



# SORELL PLANNING AUTHORITY (SPA) AGENDA

14 MAY 2024

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)

# NOTICE OF MEETING

Notice is hereby given that the next meeting of the Sorell Planning Authority (SPA) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 14 May 2024 commencing at 4:30 pm.

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## CERTIFICATION

I, Robert Higgins, General Manager of the Sorell Council, hereby certify that in accordance with Section 65 of the *Local Government Act 1993*, the reports in this Agenda have been prepared by persons who have the qualifications and experience necessary to give such advice. Information and recommendations or such advice was obtained and taken into account in providing general advice contained within the Agenda.

ROBERT HIGGINS  
GENERAL MANAGER  
9 MAY 2024



## AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE  
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON  
TUESDAY 14 MAY 2024

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## 1.0 ATTENDANCE

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Deputy Mayor C Wooley - Chair  
Councillor B Nichols  
Councillor S Campbell  
Councillor J Gatehouse  
Councillor M Miro Quesada Le Roux  
Councillor M Reed  
Councillor N Reynolds  
Councillor C Torenus  
Robert Higgins, General Manager

## 2.0 APOLOGIES

## 3.0 CONFIRMATION OF THE MINUTES OF 9 APRIL 2024

### RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 9 April 2024 be confirmed.”

## 4.0 DECLARATIONS OF PECUNIARY INTEREST





In considering the following land use planning matters the Sorell Planning Authority intends to act as a planning authority under the *Land Use Planning and Approvals Act 1993*.

## 5.0 LAND USE PLANNING

### 5.1 SUBDIVISION APPLICATION NO. SA 2023 / 17 - 1

<b>Applicant:</b>	Woolcott Surveyors
<b>Proposal:</b>	Twenty Five (25) Lot Subdivision
<b>Site Address:</b>	223-227 Carlton River Road, Carlton River and adjoining footway to Terry Street (CT 126929/1, CT 126930/1 and CT 126930/2)
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme – Sorell</i>
<b>Application Status</b>	Discretionary
<b>Relevant Legislation:</b>	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
<b>Reason for SPA meeting:</b>	Council land. Subdivision creates more than one lot. More than one representation received.

<b>Relevant Zone:</b>	Clause 10.0 Low-Density Residential										
<b>Proposed Use:</b>	Not Applicable (Subdivision)										
<b>Applicable Overlay(s):</b>	N/A										
<b>Applicable Codes(s):</b>	C2.0 Parking and Sustainable Transport Code. C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area. C12.7 Development Standards for Subdivision within Flood Prone Areas Hazard Code. C13.6 Development Standards for Subdivision within the Bushfire-Prone Areas Code.										
<b>Valid Application Date:</b>	19 March 2024										
<b>Decision Due:</b>	14 May 2024										
<b>Discretion(s):</b>	<table border="1"> <tr> <td>1</td> <td>10.6.1 Lot Design (Lot Size)</td> </tr> <tr> <td>2</td> <td>10.6.1 Lot Design (Frontage)</td> </tr> <tr> <td>3</td> <td>10.6.2 Roads (New Road)</td> </tr> <tr> <td>4</td> <td>10.6.3 Services (Reticulated Sewerage)</td> </tr> <tr> <td>5</td> <td>C3.5.1 Traffic Generation</td> </tr> </table>	1	10.6.1 Lot Design (Lot Size)	2	10.6.1 Lot Design (Frontage)	3	10.6.2 Roads (New Road)	4	10.6.3 Services (Reticulated Sewerage)	5	C3.5.1 Traffic Generation
1	10.6.1 Lot Design (Lot Size)										
2	10.6.1 Lot Design (Frontage)										
3	10.6.2 Roads (New Road)										
4	10.6.3 Services (Reticulated Sewerage)										
5	C3.5.1 Traffic Generation										
<b>Representation(s):</b>	Four (4)										

#### RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2023.17.1 for a Twenty Five Lot Subdivision at 223-227 Carlton River Road, Carlton River and adjoining footway to Terry Street be approved, subject to the following conditions:



## General

1. Except where modified by a condition of this permit, the use and development must be substantially in accordance with the endorsed plans and documents:
  - a) P1 - Planning Assessment cover letter ('supporting report') dated July 2023;
  - b) P5 - Subdivision Proposal Plan from Woolcott Surveys dated 18 March 2023;
  - c) P4 - Bushfire Hazard Report from Woolcott Surveys dated December 2023;
  - d) P5 - Preliminary Engineering Design from Flussig Engineers dated 13 March 2024;
  - e) P3 - Flood Report from Flussig Engineers dated 1 June 2023;
  - f) P3 - Onsite Wastewater Report Geo-environmental Solutions dated November 2023;
  - g) P3 - Traffic Impact Assessment dated November 2023; and
  - h) P5 – Stormwater Management Plan from Flussig Engineers dated 6 June 2023.

## Planning

2. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by the General Manager.
3. As no provision has been made for Public Open Space or improvements thereto and, having formed the opinion that such a provision should be made, Council invokes the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and requires security equivalent of [5%] of the improved value of the gross area of the subdivision.

This should be in the form of a direct payment made before the sealing of the final plan or, alternatively, in the form of security provided under Section 117 of the Act.

The subdivider is to obtain a report from an Independent Registered Valuer for the purposes of determining the improved value of the gross area of the subdivision. The date to which the valuation is to be done must be within 3 months of the date of lodgement of the Final Plan of subdivision. Please refer to Council's Open Space Policy for valuation requirements.

4. Prior to sealing any final plan, all recommendations of the bushfire hazard management plan must be complete and be certified by a suitably qualified person.
5. All land noted as roadway, footway, open space, or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
6. To the satisfaction of Council's General Manager, the final plan of survey must include easements over all drains, pipelines, wayleaves and services. The minimum easement width for stormwater is in accordance with the Tasmanian Subdivision Guidelines.
7. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.

#### Development Engineering

8. Prior to the commencement of works, engineering design drawings showing all work required by this planning permit, and any additional work proposed, must be prepared in accordance with the current:
  - a) Tasmanian Subdivision Guidelines,
  - b) Tasmanian Municipal Standard – Specifications,
  - c) Tasmanian Municipal Standard – Drawings, and
  - d) Any relevant council policy.

The design drawings must be prepared by a suitably qualified and experienced engineer or engineering consultancy with an appropriate level of professional indemnity insurance.

*Advice:*

- i. The Tasmanian Subdivision Guidelines, Specifications, and Drawings are available at [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au).*
  - ii. Variations from the Tasmanian Subdivision Guidelines, Specifications, or Drawings may be approved at the discretion on Council's General Manager or their delegate where a clear justification exists and the alternative solution is to a no lesser quality in terms of infrastructure performance or maintenance costs over the life of the asset.*
  - iii. Where there exists any conflict(s) between the Tasmanian Subdivision Guidelines, Specifications, or Drawings and this permit, any requirements of this permit shall take precedence.*
  - iv. Engineering design drawings will expire two years after their approval and will be endorsed as such.*
9. Prior to works commencing, the following fees must be paid for each stage of construction:



- a) Engineering design drawing assessment fee, and
- b) Inspection fees for minimum estimated number of inspections.

Where reassessment of engineering drawings or subsequent inspections are required, additional fees may be required.

*Advice: Where appropriate, Council fees are updated each financial year and can be found in the Sorell Council Fees and Charges schedule, available from Council.*

- 10. Works must not commence on site prior to the approval of engineering design drawings by the General Manager.
- 11. A Construction Management Plan (CMP) must be provided including, but not limited to, the following:
  - a) Traffic Management Plan,
  - b) Dust Management, and
  - c) Soil and Stormwater Management Plan.

All requirements of the CMP must be implemented prior to any works commencing on site.

- 12. Prior to works commencing, the developer must submit a Notice of Intention to Carry Out Work (available from Council) inclusive of a certificate of currency for public liability insurance for the contractor and any sub-contractor.
- 13. Prior to sealing the final plan the following works must be completed in accordance with the endorsed engineering design drawings:
  - a) Lot connections for each lot;
    - I. Connection to the electricity network,
    - II. Connection to the telecommunication network (if available), and
    - III. DN150 connection to the stormwater network.
  - b) Vehicle access for each lot;
    - I. 40mm thick DG10 asphalt vehicle crossover, up to front boundary or 6.0m minimum (whichever is greater), including Reinforced Concrete Pipe Class 4 Ring Rubber Jointed stormwater culvert (DN450 minimum) with headwalls and guide posts,
    - II. Appropriate drainage must be provided for each access and driveway to prevent runoff from leaving the property or to direct runoff into Council's roadside drains,
    - III. Minimum sealed width of 3.6m, and

- IV. Each property access must be located to minimise potential conflicts with other vehicles.
  - (c) Fencing:
    - I. Any existing frontage fencing not located on the correct boundary must be removed with a new frontage fence installed in the correct location.
  - (d) Road construction;
    - I. Subdivision Road – sealed and drained road carriageway with a width no less than 5.5m (not including shoulders and verge) and 18m road reservation,
    - II. Open drains no less than 3.6m wide and 0.6m deep with 100mm Blue Stone Rock Armouring,
    - III. Cul-de-sac heads must be finished with 40mm thick DG10 asphalt with 9m radius and 30m road reservation (or an approved temporary turning head),
    - IV. A reinforced concrete footpath no less than 1.2m wide,
    - V. Street signage and standard line marking at each intersection.
  - (e) Stormwater network;
    - I. Unimpeded major stormwater network for a 1% AEP event,
    - II. Minor stormwater network for a 5% AEP event, including provision of any required detention to prevent downstream flooding, and
    - III. Must be constructed to drain all stormwater runoff from the development via the stormwater infrastructure completed, with overflows directed to the public infrastructure.
  - (f) Rehabilitation
    - I. Provision of top soil and grass seeding on all disturbed surfaces and embankments in the road reservation, along with weed management measures.
14. Mandatory audit inspections are required in accordance with the Tasmanian Subdivision Guidelines. The developer must provide a minimum 48 hours' notice.
15. Works must be completed to a standard that is to the satisfaction of the Council General Manager.
16. A qualified and experienced civil engineer must supervise and certify all works in accordance with clause 21, 22, 23 and 24 of the Tasmanian Subdivision Guidelines.
17. The developer must engage Council to organise a Practical Completion inspection when practical completion of works for each stage has been reached. Upon successful completion of the inspection in accordance with clause 21 and Appendix 6 of the Tasmanian Subdivision Guidelines, Council

will issue a Certificate of practical Completion, listing any minor defects identified.

18. Works are subject to a twelve (12) month Defect Liability Period commencing from the day the final plan of survey was sealed (for the applicable stage, if any) during which time all maintenance and repair of work required by this permit is the responsibility of the developer.
19. A Defect Liability Bond equal to 5% of the total construction value, and no less than \$10,000.00, must be submitted for the duration of the defect liability period.
20. Upon completion of the Defect Liability Period, the developer must engage Council to organise a Final Completion inspection in accordance with clause 24 of the Tasmanian Subdivision Guidelines. When all outstanding items listed in the Certificate of Practical Completion and subsequent defects are satisfactorily completed, Council will issue a Certificate of Final Completion. Any remaining financial security in relation to the works will be returned and Council will assume maintenance of the works.
21. Prior to sealing the final plan of survey, accurate as constructed drawings of all works undertaken must be submitted in .pdf and .dwg formats and:
  - a) Be completed, and certified, by a land surveyor or civil engineer,
  - b) Include the data spreadsheet available from Council completed in accordance with the 'Guidelines for As Constructed Drawings and Asset Data Collection' available from Council,
  - b) Photos of all new assets,
  - c) Be accurate to AHD and GDA94,
  - d) Be drawn to scale and dimensioned,
  - e) Include top, inlet, and outlet invert levels,
  - f) Include compaction and soil test results, and
  - g) Include an engineer's certificate stating that each component of the works complies with the approved engineering plans and Council standards.

*Advice: The minimum standard is demonstrated through the As Constructed Example Drawing, available from Council.*

## Roads

22. All roads in the subdivision must be conveyed to the Council upon the issue of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1982*. All costs involved in this procedure must be met by the person responsible.



23. Unless for a local road, service installation across an existing sealed road carriageway must be bored with a minimum cover of 1.2m. Bores for services greater than 100mm must have a pumped backfill.

#### **Stormwater**

24. The minor and major stormwater system must be designed and constructed to not exceed the conveyance or treatment capacity of the downstream network.
25. Lot 26 shall be conveyed to the Council prior to sealing the Final Plan of Survey for the first stage of works to complete. All costs involved in this procedure must be met by the person responsible.

#### **General Fill**

26. Site filling, if to a depth of 300mm or more, must comply with the provisions of Australian Standard AS 3798 Guidelines on Earthworks for Commercial and Residential Development as demonstrated by certification from a suitably qualified and experienced civil engineer.

#### **Sight Distance**

27. The development works must include vegetation clearance and/or earthworks to achieve the minimum sight distance required by the Austroads Guide to Road Design for all existing and proposed vehicle accesses.

#### **Existing Services**

28. Prior to sealing the final plan of survey, all existing lot connections must be relocated to be wholly contained within the balance lot or contained within new or existing service easements to the satisfaction of Council's General Manager.

*Advice: this condition covers any existing stormwater, water, sewer, electrical, access or telecommunications infrastructure.*

29. Existing crossover(s) or lot connections, if retained, must comply with current standards.

#### **Telecommunications & Power**

30. Prior to sealing the final plan of survey, the developer must submit to Council either:

- a) Demonstration that the exemption from the installation of fibre ready pit and pipe notice has been completed, or
- b) 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 Telstra or NBN Co.

*Advice: Please refer to Notice under Telecommunications (Fibre-ready Facilities – Exempt Real Estate Development Projects) Instrument 2021” at <https://www.communications.gov.au/policy/policy-listing/exemption-pit-and-pipe-requirements/development-form>*

- 31. Prior to sealing the final plan of survey, the developer must submit written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.
- 32. Street lights must include LED lamps at the developers cost.

### **Road Widening**

- 33. The final plan or survey must show the corners of each road intersection must be splayed or rounded by chords of a circle with a radius of not less than 6m.

### **Natural Environment & Hazards**

- 34. No top soil is to be removed from the site without the consent of Council’s Manager Planning.

*Advice: this condition is to minimise the spread of weeds from the site.*

### **On-Site Wastewater Management**

- 35. A new on-site wastewater management system (OWMS) must be installed for the existing buildings on lot 1, 2 & 25. The final position of the OWMS must be within the boundaries of the proposed lots and to the satisfaction of the Manager Health & Compliance. All works are to be completed before the final plan of stage 1 of the subdivision is sealed.
- 36. Designate on the final plan of lot 4 & 5 that wastewater land application areas are not permitted on the parts of the property identified in the Flussig Engineers flood report for 223 Carlton River Road, Carlton as prone to inundation (figure 5).



37. The existing septic tank systems on lot 1, 2 & 25 are to be removed and decommissioned, including the absorption trenches, to the satisfaction of the Manager Health & Compliance.

**NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT**

Legal

- The permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the Land Use Planning and Approvals Act 1993.
- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.
- Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.

Asset Protection

- In accordance with the Local Highway Bylaw 2 of 2015, the owner is required to repair any damage to any Council infrastructure caused during construction.
- Council recommends contacting Dial-Before-You-Dig (phone 1100 or [www.1100.com.au](http://www.1100.com.au)) before undertaking any works.

Other Approvals

- All stormwater management measures and designs on the endorsed plans and documents, together with any related permit condition, constitutes General Managers consent under section 14 of the *Urban Drainage Act 2013*.
- This permit does not imply that any other approval required under any other by-law or legislation has been granted.

Generally

- Requirements for works or other outcomes to the satisfaction of the General Manager will be delegated to the appropriate officer for determination.



- All engineering related queries should be directed to the Development Engineer. The Council General Manager has delegated functions relevant to the permit to the Development Engineer.
- Sealing of a final plan of survey is subject to a prescribed Council fee at the date of lodgement of the final plan or survey. Land Title Office fees must be paid directly to the Recorder of Titles.
- The final plan of survey is inclusive of any schedule of easement and Part 5 Agreement.
- The final plan of survey will not be sealed until all works required by this permit are complete. On lodgement of the final plan of survey, inspections will be undertaken ,unless otherwise advised by the developer, and additional inspection fees will apply to incomplete or substandard works.

