, and along the last-mentioned land and the right for Clarence City Council and its employees, agents and contractors from time to time and at all times hereafter if it or they should think fit to enter into and upon the last-mentioned land and to inspect, repair, cleanse, and amend any such sewer or drain without doing unnecessary damage to the said land.



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SPA AND POOL FENCE

35 TUNAH STREET, HOWRAH, TAS 7018

ARCHITECTURAL

BA-00	FRONT COVER	BA-04	SECTION DETAILS
BA-01	LOCATION PLAN	BA-05	PERSPECTIVES
BA-02	FLOOR PLAN	BA-06	AUSTRALIAN STANDARD AS1926.1 POOL FENCE DETAILS
BA-03	POOL & POOL FENCE	BA-07	SITE PHOTOGRAPHS
		BA-08	NCC STAIR NOTES

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DEVELOPMENT APPROVAL



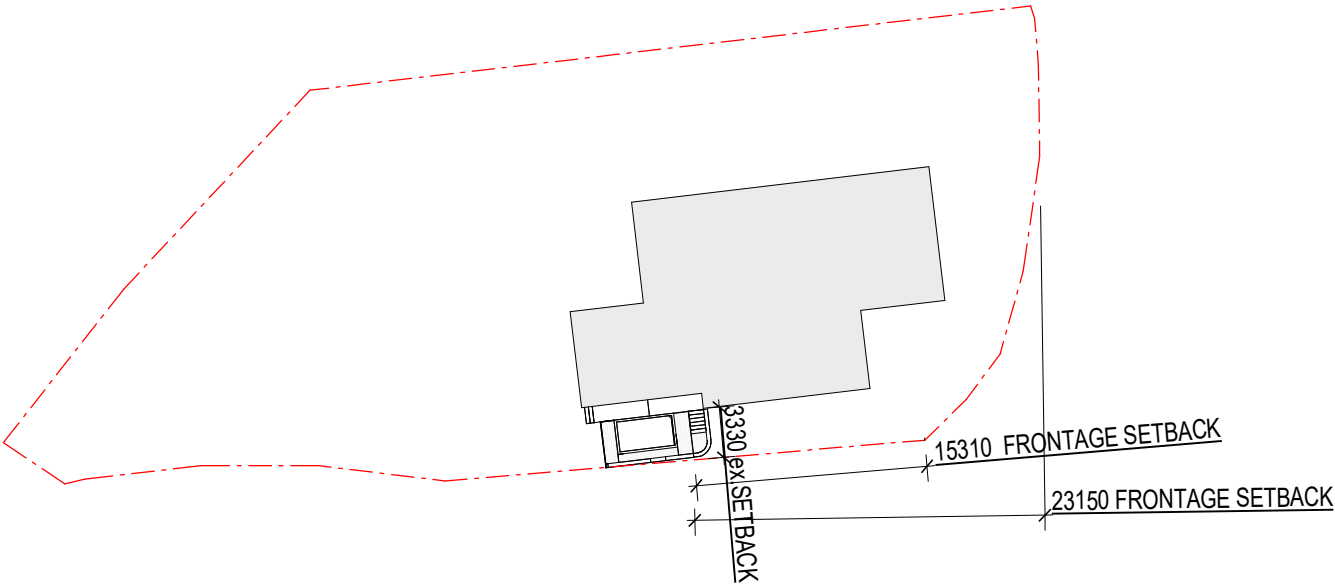
35 TUNAH STREET
CT178665/3
1548 m²

SITE INFORMATION:		AREA SCHEDULE:	
Title Reference:	CT178665/3	Site Area:	1548 m ²
Wind Classification	N2	Existing House:	380 m ²
Soil Classification	A	Proposed Spa/Deck	24 m ²
Climate Zone	7		
BAL Level	BAL 19		
Alpine Area	n/a		
Corrosion Envrionment	MODERATE		
PLANNING OVERLAY -		BUSH FIRE PRONE NATURAL ASSET CODE LOW- LANDSLIP HAZARD BAND SAFEGUARDING OF AIRPORT CODE	

LOCATION PLAN



2 SITE-PLAN
BA-01 1 : 500



AERIAL PLAN

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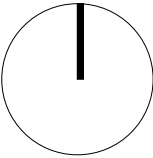
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Project Address
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LOCATION PLAN

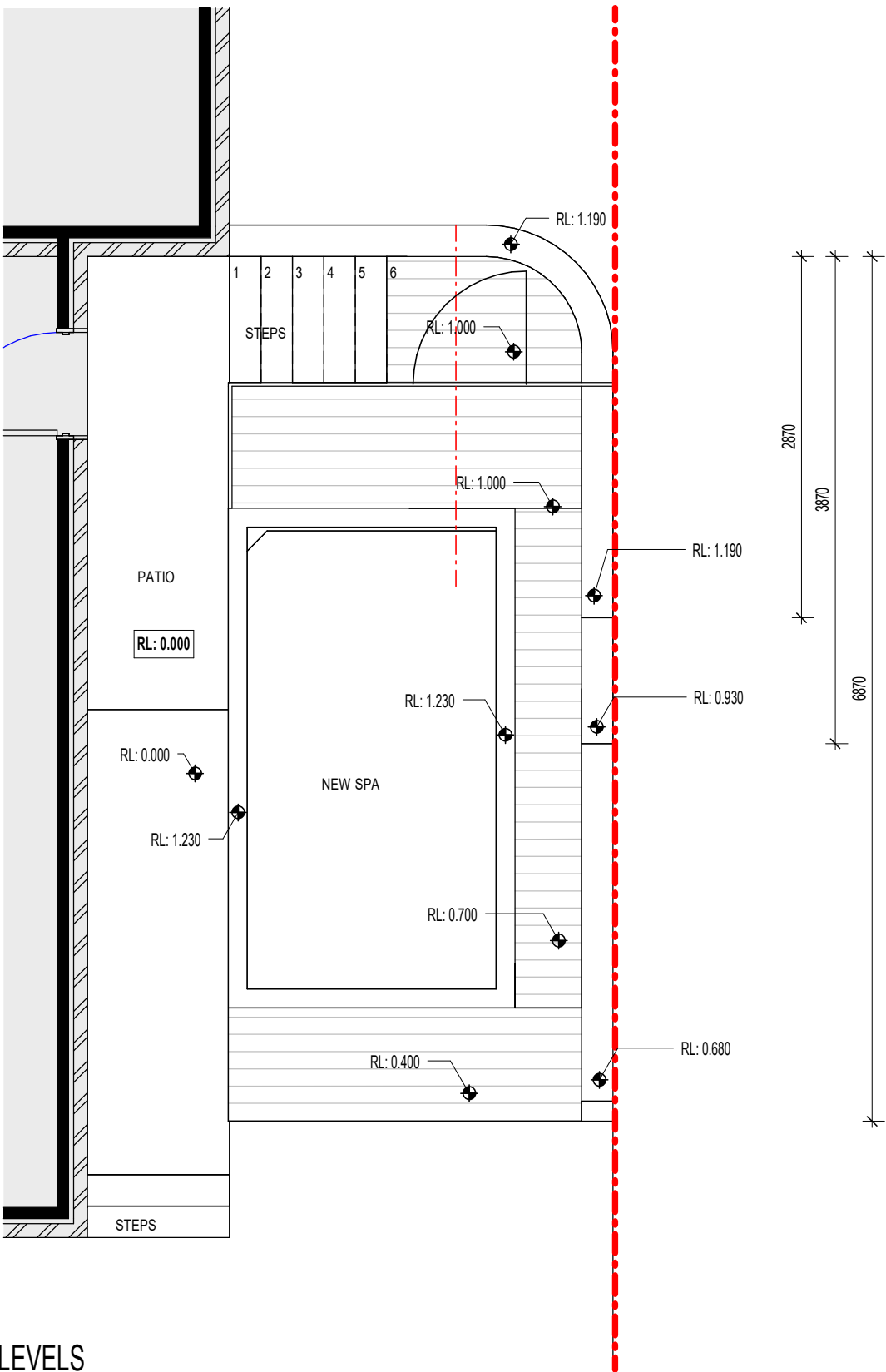
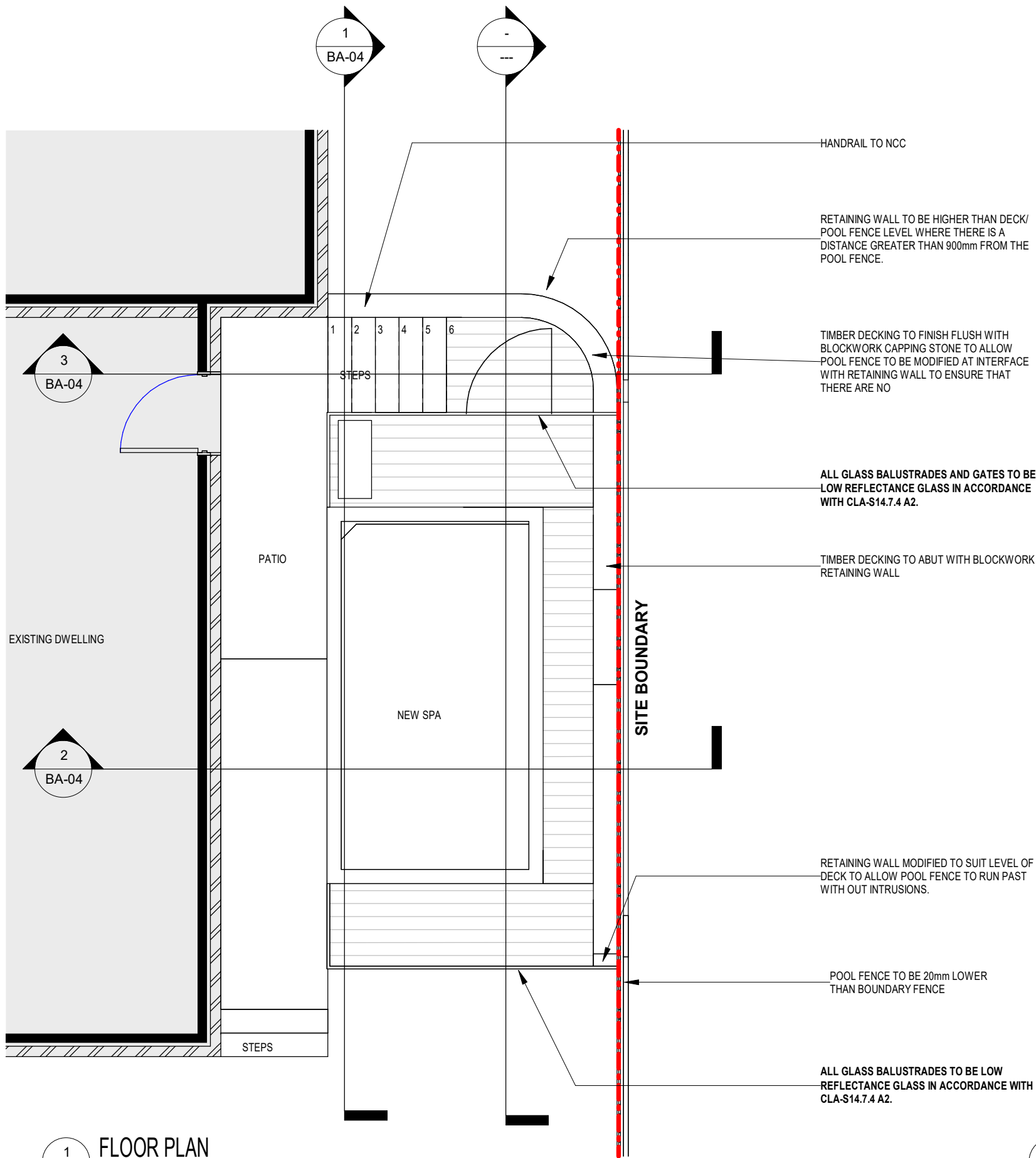
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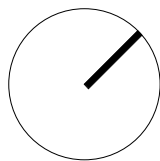
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FLOOR PLAN

