



SORELL PLANNING AUTHORITY (SPA) AGENDA

29 OCTOBER 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, 29 October 2024 commencing at 4:30 pm.

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
23 OCTOBER 2024



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON TUESDAY 29 OCTOBER 2024

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1.0 ATTENDANCE

△

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 Torenus
Robert Higgins, General Manager

2.0 APOLOGIES

Mayor Gatehouse

3.0 CONFIRMATION OF THE MINUTES OF 15 OCTOBER 2024

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 15th October 2024 be confirmed.”

4.0 DECLARATIONS OF PECUNIARY INTEREST



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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. 7.2023.24.1

Applicant:	Rogerson & Birch Surveyors
Proposal:	Eight (8) Lot Subdivision
Site Address:	6a & 8 Correa Street, Primrose Sands (CT 173761/1 & 109772/11)
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:	Owner or applicant is a staff member Subdivision resulting in more than one (1) lot
Relevant Zone:	Rural Living (A)
Proposed Use:	Not Applicable
Applicable Overlay(s):	Bushfire-Prone Areas; Flood-Prone Areas, Natural Assets Code
Applicable Codes(s):	Bushfire Prone Area Code, Flood Prone Area Code and Natural Assets Code (Priority Vegetation Area)
Valid Application Date:	22 December 2023
Decision Due:	7 November 2024
Discretion(s):	1 Clause 11.5.1 Lot Design 2 Clause 11.5.2 Roads 3 Clause C7.7.2 Priority Vegetation
Representation(s):	Nil.

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2023.24.1 for an Eight (8) Lot Subdivision at 6a & 8 Correa Street, Primrose Sands 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) (P2) Proposed Boundary Adjustment & Subdivision Stage 1 Prepared by Rogerson & Birch Dated 06/10/2023
 - (b) (P2) Proposed Boundary Adjustment & Subdivision Stage 2 Prepared by Rogerson & Birch Dated 06/10/2023



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- (c) (P1) Road Work and Drainage Plans from Henry Design and Consultants Dated September 2021
 - (d) (P2) Bushfire Hazard Report and Bushfire Management Plan Prepared by Chris Draffin & Chantelle Foon Dated 12 November 2021
 - (e) (P2) Natural Values Assessment Prepared by Enviro-dynamics Dated July 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 5% of the improved value of Lots 1-8 (inclusive).

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.

Alternatively, the above may be satisfied through the contribution of land to Council elsewhere in Primrose Sands subject to the approval of the General Manager.

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.

On-site wastewater

6. Before sealing the final plan the applicant must demonstrate to the satisfaction of the Manager Health and Compliance that the wastewater absorption trenches for lot 3 are located wholly within that lot.

7. 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.
8. 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.
9. 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.
10. Any vegetation removed as part of the subdivision construction works, must not be burnt unless approval has been obtained from Councils Environmental Health Officer.

Engineering Conditions:

Works Generally

1. All works shall be constructed in accordance with Council's current Standard Drawings and Specifications, and under the direct supervision of a qualified civil engineer, except where specified by conditions in this permit. All information, design plans, and works shall be to the satisfaction of Council's Director Service Delivery.
2. All works shall be undertaken at the developer's expense.
3. Prior to the commencement of the development of the site, revised detailed plans and specifications must be submitted to Council's Director Service Delivery for approval. Such plans and specifications shall:
 - (a) Include all infrastructure works required by the permit or shown on the endorsed plans;
 - (b) Be prepared by a suitably qualified and experienced engineer or engineering consultancy;
 - (c) Be prepared substantially in accordance with the current IPWEA Standard Drawings and Tasmanian Subdivision Guidelines available on the LGAT website;
 - (d) Include best practice Water Sensitive Urban Design (WSUD) to prevent 80% of Total Suspended Solids (TSS), and 45% of Total Nitrogen (TN) and 45% Total Phosphorus (TP) from leaving the site.



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4. If any changes to the Council approved detailed plans are required during construction, a revised set of plans must be submitted for further review and approval by Council's Director Service Delivery, prior to any changes being implemented. Any fees associated with the review and approval of the engineering drawings may be required to be paid again.
5. Prior to the issue of the Certificate of Practical Completion, certification that all private and public infrastructure works have been constructed in accordance with the latest approved version of the detailed plans and specification as approved by Council's Director Service Delivery will be required.