#### Street Naming

- The developer may suggest street names. Suggestions should be received three months prior to sealing the final plan of survey and be made in writing to the General Manager. Street names must be consistent with Tasmanian Place Naming Guidelines, May 2021. Please refer to <https://nre.tas.gov.au/land-tasmania/place-naming-in-tasmania>

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: ☎(03) 6165 6790 or email [resourceplanning@tascat.tas.gov.au](mailto:resourceplanning@tascat.tas.gov.au)

#### Executive Summary

Application is made for a Twenty-Five (25) Lot Residential Subdivision at 223-227 Carlton River Road, Carlton River and adjoining footway to Terry Street. The 4ha parent property is zoned low-density residential and surrounded by existing subdivided lots in the 700 to 1000 sqm range.

The site has three (3) property titles currently occupied by a residential dwelling, hall, and vacant commercial tenancy (Opp Shop).

The key planning considerations relate to:

- Lot Design
- Access
- Services

The development will result in a new cul-de-sac road accessed via Carlton River Road to the north, with pedestrian connectivity provided to the southeast. The proposed road and footpath development supply limited lateral (east-west)

movement between the surrounding existing fragmented cul-de-sac road structure.

The site is currently dominated by established native mature trees with domesticated grass floor cover.

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme - Sorell* and is recommended for conditional approval.

**Relevance to Council Plans & Policies**

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal includes transferring to the Council new road, stormwater, and footpath assets. This report considers the design and construction standards for these assets.
Risk Management Strategy 2018	The Council must determine this application in its capacity as a planning authority. Due diligence has been exercised in preparing this report, and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposed subdivision is assessed in accordance with the Public Open Space Policy.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	The subdivision and future housing will require the clearance of native vegetation. The native vegetation is not identified in the Priority Vegetation Area Overlay and as such the Natural Assets Code of the Tasmanian Planning Scheme does not apply and Council approval is not required for this clearance.

**Legislation**

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.
- The planning authority has a specific role in LUPAA. As noted by the Tribunal:



*The role of the Council in relation to planning matters is, in very broad terms, to uphold its planning scheme. In that context it is in a sense, blind to everything but the terms of the Scheme. It cannot put economic advantage or perceived community benefits over the terms of the Scheme. And in the context of enforcement proceedings unless expressly authorised to do so, it may not take any approach which is inconsistent with the terms of its Scheme.*

**Planning Scheme Operation – for Zones, Codes and site specific provisions**

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

**Referrals**

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Yes	Nil
Environmental Health	Yes	Yes	Yes	Nil
Plumbing	No	-	-	-
NRM	Yes	Yes	No	As per the Bushfire report, lots 1-11 and 24-25 will maintain BAL 19 and rest will maintain BAL 12.5 following Hazard Management Areas recommendations (section 5.2). The recommendations are to maintain all vegetation below 100mm within 60 plus metres of building areas (remove any large trees from the building of at least 4 times



				the mature height and remove shrub up to 2 metres). Keeping local character is important in that area otherwise will lose habitat corridor for wildlife passing north south of the lots.
TasWater	No	-	-	-
TasNetworks	Yes	Yes	Nil	Nil
State Growth	No	Yes	Nil	Nil

**Report**

**Description of Proposal**

The proposed 27-lot subdivision comprises 25 residential lots, 1 road lot, and 1 walkway lot to the adjoining footway to Terry Street. The 4ha parent property is zoned low-density residential and surrounded by existing subdivided lots in the 700 to 1000 sqm range.

Lot 26 will contain a 25.5m x 14.5m drainage basin and perimeter fence. The perimeter fence is necessary due to 1:2 grades within the basin. All stormwater other than for lots 11-14 will be directed via the detention basin which ensures that the downstream infrastructure running from Terry Street to Snake Hollow is not adversely impacted. In greater than 5% AEP events, the footway to Terry Street will act as an overland flow path (Drawing C-201).

Council staff have also discussed the opportunity to re-route Renmore Court drainage through the site. Renmore Court drains to Carlton River Road where it pools due to poorly designed infrastructure. This would require Council installing a culvert under Carlton River Road on the Dodges Ferry side of Renmore Court and potentially new stormwater mains. The subdivision design is based on the existing conditions and Council may also need to contribute to infrastructure upgrades within the site.

The proposed road is a 5.5m wide seal with one-way crossfall and 0.5m wide shoulders. To both sides of the road, a 3.6m wide open drain is proposed with 1:3 grades and a depth of 0.6m. The drains are lined with 100mm rock armouring to prevent scouring or erosion due to the slope of the site. A 1.2m concrete footpath is proposed to one side.

The site has three (3) property titles currently occupied by a residential dwelling, hall, and vacant commercial tenancy (Opp Shop).

The application is supported by:

- Planning Assessment cover letter ('supporting report') dated July 2023;
- Subdivision Proposal Plan from Woolcott Surveys dated 12/07/2023;





- Bushfire Hazard Report from Woolcott Surveys dated May 2023;
- Preliminary Engineering Design from Flussig Engineers;
- Flood Report from Flussig Engineers dated 01/07/2023;
- Onsite Wastewater Report Geo-environmental Solutions dated July 2023;
- and
- Traffic Impact Assessment dated July 2023.



Figure 2. Subdivision Plan.



### Description of Site

The site is a 3.97 hectare lot containing a number of existing buildings. Originally, the site was a campground. The site falls from north to south and contains native vegetation throughout. Adjoining land is established low-density residential development.

The site is unserviced. Carlton River Road is a sealed public road and the speed limit is set at 60 km/hr.



Figure 2. Subject site.

## Planning Assessment

### Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
10.6.1 – A1	Lot Design (Site Area)	<b>No</b> , all lots not including Lots 1 (1819m <sup>2</sup> ), 2 (2496m <sup>2</sup> ) and 3 (1705m <sup>2</sup> ) are less than 1500m <sup>2</sup> . Refer to the performance criteria assessment below.
10.6.1 – A2	Lot Design (Frontage)	<b>No</b> , as multiple lot frontages are less than 20m. Refer to the performance criteria assessment below.
10.6.1 – A3	Lot Design (Vehicle Access)	Complies, all proposed lots will have vehicle access according to Council requirements as the road authority.
10.6.2 – A1	Roads (New Road)	<b>No</b> , there is no acceptable solution for new roads. Refer to performance criteria assessment below.
10.6.3 – A1	Services (Water Supply)	Not Applicable, No water supply service within proximity.
10.6.3 – A2	Services (Reticulated Services)	<b>No</b> , as the site does not have a connection to a reticulated sewerage system. Refer to the performance criteria assessment below.
10.6.3 – A3	Services (Stormwater)	Yes, All lots will be connected to the public stormwater system. A new stormwater main is part of the application and is to be provided on the site's western side, as well as roadside drainage for the new cul-de-sac road. Stormwater detention is provided in the cul-de-sac head before discharge to the existing DN375 line, which runs down the pedestrian walkway to the southeast. The stormwater solution has been assessed against stormwater management best practices and the State Stormwater Strategy to ensure the post-development flows meet specified standards per the stormwater management plan by that supplied Flussig.

### Performance Criteria Assessment 1 – Clause 10.6.1 P1 Site Area

*Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:*

- a) the relevant requirements for development of buildings on the lots;*
- b) the intended location of buildings on the lots;*
- c) the topography of the site;*
- d) adequate provision of private open space;*
- e) the pattern of development existing on established properties in the*





*area; and*

*f) any constraints to development,*

*and must have an area not less than 1200m<sup>2</sup>.*

The performance criteria are applicable as all lots, not including Lots 1 (1819m<sup>2</sup>), 2 (2496m<sup>2</sup>) and 3 (1705m<sup>2</sup>), are less than 1500m<sup>2</sup>. It is considered that the performance criteria are satisfied:

- a) The lots are generally regular in shape, allowing for a standard dwelling to be constructed centrally on each lot. Future dwellings can meet the side and rear setback requirements of 5m. Existing buildings will have reduced setbacks to proposed boundaries, however, the buildings are existing, and setbacks are consistent with those seen in the surrounding area.
- b) The subdivision provides appropriately sized lots, allowing dwellings to be constructed in a suitable location. The intended location of dwellings on each lot is within a position where the relevant dwelling setbacks can be achieved.
- c) The site has a slight fall to the south, however, the topography doesn't meaningfully impact where dwellings will be built or its intended use.
- d) Each lot is large enough to provide private open space. Lot 1 and lot 25 retain sufficient area around the dwellings for this purpose.
- e) The subject site is surrounded by established residential properties. The development pattern on those lots is mixed, and future dwelling development within the proposed subdivision layout is not considered to fracture the established built-form neighbourhood layout. Many dwellings are constructed near property boundaries without lateral road corridor access. The proposed subdivision can be considered consistent with the surrounding area and established subdivision model.
- f) The subdivision has demonstrated that each lot can provide on-site wastewater. A flood report has been provided, demonstrating that there are no constraints to development. Bushfire can be managed with the majority of the lots classified as BAL Low or BAL 12.5.

Performance Criteria Assessment 2 – Clause 10.6.1 P2 Frontage

*Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:*



- a) *the width of frontage proposed, if any;*
- b) *the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;*
- c) *the topography of the site;*
- d) *the functionality and useability of the frontage;*
- e) *the ability to manoeuvre vehicles on the site; and*
- f) *the pattern of development existing on established properties in the area,*
- g) *and is not less than 3.6m wide*

The performance criteria is applicable as Lots 13, 14 and 15 have frontage to the proposed new road that are less than 20m. It is considered that the performance criteria is satisfied given:

All lots are for proposed inherently for residential use, providing direct frontage to a proposed road. The reduced frontages are greater 3.6m in width, and are deemed sufficient for the intended residential use of the site and vehicle access.

While proposed lots 13, 14 and 15 are not considered internal lots, the layout would not result in a pattern of development that is inconsistent with the surrounding area.

*Performance Criteria Assessment 3 – Clause 10.6.2 P1 Roads*

*The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:*

- (a) any relevant road network plan adopted by council;*
- (b) the existing and proposed road hierarchy;*
- (c) the need for connecting roads and pedestrian paths, to common boundaries with adjoining land, to facilitate future subdivision potential;*
- (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;*
- (e) minimising the travel distance between key destinations such as shops and services and public transport routes;*
- (f) access to public transport;*
- (g) the efficient and safe movement of pedestrians, cyclists and public transport;*
- (h) the need to provide for bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016;*
- (i) the topography of the site; and*
- (j) the future subdivision potential of any balance lots on adjoining or adjacent land.*

Unfortunately, a formal road network plan and bilateral road connections are no longer feasible given the established surrounding cul-de-sac road structure and associated lot layout.

Considering the above, the proposed new road will access onto Carlton River Road and is the only reasonable way to develop the site for subdivision. There is limited pedestrian and cycling infrastructure in this part of Carlton, however, wide verges along Carlton River Road allow for pedestrian movements within the road reserve.

A pedestrian link is provided in the south east of the site, which will connect to an existing footway between adjoining cul-de-sacs. Given the subdivision is an infill development within an established poor subdivision layout surrounded by established residential land, the potential for connectivity is minimal.

The road layout allows pedestrians and cyclists to move, typical of the surrounding area.

There is no specific cycling infrastructure provided in the surrounding road network and the topography of the site has no bearing on road layout or connectivity factors.

Performance Criteria Assessment 4 – Clause 10.6.3 P2 Services

*Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.*

Performance criteria is relied upon due to the site not having a connection to a reticulated sewerage system. The Geo-environmental Solutions design report has provided an onsite wastewater report and is submitted as part of the application. The report demonstrates that each lot can accommodate an onsite wastewater treatment system adequate for future use and development of the land.

**Code**

**Road and Railway Assets Code**

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1	Traffic generation	<b>No</b> , traffic will increase by more than 40 movements per day. Refer to Performance Criteria assessment below.



Performance Criteria Assessment 5 – Clause C3.5.1 P1 Traffic Generation

*Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:*

- (a) any increase in traffic caused by the use;*
- (b) the nature of the traffic generated by the use;*
- (c) the nature of the road;*
- (d) the speed limit and traffic flow of the road;*
- (e) any alternative access to a road;*
- (f) the need for the use;*
- (g) any traffic impact assessment; and*
- (h) any advice received from the rail or road authority.*

The traffic impact assessment demonstrates that the above performance criteria is satisfied.

**Flood Prone Areas Hazard Code.**

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C12.7 A1	That subdivision within a flood-prone hazard area does not create an opportunity for use or development that cannot achieve a tolerable risk from flood.	The flood-prone areas hazard code applies due to a small amount of land mapped on an overlay map within a flood-prone hazard area. A flood report has been provided by Flussig Engineers and is submitted as part of the application. The report confirms that the proposed development will meet the current acceptable solutions and performance criteria under the <i>Tasmanian Planning Scheme – Sorell</i> .

**Bushfire-Prone Areas Code**

The proposal complies with the code through the provision of an accredited persons bushfire hazard report, which s52(2)(d) of LUPAA requires the planning authority to accept.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C13.6.1 A1	Provision of hazard	Yes, the Bushfire Report and Bushfire Hazard Management Plan (BHMP) have been provided with the application. The report has been completed by an



	management areas	accredited person (accreditation number BFP 157) and provides a certificate of compliance in accordance with the prescribed requirements.
C13.6.2 A1	Public and firefighting access	Yes, the proposed plan of subdivision and BHMP demonstrate that the layout of roads will comply with Table C13.1. There are no proposed fire trails. Future development of the land will need to ensure that compliant access is provided. A future dwelling on the new lots must comply with Table C13.2. The BHMP is certified by a relevant accredited individual.
C13.6.3 A1	Provision of water supply for fire fighting purposes	Not applicable. The subdivision is not located within an area serviced by reticulated water.
C13.6.3 A2	Provision of water supply for fire fighting purposes	Yes, the proposed subdivision plan demonstrates that a static water supply can be provided and located in compliance with Table C13.5. The existing dwelling on lot 1 is required to provide a compliant water supply in accordance with Table C13.5 of the Scheme.

**Public Open Space Policy**

Broadly, there are three considerations for public open space (POS) within a subdivision under this policy; being:

- whether POS land should be taken for a park or other purpose;
- whether POS land should be taken for connectivity; or
- if no POS land is proposed or taken, what rate of a cash in lieu contribution should apply.

Section 5.2 of the public open space policy outlines criteria to assess if land should be taken for a park or other purpose. Among other matters, this section has regard to any related Council policy, whether the land is conveniently located with respect to the wider area along with existing POS and any alternatives, whether the land would contribute to Council’s ability to support a diversity of recreational activities and the demand created. The following table provides section 5.2 in full, along with an assessment for the subdivision:

Land may be taken for the purposes of POS provided that:	
Policy	Assessment
(a) a Council policy specifically identifies it as being required	Council has not specifically identified additional POS in the area.
(b) securing the land would be consistent with one or more the following principles:	
(i) it would further the objectives of any adopted Council policy	Councils Public Open Space Strategy encourages the enhancement of Snake



	<p>Hollow and does not seek to increase the amount of POS land in the area. With respect to Snake Hollow the strategy notes:</p> <ul style="list-style-type: none"> <li>• “Taking the lead from the community, investment in nature based facilities in strategic locations (such as Snake Hollow) would be appropriate and consistent with the character of the area”</li> <li>• “Develop a park plan for Snake Hollow to work towards improved investment and usability of the park.”</li> <li>• “Provide for improved signage and basic infrastructure to increase usability of the park and its role as a connecting area of open space for the community.”</li> </ul> <p>A park plan is, subject to budget approval, to be undertaken in 2024-2025 along with an assessment of the site for wastewater management to confirm the suitability of a public toilet.</p> <p>Council’s Long-Term Financial Plan has provision for a public toilet at Snake Hollow.</p>
<p>(ii) the land is the best location for POS in the wider area where the subdivision is located and there is low likelihood of alternative sites</p>	<p>A general urban design principle is to provide some form of public open space within 400m of residential lots. Snake Hollow satisfies this principle with respect to the subject site.</p> <p>The site cannot be described as a central location at present and is close to the former reserved residential area west of Convoy Road. If the former reserved residential area is released for development, open space will be taken.</p>
<p>(iii) the land is convenient, accessible and fit for purpose (i.e. useable and not overly constrained by topography, shape, natural hazards or infrastructure) and does not duplicate nearby POS</p>	<p>The site is not overly constrained but does represent a duplication of nearby POS. A POS lot within the site would need to be located at the corner of the subdivision road and Carlton River Road as in any other location the POS would not be fit for purpose due to Crime Prevention for</p>

	Environmental Design (CPFED) principles that discourage inwards facing POS assets.
(iv) the land would provide or improve accessibility through the site or surrounding area	The subdivision design includes connectivity from Carlton River Road to Terry Street.
(v) the land would provide or improve connectivity to and between existing POS	The subdivision design includes connectivity from Carlton River Road to Terry Street.
(vi) the land would provide or improve connectivity to and between existing and prospective POS environments/requirements/plans	The subdivision design includes connectivity from Carlton River Road to Terry Street.
(vii) the land would enhance the general amenity and urban character of the area	All POS has a positive effect on the amenity and character of the area provided that it is well developed, used and maintained.
(viii) Securing the land would protect areas of locally significant natural/environmental or cultural value.	As noted above, the only potential location is the corner of the subdivision road and Carlton River Road. There are no natural values in this location.
(c) the land can be developed and maintained within Council's resources having regard to Council's asset management plan	The maintenance and capital expenditure on an additional POS asset have not been factored into the long-term financial plan.
(d) the size, shape and location of land is consistent with established Crime Prevention through Environmental Design (CPTED) Principles	As noted above.
(e) the land is not unreasonably constrained by land hazards	No unreasonable constraints apply to the site.
(f) an assessment is undertaken by Council in relation to the need for POS in accordance with the following considerations:	
(i) the existing provision of POS in the vicinity of the subject area	Snake Hollow is a 340m walk from the site.
(ii) the demand for land created by the subdivision	The development will increase the demand for POS although this demand can be adequately managed through upgrades of Snake Hollow and the proximity to the coastline.
(iii) whether the land is conveniently located to service existing or future users	The site is not central to the majority of dwellings and much of the walkable catchment is currently undevelopable former reserved residential land.
(iv) the biodiversity value, extent and condition of existing vegetation/habitat	As noted above.
(v) whether the land is fit for propose in terms of size, shape, topography,	As noted above.

gradient, infrastructure, conservation covenants or other encumbrances	
(vi) the extent to which the land contributes to Council's ability to support a diversity of recreational activities	Five percent of the site would provide a POS lot smaller than the usable area of Snake Hollow and not demonstratively lead to a more diverse range of options.
(vii) the best location for POS in the wider area where the subdivision is located and the likelihood of alternative sites	Snake Hollow is more centrally located to the majority of residents.
(viii) the land's vulnerability to natural hazards	As noted above.
(ix) anticipated service life/longevity due to sea level rise.	Not applicable.