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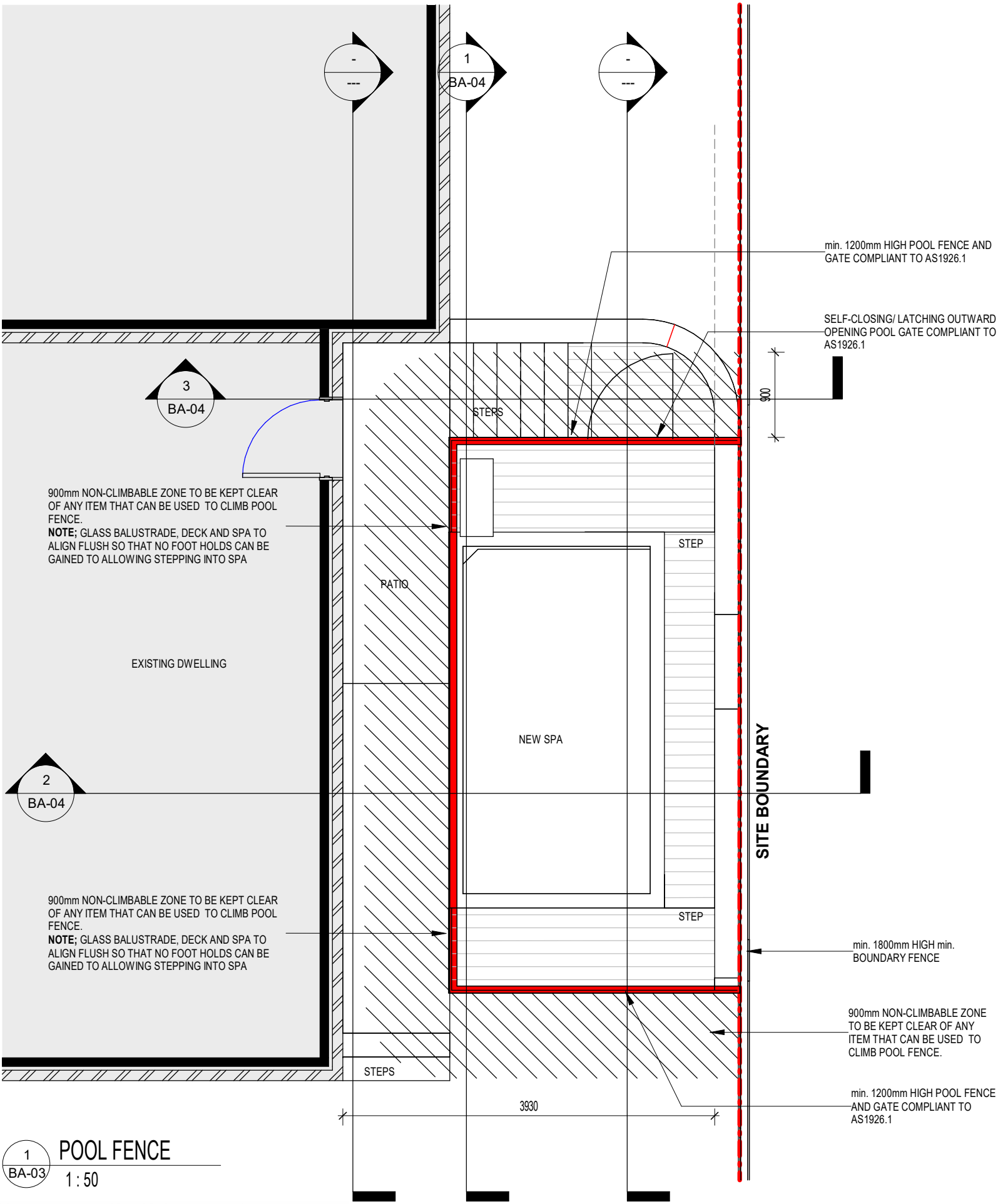
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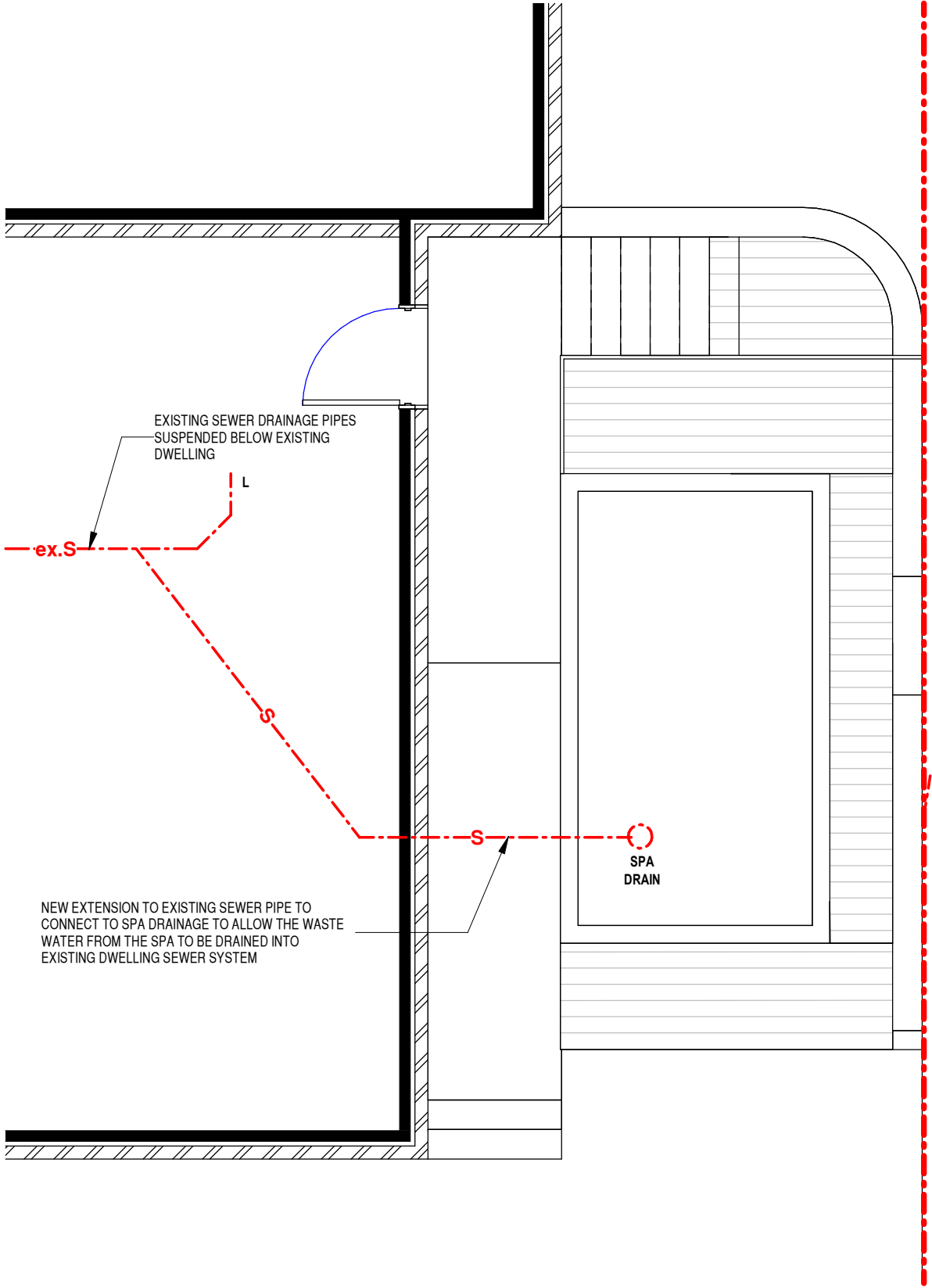
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POOL FENCE
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DRAINAGE PLAN
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POOL & POOL FENCE