Road Works

6. The continuation of Correa Street shall be constructed generally in accordance with TSD-R02-v3 and finished with a two coat (14/7) bitumen seal as a minimum standard. The minimum sealed traffic width shall be 6.0 metres with 0.5 metre sealed shoulders and a 0.5 metre verge each side (minimum of 7.0 metres sealed carriageway). The Road reservation shall have a minimum of width of 18 metres.
7. Each lot shall be provided with a new access, constructed generally in accordance with TSD-R03-v3 and TSD-R04-v3 and finished with a 40mm thick DG asphalt seal over a minimum of 200mm compacted FCR base material (no clay content). The seal shall have a minimum width of 4.0 metres, and shall extend for 6 metres, or to the property boundary, whichever is greater.
8. Each sealed access must be shaped to direct all stormwater into the roadside table drains and drainage from each access must not cause ponding within the road reserve. Each access shall have a new DN300 RRJ RCP culvert and headwalls installed generally in accordance with TSD-R03-v3 and TSD-R04-v3. Driveway outfalls shall be constructed and directed into the roadside table drains with appropriate rock lining to prevent erosion.
9. The cul-de-sac head is to be constructed generally in accordance with TSD-R08-v3 and finished with a 40mm thick DG asphalt seal. The minimum sealed asphalt diameter shall be 25 metres and the minimum road reservation width shall be 31 metres.
10. The road shall be designed and certified by a suitably qualified and experienced engineer, to be generally in accordance with TSD-R02-v3. The road shall have a minimum of 100mm FCR Base 'Class A' material (no clay content) over 200mm thick sub-base 1 material and finished with a bitumen seal. Sub-grade improvement shall be implemented as required to achieve a minimum sub-grade C.B.R. of 4.0% soaked.

11. Steel-Flex, or equivalent, guideposts shall be installed to each access, culvert headwalls, and the new road as per TSD-R03-v3 and TSD-R25-v3.
12. Roadside table drains shall be constructed for the proposed road generally in accordance with TSD-R02-v3 and as required by the applicant's stormwater report by ADDC dated 4 November 2021 to safely carry all stormwater from the subdivision to Council's existing roadside drainage in Correa Street. New culverts are to be constructed to suit the topography of the site and as per the stormwater report.
13. The existing culverts and table drains in Correa Street shall be upgraded as required to accommodate the additional flow generated by the subdivision.
14. The new sealed road construction shall extend to the existing Council maintained road (Correa Street) within the existing road reservation and shall match into the existing Correa Street with a smooth connection. The traffic management plan will need to be implemented to the satisfaction of Council's Director Service Delivery prior to works commencing within Council's road reserve.
15. A fee is associated with the review and approval of engineering design plans. The fee will be calculated at 1% of the construction estimate or contract price for stormwater, roadworks, and street lights. This shall be paid along with inspection fees prior to commencing works. An invoice will be provided with the approval letter.
16. Any site filling must comply with the provisions of AS 3798 Guidelines on Earthworks for Commercial and Residential Developments current at the time of application. Prior to the use commencing, a Civil Engineer must certify that all the works have been carried out in accordance with AS 3798 and the Council endorsed engineering plan(s). Any fill placed within the road reserve (Lot 100 Road) shall be limited and shall be finished and seeded to the satisfaction of Council's Director Service Delivery.
17. Prior to the commencement of any works, the developer/contractor shall:
 - (a) Complete a Start Works Notice (copy available from Council);
 - (b) Provide a copy of their current public liability insurance policy (certificate of currency) for the contractor and any subcontractors engaged to undertake the works;
 - (c) Ensure that all traffic management and WH&S requirements are in place for the duration of the works.

18. Easements are required over all Council and third party services located in private property. The minimum width of any easement must be 3.0m for Council (public) mains.
19. Council is to be notified and engineering inspections are to be completed at the following stages of construction:
 - a) Proof roll inspection of the sub-grade/sub-grade improvement;
 - b) Proof roll inspection of the sub-base course(s);
 - c) Proof roll inspection of the base course, prior to sealing;
 - d) Laying of pipelines for stormwater drainage prior to back filling, including access culverts;
 - e) Inspection of the base course in any footpaths, kerb and gutter, and driveway accesses, prior to sealing;
 - f) Practical Completion of works (On Maintenance);
 - g) Final inspection at completion of Defects Liability Period (Off Maintenance);
 - h) Installation of all WSUD systems;
 - i) Any other inspections required during the construction of the public infrastructure.

Where the development is to be constructed in stages, the above inspections and associated fees will be required for each stage.