In short, taking land would increase the amount of POS land in the area but not demonstratively improve the usability of the POS network. It would shift resources away from upgrading existing POS and directly increase to the cost of maintaining and developing the POS network such that necessary amenities in the locality become unaffordable. The appropriate option is to require a cash-in-lieu contribution of 5% and invest that contribution along with existing Council funds into Snake Hollow.

Where land is not taken, a cash contribution is required. Section 6.4 of the policy states:

*In determining the percentage of a cash in lieu contribution, the following criteria must be considered:*

- (a) *the existing provision of POS in the vicinity of the subject area;*
- (b) *the extent to which the newly created lots will impact upon demand for POS; and*
- (c) *the size of the newly created lots and the extent to which the lots can provide for their own recreational opportunities.*

The public open space strategy supports investment at Snake Hollow which is within walking distance of that existing POS. Future residents will increase demand on Snake Hollow and have convenient access to Snake Hollow. It is considered reasonable that the maximum 5% contribution apply in this instance.





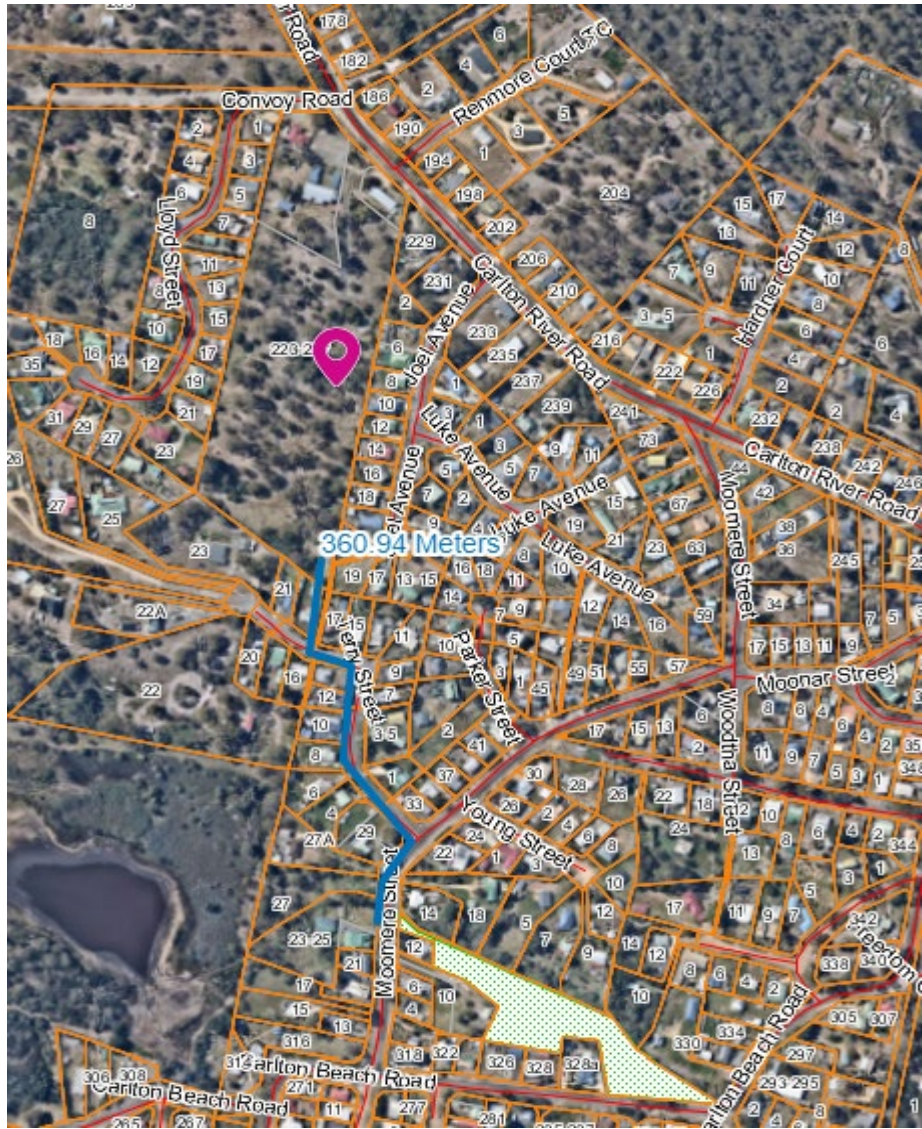


Figure 2. Context.

**Representations**

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but ‘only insofar as each such matter is relevant to the particular discretion being exercised’.

Four (4) representations have been received, which are addressed in the following table.

Issue	Relevant Clause	Response
Additional traffic will increase congestion and adversely impact traffic safety including to children who ride	C3.5.1 A1.4/P1	The proposal is unlikely to have adverse traffic safety impacts noting that: <ul style="list-style-type: none"> <li>• The speed limit is 60 km/hr;</li> <li>• Each lot has compliant sight distance;</li> </ul>

<p>their bikes around the area.</p>		<ul style="list-style-type: none"> <li>• The Department of State Growth have not identified any issues;</li> <li>• Council’s Development Engineer has not identified any issues;</li> <li>• A traffic impact assessment (TIA) was completed and submitted as part of the DA. The TIA confirmed the surrounding road network had sufficient capacity to deal with additional traffic generated as a result of the subdivision;</li> <li>• The subdivision will improve pedestrian connectivity by providing a walkway between the end of the cul de sac and Terry Street to the south. This connection will provide a link for residents to gain convenient access through to Snake Hollow and Carlton Beach to the south.</li> </ul>
<p>Stormwater will be an issue for Terry Street. Table Drains not sufficient for 25 lots. The subdivision requires piping to Council pits.</p>	<p>10.6.3 A3/P3</p>	<p>Stormwater from the development can be managed adequately noting that:</p> <ul style="list-style-type: none"> <li>• A stormwater management plan (SWMP) and preliminary servicing design was submitted as part of the application.</li> <li>• The development proposes a combination of roadside swale drains, a piped DN300 drainage system, and a bioretention pond to provide detention for a 1% AEP event.</li> <li>• Roof runoff will principally be retained for re-use.</li> <li>• The SWMP has provided a comparison of post development peak flows, and confirmed that the development complies with stormwater management best practices and the State Stormwater Strategy.</li> <li>• The post development flows comply with the specified standards, and will not exceed pre development flows currently leaving the site, as per Councils requirements.</li> <li>• Based on the proposed infrastructure included with the subdivision, stormwater in Terry Street will not be detrimentally impacted as a result of the subdivision.</li> <li>• Councils engineering officers have reviewed the proposal and confirmed they are satisfied with the proposed design.</li> </ul>
<p>Concerns around removing vegetation</p>	<p>Nil</p>	<ul style="list-style-type: none"> <li>• The subject site is not mapped as priority vegetation under the Natural Assets Code</li> </ul>



<p>for birds and humans to enjoy, leaving areas and space for a pleasant environment. Concerns about the site containing threatened vegetation.</p>		<p>of the Tasmanian Planning Scheme (the scheme).</p> <ul style="list-style-type: none"> <li>• In the absence of the Natural Assets Code applying, there are no relevant criteria under the scheme to assess the removal of native vegetation in the low-density residential zone.</li> </ul>
<p>The retention pond does not look appealing, safe, or family friendly.</p>	<p>10.6.3 A3/P3</p>	<ul style="list-style-type: none"> <li>• The bioretention stormwater basin proposed is typical and appropriate to similar established practices to ensure appropriate stormwater management controls are in place. The stormwater detention basin will be taken over by the Council and managed as part of their asset infrastructure and, as such, must comply with council engineering requirements and constraints.</li> <li>• The detention basin will be fenced; however, it is not intended to serve the community as a park or play area for residents.</li> </ul>
<p>Community survey on public open space in the area outlining support for additional public open space and the type of infrastructure that would be appropriate.</p>		<p>Please refer to the earlier section on public open space.</p> <p>The survey provides a range of useful information to support a park plan for Snake Hollow.</p>

**Conclusion**

The application is considered to comply with each applicable standard of the Tasmanian Planning *Scheme - Sorell* and is recommended for conditional approval.

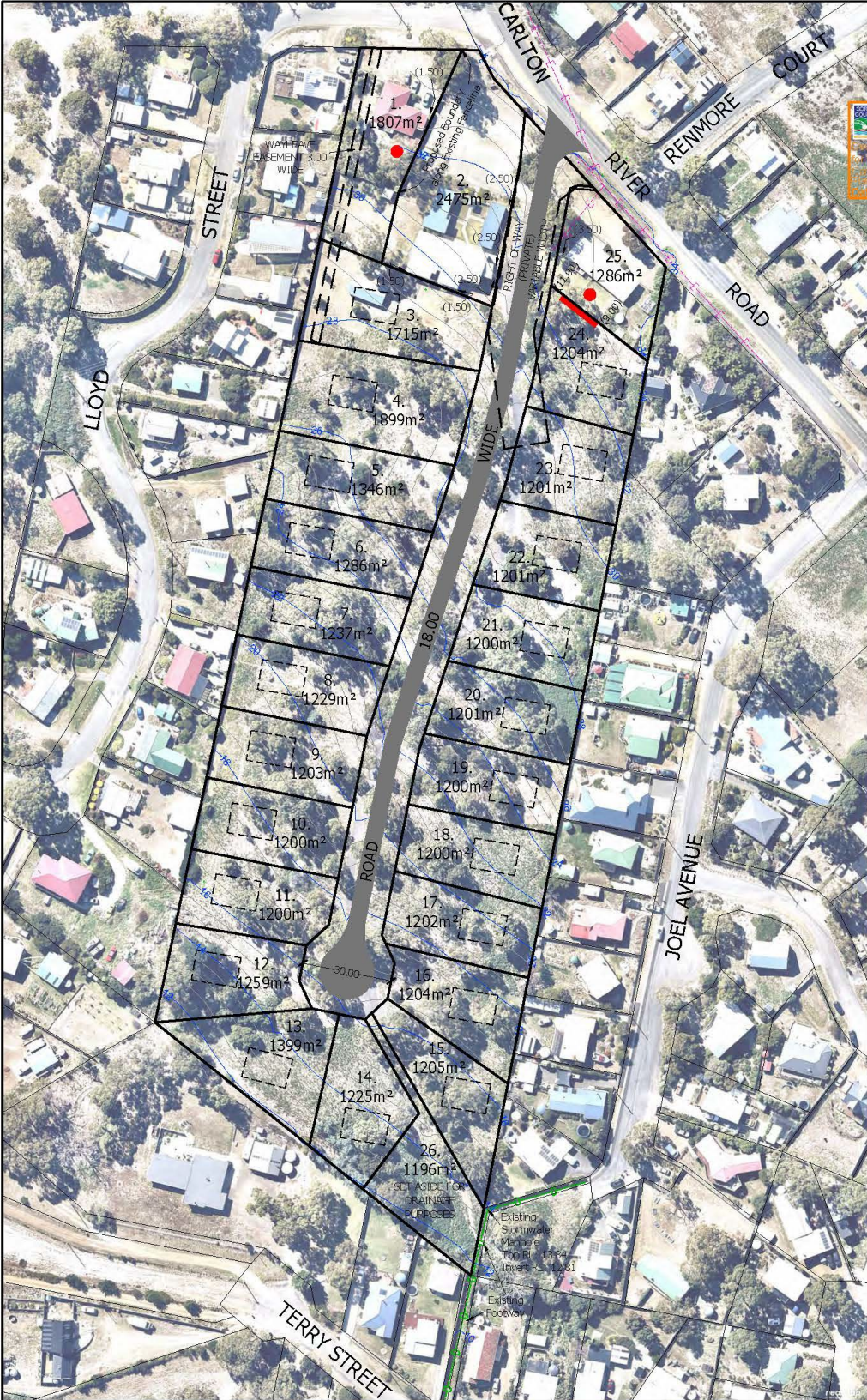
**Shannon McCaughey**  
**SENIOR PLANNER**

Attachments: - Proposal Plans & Representations x 4

- Separate Attachments:*  
*Bushfire Hazard Report*  
*Traffic Impact Assessment*  
*Flood Report*  
*Onsite Wastewater Assessment*  
*Stormwater Management Plan*







THIS PLAN HAS BEEN PREPARED TO ACCOMPANY A PLANNING APPLICATION TO COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

**Sorell Council**  
 Development Application: Response to Request for Information - 223-227 Carlton River Road, Sorell, Tasmania  
 Date Received: 15/03/2024

**LEGEND:**

- LOT BOUNDARY
- INDICATIVE 10x15m BUILDING AREA
- STORMWATER MAIN
- ELECTRICITY LINE OVERHEAD
- PROPOSED ROAD
- EXISTING SEPTIC TANK
- EXISTING ABSORPTION TRENCH

NOTE: Refer to onsite wastewater report by Geoenvironmental Solutions for further information on existing wastewater infrastructure.

NOTE: Dimensions in brackets are setbacks from existing buildings to the proposed lot boundaries.

NOTE: Contours shown have been derived from a combination of survey data and lidar data obtained from Geoscience Australia.

- Notes:
1. All dimensions and areas are approximate only and subject to survey.
  2. Horizontal datum is plane based on MGA/2020.
  3. Vertical datum is AHD/83.
  4. Contour interval is 0.5m, index is 2.0m.
  5. Not all services have been measured by this survey and some are shown for diagrammatic purposes only.

