



SORELL PLANNING AUTHORITY (SPA) AGENDA

24 SEPTEMBER 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, 24 September 2024 commencing at 4:30 pm.

C E R T I F I C A T I O N

I, Jess Hinchon, Acting 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.

JESS HINCHON
ACTING GENERAL MANAGER
18 SEPTEMBER 2024



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON TUESDAY 24 SEPTEMBER 2024

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1.0 ATTENDANCE

[^]
Chairperson Mayor Gatehouse
Deputy Mayor C Wooley
Councillor B Nichols
Councillor S Campbell
Councillor M Larkins
Councillor M Miro Quesada Le Roux
Councillor M Reed
Councillor N Reynolds
Councillor C Torenius
Jess Hinchon, Acting General Manager

2.0 APOLOGIES

Robert Higgins, General Manager

3.0 CONFIRMATION OF THE MINUTES OF 10 SEPTEMBER 2024

RECOMMENDATION

"That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 10 September 2024 be confirmed."

4.0 DECLARATIONS OF PECUNIARY INTEREST



AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
24 SEPTEMBER 2024

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. DA 2024 / 3 - 1

Applicant:	M J Rowlands
Proposal:	Three (3) Lot Subdivision
Site Address:	701 Arthur Highway, Forcett including works withing Arthur Highway Road Reserve, Forcett (CT 114548/1)
Planning Scheme:	<i>Tasmanian Planning Scheme - Sorell</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Subdivision creates more than one lot

Relevant Zone:	Low Density Residential Zone and Agricultural Zone										
Proposed Use:	Not Applicable										
Applicable Overlay(s):	C3.0 Road and Railway Assets Code, C7.0 Natural Assets Code. and C13 Bushfire Prone Areas Code										
Applicable Codes(s):	SOR-1.0 Dispersive Soils Specific Area Plan										
Valid Application Date:	05 February 2024										
Decision Due:	24 September 2024										
Discretion(s):	<table border="1"> <tr> <td>1</td> <td>10.6.1 A1 – Lot Design</td> </tr> <tr> <td>2</td> <td>10.6.3 A2 Services</td> </tr> <tr> <td>3</td> <td>10.6.3 A3 Services</td> </tr> <tr> <td>4</td> <td>C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area</td> </tr> <tr> <td>5</td> <td>SOR-S1.8.1 Subdivision on Dispersive Soils</td> </tr> </table>	1	10.6.1 A1 – Lot Design	2	10.6.3 A2 Services	3	10.6.3 A3 Services	4	C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area	5	SOR-S1.8.1 Subdivision on Dispersive Soils
1	10.6.1 A1 – Lot Design										
2	10.6.3 A2 Services										
3	10.6.3 A3 Services										
4	C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area										
5	SOR-S1.8.1 Subdivision on Dispersive Soils										
Representation(s):	One (1)										

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2024.3.1 for a Three Lot Subdivision at 701 Arthur Highway, Forcett including works



within Arthur Highway Road Reserve, Forcett be approved, subject to the following conditions:

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) P5 Subdivision Plan Dated 08/12/2023
 - b) P1 Geotechnical Report Dated 06/11/2023
 - c) P1 Bushfire Assessment (Including Bushfire Management Plan) Dated 08/01/2024
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 lots 1, 2 and 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. 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.
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. Prior to the commencement of any works associated with this permit the developer must obtain the consent of the Minister administering the *Roads and Jetties Act 1935* in accordance with

Section 84 (1) (c) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*. This must include an indemnity for the Crown against any claim which may arise from an increase in the water flowing away from or under the State Road, or its rate of flow, by reason of the works approved by this permit.

Advice: Please contact Transport Services within the Department of State Growth.

Engineering

7. Prior to undertaking any access (or other) works in the state road reserve an Access Permit is required from the Department of State Growth in accordance with Section 16 of the *Roads and Jetties Act 1935*. Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.
8. Prior to the commencement of works, design drawings showing all work required by this planning permit, and any additional work proposed, must be 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 experienced engineer, or engineering consultancy, with the appropriate level of professional indemnity insurance.

Advice:

- i. *The Tasmanian Subdivision Guidelines, Specifications, and Drawings are available at 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 the Council Development Engineer where an acceptable justification exists and the proposed solution is not considered inferior in terms of engineering performance and maintenance, over the life of the final product.*
- iii. *In the event of any conflict(s) arising between the Tasmanian Subdivision Guidelines, Specifications, Drawings, and approved permit, the requirements of the approved permit shall take precedence.*

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

- a) Engineering Drawing Assessment (EDA) 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 endorsement of engineering drawings by the General Manager.