30. For each inspection required to be carried out, the applicant shall pay the prescribed fee as set annually by Council. This inspection fee shall be indexed at the CPI rate for Hobart until paid. Council will invoice the developer for the minimum number of inspections required together with the drawing review and approval. Where works do not meet Council requirements and/or further inspections are required, additional fees will be charged for each subsequent inspection at the prescribed inspection rate. The works will not be placed On Maintenance until payment of the above fees has been received.
31. A Soil and Stormwater Management Plan must be approved by Council's Director Service Delivery and fully implemented prior to any works commencing on site. No polluted and/or sediment laden runoff must discharge directly or indirectly into Council's drains or watercourses during development.
32. The applicant shall provide Council with "As Constructed" drawings of the development and complete the Data Spreadsheet, copy available from Council, at the completion works. The following list must be submitted as part of these requirements:
 - (a) "As Constructed" drawings must be clearly understood and must provide all relevant information to the works. The minimum standard for "As Constructed" drawings is demonstrated through the As Constructed Example Drawing, available by contacting Council

- (b) "As Constructed" drawing must be completed and certified by a qualified surveyor or engineer prior to the works being placed on maintenance;
 - (c) "As Constructed" drawings must be accurate to AHD and GDA94 and must be drawn to an appropriate scale, show all top, inlet and outlet invert levels and shall be to the satisfaction of Council's Director Service Delivery;
 - (d) "As Constructed" drawings must be provided electronically in both .pdf and .dwg or .dxf formats, or as otherwise approved by Council's Director Service Delivery;
 - (e) The Data Spreadsheet must be completed and certified by a suitably qualified surveyor or engineer prior to the works being placed on maintenance;
 - (f) The Data Spreadsheet must be provided to Council's Asset Manager along with the "As Constructed" drawings;
 - (g) All height and special information must be accurate to AHD and GDA94, to the satisfaction of Council's Director Service Delivery;
 - (h) The data spreadsheet must be provided electronically, as an Excel document; Photographs of all newly constructed assets must be supplied to Council; a description of photos required is outlined in the Data Spreadsheet Information.
 - (i) Compaction and soil tests results for all earthworks or pavement works;
 - (j) An engineer's certificate stating that each component of the works complies with the approved engineering plans and Council standards.
33. The Defects Liability Period shall be a minimum of twelve (12) months from the date of Practical Completion. Prior to the sealing of the Final Plan of Survey, the person responsible must lodge with the Council a bond in the form of a bank guarantee or a cash deposit for the duration of the defect liability period for the amount equal to 5% of the total construction value.
34. 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.
35. Underground power, street light poles and communication services (including NBN if available) are to be provided to each lot within the boundary adjustment in accordance with the relevant Authority's standards and specifications, with the developer to meet all costs. The developer is to reimburse Council for the cost of street lights and 14W LED lamps at a rate of \$625 per light (indexed with CPI).
36. The survey pegs for all lots in the boundary adjustment are to be certified correct after the construction is completed and prior to the works being placed On Maintenance.

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) 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

Executive Summary

Application is made for an eight (8) lot subdivision at 6a & 8 Correa Street, Primrose Sands. The subdivision involves the construction of a new road, and the subdivision of two (2) parent lots to eight (8) varying in size from 0.8ha to 1ha.

This property is zoned Rural Living and is located in the eastern part of Primrose Sands on elevated land behind the low density residential strip.

The key planning considerations relate to:

- Proposed subdivision resulting in lots less than one (1) hectare and appropriate consistency with the pattern of development of existing and established properties within the locality.
- Includes works, building areas, bushfire hazard management areas within a priority vegetation area.
- The works will involve the extension of Correa Street to the west and the construction of a new cul-de-sac.

Council approved an application for a six (6) lot subdivision at 6a and 8 Correa Street, Primrose Sands on 18th January 2022. The subdivision involved the construction of a new road, and the subdivision of two (2)



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parent lots to six (6) varying in size from 1.03ha to 1.54ha. The new road required by that permit has been constructed. The recommended engineering conditions are those that were included in the initial permit and are to be carried forward notwithstanding the largely completed nature of the road.

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 new road and stormwater assets to be transferred to Council. Design and construction standards for these assets are considered in this report.
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 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	Nil	Nil
Plumbing	No			
NRM	No			
TasWater	No			
TasNetworks	Yes	No	Nil	Nil
State Growth	Yes	Yes	Nil	Nil



Report

Description of Proposal

The two stage subdivision comprises of:

Stage 1 - a boundary adjustment in order to facilitate acceptable lot size for Lots 2 and creation of Lots 1, 4, 5, 6, 7 and 8).