**PROPOSED SUBDIVISION**  
**25 LOTS & 1 ROAD**  
 223 CARLTON RIVER ROAD, CARLTON  
 C.T.126930/1, C.T.126929/1 & C.T.126929/2

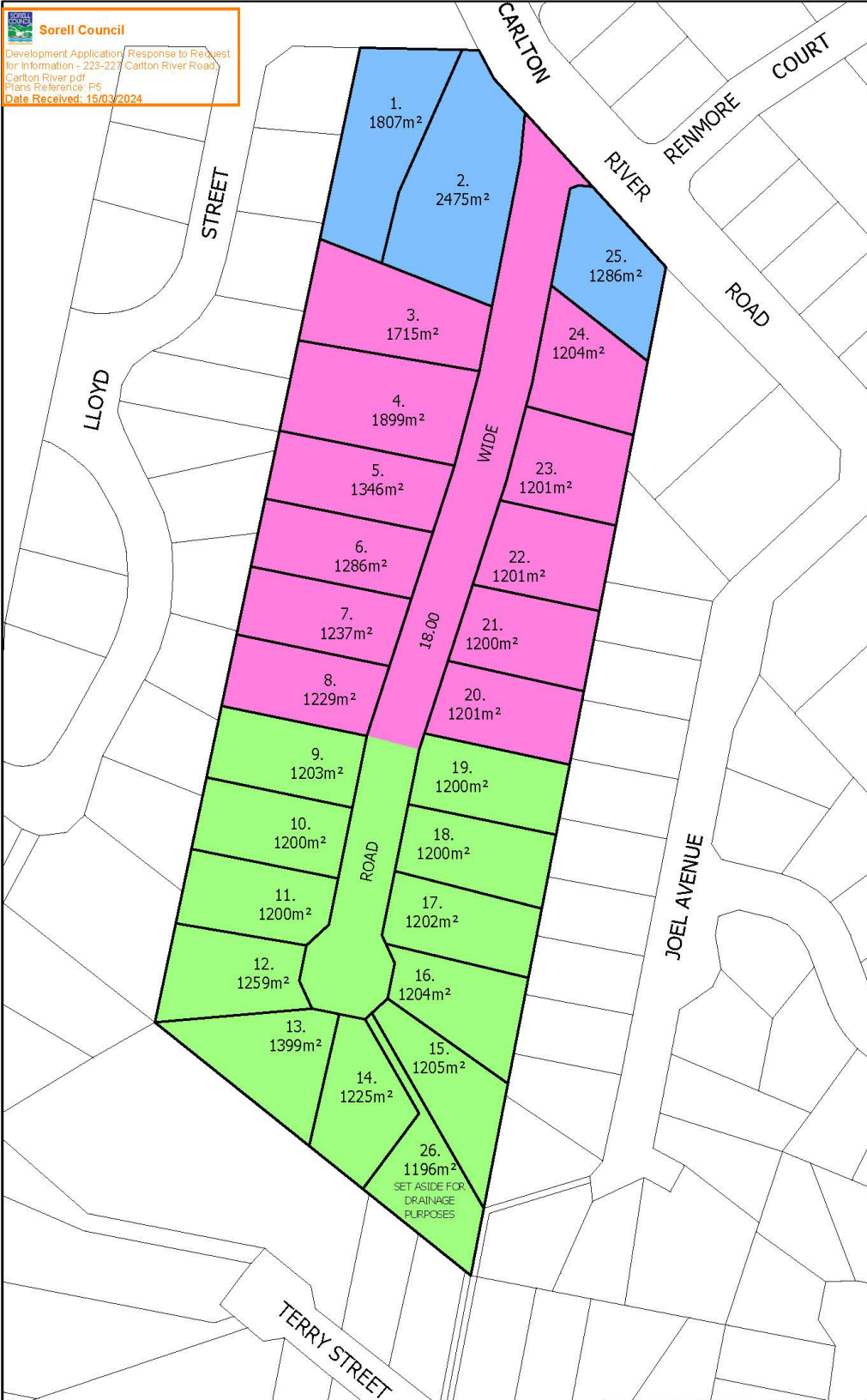
<p><b>WOOLCOTT SURVEYS</b></p>	Rear Studio, 132 Davey Street Hobart TAS 7000 Phone (03) 6227 7968 Email: admin@woolcottsurveys.com.au		Job Number L210420
	Drawn BMW	File Name L210420_PROPOSALPLAN.DWG	Date 08/03/24
			Edition V.04
			Sheet 1/2





**Sorell Council**  
 Development Application / Response to Request  
 for Information - 223-227 Carlton River Road  
 Carlton River.pdf  
 Plans Reference: P5  
 Date Received: 15/03/2024

THIS PLAN HAS BEEN  
 PREPARED TO ACCOMPANY  
 A PLANNING APPLICATION  
 TO COUNCIL AND SHOULD  
 NOT BE USED FOR ANY  
 OTHER PURPOSE.



**LEGEND:**

- LOT BOUNDARY
- STAGE 1
- STAGE 2
- STAGE 3

**Notes:**  
 1. All dimensions and areas are approximate only and subject to survey.  
 2. Horizontal datum is plane based on MGA/2020.  
 3. Vertical datum is AHD/83.  
 4. Contour interval is 0.5m, index is 2.0m.  
 5. Not all services have been measured by this survey and some are shown for diagrammatic purposes only.

**PROPOSED SUBDIVISION STAGING PLAN**  
 223 CARLTON RIVER ROAD, CARLTON  
 C.T.126930/1, C.T.126929/1 & C.T.126929/2

 <b>WOOLCOTT SURVEYS</b>	Rear Studio, 132 Davey Street Hobart TAS 7000 Phone (03) 6227 7968 Email: admin@woolcottsurveys.com.au		Job Number L210420		
	Drawn BMW	File Name L210420_PROPOSALPLANDWG	Date 08/03/24	Scale 1:1250 @ A3	Edition V.04



**From:**  
**To:** [Sorell Council](#)  
**Subject:** subdivision  
**Date:** Friday, 29 March 2024 10:27:03 AM

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Hi the application for the new subdivision at 223/227 Carlton river rd the storm water is going to be an issue to terry street. Table drains are not enough for 25 lots. This needs piping to council pits ie if there is a working one in terry street. Cheers

**From:**  
**To:** [Sorell Council](#)  
**Subject:** Representation against Carlton Application Plan  
**Date:** Wednesday, 10 April 2024 12:25:56 PM

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To whom it may concern,

I am writing to you for a representation of reasons against the proposed subdivision plan, subdivision application 223-227 Carlton River Road, Carlton. As I live right behind the lot this is an extremely relevant representation to me as well as others on Joel Ave and the other adjacent properties to the lot.

Firstly, I would like you to consider the importance of having a multispecies environment for maintaining health biodiversity for nature and health and community benefits for humans. This means not cutting down all the trees for birds and humans alike to enjoy, and not have as many subdivisions, leaving areas and space for a pleasant environment.

This is already a built-up area of the neighbourhood, that is why it is important to consider how it would look and feel for the neighbourhood. The retention pond area as viewed in the planning application, did not look particularly appealing, safe and family friendly as a neighbourhood area, and a park which incorporates natural bio habitat of the land would be a better plan for this location. People in this area enjoy living by the beach and the beautiful gumtrees, it would be a shame to exploit this lot for housing subdivision without considering the natural environment we are all here for.

As this is a family neighbourhood, having as many as 25 lots would put pressure on the congestion of traffic, adding to numbers of cars. Many children ride their bikes around the neighbourhood and many people stroll with their children as well, the traffic would be hazardous and impact the environment of the neighbourhood.

I hope you take my representation into account regarding the proposed application.

Yours sincerely,



Representation regarding Development 7.2023.17.1 Subdivision Application 223-227  
Carlton River Road, Carlton – Representation Close Friday 12th April 2024.

Version 2

15/04/24

### **Recommendations**

Considering the lack of community input into the Council Open Space Strategy, significant consideration should be given to the results of the community survey when deciding on the establishment of a new park in Carlton

Given that many Carlton residents live significantly further than 400m away (the desirable distance between residents and open space) from the existing snake hollow park, this provides justification for a new Park in Carlton.

An overwhelming majority of residents (99%) would like a new Park in Carlton

An overwhelming majority of residents (98%) believe they should be involved in the decision making process.

**Given the information above, there needs to be a new park in Carlton or land set-aside for a future public park as part of the subdivision.**

There needs to be at least one park in Carlton that has:

- One public toilet.
- A BBQ with picnic table.
- Undercover area/s.

There is merit in the idea of using a proportion of the funds to upgrade Snake Hollow **however** there needs to be a new park in Carlton as part of the subdivision.

There is also strong community support for

- Native garden and shady trees
- Open Green space

The community must be engaged to **lead the design** of any new park and the upgrade of existing facilities. It must ensure it engages local residents from all different backgrounds demographics.

If resources are limited, land can be set aside for a park and left as open space as a first stage with the community working towards designing and funding the building of the infrastructure at a future date.

When the land has been set aside for a new park, the Council should carry out a process to create a vision for what infrastructure should be installed across both the new park and snake hollow park. It should be viewed together as a complete strategy with community designing what it looks like.

### **Community Survey**

I developed a survey that was designed to gather community feedback in relation to Council providing a park as part of subdivision application 7.2023.17.

The Survey can be found here: <https://forms.gle/2VhJrnvwTQCFhYkB8>

The survey was shared via to the local facebook community group “southern beaches community group” and a paper copy delivered to letterboxes of Carlton residents.

The survey had a total of 200 respondents with 141 residents of Carlton (Approx 21% of Carlton voters based on the 2021 census).

### **The Council Open Space Policy**

The Council Open Space Strategy was developed in 2023 with very little community consultation. Approx 70 people attended the in-person forums and they had 69 respondents to their online survey.

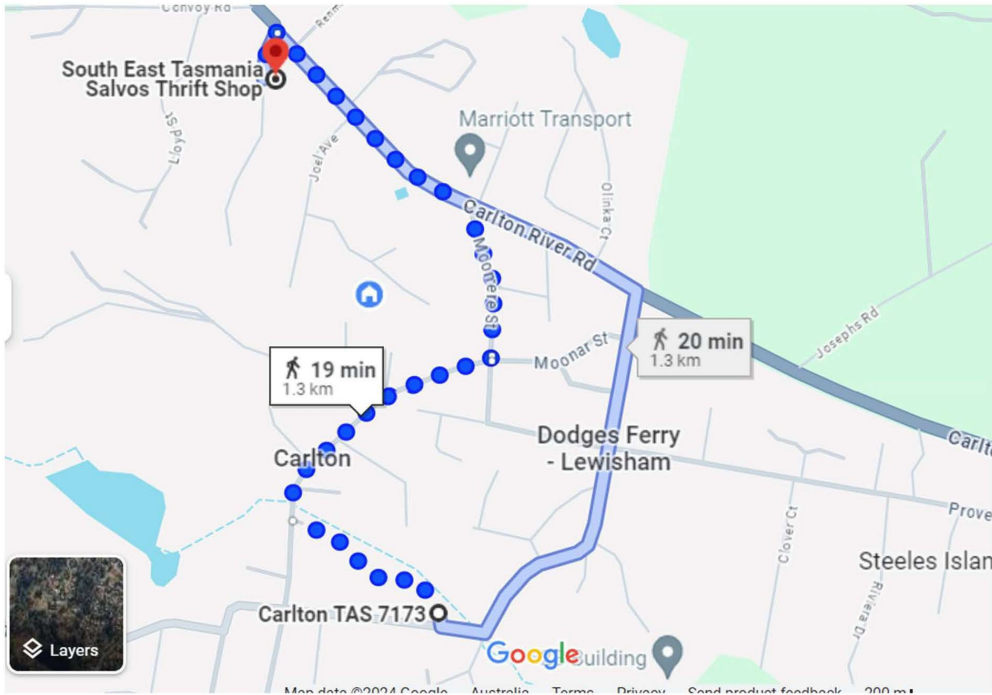
### **Considering the lack of community input into the Council Open Space Strategy, significant consideration should be given to the results of the community survey when deciding on the establishment of a new park in Carlton**

The Council Open Space Strategy specifies “400 m to open space for social/family recreation” as a “desirable distances between residential areas and open space”.

According to google maps (see figure below), the distance between a potential new park in Carlton and the other park in Snake Hollow park in Carlton is 1.3km.

**Given that many Carlton residents live significantly further than 400m away (the desirable distance between residents and open space) from the existing snake hollow park, this provides justification for a new Park in Carlton.**

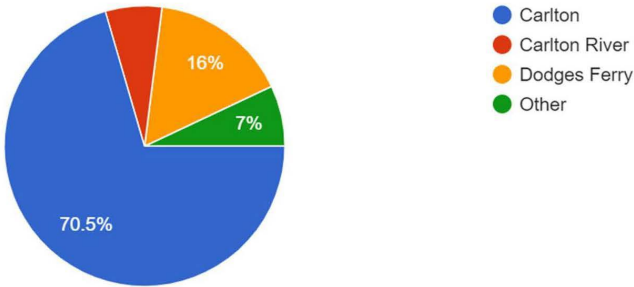




**Survey results**

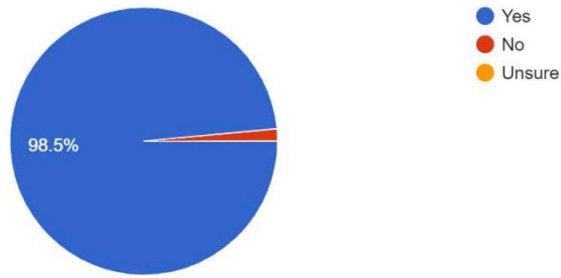
Suburb where you live

200 responses



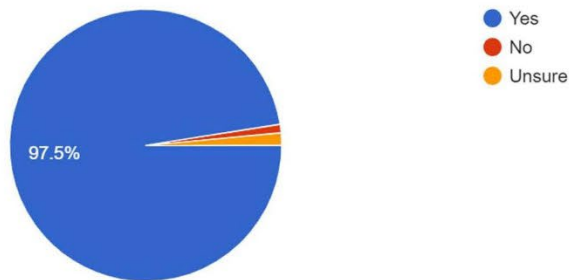
Would you like Council to provide 5% (approx 2,000m<sup>2</sup>) of the Salvo's subdivision to be set aside as a public park or reserve?

200 responses

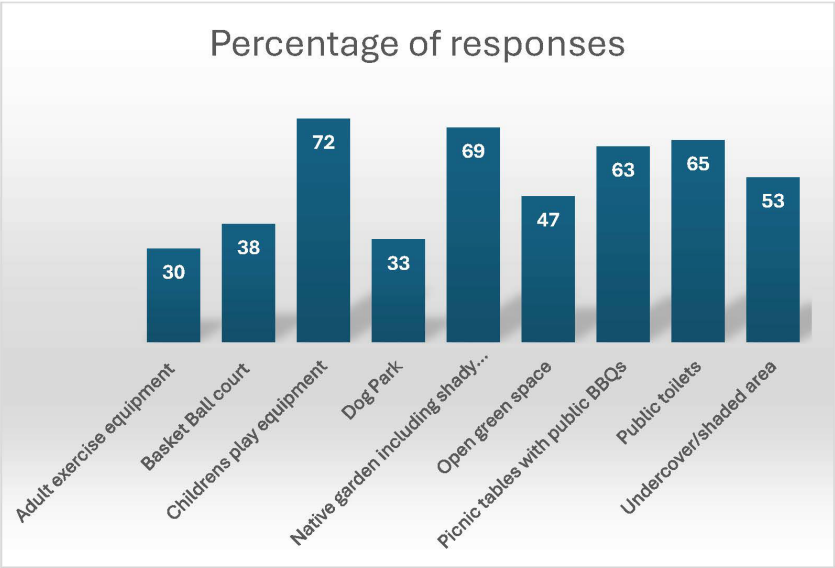


Do you think the community should be consulted on the decision to create a park and the use of the park (including installation of equipment/infrastructure)?

200 responses



If you'd like a park, what should it include (you can choose more than one)

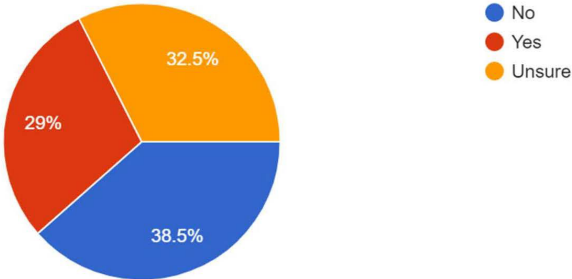


Other ideas mentioned

Blank wall for murals	Jumping pillow
Parking	Disabled toilers with MLAK lock and key
Create the reserve and then let the residents who move in decide	Netball ring
Rock climbing walls	Pergola with Garden mediation
Skate park	Paths for Prams
Pump track	Paths for wheelchairs, wheelie walkers and Prams
Childrens playground equipment for all ages	Access road path from Carlton river road to terry st
Adult equipment	Maintain the large gums on site
Mini golf course	Tennis Court

There may be an option to have a smaller park but also some funds to to begin development sooner. Would you support this option?

200 responses



**Summarised other comments****Community Need and Input:**

- Even a small park is valued in the community.
- More green space is needed, and input from the community is crucial.
- Public spaces and parks are essential for community health and engagement.
- Maintaining green space is vital, with a focus on preserving trees and native bushland.
- Community spaces like parks support healthy lifestyles and engagement.