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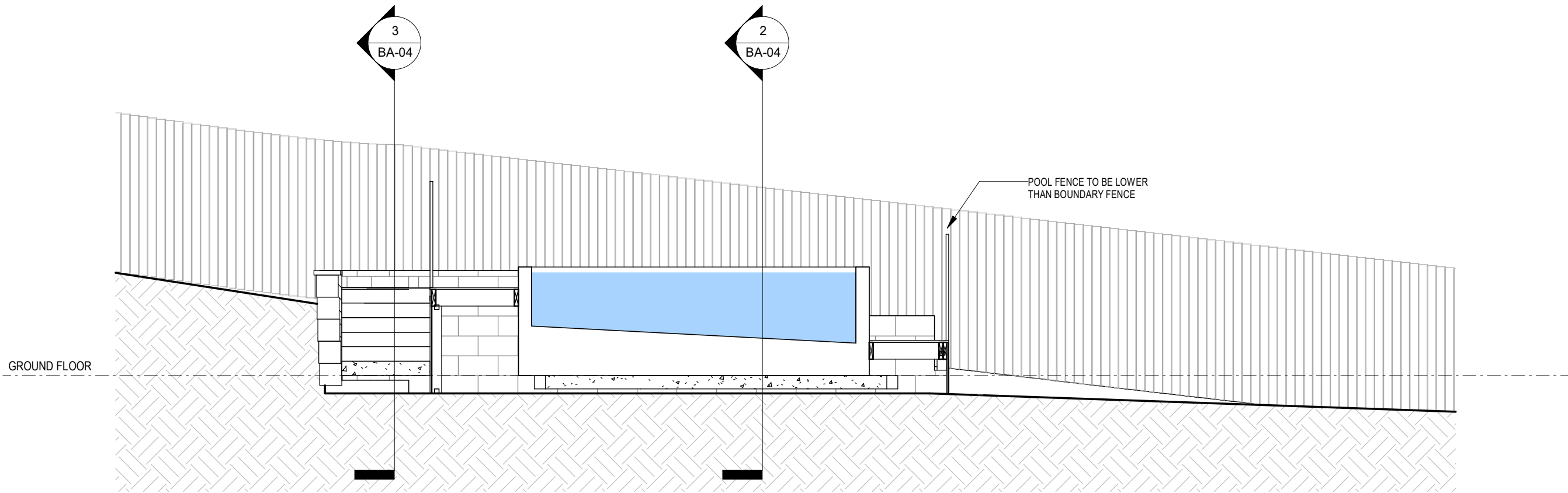
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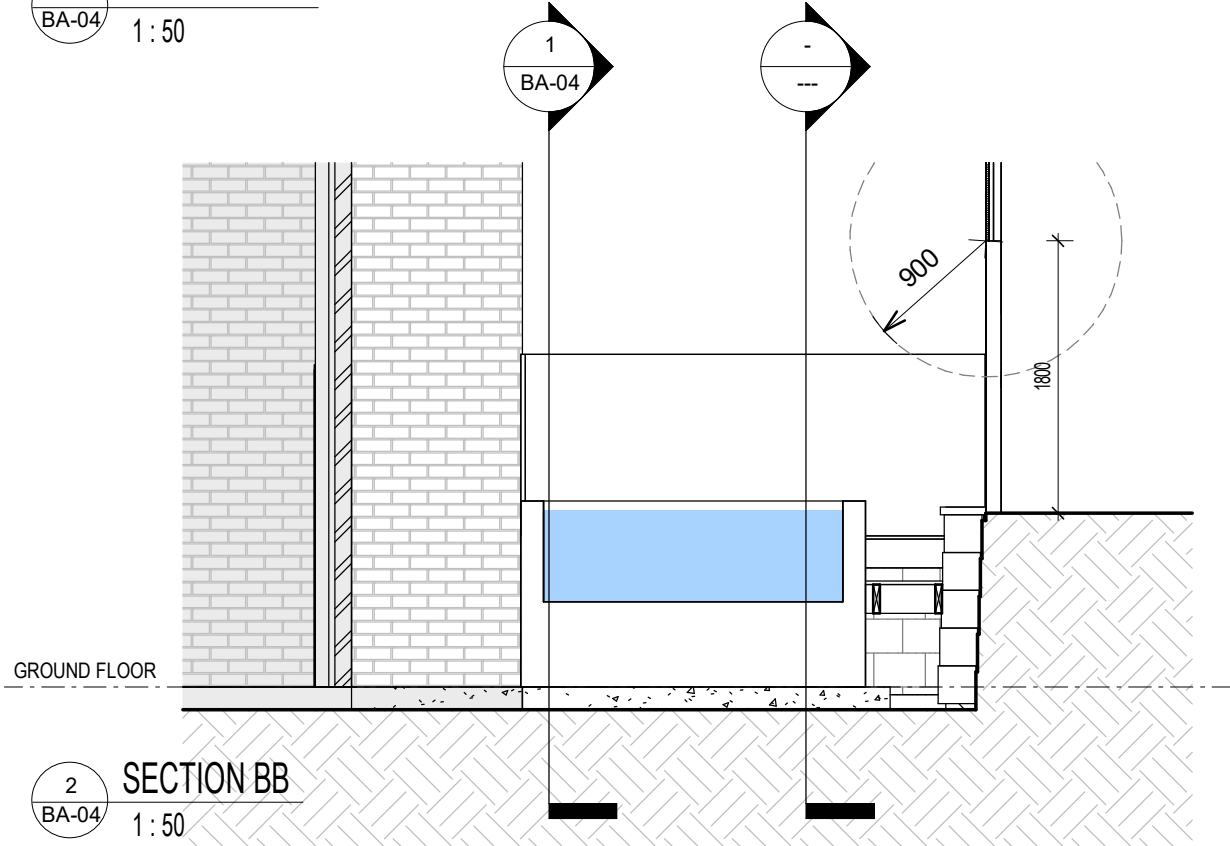