Stage 2 – subdivision of Lot 2 to create Lot 3.

The proposed subdivision and subsequent residential development will result in clearance or disturbance of approximately 0.5 hectares of Eucalyptus amygdalina coastal forest and woodland and 0.01 hectares of Lowland grassland.

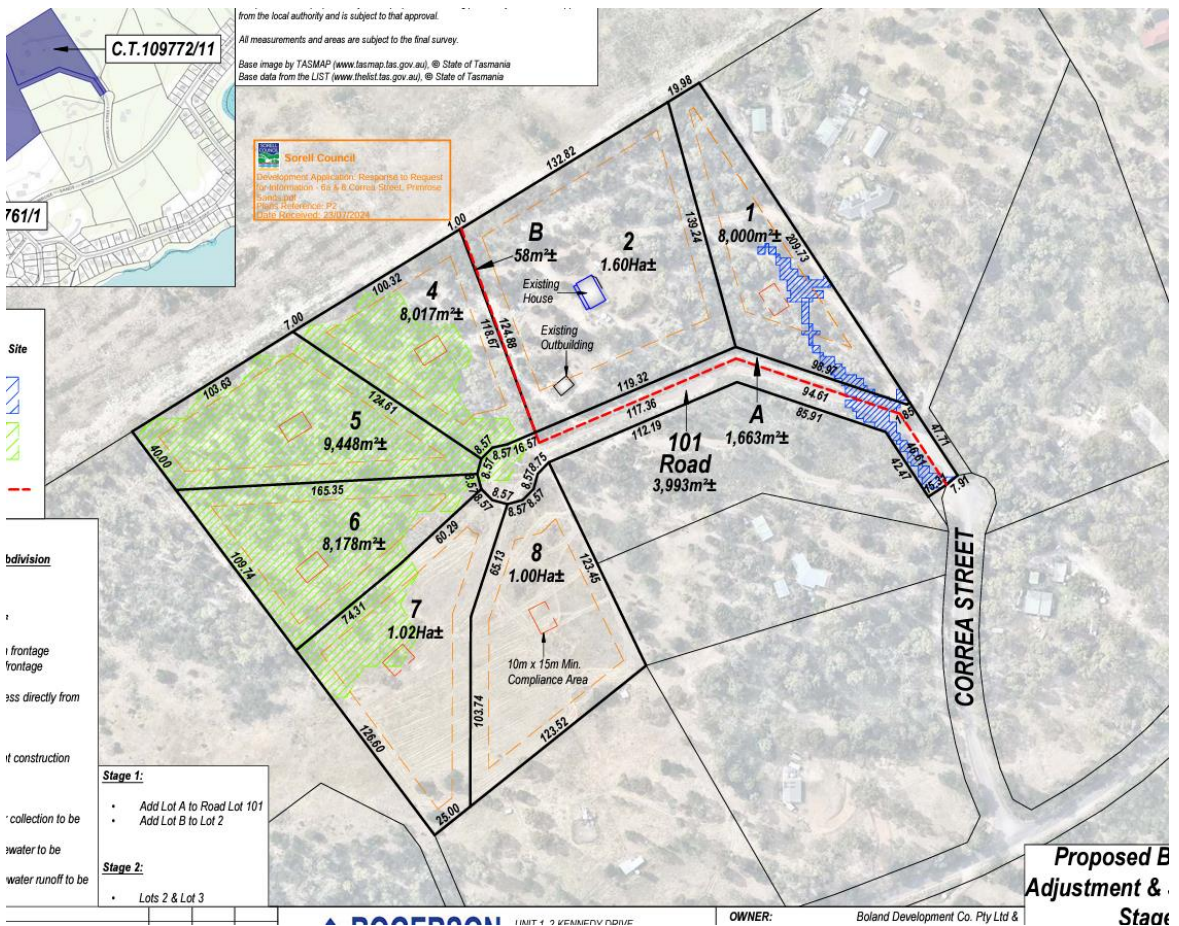


Figure 1. Proposed Subdivision - Stage 1 (Stage 1 comprises a boundary adjustment in order to facilitate an acceptable lot size for Lot 2 to be subsequently subdivided for the creation of Lot 3).