**Park Facilities and Features:**

- Parks should cater to all users with accessible amenities and facilities.
- Suggestions for facilities include BBQ areas, shade, play equipment for all ages, picnic facilities, nature play opportunities, and areas for dogs to exercise.
- Desire for family-friendly features like baby/kids change rooms and toilets.
- Request for unique features to differentiate the park from others.

**Location and Development Considerations:**

- Need to preserve native bushland and trees.
- Consideration of the impact of development on existing infrastructure like shops and community halls.
- Support for the reuse of existing spaces, like the Salvation Army site.
- Concerns about the impact of development on stormwater management.

**Financial and Planning Considerations:**

- Discussion about the allocation of funds for park development.
- Suggestions for alternative uses of funds, such as improving existing parks like Snake Hollow.

- Consideration of financial contributions in lieu of land for park development.

**Specific Requests and Ideas:**

- Specific requests include a swimming pool, nature playground, school, adult exercise equipment, and a community mosaic project.
- Suggestions for activities like basketball and table tennis.
- Desire for a bike riding/running circuit.
- Support for maintaining and improving existing spaces like Snake Hollow.

**From:****Sent:** Friday, 12 April 2024 4:18 PM**To:****Subject:** Representation regarding DA NO: 7.2023.17.1. 223-227 Carlton River Road, Dodges Ferry

Dear Sir,

Are you aware that at least 45 mature white gums ( *Eucalyptus Viminalis*), with their priceless, irreplaceable old-growth hollows and their necessary associated understorey, along with a rich suite of Fauna, are currently flourishing on the area subject to the above proposed development? Are you also aware that Coastal *Eucalyptus Viminalis* Heathland and Woodland is a Threatened Vegetation Community now in Tasmania?

That these blocks are not included in Listmap's Threatened Vegetation Map is a grave error on the part of NRE. 223-227 CRR is richer in species than 208 Bally Park Road (which IS covered by a Threatened Vegetation layer). As NRE notes on its Listmap site, regions of Threatened Vegetation are indicative only. Meaning, there may be areas outside protected zones which may be worthy of protection, but simply have yet to be mapped.

223-227 Carlton Beach Road is too valuable to lose. We need houses, but not at every cost. The subdivision was slated long ago; long before Climate Change, extensive Habitat Loss, the Biodiversity Crash, before White Gum dieback/ginger disease began killing our trees, long before we understood the Heat Effect of suburbs, or the effect of increasing sewerage runoff on species such as the Red Handfish. And long, long before we understood the beneficial effect of green spaces on the human psyche. That the White Gums on this block are still in reasonable shape is some kind of miracle.

I grew up in Queensland, and witnessed first-hand the 'Ghetto-isation' of the Gold Coast by rampant, thoughtless development, which removed every natural area or facilitated its demise through damaging and disrespectful groundworks, which concreted every creek. It is only now that such areas have been ruthlessly subdivided and become increasingly unliveable that laws limiting development are belatedly applied. So developers turn to areas such as ours, to exploit the fact that here in Sorell Municipality we do not yet have Tree and Vegetation protection zones in place. Because, conveniently for them, we have not yet learned to adequately value our Natural Capital, which makes it very easy for others to take it away from us. And we do not seem to notice or even care until it is gone. It is easy to kill ecosystems for temporary gain. It is very, very hard, and very, very expensive, perhaps impossible to try to reestablish some kind of ecosystem function once it has been destroyed.

Assuming some of those miraculously healthy forty-five *Eucalyptus Viminalis* will not be immediately removed, those which remain will resent any building works or ground disturbance or vehicular compaction within their root zone. As a result of these indignities, made possible for the developer due to our lack of Tree Protection Zone, many or perhaps all of these remaining trees will begin an irreversible decline. Two years after lock-up this



sparkling new subdivision will be overhung with a graveyard of dead trees. And new residents, and old, will be wondering what happened to the values that drew them here in the first place.

Welcome to Dodges Ferry.

Thankyou for your time,

Sincerely

we have such riches that we feel, inexplicably, that they can never be diminished. But they can, and they are

I ask you Sir, to look around as you drive through our municipality. White Gums are collapsing everywhere you look: throughout the Tasmania Golf Course, along the Carlton River, in Milford





## 5.2 MINOR AMENDMENT APPLICATION NO. DA 2023 / 207 - 2

<b>Applicant:</b>	Matt Kennedy Drafting And Design
<b>Proposal:</b>	Minor Amendment (Reduced Floor Area) for Two Multiple Dwellings
<b>Site Address:</b>	10 Vancouver Street, Midway Point (CT76148/44)
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme (Sorell LPS)</i>
<b>Application Status</b>	Discretionary
<b>Relevant Legislation:</b>	Section 56 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
<b>Reason for SPA meeting:</b>	Original permit approved at SPA meeting

<b>Relevant Zone:</b>	General Residential Zone
<b>Proposed Use:</b>	Multiple Dwellings
<b>Applicable Overlay(s):</b>	C16.0 Safeguarding of Airports Code (Obstacle Limitation Area)
<b>Applicable Codes(s):</b>	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code
<b>Applicable SAP(s)</b>	SOR-S1.0 Dispersive Soils SAP
<b>Valid Application Date:</b>	17 April 2024
<b>Decision Due:</b>	14 May 2024
<b>Discretion(s):</b>	1 Frontage Setback 2 Building Envelope 3 Privacy 4 Dispersive Soils
<b>Representation(s):</b>	N/A

**RECOMMENDATION**

That pursuant to Section 56 of the *Land Use Planning and Approvals Act 1993* Council resolve that permit 5.2023.207.1 be amended as follows:

A. Condition 1 is replaced with the following:

1. Development shall generally be in accordance with the endorsed plans submitted on 1 & 9 August 2023 & 27 September 2023 **and amendments to the floor plan and elevations of unit 1 on drawings dated 18 March 2024** except as may be amended by the conditions of this permit.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: (03) 6165 6790 or email [resourceplanning@tascat.tas.gov.au](mailto:resourceplanning@tascat.tas.gov.au)



### Executive Summary

Application is made for a minor amendment to a permit issued for two Multiple Dwellings at 10 Vancouver Street, Midway Point. This property is zoned General Residential and is located near the centre of Midway Point with Vancouver Street adjacent to Flyway Park.

The amendments relate to (1) a reduction by 0.5m<sup>2</sup> in the living room floor area for unit 1 and a change in the location of a door in unit 1 to the upper level deck.

The application is considered to comply with section 56 of the *Land Use Planning and Approvals Act 1993* and is recommended for approval.

### Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

### Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.



- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

The role of the Council in relation to planning matters is, in very broad terms, to uphold its planning scheme. In that context it is in a sense, blind to everything but the terms of the Scheme. It cannot put economic advantage or perceived community benefits over the terms of the Scheme. And in the context of enforcement proceedings unless expressly authorised to do so, it may not take any approach which is inconsistent with the terms of its Scheme.

**Planning Scheme Operation – for Zones, Codes and site specific provisions**

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

**Referrals**

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	No			
Environmental Health	No			
Plumbing	No			
NRM	No			
TasWater	No			
TasNetworks	No			
State Growth	No			



## Report

### Description of Proposal

The amendments relate to (1) a reduction by 0.5m<sup>2</sup> in the living room floor area for unit 1 and a change in the location of a door in unit 1 to the upper level deck.

In the original form, the deck had a door access from the side as shown in Figure 1. The proposed change is to reduce the stairwell and provide a door and the rear of the deck. The proposed door replaces an originally proposed window and as such there is negligible change to the appearance of the structure.

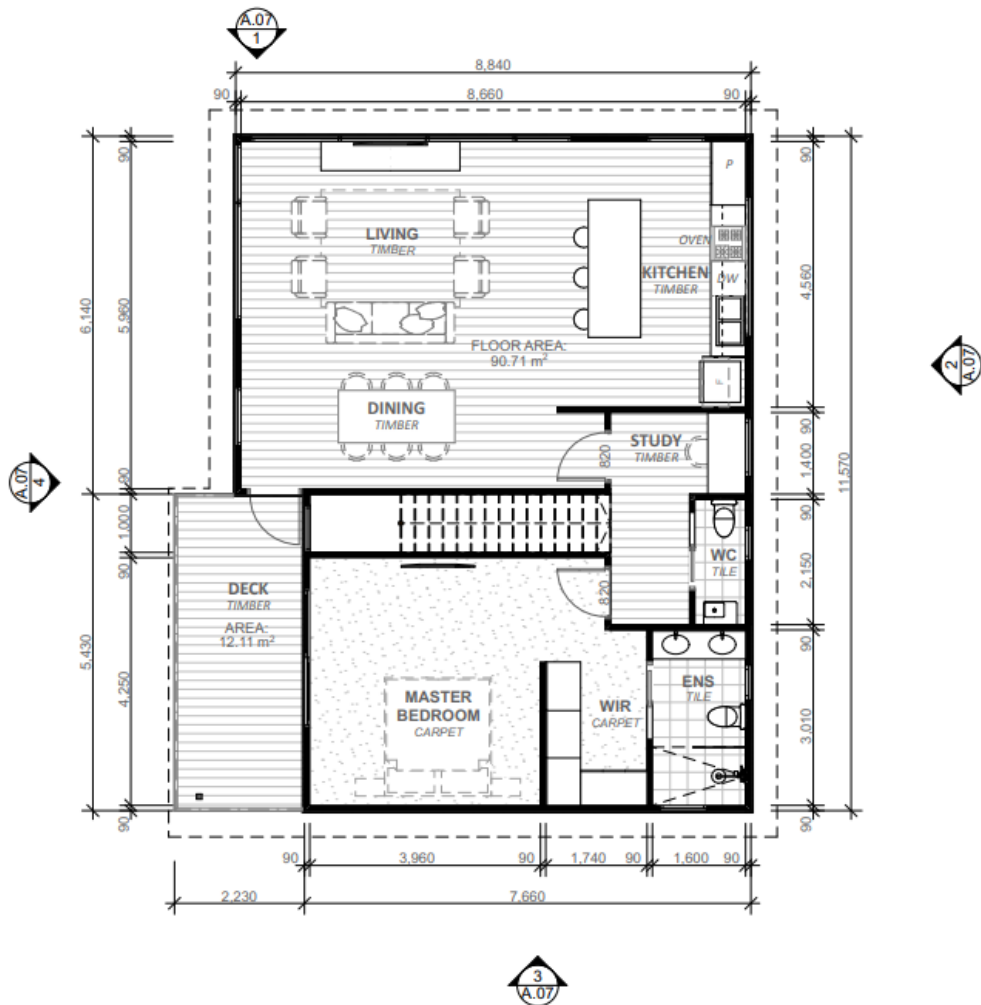


Figure 1. Approved floor plan

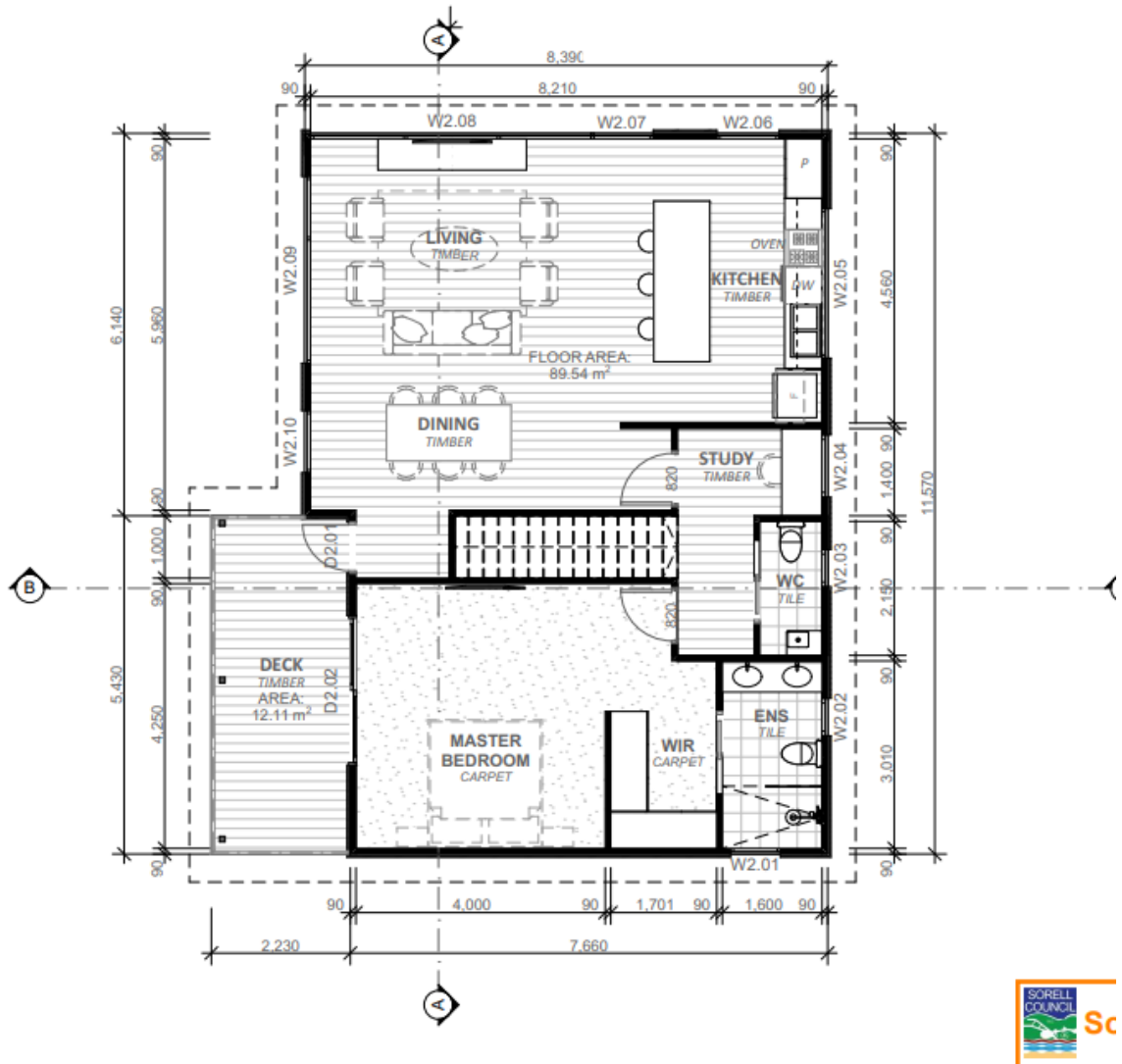


Figure 2. Proposed floor plan



### Description of Site

The site area (once the boundary adjustment is formalized) will consist of approximately 651m<sup>2</sup>. The property is located near the centre of Midway Point with the end of Vancouver Street which is adjacent to Flyway Park.

The site falls to the south therefore requiring a cut (of approximately 1m+) to the rear of the buildings along the eastern boundary. This will set the buildings down on the lot. The site is vacant and fenced on both sides and rear boundaries. Adjoining land consists of developed residential lots with a mixture of single, double and split level dwellings situated along both Vancouver Street and adjacent Honolulu Street.

The site is fully serviced. Vancouver Street is a sealed public road with a footpath on the road verge which leads to Flyway Park. The site has an existing access on the



lower side of the lot which will require as part of the development a new widened access point. Culverts, drainage, sewer, water and other infrastructure (NBN & Power) is available to the site.



*Figure 1. Subject site aerial imagery – source: Council’s SSA Imagery Oct 2023.*



*Figure 2 – Subject site street view – source: Google Street View Imagery 2023*

## Planning Assessment

An assessment against section 56 of LUPAA is as follows.

Clause	Assessment
(1) The owner of land, or a person with the consent of the owner, may request the planning authority in writing to amend a permit which applies to that land and which is a permit issued by the planning authority.	Complies
(1A) A planning authority that receives a request under subsection (1) to amend a permit –	The 28 day period expires on 14 May 2024.
(a) must, within the 28-day period after the request was received, amend, or refuse to amend, the permit	
(b) must, within 7 days –	
(i) after amending the permit, comply with subsection (3)	
(ii) after refusing to amend the permit, give notice of the refusal to the person who made the request.	
(2) The planning authority may amend the permit if it is satisfied that the amendment –	
(aa) is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and	Not applicable
(a) does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal	Not applicable
(b) will not cause an increase in detriment to any person; and	There is not potential to increase detriment. The proposal effectively swaps a window with a door leading to less glazing. There is no change to the deck itself.
(c) does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.	The change is a minor alteration to how the multiple dwelling development is described.
(2A) An amendment of a condition or restriction specified in a permit is not to be taken to contravene subsection (2)(a) by reason only that other conditions or restrictions have been specified in the permit, or amended, by the Appeal Tribunal.	Not applicable.