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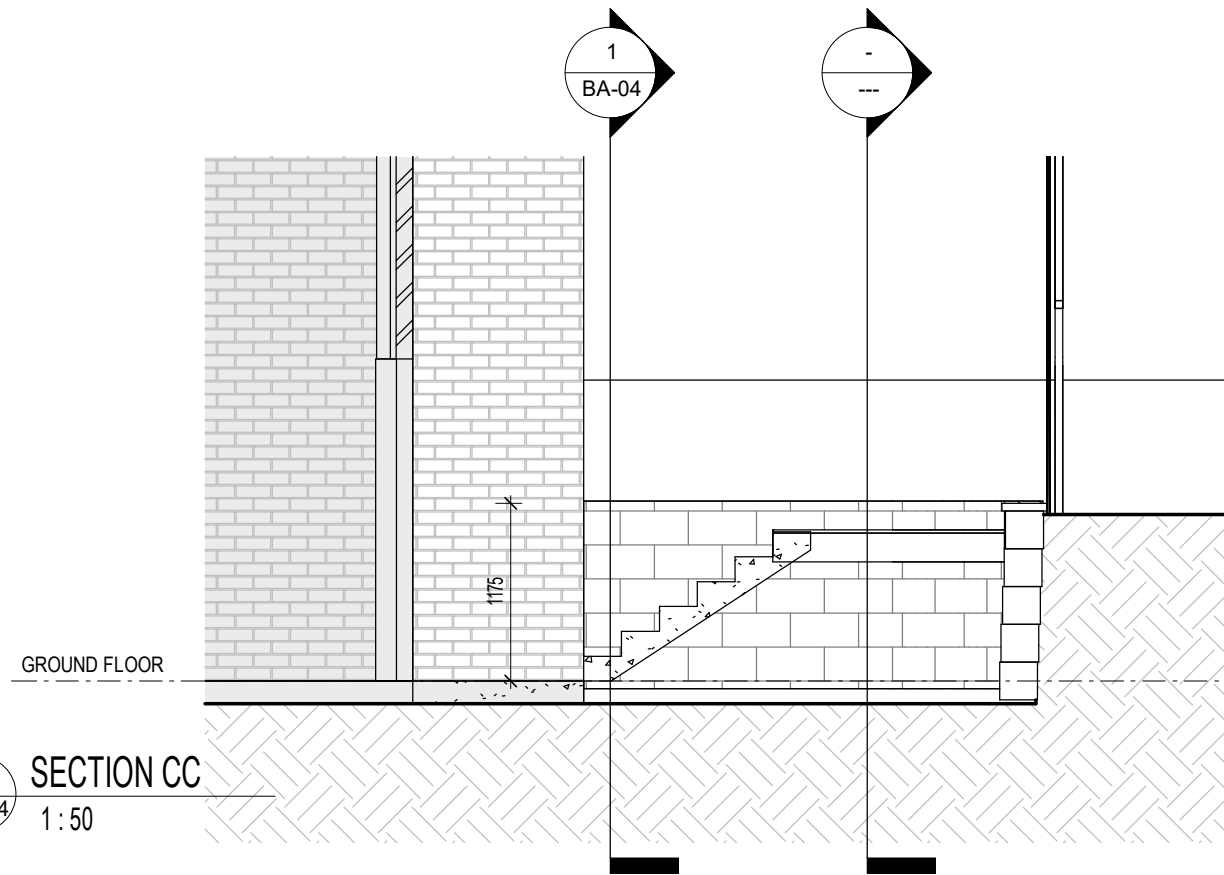
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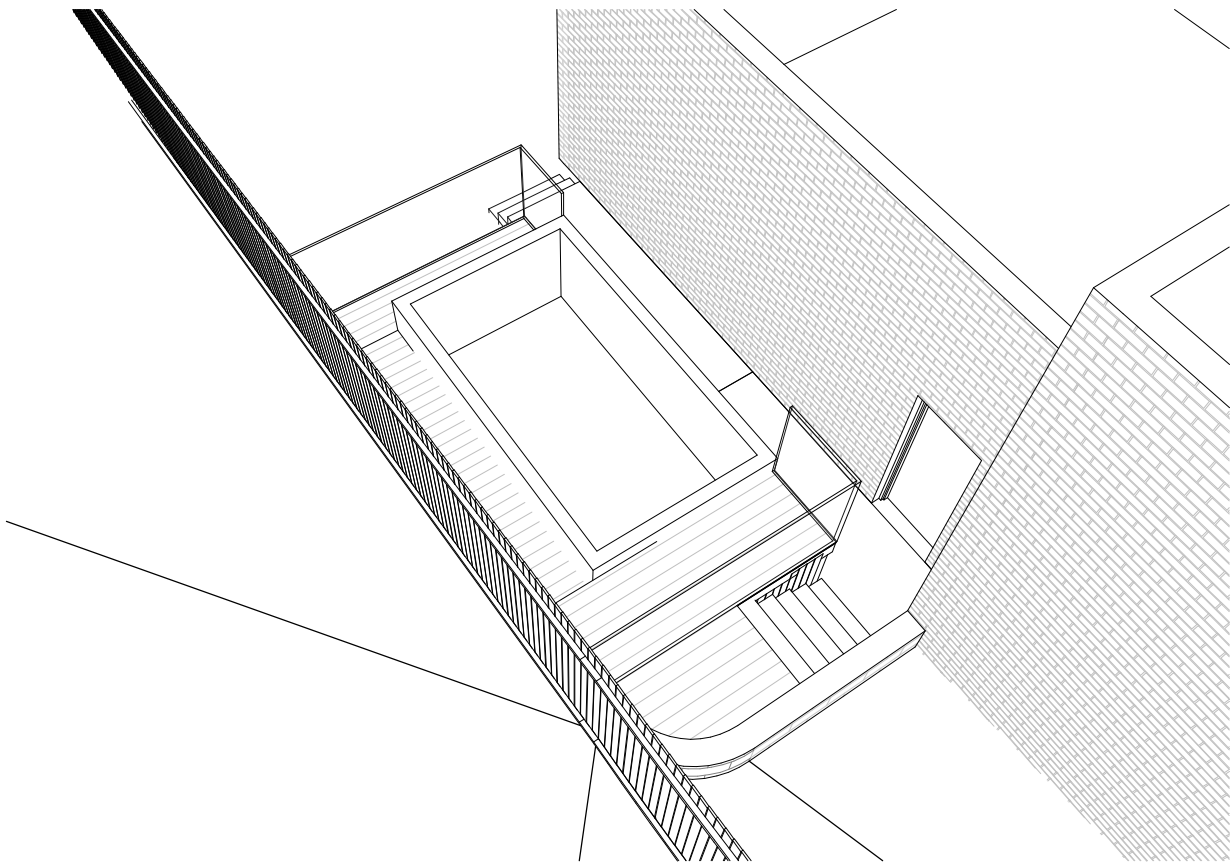