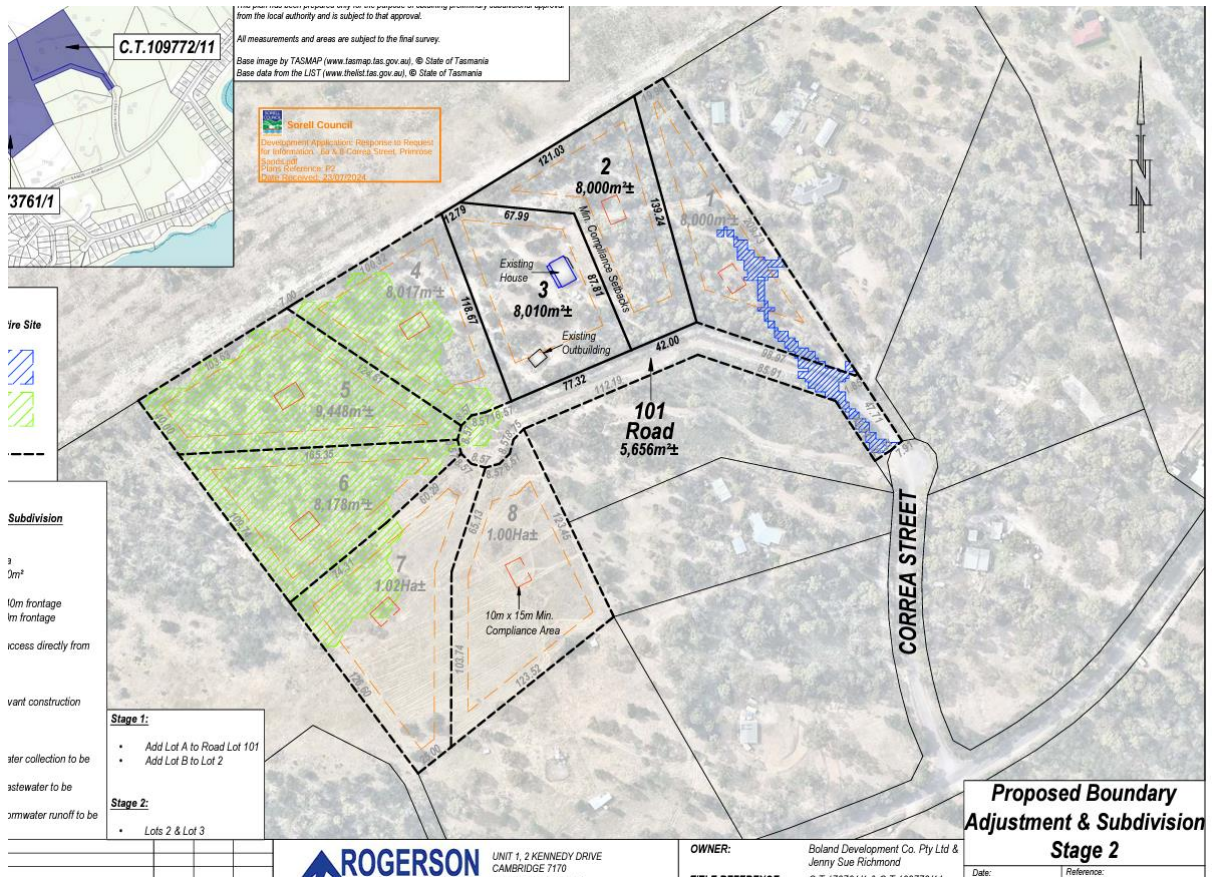


Figure 2. Proposed Subdivision - Stage 2

The application is supported by:

- Staged Subdivision Plan(s) from Rogerson and Birch dated 06 October 2023;
- Road Work and Drainage Plans from Henry Design and Consultants Dated September 2021;
- A Bushfire Attack Level Assessment and Bushfire Hazard Management Plan from Onto It Solutions dated 12 November 2021; and
- A Natural Values Assessment from Enviro-dynamics dated July 2024.

Description of Site

The subject site encompasses two properties at 6a and 8 Correa Street, with a total area of approximately 6.7 ha. Beyond the northern boundary of the properties, there is cleared farmland, and the western and southern boundaries are rural living lots ranging from 1ha to 5ha in area.

There is an existing dwelling located on 8 Correa Street.

The land is relatively flat with a gradual downslope from the south to the north.



The entire site is subject to a Bushfire Prone Areas Code Overlay, with the northwest portion subject to a Priority Vegetation Code Overlay.

Both lots are currently accessed by Correa Street, which is unsealed and terminates in a cul-de-sac.



Figure 3. Subject site.