11. Prior to sealing of the Final Plan of Survey, the following works must be completed in accordance with the approved design drawings:

a) Lot connections for each lot:

- I. Connection to the electricity network.
- II. Connection to the telecommunications network (if available).

b) Vehicular accesses:

- I. Must be designed and constructed in substantial accordance with TSD-R03-v3 and TSD-R04-v3, with 40mm thick DG10 hot sprayed bituminous surfacing from the edge of Road Seal up to the property boundary or for at least 6m (whichever is greater), a minimum 200mm deep (FCR) base course, and a minimum pavement width of 4m.
- II. Must be located to minimise potential conflicts with other users, including vehicles and pedestrians.

c) Fencing and gates for each lot:

- I. Any frontage fencing, including existing, not located on the correct boundary must be removed and replaced with new rural type fencing, and installed in the correct location.

II. Gates must be installed at each new property access and set back to facilitate vehicle standing clear of traffic lanes.

d) Stormwater network:

- I. Unimpeded major stormwater network for a 1% AEP event.
- II. Minor stormwater network for a 5% AEP event via underground reticulation.

e) Natural values:

- I. Construction soil and water management plan

f) Rehabilitation:

- I. Top soil & grass, or alternative approved vegetation, must be provided (including seeding and watering) along with any other management measures to stabilise all surfaces disturbed during construction, as required by Council.

g) Compliance:

- I. All existing infrastructure connections (including lot connections and vehicular access), if retained, must upgrade to comply with current standards.
- II. Survey pegs for all lots are to be certified correct after completion of all subdivision works.

12. Each lot must be provided with a connection to a new stormwater main located on the balance lot and discharging to the dam north of lot 3. The stormwater main must be sized to service a 5% AEP event and must be constructed within a new easement on the Balance Lot. The stormwater main shall be directed and discharged via endwall to dam at northeastern boundary of the site with suitable erosion protection.

13. A right of way with practical access must be provided on the balance lot to enable maintenance access by Council

14. Mandatory audit inspections are required in accordance with the Tasmanian Subdivision Guidelines.

The developer is required to make contact with the Council Development Engineer to arrange an inspection at least 48 hours prior to inspection.

15. 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.
16. The developer must engage Council to organise a Practical Completion inspection when practical completion of works 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.
17. Works are subject to a Twelve (12) month Defect Liability Period commencing from the date Practical Completion is certified by Council (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.
18. 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.
19. Upon completion of the Defect Liability Period, the developer must engage Council to organise a Final Inspection & Hand-over audit 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 and assume maintenance of the works, and any remaining financial security in relation to the works will be returned in due course.
20. 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 suitably qualified person;
 - 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) Include photos of all constructed assets;
 - d) Be accurate to AHD and GDA94;

- e) Be drawn to scale and dimensioned
- f) Include top, inlet, and outlet invert levels where appropriate,
- g) Include compaction and soil test results where required, and
- h) Include certification from a suitably qualified and experienced person stating that each component of the works undertaken is compliant with the Council endorsed engineering drawings and municipal standards.

Advice:

The minimum standard is demonstrated through the As Constructed Example Drawing, available from Council

- 21. 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.
- 22. Prior to sealing of 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>

- 23. Prior to sealing of 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.

24. Prior to sealing the Final Plan of Survey, all works determined as required by Council shall be performed and completed by the developer, at developer cost and expense, to a standard that is to the absolute satisfaction of Council's General Manager, and at no cost or expense to Council.

On-site wastewater

25. At least 300m² of land must be designated on the final plan of each lot specifically on-site for wastewater treatment which is located at least 6.5m from the northern boundary. The final location must be to the satisfaction of the Manager of Health & Compliance.
26. A restrictive covenant must be included on each lot specifying that no other on-site wastewater management system may be used for treatment of wastewater other than an aerated wastewater treatment system, unless otherwise approved by Councils Environmental Health Officer.

Environmental

27. All civil and building construction work associated with the development must be within the following hours:
- a) 7.00. a.m. to 7.00. p.m. from Monday to Friday;
 - b) 8.00 a.m. to 6.00 p.m. on Saturdays; and
 - c) No works are permitted on Sundays or public holidays.