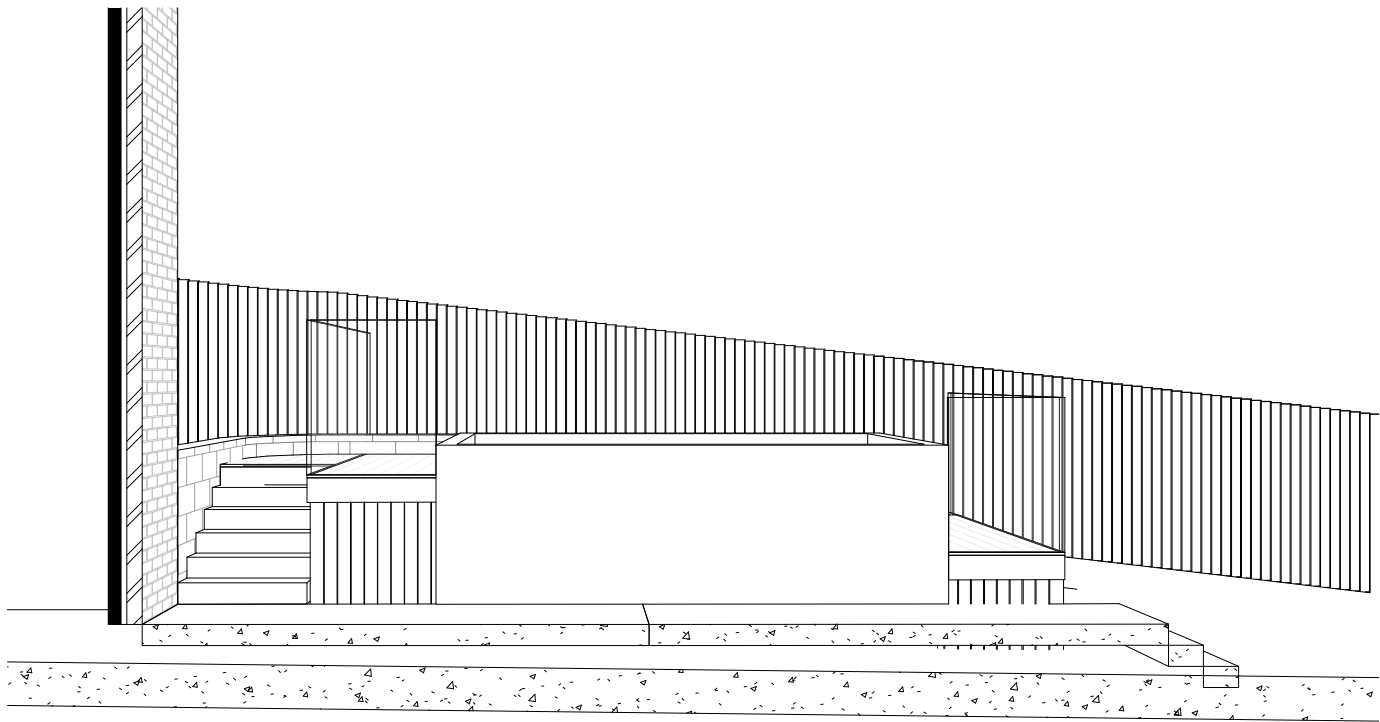
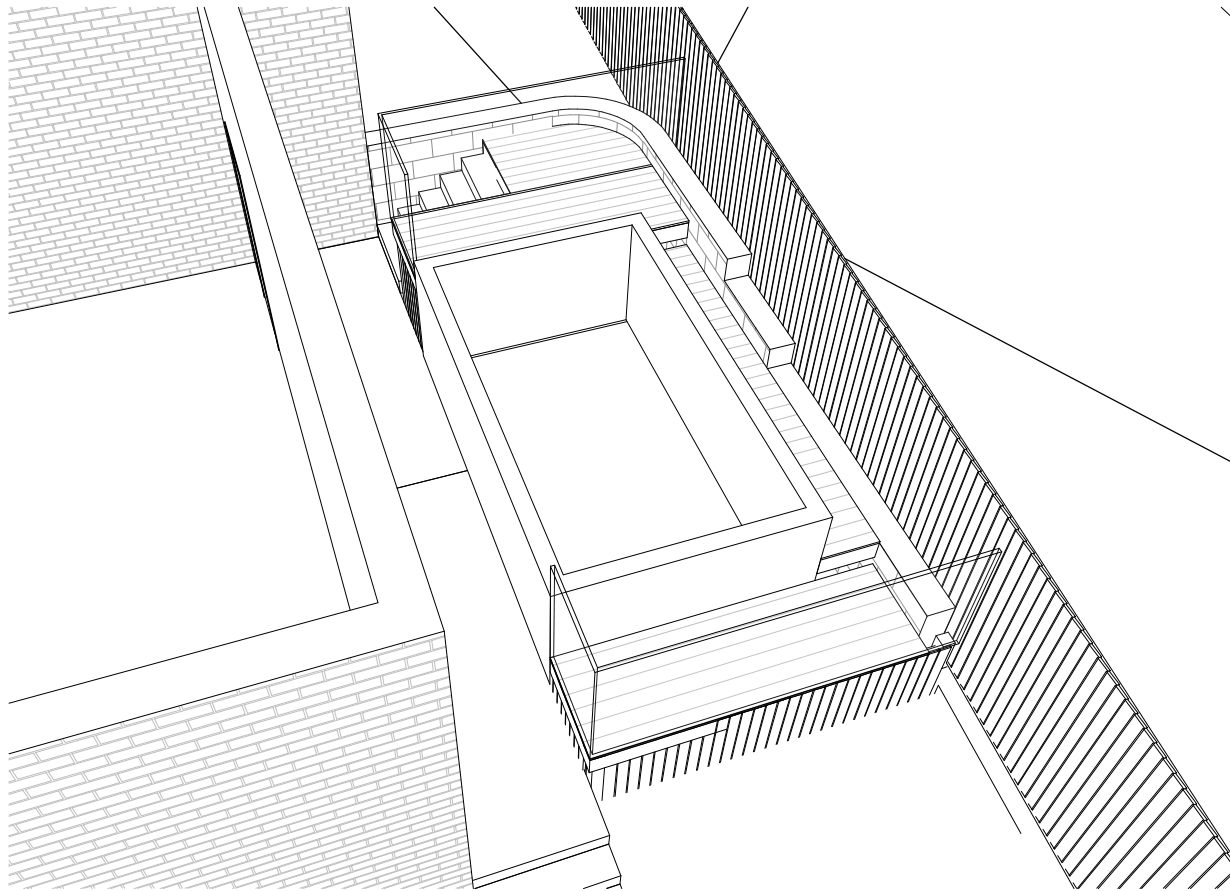
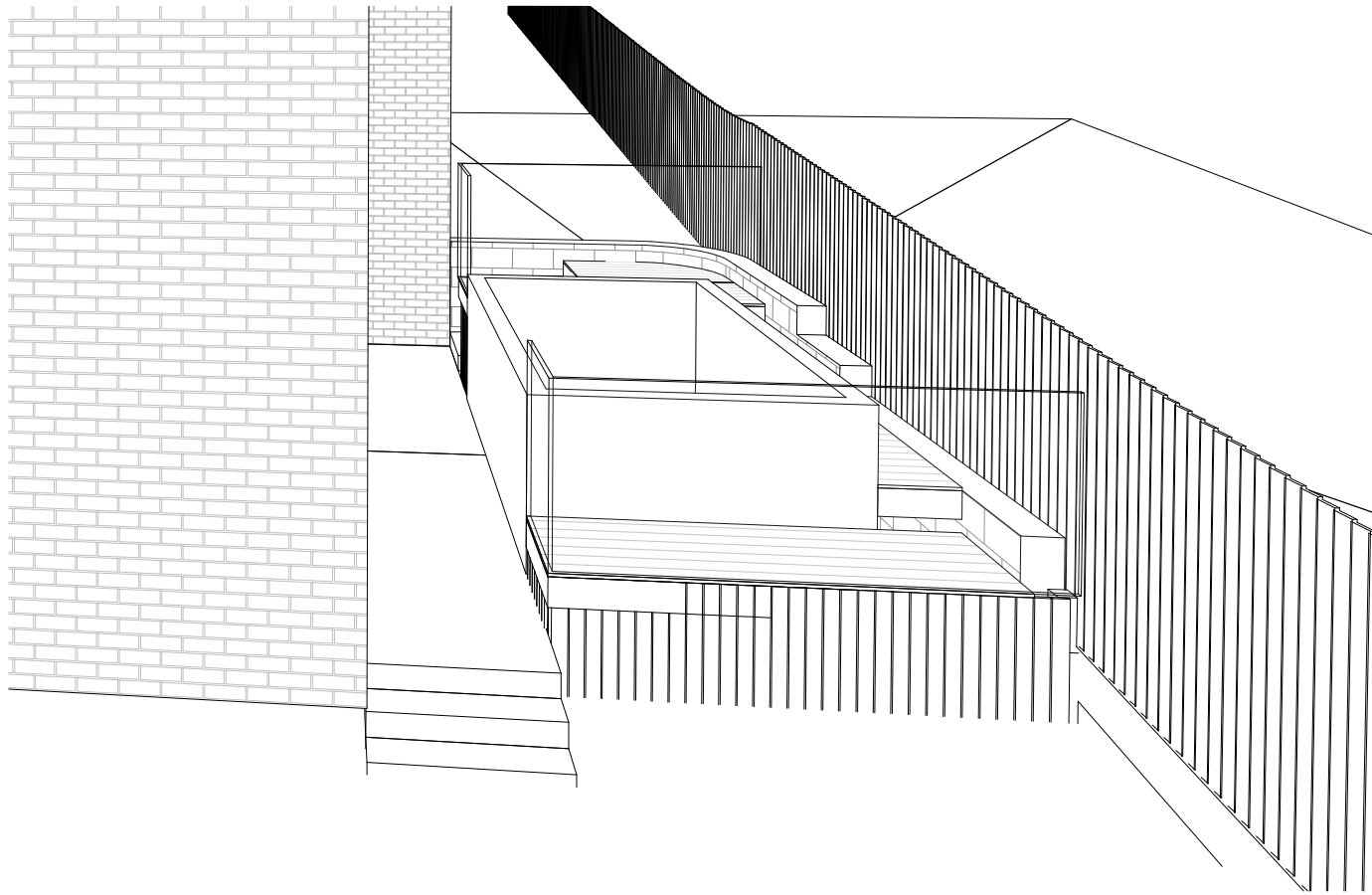
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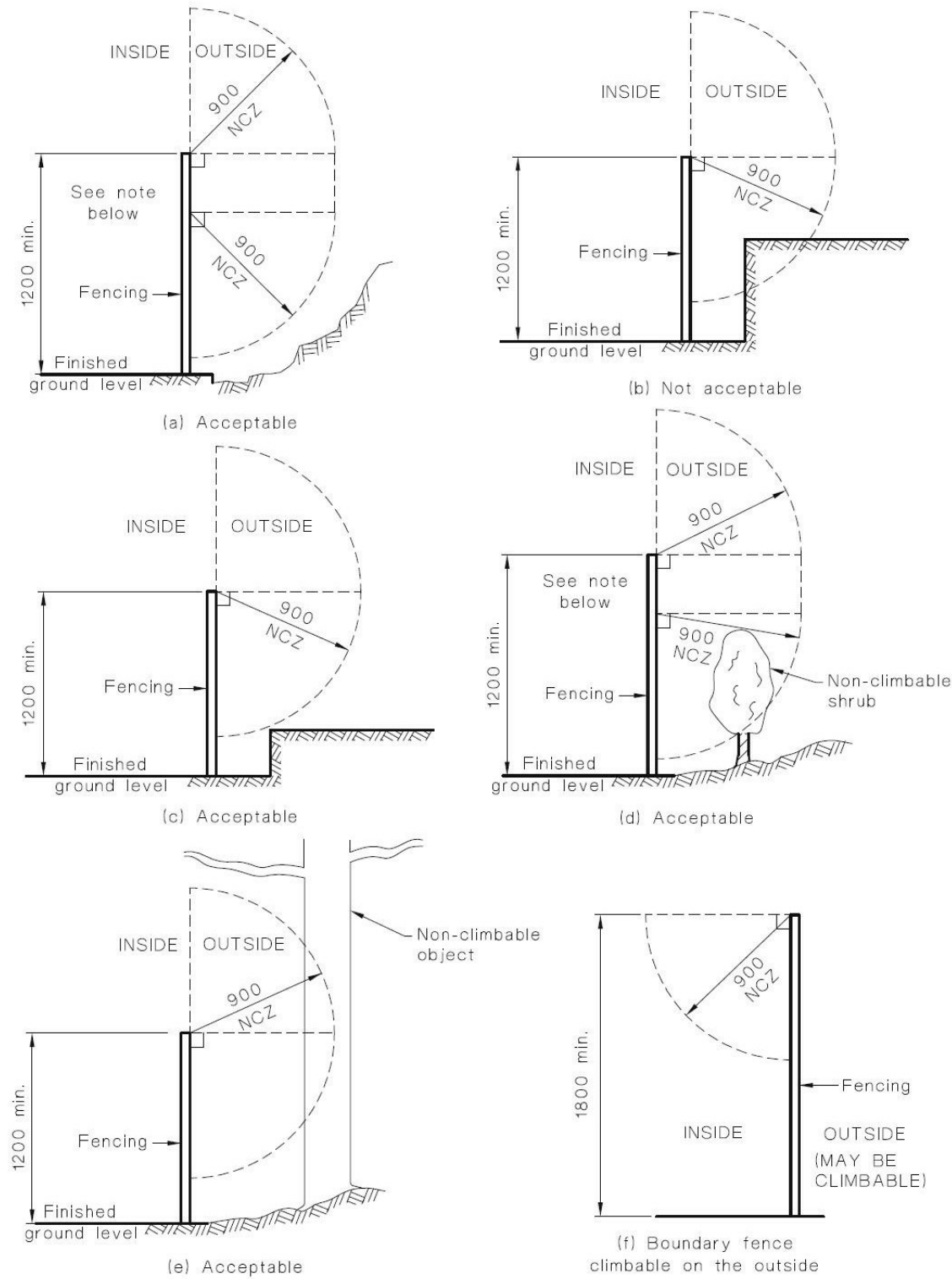