<p>(2B) A condition or restriction (the fresh condition or restriction) specified by the planning authority in a permit is not to be taken, for the purposes of this section, to be required or imposed by the Appeal Tribunal if – and</p>	
<p>(a) the fresh condition or restriction is to the same effect as a condition or restriction that was specified in the permit by the Appeal Tribunal before the planning authority specified the fresh condition or restriction in the permit; and</p>	
<p>(b) the fresh condition or restriction is not referred to in the decision, in relation to the permit, of the Appeal Tribunal made under section 78 of the Tasmanian Civil and Administrative Tribunal Act 2020 .</p>	
<p>(3) If the planning authority amends a permit, it must, by notice in writing served on –</p>	<p>Notification will take place once a decision is made.</p>
<p>(a) the person who requested the permit to be amended; and</p>	
<p>(b) if that person is not the owner of the land, the owner; and</p>	
<p>(c) in the case of a permit granted under section 57 , the owner or occupier of any property which adjoins the land; and</p>	
<p>(d) any person who made a representation under section 57(5) in relation to the application for the permit –</p>	
<p>notify those persons of the amendments made to the permit.</p>	
<p>(4) If the planning authority amends a permit containing a condition or restriction which the Board of the Environment Protection Authority has required under section 25(5) of the <i>Environmental Management and Pollution Control Act 1994</i> , the planning authority must, by notice in writing served on the Board, notify it of the amendments made to the permit.</p>	<p>Not applicable.</p>

### Representations (from the original SPA Council report)

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but ‘only insofar as each such matter is relevant to the particular discretion being exercised’.



Three representations have been received, which are addressed in the following table.

Issue	Relevant Clause	Response
Concerned about privacy (overlooking)	8.4.6 A1 & A2	As noted, the deck/s are compliant with the acceptable solution standards. Windows are compliant with the acceptable solution standards with the exception of a condition to increase in sill height of kitchen window in dwelling unit 2 for sill height to be 1.7m or installation of obscure glass which has been recommended for any permit granted.
The size is too large and outside the building footprint on the ground and in height.	8.4.2	The proposed scale and design is considered typical of dwelling developments of both the general residential zone and within the surrounding midway point area. Similar dwelling buildings around the site are either two storey or split level. The proposed buildings comply with acceptable solution for height requirements, density and site coverage of the standards.
Reduction in sunlight to habitable rooms		Shadow diagrams provided indicate shadowing which will occur on the shortest day of the year being 21 June and have been provided for the duration of the day from 9am to 3pm. The impact of the shadowing to the dwelling (habitable rooms) to the west will occur for 1 hour between 9am and 10am with shadowing to only the side of the dwelling gone by 12 mid-day as the sun will be at its highest/central point. It is noted that the side of the dwelling contains a shed and driveway area with the rear (northern) end of the property used for open space activities. There will be no impact of shadowing to neighbouring properties to the north or east of the site.
Overlooking/Lack of privacy	8.4.6 A1 & A2	Development standards require setbacks requirements for decks and windows from boundaries. Setbacks for the deck/s for both dwelling units comply and meet the acceptable solution, windows comply with the acceptable solution with the exception of the kitchen window in dwelling unit 2 which will be conditioned to comply with the acceptable solution.
Car Parking/ Traffic	2.5.1 A1	Table C2.1 of the Parking and sustainable transport code requires 2 x parking spaces per 2 or more bedroom dwelling with one visitor space

		which has also been provided, therefore satisfies the acceptable solution.
Noise		Not a planning matter or consideration under the Tasmanian Planning Scheme.
Unit 1 and 2 do not fit within the required building envelope. They both grossly exceed the already generous building parcel from every view in height and length.....	8.4.2 A3	Both buildings comply with building envelope setback with the exception of Dwelling Unit 2 which relies on performance criteria for building envelope. There is no designated rear boundary setback requirement with the development standard allowing a setback of 1.5m or less than 1.5m, however, given the easement to rear boundary, dwelling unit 2 has been positioned 2.012m from rear boundary.
Dwelling Unit 1 does not meet setback from frontage boundary	8.4.2 A1	As outlined above the setback from frontage boundary of 3.612m is considered acceptable. Setback from frontage boundary less than the required 4.5m is already established with surrounding properties, together with allowable protrusions of .900mm.
Overshadowing	8.4.2 A3	Shadow diagrams have been provided.
No turn-around point at the end of Vancouver Street	N/A	Not relevant to this proposal. Onsite parking spaces and access have been provided.
Dwellings do not meet building envelope....., development is too big for the lot.....	8.4.2 A3	Building envelope setback, site coverage and development standards have been addressed. The development of double storey buildings is compatible with surrounding dwellings in the street and adjoining streets being either split level or double storey.
A1 8.4.2 – Front setback. The proposed dwelling is not compatible with current streetscape on Vancouver Street. The majority of existing dwellings comply with frontage setback.	8.4.2 A1	As outlined above. Established dwellings in the area have setback from frontage boundary less than 4.5m in which the character of the area has already been established.
8.4.2 A3	8.4.3	Already addressed above

8.4.3 A1	8.4.3 A1	<ul style="list-style-type: none"> <li>Both dwelling unit areas have POS at ground level which meets the acceptable solution and exceeds 60m<sup>2</sup> requirement.</li> <li>Dwelling Unit 1 POS area of 128.53m<sup>2</sup></li> <li>Dwelling Unit 2 POS area of 115.49m<sup>2</sup>.</li> </ul> <p>Each unit also has an allocated 24m<sup>2</sup> area which is primarily located for open space activities which meets the acceptable solution of the standard.</p>
8.4.6 A3	8.4.6 A3	The visitor parking space allocated adjacent to dwelling unit 1 is acceptable as the lower level of dwelling unit 1 habitable bedroom 1 and bedroom 2 do not have windows or glazed doors adjacent to this parking space, therefore acceptable solution is met.
Drainage Easement		The drainage easement to the rear of the property contains TasWater Infrastructure, not for Council consideration.




### Conclusion

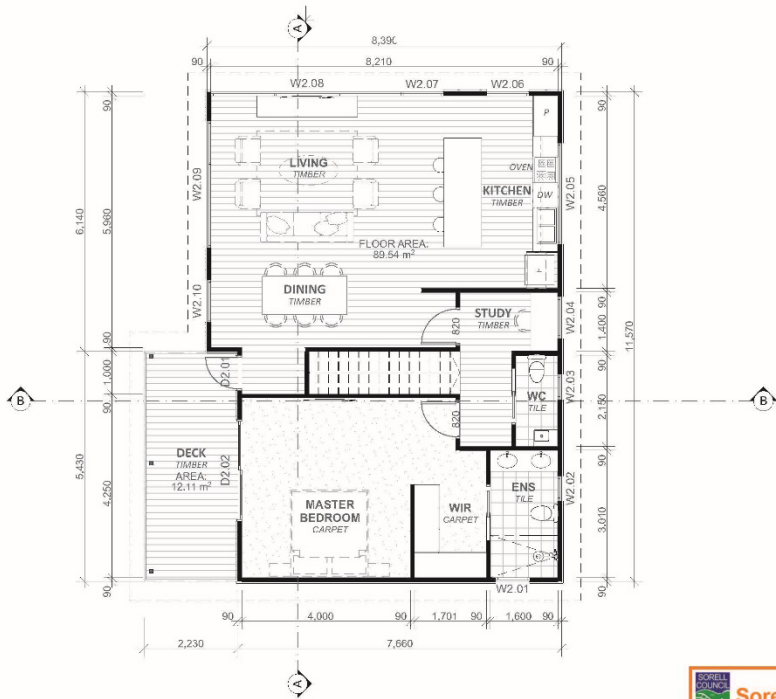
The application is considered to comply with section 56 of the *Land Use Planning and Approvals Act 1993* and is recommended for approval.

Shane Wells  
MANAGER PLANNING

Attachments:  
Proposal Plans

**KEY**

-  New levels
-  New Walls
-  Ceiling Level Height from Finished Floor Level (FFL)
- COL.** Column
- DP.** Downpipe
- DW** Dishwasher
- F** Refrigerator
- P** Pantry



**Sorell Council**  
 Development Application: Minor Amendment  
 Application - 10 Vancouver Street, Midway  
 Point.pdf  
 Plans Reference: P1  
 Date Received: 3/04/2024

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**bdaa**  
 BUILDING DESIGNERS  
 ASSOCIATION OF AUSTRALIA

CLIENT: **JACKSON**  
 ADDRESS: **10 VANCOUVER ST, MIDWAY POINT**

JOB NO: **2308**  
 PROPOSAL: **PROPOSED 2 x UNITS**  
 PROJECT STAGE: **BA**

DATE: **18/03/2024**  
 SCALE: **1:100 @A3**



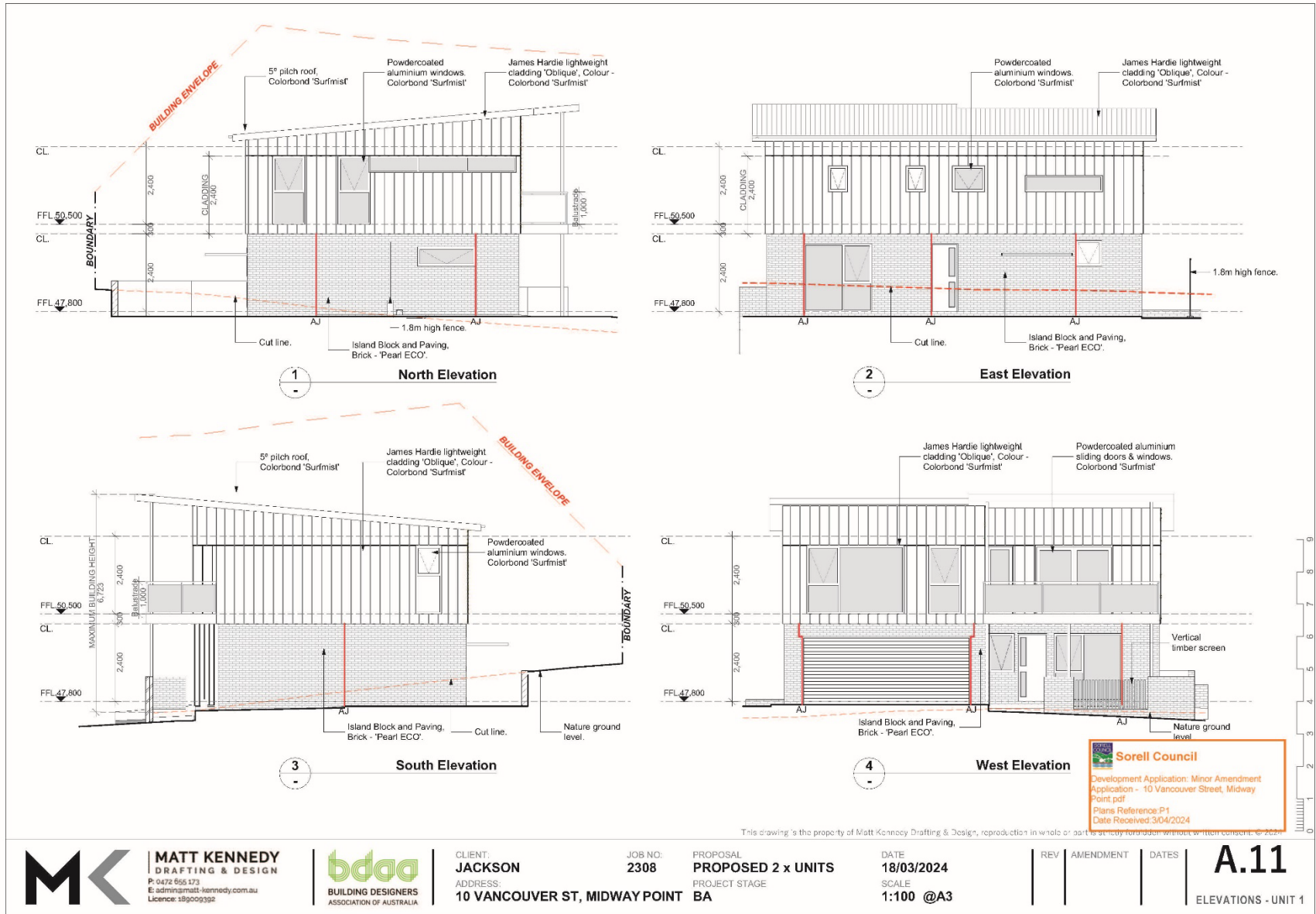
REV | AMENDMENT | DATES

**A.10**  
 FIRST FLOOR PLAN -  
 UNIT 1



**AGENDA**  
**SORELL PLANNING AUTHORITY (SPA) MEETING**  
**14 MAY 2024**





**AGENDA**  
**SORELL PLANNING AUTHORITY (SPA) MEETING**  
**14 MAY 2024**

## 5.3 SUBDIVISION APPLICATION NO. SA 2023 / 25 - 1

<b>Applicant:</b>	Rogerson & Birch Surveyors
<b>Proposal:</b>	Three Lot Subdivision & Boundary Adjustment
<b>Site Address:</b>	2217 Arthur Highway, Copping C.T.172538/1 & C.T.244710/2
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme (TPS) - Sorell</i>
<b>Application Status</b>	Discretionary
<b>Relevant Legislation:</b>	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
<b>Reason for SPA meeting:</b>	Subdivision creates more than one lot.

<b>Relevant Zone:</b>	Clause 12.0 Village Zone						
<b>Proposed Use:</b>	Three (3) Lot Subdivision						
<b>Applicable Overlay(s):</b>	<i>C13.0 Bushfire Prone – Bushfire Report Received. C7.0 Natural Assets – Waterway &amp; Coastal Protection Code</i>						
<b>Applicable Codes(s):</b>	<i>C3.0 Road and Rail Assets Code</i>						
<b>Valid Application Date:</b>	2 <sup>nd</sup> January 2024						
<b>Decision Due:</b>	14 <sup>th</sup> May 2024						
<b>Discretion(s):</b>	<table border="1"> <tr> <td>1</td> <td>12.5.3 A2 Services (Sewerage System)</td> </tr> <tr> <td>2</td> <td>12.5.3 A3 Services (Public Stormwater System)</td> </tr> <tr> <td>3</td> <td>C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area</td> </tr> </table>	1	12.5.3 A2 Services (Sewerage System)	2	12.5.3 A3 Services (Public Stormwater System)	3	C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area
1	12.5.3 A2 Services (Sewerage System)						
2	12.5.3 A3 Services (Public Stormwater System)						
3	C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area						
<b>Representation(s):</b>	One (1)						

**RECOMMENDATION**

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2023.25.1 for a Three Lot Subdivision & Boundary Adjustment at 2217 Arthur Highway, Copping be approved, subject to the following conditions:

**General**

1. Except where modified by a condition of this permit, the use and development must be substantially in accordance with the endorsed plans and documents:
  - a) P1 Plan of Subdivision by Rogerson and Birch Surveyors dated 6 December 2023
  - b) P5 Letter from Poortenaar Consulting regarding driveway access dated 22 February 2024
  - c) P5 Letter from Poortenaar Consulting regarding waterway values dated 19 February 2024;
  - d) P5 Onsite Wastewater Assessment and System Design by Rock Solid Geotechnics Pty Ltd dated 7 December 2023; and
  - e) P1 Bushfire Assessment Report by Rogerson and Birch Surveyors dated 28 November 2023.



## Planning

2. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by the General Manager.
3. As no provision has been made for Public Open Space or improvements thereto and, having formed the opinion that such a provision should be made, Council invokes the provisions of Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and requires security equivalent of 3% of the improved value of lot 3.

This should be in the form of a direct payment made before the sealing of the final plan or, alternatively, in the form of security provided under Section 117 of the Act.

The subdivider is to obtain a report from an Independent Registered Valuer for the purposes of determining the improved value of the gross area of the subdivision. The date to which the valuation is to be done must be within 3 months of the date of lodgement of the Final Plan of subdivision. Please refer to Council's Open Space Policy for valuation requirements.

4. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by Council's General Manager.
5. Prior to sealing any final plan, all recommendations of the bushfire hazard management plan must be complete and be certified by a suitably qualified person.
6. All land noted as roadway, footway, open space, or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
7. The final plan of survey must include easements over all drains, pipelines, wayleaves and services, to the satisfaction of Council's General Manager. The minimum easement width for stormwater is in accordance with the Tasmanian Subdivision Guidelines.
8. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.