Approval must be obtained from the Manager Health & Compliance for any works outside of these hours.

28. Airborne dust from construction works, roads, disturbed areas, storage heaps, or machinery operating on the land must not create an environmental nuisance. Areas must be dampened, covered, compacted or otherwise treated to reduce dust emissions.
29. Any soil disturbed or spread onto the land resulting from civil construction works must be compacted, revegetated and watered to allow the soil to stabilise and prevent dust being generated.
30. A levelled area must be provided at the road frontage of each lot for garbage, greenwaste and recycling collection bins to be located for kerbside collection. The area must be at least

1.8m wide and 0.6m deep and not within 1.5m of a power pole or other structure.

State Growth

31. Each access to the state road is to be sealed between the edge of the state road carriageway and the property boundary (either side of the existing footpath.) Each property is to have a maximum of one access each.
32. Prior to undertaking any access (or other) works in the state road reserve an Access Permit is required from the Department of State Growth in accordance with Section 16 of the Roads and Jetties Act 1935.
33. Application for permits can be found at https://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings
Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.

Tas Networks

34. The service wire from pole ID 256540 to 717 Arthur Highway must be relocated in accordance with TasNetworks requirements and satisfaction as it will cross any newly developed lot.

To understand what these requirements may entail, it is recommended you advise the proponent to contact TasNetworks on 1300 137 008 or submit an application via our website [connections portal](https://connections.tasnetworks.com.au/Identity/Account/Login) <https://connections.tasnetworks.com.au/Identity/Account/Login> at their earliest convenience.

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



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SORELL PLANNING AUTHORITY (SPA) MEETING
24 SEPTEMBER 2024

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) 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.

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

Executive Summary

Application is made for a three (3) lot subdivision at 701 Arthur Highway, Forcett including works within Arthur Highway Road Reserve, Forcett.

This property is split-zoned agricultural and low-density residential. It is neighboured by agricultural land to the north, west, and south, as well as a cluster of low-density residential zoned smaller properties neighbouring rural living properties to the east.

The majority of the 16ha parent lot is zoned agricultural, with a small 3500sqm low-density zone portion situated on the southern boundary. The low-density zoned portion of the parent lot is surrounded on both sides by low-density residential lots generally less than 1000 sqm in size.

The key planning consideration relate to:

- Consolidation of fragmented zoning;
- Resulting lot sizes of less than 1500sqm;
- Access and frontage to Arthur Hwy; and
- Subdivision for sensitive uses within a road or railway attenuation area.

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 proposed subdivision is assessed in accordance with the Public Open Space Policy.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	Environmental considerations are assessed against the relevant planning scheme provisions.

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 a 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	No			
TasWater	No			
TasNetworks	Yes	Yes	Yes	The service wire from pole ID 256540 to 717 Arthur Highway will need to be relocated as



				it will cross any newly developed lot.
State Growth	Yes	Yes	Yes	Below

State Growth Comment

Crown Owner Consent was provided and the following comment was provided with regards to Council and State Growth communication - *This "access road" serves a number of Arthur Highway-addressed properties and is considered a private access or driveway for those properties. This private "access road", as it is labelled in LIST, is within the State road reservation (therefore to develop it requires Crown landowner consent) but it is also the responsibility of the landowners who use it to maintain it. It is the same situation as any other private access within a State road reservation.*

Report

Description of Proposal

An application is made for a three (3) lot subdivision at 701 Arthur Highway, Forcett, including works within Arthur Highway Road Reserve, Forcett.

The majority of the 16ha parent lot is zoned agricultural to form the balance lot with three (3) additional approximately 1200sqm lots fronting Arthur Hwy.

Individual access to the three additional created lots is proposed via Arthur Hwy. The lots are regular in shape with frontages with Arthur Hwy ranging from 24 to 26m in length.

The proposal includes building envelopes towards the front of the proposed lots with identified onsite wastewater and stormwater proposed space to the rear.