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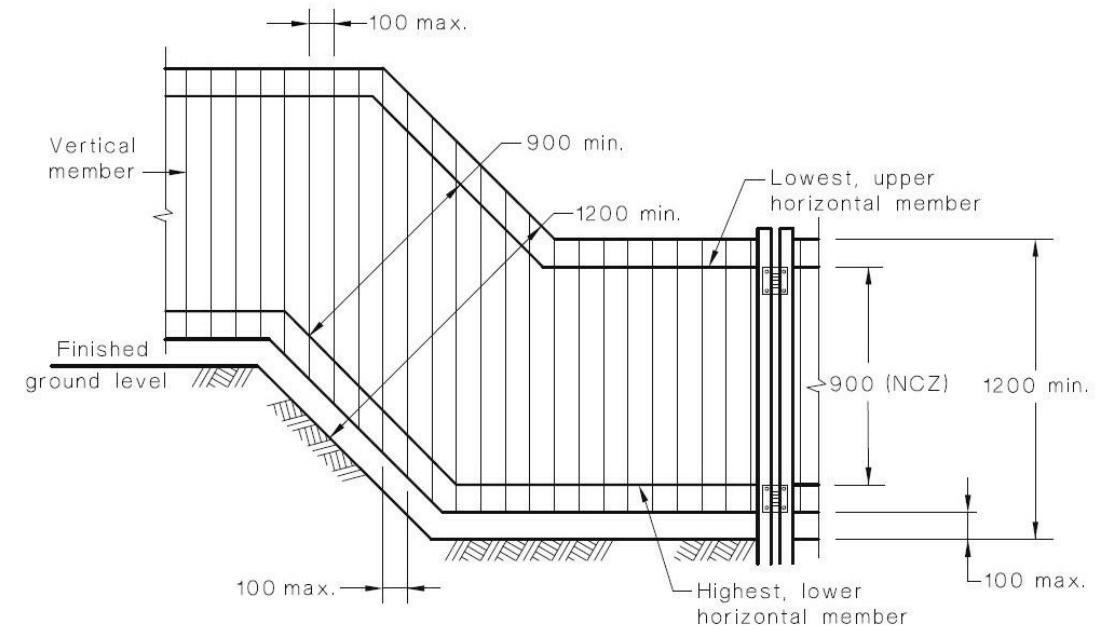
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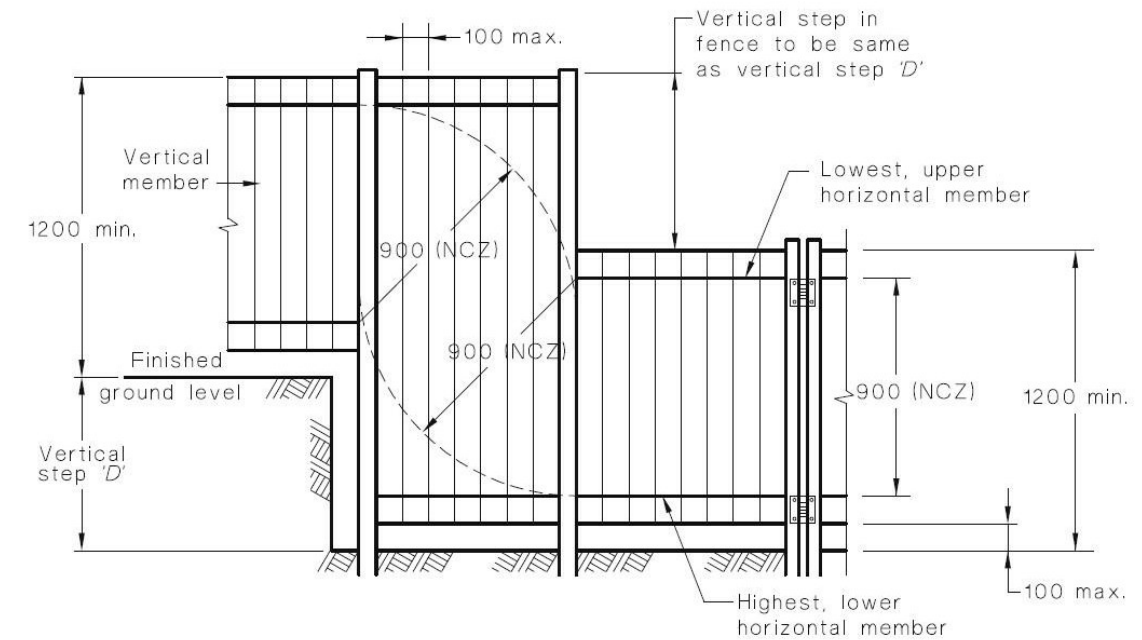