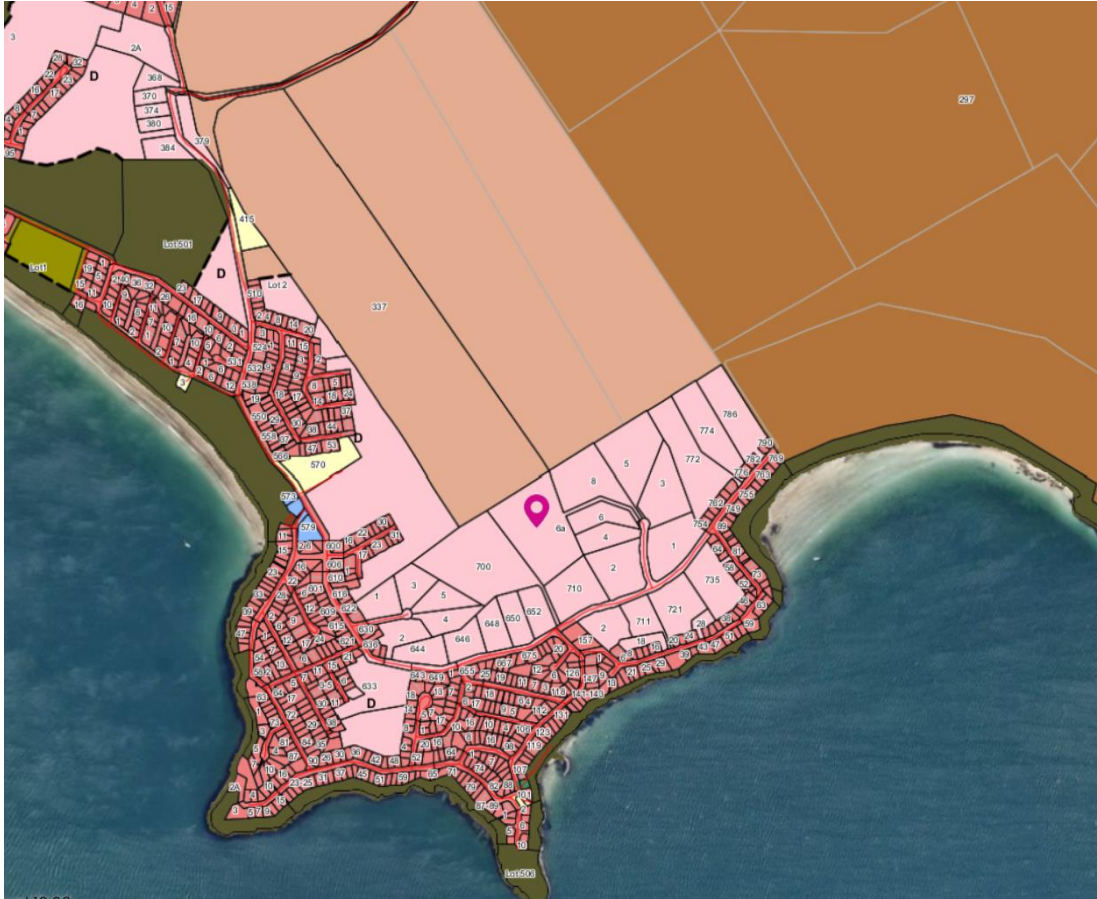


Figure 4. Zone

Relevant History

Council approved an application for a six (6) lot subdivision at 6a and 8 Correa Street, Primrose Sands on 18th January 2022. The subdivision involved the construction of a new road, and the subdivision of two (2) parent lots to six (6) varying in size from 1.03ha to 1.54ha.

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
11.5.1 A1	Lot Design (Lot Size)	No , as proposed lots 1 to 4 (inclusive) have lot sizes less than 1ha. Refer to performance criteria assessment below.
11.5.1 A2	Lot Design (Frontage)	No , as proposed lots 4 to 8 (inclusive) have frontages less than 40m in width. Refer to performance criteria assessment below.
11.5.1 A3	Lot Design (Access)	Yes, as each proposed lot has a sealed access from the respective boundary to the road/cul-de-sac which will become an extension of Correa Street. The



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		proposed road is sealed and includes a cul-de-sac type design similar to that within the locality.
11.5.2 A1	Roads	No , as the proposed subdivision includes a new road in the form of an extension to the existing Correa Street and the construction of a turning head / cul de sac. Refer to performance criteria assessment below.
11.5.3 A1	Water Supply	Yes, as the proposed lots are unable to be connected to a relevant water supply and it is deemed that a viable onsite water supply system can adequately be accommodated onsite for each proposed lot.
11.5.3 A2	Sewerage	Yes, no available reticulated sewerage infrastructure exists within the locality and it is deemed that a viable onsite wastewater system can adequately be accommodated onsite for each proposed lot.