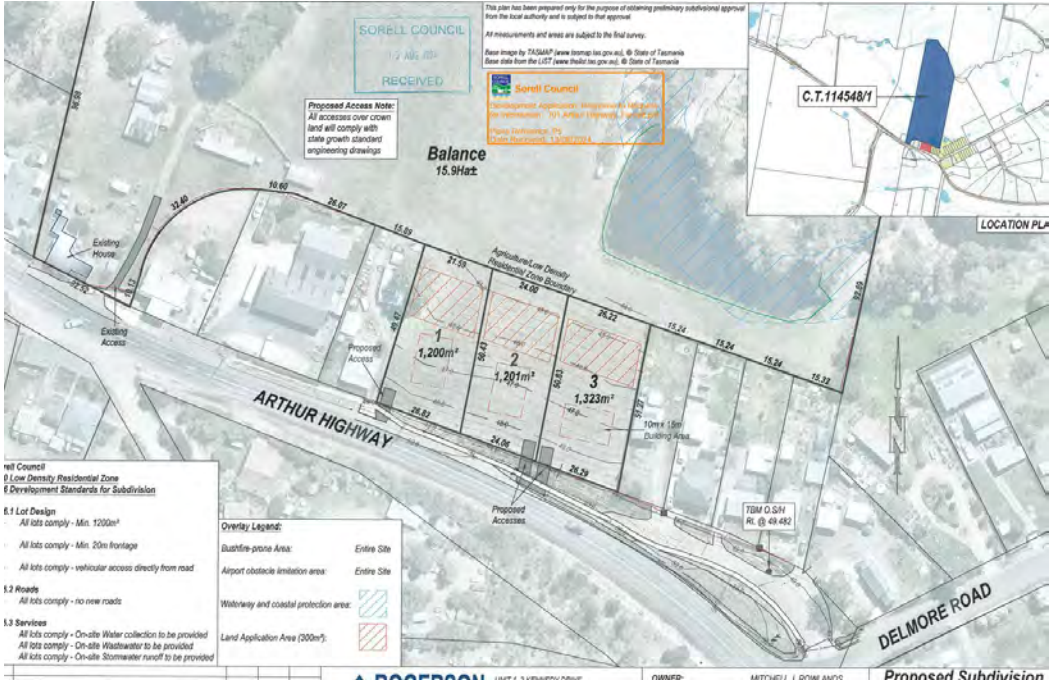


Figure 1. Proposal.

The application is supported by:

- a Geotechnical Report from Rock Solid Geotechnics PTY LTD; and
- a bushfire hazard report Prepared by James Rogerson, Bushfire Hazard Practitioner dated 08.01.2024.

Description of Site

This property is split-zoned agricultural and low-density residential. It is neighboured by agricultural land to the north, west, and south, as well as a cluster of low-density residential zoned smaller properties neighbouring rural living properties to the east.

The majority of the 16ha parent lot is zoned agricultural, with a small 3500sqm low-density zone portion situated on the southern boundary. The low-density zoned portion of the parent lot is surrounded on both sides by low-density residential lots generally less than 1000 sqm in size.

The site is relatively flat, with one (1) single residential dwelling located in the southwest corner of the lot, which borders Arthur Hwy.

The site is unserviced and has unsealed access to Arthur Hwy.





Figure 2. Subject site.

Planning Assessment

Zone

Low Density Residential Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
10.6.1 A1	Lot size	No, as each lot is not greater than 1500sqm in size. Refer to performance criteria assessment below.
10.6.1 A2	Frontage	Yes, as each frontage is greater than 20m.
10.6.1 A3	Vehicular Access	Yes, as lot is provided with vehicle access from the front boundary via private access within a State road reservation.
10.6.2 A1	Roads	Yes, as no new roads are proposed.
10.6.3 A1	Water Supply	Yes, as each lot is in plan of subdivision that is unable to be connected to a relevant water supply service and is not within 30m of a water supply service.
10.6.3 A2	Sewerage	No, as each lot is not capable of connecting to a public reticulated sewerage system. Refer to performance criteria assessment below.
10.6.3 A3	Stormwater	No, as each lot is not capable of connecting to a public stormwater system. Refer to performance criteria assessment below.

Performance Criteria Assessment 1 – Clause 10.6.1. P1 Lot Size

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 1200m².

The performance criteria is applicable as the proposed lots are less than 1500sqm in size. It is considered that the performance criteria is satisfied given:

Neighbouring lots within the immediate locality, within the isolated cluster of the low-density residential zoning, are predominantly less than 1000sqm in area size.

The proposed future building areas will likely resemble those on adjoining lots, with dwellings sited toward the frontage. This will provide large areas of private open space to the rear, influenced by site constraints and the topography, which slopes upward from the frontage to Arthur Highway.

The proposed lots and indicated building envelopes are more than sufficient in size to provide appropriate areas of private open space. As mentioned above, the lots are consistent with the pattern of existing clustered development. Existing and potential agricultural activities undertaken on the balance lot are deemed low-intensity and can be undertaken in a manner which does not constrain development.