## On-site wastewater

9. Before sealing the final subdivision plan the following works must be completed:
  - a) Install a new on-site wastewater management system (OWMS) for the existing residence on lot 1. All works are to be completed to the satisfaction of the Manager Health & Compliance; and



- b) The existing sewage lagoons on lot 2 must be decommissioned and a new on-site wastewater management system installed the service the existing buildings on lot 2.

All works are to be completed to the satisfaction of the Manager Health & Compliance; or

Obtain a report from a suitably qualified engineer on the suitability and condition of the sewage lagoons to treat wastewater from the existing buildings on Lot 2, including how wastewater from the lagoons will be managed on-site. Undertake all required works recommended by the engineer.

### Development Engineering

10. Prior to the commencement of works, detailed engineering design drawings showing all work required by this planning permit, and any additional work proposed, must be prepared in accordance with the current:

- a) Tasmanian Subdivision Guidelines,
- b) Tasmanian Municipal Standard – Specifications,
- c) Tasmanian Municipal Standard – Drawings, and
- d) Any Council policy determined as relevant.

The design drawings must be prepared by a suitably qualified and experienced engineer or engineering consultancy with an appropriate level of professional indemnity insurance.

Advice:

- i. The Tasmanian Subdivision Guidelines, Specifications, and Drawings are available at [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au).
- ii. Variations from the Tasmanian Subdivision Guidelines, Specifications, or Drawings may be approved at the discretion on Council's General Manager or their delegate where a clear justification exists and the alternative solution is to no lesser quality in terms of infrastructure performance or maintenance costs over the life of the asset.
- iii. Where there exists any conflict(s) between the Tasmanian Subdivision Guidelines, Specifications, or Drawings and this permit, any requirements of this permit shall take precedence.
- iv. Engineering design drawings will expire two years after their approval and will be endorsed as such.

11. Prior to works commencing, the following fees must be paid for each stage of construction:

- a) Engineering design drawing assessment fee, and
- b) Inspection fees for minimum estimated number of inspections.

Where reassessment of engineering drawings or subsequent inspections are required, additional fees may be required.

Advice: Where appropriate, Council fees are updated each financial year and can be found in the Sorell Council Fees and Charges schedule, available from Council.

12. Works must not commence on site prior to the approval of engineering design drawings by the General Manager.
13. A Construction Management Plan (CMP) must be provided including, but not limited to, the following:
  - a) Traffic Management Plan, and
  - b) Soil and Stormwater Management Plan.

All requirements of the CMP must be implemented prior to any works commencing on site.

14. Prior to works commencing, the developer must submit a Notice of Intention to Carry Out Work (available from Council) inclusive of a certificate of currency for public liability insurance for the contractor and any sub-contractor.
15. Prior to sealing the final plan the following works must be completed in accordance with the endorsed engineering design drawings:
  - a) Lot connections for each lot;
    - I. Connection to the electricity network, and
    - II. Connection to the telecommunication network (if available).
  - b) Vehicle access for each lot;
    - I. Exiting access for lot 1, 2 & 3 must be upgraded to a 150mm thick centrally reinforced concrete standard (on a minimum 100mm thick compacted FCR base) and extend for at least 6.0m from the front boundary towards Arthur Highway,
    - II. Appropriate drainage must be provided for each access and driveway to prevent runoff from leaving the property,
    - III. All-weather durable vehicle driveway over the access strip, up to lot-proper, for lot 2 & 3, and terminating with a hammerhead turning head,
    - IV. Minimum width of 4.0m where bushfire prone, and
    - V. Each property access must be located to minimise potential conflicts with vehicles and other road users.
  - (c) Fencing;
    - I. Any existing frontage fencing not located on the correct boundary must be removed with new rural type fence installed in the correct location, and



- II. Gates must be installed at each new property access and set back to allow vehicles to stop clear of traffic lanes, minimum of 6.0m from edge of seal.
  - (d) Stormwater network;
    - I. Unimpeded major stormwater network for a 1% AEP event, and
    - II. Minor stormwater network for a 5% AEP event, including provision of any required detention to prevent downstream flooding.
  - (e) Natural values;
    - I. Construction soil and water management plan.
  - (f) Rehabilitation;
    - I. Provision of top soil and grass or vegetation on all disturbed surfaces along with weed management measures.
- 16. Mandatory audit inspections are required in accordance with the Tasmanian Subdivision Guidelines. The developer must provide a minimum 48 hours' notice.
- 17. Works must be completed to a standard that is to the satisfaction of the Council General Manager.
- 18. A qualified and experienced civil engineer must supervise and certify all works in accordance with clause 21, 22, 23 and 24 of the Tasmanian Subdivision Guidelines.
- 19. The developer must engage Council to organise a Practical Completion inspection when practical completion of works for each stage has been reached. Upon successful completion of the inspection in accordance with clause 21 and Appendix 6 of the Tasmanian Subdivision Guidelines, Council will issue a Certificate of Practical Completion, listing any minor defects identified.
- 20. Works are subject to a twelve (12) month Defect Liability Period commencing from the day the final plan of survey was sealed (for the applicable stage, if any) during which time all maintenance and repair of work required by this permit is the responsibility of the developer.
- 21. A Defect Liability Bond equal to 5% of the total construction value, and no less than \$10,000.00, must be submitted for the duration of the Defect Liability Period.
- 22. Upon completion of the Defect Liability Period, the developer must engage Council to organise a Final Completion inspection in accordance with clause 24 of the Tasmanian Subdivision Guidelines. When all outstanding items listed in the Certificate of Practical Completion and subsequent defects are satisfactorily completed, Council will issue a Certificate of Final

Completion. Any remaining financial security in relation to the works will be returned and Council will assume maintenance of the works.

23. Prior to sealing the final plan of survey, accurate as constructed drawings of all works undertaken must be submitted in .pdf and .dwg formats and:
- a) Be completed, and certified, by a land surveyor or civil engineer,
  - b) Include the data spreadsheet available from Council completed in accordance with the 'Guidelines for As Constructed Drawings and Asset Data Collection' available from Council,
  - c) Photos of all new assets,
  - d) Be accurate to AHD and GDA94,
  - e) Be drawn to scale and dimensioned,
  - f) Include top, inlet, and outlet invert levels,
  - g) Include compaction and soil test results, and
  - h) Include an engineer's certificate stating that each component of the works complies with the approved engineering plans and Council standards.

*Advice: The minimum standard is demonstrated through the As Constructed Example Drawing, available from Council.*

#### Roads

24. All roads in the subdivision must be conveyed to the Council upon the issue of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1982*. All costs involved in this procedure must be met by the person responsible.
25. Unless for a local road, service installation across an existing sealed road carriageway must be bored with a minimum cover of 1.2m. Bores for services greater than 100mm must have a pumped backfill.

#### Stormwater

26. The minor and major stormwater system must be designed and constructed to not exceed the conveyance or treatment capacity of the downstream network.

#### Fill

27. Site filling, if to a depth of 300mm or more, must comply with the provisions of Australian Standard AS 3798 Guidelines on Earthworks for Commercial and Residential Development as demonstrated by certification from a suitably qualified and experienced civil engineer.

### Sight distance

28. The development works must include vegetation clearance and/or earthworks to achieve the minimum sight distance required by the Austroads Guide to Road Design for all existing and proposed vehicle accesses.

### Existing Services

29. Prior to sealing the final plan of survey, all existing lot connections must be relocated to be wholly contained within the balance lot or contained within new or existing service easements to the satisfaction of Council's General Manager.

*Advice: This condition covers any existing stormwater, water, sewer, electrical, access or telecommunications infrastructure.*

30. Existing crossover(s) or lot connections, if retained, must comply with current standards.

### Telecommunications & Power

31. Prior to sealing the final plan of survey, the developer must submit to Council either:
- a) Demonstration that the exemption from the installation of fibre ready pit and pipe notice has been completed, or
  - b) 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 Telstra or NBN Co.

Advice: Please refer to Notice under Telecommunications (Fibre-ready Facilities – Exempt Real Estate Development Projects) Instrument 2021" at <https://www.communications.gov.au/policy/policy-listing/exemption-pit-and-pipe-requirements/development-form>

32. Prior to sealing the final plan of survey, the developer must submit written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.
33. Street lights (where required) must include LED lamps at the developer's cost.

### Road Widening

34. The final plan or survey must show the corners of each road intersection must be played or rounded by chords of a circle with a radius of not less than 6m.



## Natural Environment & Hazards

35. No top soil is to be removed from the site without the approval of Council's Manager Planning.

*Advice: This condition is to minimise the spread of weeds from the site.*

### NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

#### Legal

- The permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.
- Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.

#### Asset Protection

- In accordance with the Local Highway Bylaw 2 of 2015, the owner is required to repair any damage to any Council infrastructure caused during construction.
- Council recommends contacting Dial-Before-You-Dig (phone 1100 or [www.1100.com.au](http://www.1100.com.au)) before undertaking any works.

#### Other Approvals

- All stormwater management measures and designs on the endorsed plans and documents, together with any related permit condition, constitutes General Managers consent under section 14 of the *Urban Drainage Act 2013*.
- This permit does not imply that any other approval required under any other by-law or legislation has been granted.

#### Generally

- Requirements for works or other outcomes to the satisfaction of the General Manager will be delegated to the appropriate officer for determination.



- All engineering related queries should be directed to the Development Engineer. The Council General Manager has delegated functions relevant to the permit to the Development Engineer.
- Sealing of a final plan of survey is subject to a prescribed Council fee at the date of lodgement of the final plan or survey. Land Title Office fees must be paid directly to the Recorder of Titles.
- The final plan of survey is inclusive of any schedule of easement and Part 5 Agreement.
- The final plan of survey will not be sealed until all works required by this permit are complete. On lodgement of the final plan of survey, inspections will be undertaken ,unless otherwise advised by the developer, and additional inspection fees will apply to incomplete or substandard works.

Street Naming

- The developer may suggest street names. Suggestions should be received three months prior to sealing the final plan of survey and be made in writing to the General Manager. Street names must be consistent with Tasmanian Place Naming Guidelines, May 2021. Please refer to <https://nre.tas.gov.au/land-tasmania/place-naming-in-tasmania>

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: (03) 6165 6790 or email [resourceplanning@tascat.tas.gov.au](mailto:resourceplanning@tascat.tas.gov.au)

**Executive Summary**

Application is made for a three (3) Lot Subdivision & Boundary Adjustment at 2217 Arthur Highway, Copping. This property is zoned Village and is located towards the north of Arthur Highway.

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme - Sorell* and is recommended for conditional approval.

**Relevance to Council Plans & Policies**

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this



	report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

**Legislation**

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.
- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

*The role of the Council in relation to planning matters is, in very broad terms, to uphold its planning scheme. In that context it is in a sense, blind to everything but the terms of the Scheme. It cannot put economic advantage or perceived community benefits over the terms of the Scheme. And in the context of enforcement proceedings unless expressly authorised to do so, it may not take any approach which is inconsistent with the terms of its Scheme.*

**Planning Scheme Operation – for Zones, Codes and site specific provisions**

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.





- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

## Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Yes	Nil
Environmental Health	Yes	Yes	Yes	Nil
Plumbing	Yes	Yes	No	Nil
NRM	Yes	Yes	No	Nil
TasWater	No	N/A	N/A	N/A
TasNetworks	No	N/A	N/A	N/A
State Growth	Yes	No	Nil	State Growth consented to the application as land owner

## Report

### Description of Proposal

Application is made for a three (3) Lot Subdivision & Boundary Adjustment at 2217 Arthur Highway, Copping. The property consists of two titles at present and the net effect of the proposal is one additional lot with the existing dwelling separated from the existing commercial use.

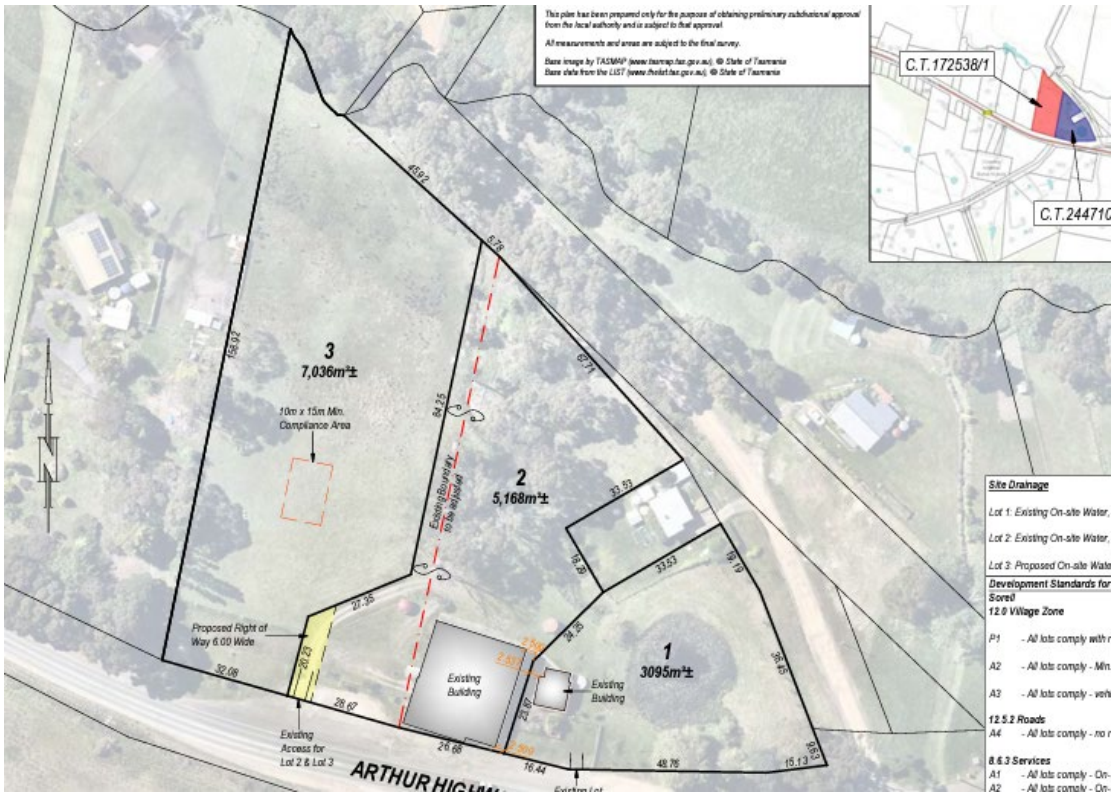


Figure 1. Proposed Subdivision Plan

The application is supported by:

- Letter from Poortenaar Consulting regarding driveway access dated 22 February 2024;
- Letter from Poortenaar Consulting regarding waterway values dated 19 February 2024;
- Onsite Wastewater Assessment and System Design by Rock Solid Geotechnics Pty Ltd dated 7 December 2023;
- Bushfire Assessment Report by Rogerson and Birch Surveyors dated 28 November 2023; and
- Plan of Subdivision by Rogerson and Birch Surveyors dated 6 December 2023

**Description of Site**

The parent lot comprises existing Lots 1 (7002m<sup>2</sup>) and 2 (8296m<sup>2</sup>), which are a combined 15,298m<sup>2</sup> in size. The land is predominately pasture with some native vegetation. Existing buildings include a retail outlet (ex-colonial museum/café) and an existing dwelling. The site has a northerly aspect and slight grade. The site and land to the west and north-east is within the Village Zone while land on the other side of the Arthur Highway is within the Rural Living Zone.

The village zoned property is situated in the central part of the small, rural township of Copping and is located at the intersection of Arthur Highway and Marion Bay Road. The property is two existing titles.

The developed property is the old antiques store (now closed) and a coffee shop (temporarily closed) with a current retail use in place. The property is orientated in a north-south aspect. The terrain within the property is gentle, sloping slightly in a northerly aspect with vegetation located in the northern portion.



Figure 2. Subject site.

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
12.5.1 A1	Lot Design	Yes, each lot is greater than 600m <sup>2</sup> .
12.5.1 A2	Lot Design (Frontage)	Yes, as the application complies with A2 as each lot has a frontage greater than 10m.
12.5.1 A3	Lot Design (Vehicle Access)	Yes, as the application complies with A3 as: Lot 1 has an existing access to Arthur Highway; and Lots 2 and proposed Lot 3 have an access via a right of way to Arthur Highway.