Performance Criteria Assessment 1 – Clause 11.5.1 P1 Lot Size

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to:

- a) the relevant requirements for development of existing buildings on the lots;*
- b) the intended location of buildings on the lots;*
- c) the topography of the site;*
- d) any natural or landscape values;*
- e) adequate provision of private open space; and*
- f) the pattern of development existing on established properties in the area,*

and must be no more than 20% smaller than the applicable lot size required by clause 11.5.1 A1.

Key to applying the performance criteria correctly is establishing the relevant area that should be considered in clause (f). This could be a narrow area such as the rural living zone north of Primrose Sands or a broader area such as all of Primrose Sands east of the Community Hall. The adopted area is all of the rural living zone in the eastern part of Primrose Sands which includes lots on the northern and southern side of Primrose Sands Road.

Notably, there is no correct way to establish the relevant area and it is a matter of judgement on a case-by-case basis. Moreover, there are no Tribunal cases that consider this issue that could be used for guidance. When the Tribunal has defined relevant areas it has done so in urban councils and has generally adopted broad, rather than narrow interpretation. A consequence of broader areas is that more anomalies to typical lot sizes will be identified.

The performance criteria is applicable as proposed lots 1 to 4 (inclusive) have lot sizes less than 1ha. It is considered that the performance criteria is satisfied given:



- All lots are vacant except for Lot 3, which contains an existing dwelling and outbuilding that meet the zone's development standards.
- The proposed Lots 1, 2, 4, 5, 6, 7 and 8 provide building areas with a minimum area of 15m x 20m and offer sufficient land for residential development in terms of onsite wastewater, land application area, internal driveways, and associated residential / rural living infrastructure.
- All lots have allocated building areas located in the centre of the lots to comply with relevant setback requirements under the Scheme and the associated infrastructure, including the Bushfire Hazard Management Plan for Bal 19 rating.
- The topography of the lots is gentle sloping, with suitable building areas facing north and having an outlook to Carlton River, while lots 7 and 8 have an outlook to the south/south-west and overlook Frederick Henry Bay. Given the orientation of the property, the lots offer appropriate solar access, views to farmland and the Carlton River, and/or views over Frederick Henry Bay.
- A Natural Values Assessment by Enviro-dynamics has been undertaken and concluded that no threatened species and communities were observed and no threatened species habitat was observed. The native vegetation on the site does not meet the definition for priority vegetation under the Scheme and primarily consists of Eucalyptus amygdalina coastal forest and woodland.
- All sites provide adequate areas for private open space requirements for residential development within a rural living setting.
- The proposal is for lots of varying sizes, consisting of Lot 8 – 1ha and Lot 7 – 1.02ha. Both lots meet the minimum lot size requirements of the Acceptable Solution.
- Lot 9 is 9,448m², 5.52% less than the Acceptable Solution is deemed to be insignificant.
- Lots 1, 2, 3, 4, and 6 have lot sizes varying from 8,000m² and greater, which is not less than 20% of the allowable lot size.
- These lots do not meet the acceptable solution, however, as with all proposed lots, the lot shape and area are clear of any hindrances and well suited for residential development. The size and pattern of the proposed development is considered consistent with the existing and established properties within the greater area being within proximity to the Primrose Sands lots along the coastal and inland area zoned Residential with lot sizes generally around 600m².

While most Rural Living zoned properties within the immediate locality are greater than 1ha, there are examples of significantly undersized lots. Specifically, examples within the area are 18 Susans Bay Road (4665m²) and 28 Susans Bay Road (3042m²). These lots are approximately within 450m of the proposed subdivision development.

Performance Criteria Assessment 2 – Clause 13.5.1 P2 - Frontage

Each lot, or a lot proposed in a plan of subdivision, 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, and is not less than 3.6m wide*

The performance criteria is applicable as proposed lots 4 to 8 (inclusive) have frontages less than 40m in width. It is considered that the performance criteria is satisfied given:

Lots 4 to 8 all have a frontage of not less than 3.6m wide with the width of the frontages varying from 8.57m for Lots 5, 6 & 7 with the remaining lots 4 (33m frontage) & Lot 8 (34m frontage).

No lots are subject to any right-of-way or long access strips; access for all lots is directly to the new road and/or cul-de-sac.

The site's topography provides clear access directly from the lot to the road.