Performance Criteria Assessment 2 – Clause 10.6.3 P2 Reticulated 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 performance criteria is applicable as the proposed lots are not proposed to be connected to a reticulated sewerage system. It is considered that the performance criteria is satisfied given:

The proposal has been assessed by the Council's Environment Health Department, and it has been determined that there is ample space to accommodate an on-site waste-water system adequate to service future use and development.

Performance Criteria Assessment 3 – Clause 10.6.3 P3 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.*

The performance criteria is applicable as the proposed lots are not proposed to be connected to a reticulated sewerage system.

The discharge and management of stormwater generated from future use and development have been assessed by the Council's Environmental Health and Engineering Officers. It is determined that proposed lots 1, 2, and 3 cannot satisfactorily accommodate stormwater treatment.

However, further consideration and assessment have identified that it would be satisfactory for Lots 1, 2, and 3 to design and employ a stormwater system that discharges into the present water course on the balance lot neighbouring to the rear of the lots. This option is possible and viable given that the parent lot is owned by a single individual and the applicant.

Considering the above, it is deemed that the performance criteria can be satisfied by way of the inclusion of conditions 11, 12, 13, 25 and 26.

Agriculture Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
20.5.1 A1	Lot Design	<p>No, as the subdivision is not:</p> <ul style="list-style-type: none"> • required for public use by the Crown, a council or a State authority; • required for the provision of Utilities or irrigation infrastructure; or • for the consolidation of a lot with another lot provided both lots are within the same zone. <p>Refer to performance criteria assessment below.</p>
20.5.1 A2	Vehicular Access	<p>Yes, as provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>

Performance Criteria Assessment 4 – Clause 20.5.1 A1 Lot Design

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

- (a) the relevant Acceptable Solutions for development of buildings on the lots;*
- (b) existing buildings and the location of intended buildings on the lot;*
- (c) the ability to retain vegetation and protect landscape values on each lot;*
- (d) the topography of the site; and*
- (e) the pattern of development existing on established properties in the area, and must have an area not less than 20ha.*

The performance criteria is applicable as the proposed subdivision results in balance agricultural lot less than 20ha and not the consolidation of lots within the same zoning.

It is considered that the performance criteria is satisfied.



The subdivision seeks to separate the Low-Density Residential portion of the site from the Agriculture zoned portion. The agriculture section will become the balance and comprises the majority of the site area (approximately 15.9ha). This area is utilised by the landowner for an existing agricultural use, which will continue. The existing Low-Density Residential portion of the site already diminishes/constrains the agricultural productivity of the site, as agricultural use/development is prohibited in the LDR zone. The proposed subdivision will separate the agricultural portion which will become the balance lot, ensuring the ongoing operation of the agricultural use without constraint. No new agricultural lots are proposed.

The site balance lot, proposed subdivision and existing agricultural use is not subject to any topographical constraints. The balance agricultural portion of the site adjoins land to the north which forms part of an irrigation district. However, the proposed subdivision isn't anticipated to have any impact on any existing or future connections to the irrigation scheme.

It should be noted also that the split zoning of the property was subject to a representation on the new planning scheme and this representation specifically addressed the intent to subdivide along the zone boundary.

Code

Natural Assets Code (Waterway and Coastal Protection Area)

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C7.7.1	Subdivision within a waterway and coastal protection area or a future coastal refugia area	Yes, as no works are proposed within the waterway and coastal protection area.

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.



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 increase by less than 40 vehicles per day.
C3.7.1	Road Attenuation Area	No, as the building area is within the road attenuation area.

SOR-1.0 Dispersive Soils Specific Area Plan

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
SOR-1.8	Subdivision on Dispersive Soils	No, as there is no acceptable solution. Refer to performance criteria assessment below.