DIMENSIONS IN MILLIMETRES

FIGURE 2.1 EXAMPLES OF NON-CLIMBABLE ZONES/NCZs



NOTE: On sloping sites, the fence height is to be measured perpendicular to the ground line.



DIMENSIONS IN MILLIMETRES

FIGURE 2.2 (in part) PERPENDICULAR FENCING DIMENSIONS

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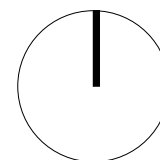
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AUSTRALIAN STANDARD AS1926.1

POOL FENCE DETAILS

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SITE PHOTOGRAPHS

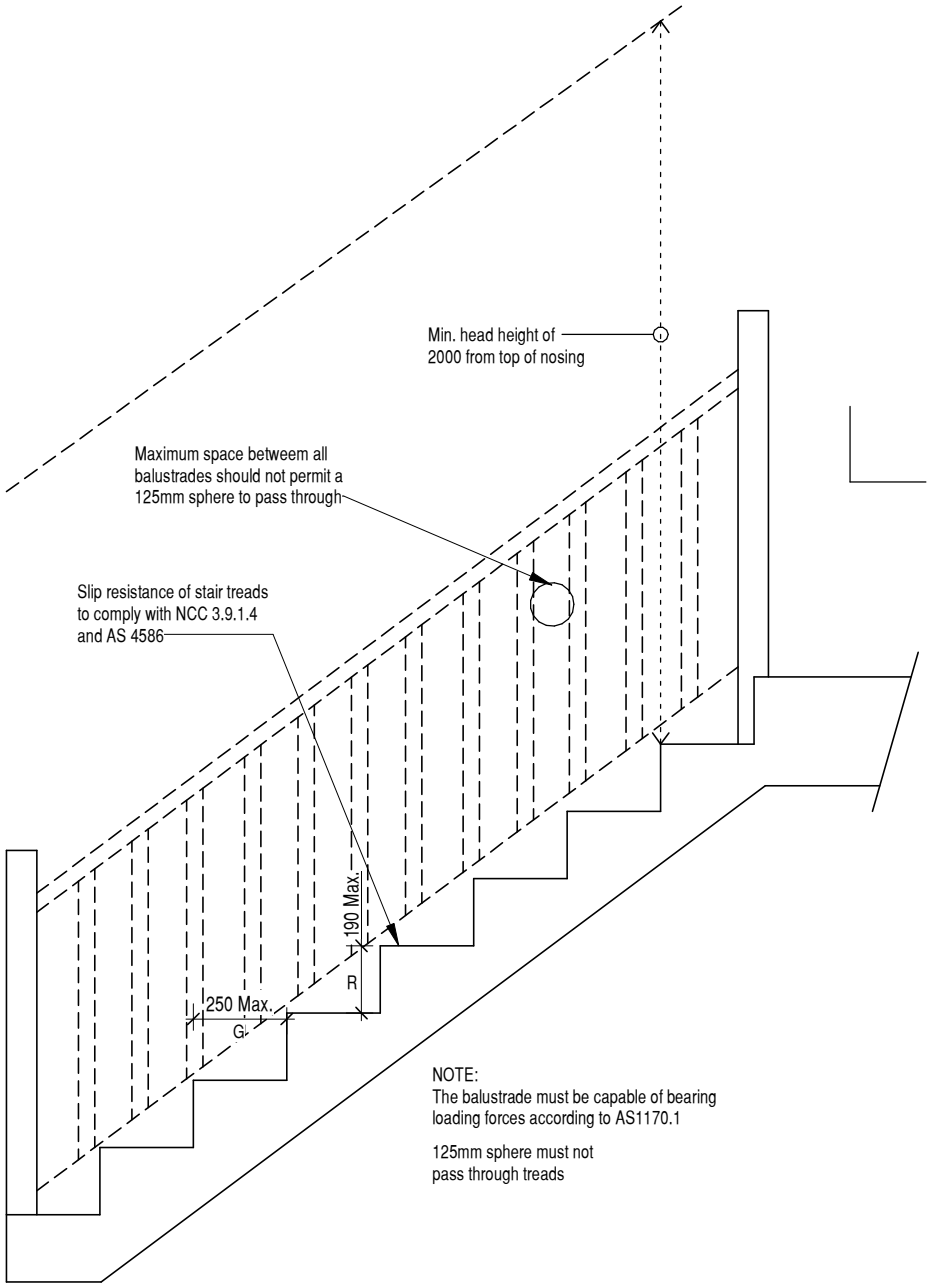
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BUILDING APPROVAL

STANDARD STAIR NOTES



(extracted from NCC 2022 Building Code of Australia - Volume two)
Stairway construction to comply with NCC 2022 11.2.2 OR (2019) 3.9.1.2
(a) A stairway must be designed to take loading forces in accordance with AS/NZS 1170.1 and must have:
(i) not more than 18 and not less than 2 risers in each flight; and
(ii) Goings (G), risers (R) and a slope relationship quantity (2R + G) in accordance with Table 11.2.2a NCC 2022 Building code of Australia - Volume two except as permitted by (b) and (c); and

Table 11.2.2a Riser and going dimensions (mm)						
Stair type	Riser (R) (see Figure 11.2.2f below)		Riser (R) (see Figure 11.2.2f below)		Slope relationship (2R+G)	
	Max	Min	Max	Min	Max	Min
Stairs (other than spiral)	190	115	355	240	700	550
Spiral	220	140	370	210	680	590

Note to Table 11.2.2a: Riser and going dimensions must be measured in accordance with Figure 11.2.2f.

- iii) constant goings and risers throughout each flight, except as permitted by (c) and (d), and the dimensions of goings (G) and risers (R) in accordance with (a), (b) and (c) are considered constant if the variation between- (A) adjacent risers, or between adjacent goings, is no greater than 5 mm; and (B) the largest and smallest riser within a flight, or the largest and smallest going within a flight, does not exceed 10 mm; and risers which do not have any openings that would allow a 125 mm sphere to pass through between the treads; and
- iv) treads of solid construction (not mesh or other perforated material) if the stairway is more than 10 m high or connects more than 3 storeys.
- v) In the case of a stairway serving only non-habitable rooms, such as attics, storerooms and the like that are not used on a regular or daily basis
- vi) the going (G), riser (R) and slope relationship quantity (2R + G) in accordance with Table 3.9.1.1 NCC 2019 Building code of Australia - Volume two may be substituted with those in Table 3.9.1.2 NCC 2019 Building code of Australia - Volume two; and
- vii) need not comply with 3.9.1.2(a)(iv).