12.5.2 A1	Roads	Yes, as the application complies with A1 as the no new road is being created.
12.5.3 A1	Services (Water Supply)	Yes, as no water supply service is available within 30m of the lot.
12.5.3 A2	Services (Sewerage System)	No, there is no sewerage system in Copping. Refer to performance criteria assessment below.
12.5.3 A3	Services (Public Stormwater System)	No, there is no stormwater system in Copping. Refer to performance criteria assessment below.

Performance Criteria Assessment 1 – Clause 12.5.3 P2 Services (Sewerage System)

*Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.*

The Rock Solid Geotechnics Pty Ltd demonstrates that each lot is suitable for onsite management. Upgrades are however necessary.

Performance Criteria Assessment 2 – Clause 12.5.3 P3 Services (Public Stormwater System)

*Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:*

- (a) the size of the lot;*
- (b) topography of the site;*
- (c) soil conditions;*
- (d) any existing buildings on the site;*
- (e) any area of the site covered by impervious surfaces; and*
- (f) any watercourse on the land.*

Stormwater is managed via detention in rain water tanks and overflow to the natural watercourse. The subdivision will facilitate one additional dwelling on the largest lot. The subdivision can therefore adequately manage stormwater.



Code

**C7.0 Natural Assets – Waterway & Coastal Protection Code**

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
C7.7.1	Subdivision within a waterway and coastal protection area or a future coastal refugia area	No, does not satisfy the defined 'Acceptable Solution' prescribed requirements.

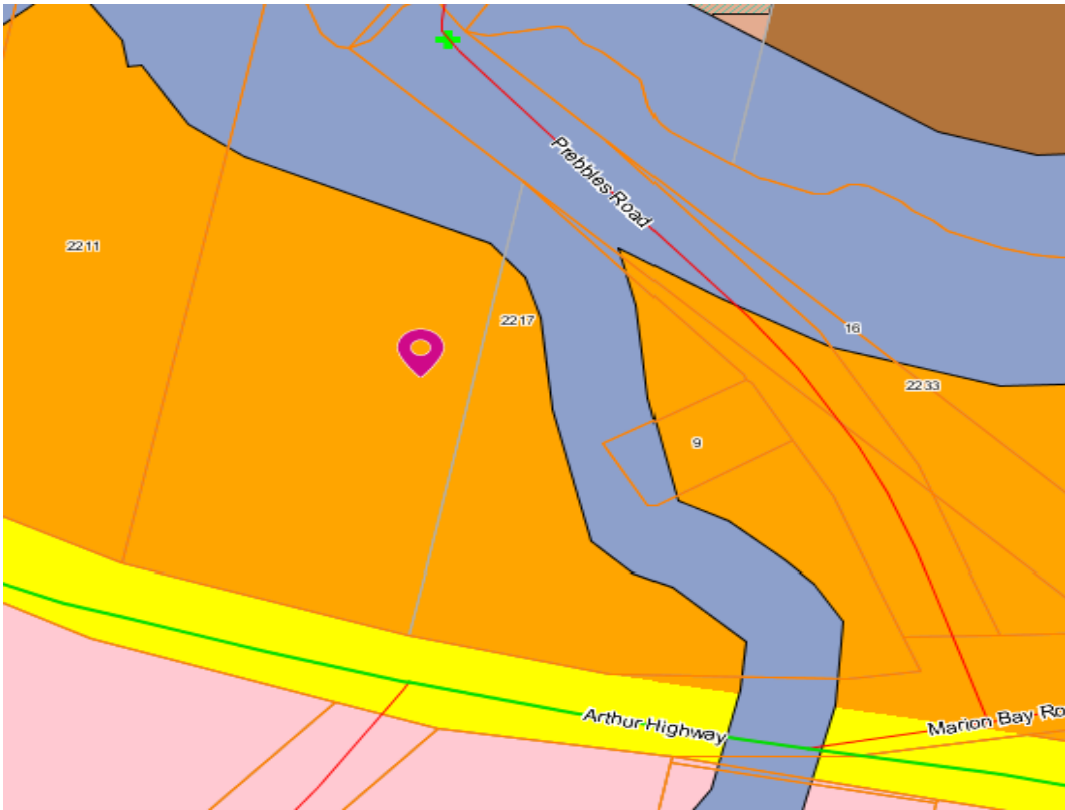
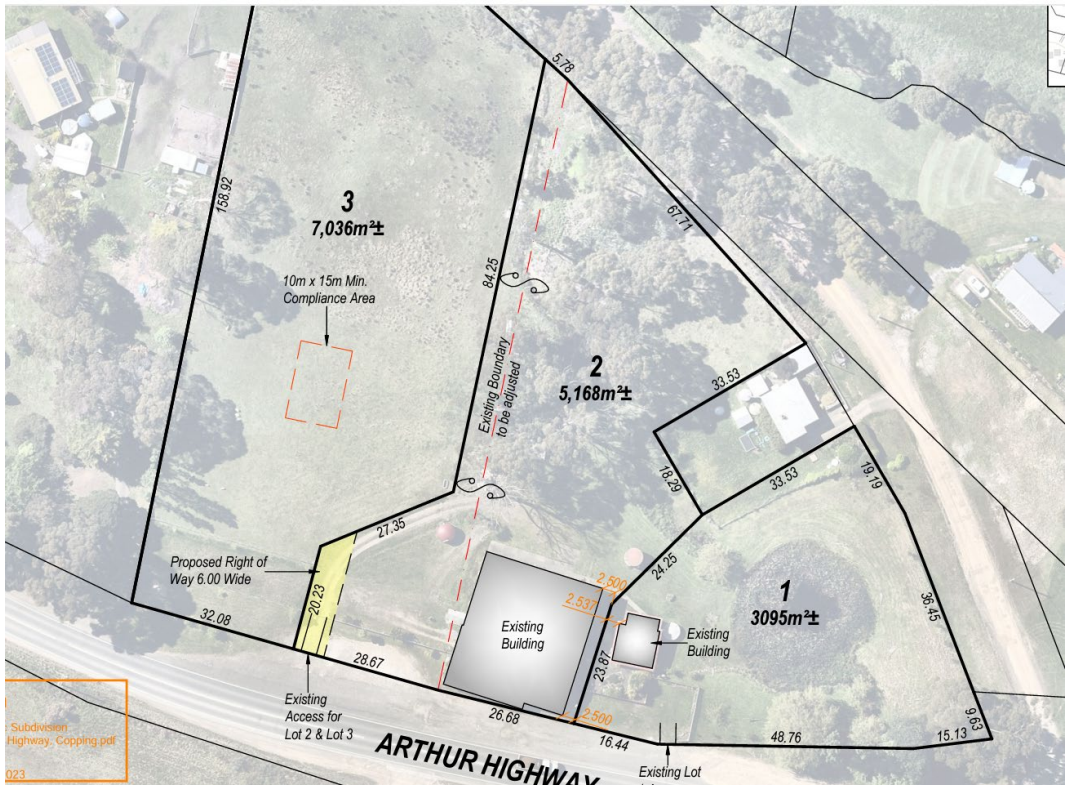
Performance Criteria Assessment 3 – C7.7.1 P1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

*Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:*

- a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and*
- b) future development likely to be facilitated by the subdivision.*

The proposed subdivision application demonstrates the following building envelope that is securely located outside the identified waterway and coastal protection area or a future coastal refugia area, as shown below:







**C13.0 Bushfire-Prone Areas Code**

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
13.6.1 A1	Provision of hazard management areas	<p>Yes, the Bushfire Hazard Management Plan is certified by an accredited person.</p> <p>The BHMP demonstrates that all lots can accommodate a BAL rating of BAL-19 with on-site vegetation managing and clearing for Lot 3. The HMA for Lots 1 and 2 to be implemented prior to sealing of titles and prior to occupancy of future habitable dwellings for Lot 3. Subject to the compliance with the BHMP the proposal will satisfy the Acceptable Solution C13.6.1(A1)</p>
13.6.2 A1	Public and firefighting access	<p>Yes, The BHMP (through reference to section 4 of this report) specifies requirements for private accesses are consistent with Table C13.2. Existing access to Lot 2 requires minor upgrades to meet the min. 4m width. The new or upgrades to accesses, turning heads and hardstands to be constructed prior to sealing to sealing of titles for Lot 2 and prior to occupancy of a future habitable dwelling for Lot 3. Subject to the compliance with the BHMP the proposal satisfies the Acceptable Solution C13.6.2(A1).</p> <p>Static water supply is required for all lots per C13.6.3. Lot 2 has an existing tank to be used as the static water supply. A new fitting is required for the existing tank to be fitted prior to dealing of titles. Firefighting water supply requirements for Lot 1 must be provided prior to sealing of titles and prior to occupancy of a future habitable dwellings for Lot 3. Subject to the compliance with the BHMP the proposal satisfies the Acceptable Solution C13.6.3</p>

The proposal complies with the code through the provision of an accredited persons bushfire hazard report, which s52(2)(d) of LUPAA requires the planning authority to accept.

**Road and Railway Assets Code**

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1.4	Traffic	Yes, as traffic generation will not increase by more than 40 vehicles per day.



## Public Open Space Policy

Broadly, there are three considerations for public open space (POS) within a subdivision under this policy being:

- whether to take POS land for a park or other purpose;
- whether POS land should be taken for connectivity; or
- if no POS land is proposed or taken, what rate of a cash in lieu contribution should apply.

Section 5.2 of the public open space policy outlines criteria to assess the taken on land. Among other matters, this section has regard to any related Council policy, whether the land is conveniently located with respect to the wider area along with existing open space and any alternatives, whether the land would contribute to Council's ability to support a diversity of recreational activities and the demand created.

In this case, it is considered that taking land for POS would not further the Council policy. Copping is a small settlement with the Copping oval meeting public open space needs. Council's public open space strategy recognises the Copping oval and notes the ability to co-locate a local park within the oval land. There is approximately 1500m<sup>2</sup> of usable area to the north of the oval and a further 850m<sup>2</sup> usable area south of the oval that could accommodate other uses. However, any investment in play equipment or other related amenity is beyond the current ten year long-term financial plan.

Where land is not taken, a cash contribution is required. Section 6.4 of the policy states:

*In determining the percentage of a cash in lieu contribution, the following criteria must be considered:*

- the existing provision of POS in the vicinity of the subject area;*
- the extent to which the newly created lots will impact upon demand for POS; and*
- the size of the newly created lots and the extent to which the lots can provide for their own recreational opportunities.*

A rate of 3% for lot 3 is considered reasonable for the contribution on the basis that:

- the subdivision creates only one additional lot,
- the additional lot is large with ample area for private recreation,
- there are no current plans to expend capital at Copping Hall, and
- the additional lot will place additional demand on a range of sub-regional and walking assets across the LGA.

## Representations

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but ‘only insofar as each such matter is relevant to the particular discretion being exercised’.

One representation have been received, which are addressed in the following table.

Issue	Relevant Clause	Response
Advice that the water course along the back fence of 9 Prebbles Road floods into the back yard of the property, also in times of rain, the large pond on the Arthur Highway side of the property has overflowed and damage property by washing several metres of the fence down. This has been brought up with previous owners and disregarded by them.	12.5.3 A3/P3	The subdivision design shows the natural watercourse from below the dam. The dam receives runoff from the Arthur Highway. The subdivision does not materially change this situation and does not interact with Council assets. This issue would appear to be a civil issue beyond the scope of this assessment.

## Conclusion

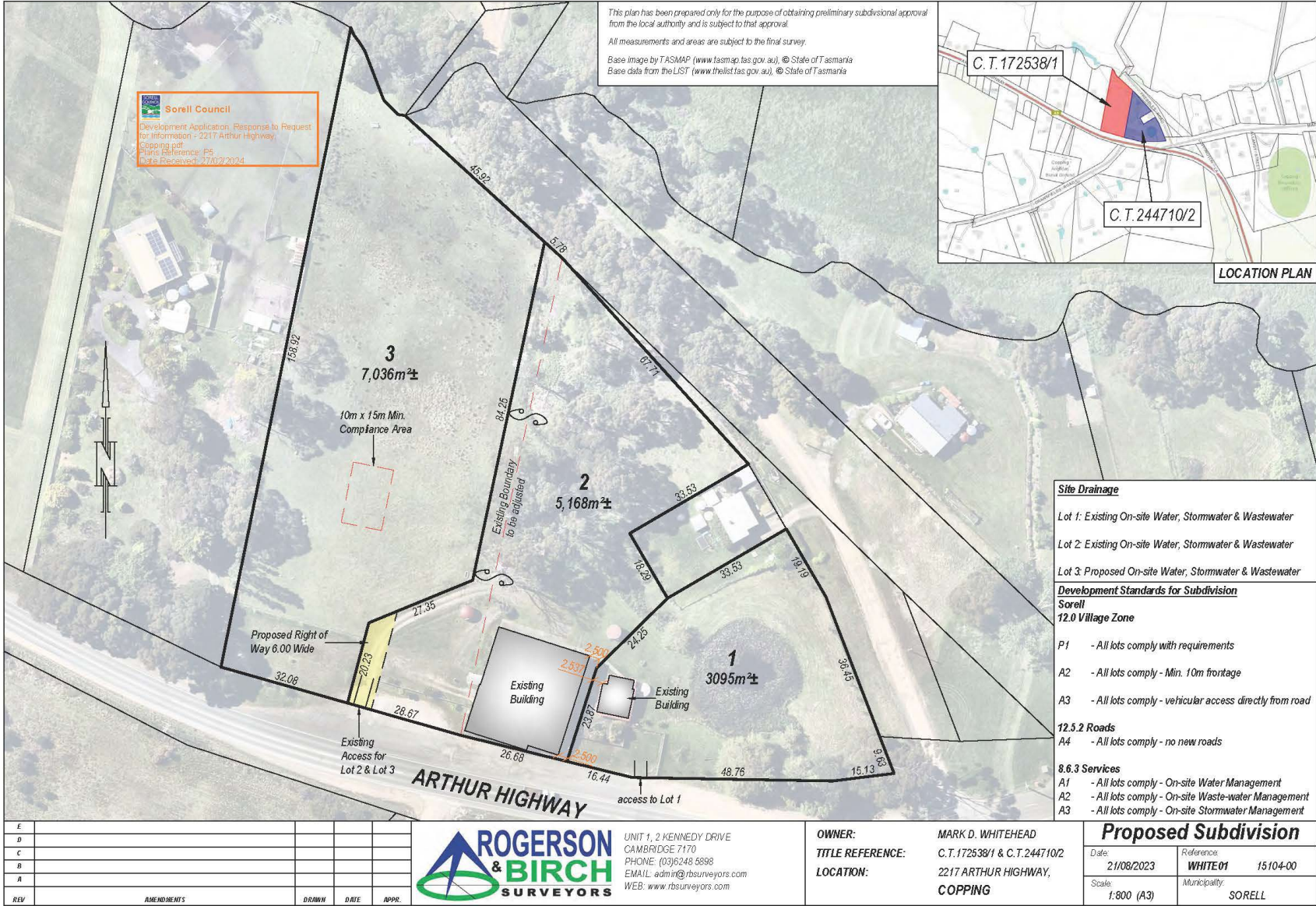
The application is considered to comply with each applicable standard of the Tasmania Planning Scheme – Sorell and is recommended for conditional approval.

**Shannon McCaughey**  
**SENIOR PLANNER**

Attachments:  
 Proposal Plans  
 Representations x 1

*Separate Attachments:*  
*Planning Submission*  
*Waterway Impact Statement*  
*Bushfire Assessment Report*







**From:**  
**To:** [Sorell Council](#)  
**Subject:** Attention General Manager in relation to application 7.2023.25.1  
**Date:** Tuesday, 19 March 2024 2:20:15 PM

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To whom it may concern,  
I am writing in relation to notice of proposed development application number 7.2023.25.1.  
My name is \_\_\_\_\_ and I am the owner of \_\_\_\_\_

My property has a shared boundary with the address for proposed development.  
I am writing to inform you that the water course that runs along the back fence of 9 Prebbles road does indeed flood into the back yard of the property, also in times of rain, the large pond on the Arthur highway side of the property has overflowed and into my property on \_\_\_\_\_ and has caused damage to my property by washing several metres of the fence down.  
It has been very dry lately so it isn't there now, but during the winter wet months, the back yard of 9 Prebbles road is very wet and unusable due to the overflow of water from the adjoining property.  
This has been brought up with previous owners and disregarded by them.  
I just wanted to bring this to your attention, that this is what happens in that area and that the current swale doesn't suffice to keep the water from overflowing into 9 Prebbles road. The water sits sometimes up to the clothes line in the back yard and prevents us from mowing and maintaining the back yard.

Kind regards