Performance Criteria Assessment 5 – Clause SOR-S1.8.1 Subdivision on Dispersive Soils

Each lot, or a lot proposed in a plan of subdivision, must minimise the risks associated with dispersive soil to property and the environment, having regard to:

- a) the dispersive potential of soils in the vicinity of proposed building areas, driveways, services and the development area generally;*
- b) the potential of the subdivision to affect or be affected by erosion, including gully and tunnel erosion;*
- c) the dispersive potential of soils in the vicinity of water drainage lines, infiltration areas and trenches, water storages, ponds, dams and disposal areas;*
- d) the level of risk and potential consequences for property and the environment from potential erosion, including gully and tunnel erosion;*
- e) management measures that would reduce risk to an acceptable level; and*
- f) the advice contained in a dispersive soil management plan.*

It is considered that the performance criteria is satisfied given:

A Geotechnical Assessment was undertaken Rock Solid Geotechnics PTY LTD demonstrates that the risk of erosion developing due development is low and not significant. The potential to disturb dispersive soils can be managed by a number of measures including



top soiling and revegetation and reasonable stormwater design measures.

Public Open Space Policy

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

- whether public open space land should be taken for a park or other purpose;
- whether public open space land should be taken for connectivity; or
- if no public open space 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 open space would not further the Council policy.

As a property within predominantly an agriculture landscape, public open space land is not taken. In this instance, there are no opportunities to provide or extend public trails or walkways, etc.

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) *any planned provision of POS in the vicinity of the subject area as identified in the Open Space Strategy, the long-term financial plan, any relevant Council resolution or required by a valid subdivision permit;*
- (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.*

It is considered reasonable that a 3% contribution apply in this instance given:

The nature of the isolated pocket of low-density zoned properties within a prevailing rural and agricultural landscape more appropriately increases demand for more regional facilities such as trails, not local parks, pocket parks or associated council assets such as playgrounds.

There is no existing public open space within walking distance within the immediate locality, and the ability or need to improve or provide for intensive public open space does not exist.

The low number of additional lots does not result in a measurable intensification in density, and the need for providing public open space within the immediate locality is not warranted.

Considering the above, it is considered that it is more appropriate to apply a reduced 3% contribution rate in lieu of the more onerous 5%.

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 (1) representation has been received, which are addressed in the following table.

Issue	Relevant Clause	Response
Concerns with regards to access being gravel and existing gravel washing onto Delmore Road.	Clause 10.6.1 A3	All access is from the Arthur Highway. The subdivision does not and cannot have access from Delmore Road as the access that serves 717-723 Arthur Highway is not a Council or State maintained road. The three (3) proposed accesses are to Arthur Hwy and any permit is to include a condition that requires vehicular accesses to be designed and constructed in substantial accordance with TSD-R03-v3 and TSD-R04-v3, with 40mm thick DG10 hot sprayed bituminous surfacing from the



		edge of Road Seal up to the property boundary or for at least 6m (whichever is greater), a minimum 200mm deep (FCR) base course, and a minimum pavement width of 4m.
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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