For stairways serving non-habitable rooms used infrequently refer to table 3.9.1.2 NCC 2019 Building Code of Australia - Volume two

11.2.3 Ramps

An external ramp serving an external doorway or a ramp within a building must:
(a) be designed to take loading forces in accordance with AS/NZS 1170.1; and
(b) have a gradient not steeper than 1:8; and
(c) be provided with landings complying with 3.9.1.5 NCC 2019 Building code of Australia - Volume two at the top and bottom of the ramp and at intervals not greater than 15 m.

Explanatory information:

In relation to external ramps, 11.2.3 applies to a ramp serving an external door. For the purpose of 11.2.3 a driveway is not considered to be a ramp.

11.2.4 Slip-resistance

- (1) The requirements for slip-resistance treatment to stair treads, ramps and landings are as set out in (2), (3) and (4).
- (2) Treads must have—
(a) a surface with a slip-resistance classification not less than that listed in Table 11.2.4 when tested in accordance with AS 4586; or
(b) a nosing strip with a slip-resistance classification not less than that listed in Table 11.2.4 when tested in accordance with AS 4586.
- (3) The floor surface of a ramp must have a slip-resistance classification not less than that listed in Table 11.2.4 when tested in accordance with AS 4586.
- (4) Landings, where the edge leads to the flight below, must have—
(a) a surface with a slip-resistance classification not less than that listed in Table 11.2.4 when tested in accordance with AS 4586, for not less than 190 mm from the stair nosing; or
(b) a nosing strip with a slip-resistance classification not less than that listed in Table 11.2.4 when tested in accordance with AS 4586.

Table 3.9.1.3 Slip-resistance classification		
Application	Dry surface conditions	Wet surface conditions
Ramp not steeper than 1:8	P4 or R10	P5 or R12
Tread surface	P3 or R10	R4 or R11
Nosing or landing edge strip	P3	P4

11.2.5 Landings

- (1) Landings must-
(a) be not less than 750 mm long and where this involves a change in direction, the length is measured 500 mm from the inside edge of the landing (see Figure 3.9.1.3a NCC 2019 Building code of Australia - Volume two); and
(b) have a gradient not steeper than 1:50; and
(c) be provided where the sill of a threshold of a doorway opens onto a stairway or ramp that provides a change in floor level or floor to ground level greater than 3 risers or 570 mm (see Figure 11.2.5b); and
(d) extend across the full width of a doorway; and
- (2) In the case of a stairway serving only non-habitable rooms, such as attics, storerooms and the like that are not used on a regular or daily basis, the requirements of (1) (a) may be substituted with a minimum length of landing being not less than 600 mm long.

11.2.6 Thresholds

Where the threshold of a doorway is more than 230 mm above the adjoining surface it must incorporate steps having riser (R) and going (G) dimensions in accordance with 11.2.2.

11.3.3 Barriers to prevent falls

- (1) A continuous barrier must be provided along the side of a trafficable surface, such as-
(a) a stairway, ramp or the like; and
(b) a floor, corridor, hallway, balcony, deck, verandah, mezzanine, access bridge or the like; and
(c) a roof top space or the like to which general access is provided; and
(d) any delineated path of access to a building, where it is possible to fall 1 m or more measured from the level of the trafficable surface to the surface beneath (see Figure 11.3.3a).
- (2) The requirements of (1) do not apply to-
(a) a retaining wall unless the retaining wall forms part of, or is directly associated with a delineated path of access to a building from the road, or a delineated path of access between buildings (see Figure 11.3.3b); or
(b) a barrier provided to an openable window covered by 11.3.7 and 11.3.8.

11.3.4 Construction of barriers to prevent falls

- (1) A barrier required by 11.3.3 must comply with (2) to (11).
- (2) The height of a barrier must be in accordance with the following:
(a) The height must not be less than 865 mm above the nosings of the stair treads, the floor of a ramp or the like (see Figure 11.3.4a).
(b) The height must not be less than—
(i) 1 m above the floor of any landing, corridor, hallway, balcony, deck, verandah, access path, mezzanine, access bridge, roof top space or the like to which general access is provided (see Figure 11.3.3b and Figure 11.3.4a); or
(ii) 865 mm above the floor of a landing to a stairway or ramp where the barrier is provided along the inside edge of the landing and does not exceed a length of 500 mm.
- (3) A transition zone may be incorporated where the barrier height changes from 865 mm on the stairway flight or ramp to 1 m at the landing (see Figure 11.3.4b).
- (4) Openings in barriers (including decorative balustrades) must be constructed so that they do not permit a 125 mm sphere to pass through it and for stairways, the opening is measured above the nosing line of the stair treads (see Figure 11.3.4a).
- (5) Where a required barrier is fixed to the vertical face forming an edge of a landing, balcony, deck, stairway or the like, the opening formed between the barrier and the face must not exceed 40 mm.
- (6) For the purposes of (5), the opening is measured horizontally from the edge of the trafficable surface to the nearest internal face of the barrier.
- (7) A barrier to a stairway serving a non-habitable room, such as an attic, storeroom or the like that is not used on a regular or daily basis, need not comply with (4) if—
(a) openings are constructed so that they do not permit a 300 mm sphere to pass through; or
(b) where rails are used, the barrier consists of a top rail and an intermediate rail, with the openings between rails not more than 460 mm.
- (8) Restriction on horizontal elements: (a) Where it is possible to fall more than 4 m, any horizontal elements within the barrier between 150 mm and 760 mm above the floor must not facilitate climbing.
(b) For the purpose of (a), the 4 m is measured from the floor level of the trafficable surface to the surface beneath.
- (9) A barrier constructed of wire is deemed to meet the requirements of (4) if it is constructed in accordance with 11.3.6.
- (10) A glass barrier or window serving as a barrier must comply with H1D8 and the relevant provisions of this Part.
- (11) A barrier, except a window serving as a barrier, must be designed to take loading forces in accordance with AS/NZS 1170.1.

Figure 11.2.5a Landings

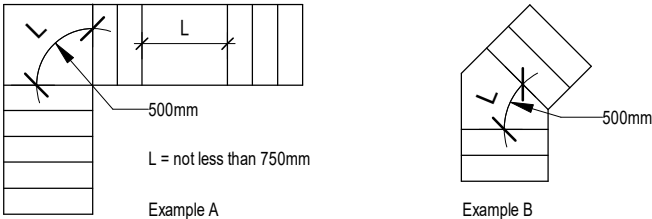
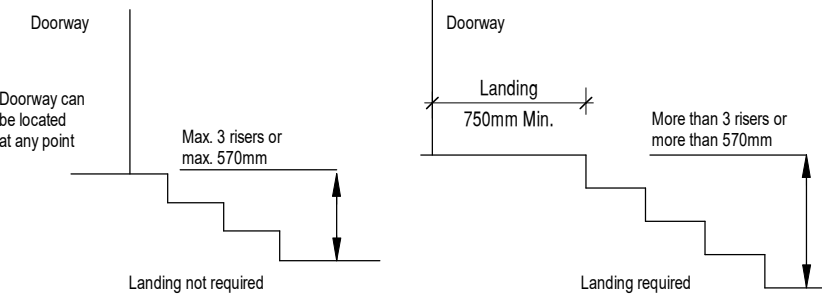


Figure 11.2.5b Threshold landing



11.3.5 Handrails

- (1) Handrails to a stairway or ramp must:
(a) be located along at least one side of the stairway flight or ramp; and
(b) be located along the full length of the stairway flight or ramp, except in the case where a handrail is associated with a barrier the handrail may terminate where the barrier terminates; and
(c) have the top surface of the handrail not less than 865 mm vertically above the nosings of the stair treads or the floor surface of the ramp (see Figure 11.3.4b); and
(d) be continuous and have no obstruction on or above them that will tend to break a handhold, except for newel posts, ball type stanchions, or the like.
- (2) The requirements of (1) do not apply to-
(a) a stairway or ramp providing a change in elevation of less than 1 m; or
(b) a landing; or
(c) a winder where a newel post is installed to provide a handhold.