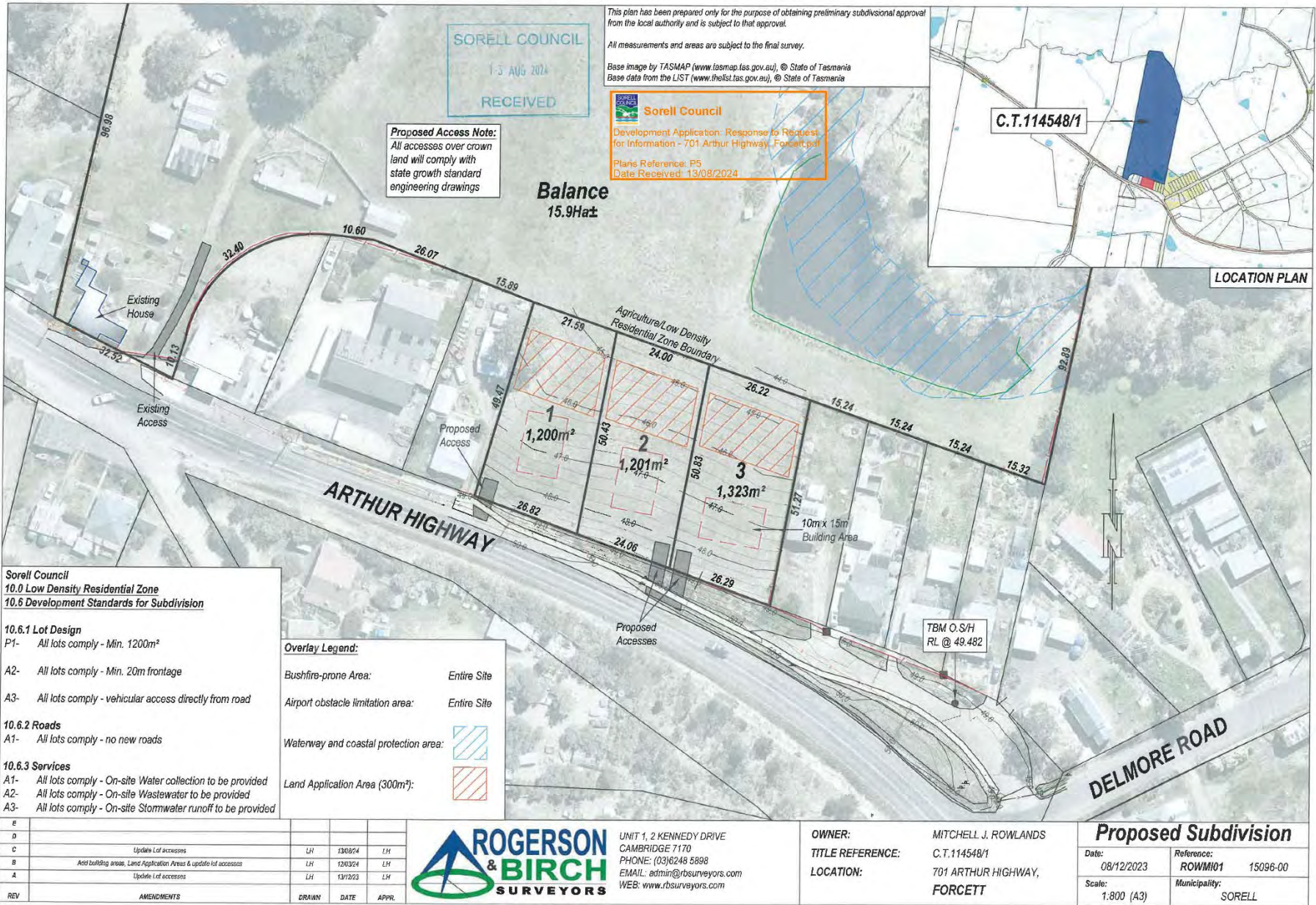
Attachments:
Representation x 1
Proposal Plan

Separate Attachments:
Letter Response to Request for Further Information
Geotechnical Assessment
Bushfire Assessment Report
Dispersive Soils Report

From:
To: [Sorell Council](#)
Subject: General Manager regarding 701 Arthur Hwy subdivision
Date: Thursday, 22 August 2024 5:43:19 PM

Hi, I believe If this subdivision is to go ahead that the gravel road that access lot 4 road and lot 5 should have to be sealed from delmore rd onwards. I own [redacted] and both my neighbours agree that we already have major issues with water and the gravel washing down our driveway every rain without more traffic causing further damage and disruption. Thanks





Sorell Council
10.0 Low Density Residential Zone
10.6 Development Standards for Subdivision

10.6.1 Lot Design
 P1- All lots comply - Min. 1200m²
 A2- All lots comply - Min. 20m frontage
 A3- All lots comply - vehicular access directly from road

10.6.2 Roads
 A1- All lots comply - no new roads

10.6.3 Services
 A1- All lots comply - On-site Water collection to be provided
 A2- All lots comply - On-site Wastewater to be provided
 A3- All lots comply - On-site Stormwater runoff to be provided

Overlay Legend:

Bushfire-prone Area: Entire Site

Airport obstacle limitation area: Entire Site

Waterway and coastal protection area: [Blue hatched box]

Land Application Area (300m²): [Red hatched box]

REV	AMENDMENTS	DRAWN	DATE	APPR.
E				
D				
C	Update Lot accesses	LH	13/08/24	LH
B	Add building areas, Land Application Areas & update lot accesses	LH	12/03/24	LH
A	Update Lot accesses	LH	13/12/23	LH



ROGERSON & BIRCH SURVEYORS
 UNIT 1, 2 KENNEDY DRIVE
 CAMBRIDGE 7170
 PHONE: (03)6248 5898
 EMAIL: admin@rbsurveyors.com
 WEB: www.rbsurveyors.com

OWNER: MITCHELL J. ROWLANDS
TITLE REFERENCE: C.T.114548/1
LOCATION: 701 ARTHUR HIGHWAY, FORCETT

Proposed Subdivision	
Date: 08/12/2023	Reference: ROWM/01 15096-00
Scale: 1:800 (A3)	Municipality: SORELL



AGENDA
 SORELL PLANNING AUTHORITY (SPA) MEETING
 24 SEPTEMBER 2024