The functionality of the frontage is greater than the minimum 3.6m wide, and there are no access strips or internal lots, nor are there any restrictions from the road to the lot proper. The frontage is usable to the property owners and has a clear visual aspect into the lots proper.

Given that the frontages are directly along the road or a cul-de-sac, sufficient space is available for manoeuvring vehicles to and from the site.

Most lots in the immediate area have similar and varying frontages, which is in keeping with the pattern of development in the area, particularly those on adjoining land at Fynbos Court.

Lots 4, 5 and 6 have good levels of access with at least 15m of straight-line frontage to accommodate a standard vehicle crossover.

Performance Criteria Assessment 3 – Clause 13.5.2 P1 - Roads

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

- a) any relevant road network plan adopted by the council;
- b) the existing and proposed road hierarchy;
- c) maximising connectivity with the surrounding road network;
- d) appropriate access to public transport; and
- e) access for pedestrians and cyclists.

The performance criteria is applicable as the subdivision includes a new road in the form of an extension to the existing Correa Street and the construction of a turning head/cul de sac. It is considered that the performance criteria is satisfied given:

The road is an extension of the existing Correa Street off Primrose Sands Road.

The road has an 18-metre-wide reservation, sealed with the cul-de-sac head in an asphalt seal built to construction standards with appropriate width and drainage constructed to Council Standards.

Primrose Sands Road is the main arterial road, and Correa Street is an access street.

Given the rural living landscape, it is unlikely that there will be a significant demand for public transport. However, school buses are available at Primrose Sands Road, and there is limited public bus service at the corner of Primrose Sands Road and Grevillea Street.

The width of the road is designed to be constructed to provide appropriate shared access for pedestrians and cyclists.

Code

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.

Natural Assets Code (Priority Vegetation)

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C7.7.2	Subdivision within a priority vegetation area	No , as the subdivision includes works that include identified building areas, bushfire hazard management areas, services and vehicular access within a priority vegetation area. Refer to performance criteria assessment below.



Performance Criteria Assessment 4 – Clause 7.7.2 P1.1 & P1.2

P1.1

Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:

- a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;
- b) subdivision for the construction of a single dwelling or an associated outbuilding;
- c) subdivision in the General Residential Zone or Low Density Residential Zone;
- d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;
- e) subdivision involving clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or
- f) subdivision involving clearance of native vegetation that is of limited scale relative

P1.2

Works associated with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

- a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;
- b) any particular requirements for the works and future development likely to be facilitated by the subdivision;
- c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;
- d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;
- e) any on-site biodiversity offsets; and
- f) any existing cleared areas on the site.

The performance criteria is applicable as the proposed subdivision:

- is not for the purposes of creating separate lots for existing buildings;
- is not required for public use by the Crown, a council, or a State authority;
- is not required for the provision of Utilities;
- is not for the consolidation of a lot; and
- includes works, building areas, bushfire hazard management areas within a priority vegetation area.

It is considered that the performance criteria is satisfied given:



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The proposed subdivision accommodates the future construction of an appropriate single dwelling or outbuilding on each lot.

The development has some economic benefits associated with it, and the design is similar to the lot layout within the locality (a specific example is adjacent Fynbos Court to the west). However, a six (6) lot subdivision instead of eight (8) would arguably provide similar economic benefits with a lot design consistent with the established minimum 1ha lot size.

The Natural Values Assessment, provided by Enviro-dynamics, has determined that the native vegetation on the site does not meet the criteria for priority vegetation under the Scheme.

Flood-Prone Areas Hazards Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C12.7.1	Flood Prone Area	Yes, as each proposed lot is able to contain a building area, vehicle access, and services that are wholly located outside a flood-prone hazard area.

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.5.1	Traffic generation	Yes, as traffic generation for the two additional lots is within the acceptable range

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 taking of 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. Any land would sit behind existing residential use



and would be constrained in future opportunities while also creating safety considerations.

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;*
- (c) the extent to which the newly created lots will impact upon demand for POS; and*
- (d) the size of the newly created lots and the extent to which the lots can provide for their own recreational opportunities.*

The proximity to the Primrose Sands lots along the coastal and inland area zoned Residential with lot sizes generally around 600 sqm and the lack of developed Public Open Space within the locality warrant a considerable cash-in-lieu contribution. Further, the increase in the number of lots compared to the previous subdivision approval (as mentioned above) results in lot sizes considerably less than the Acceptable Solution.

It is considered reasonable that the maximum 5% contribution apply in this instance.

Representations

No representations were received during the advertising period.

Conclusion

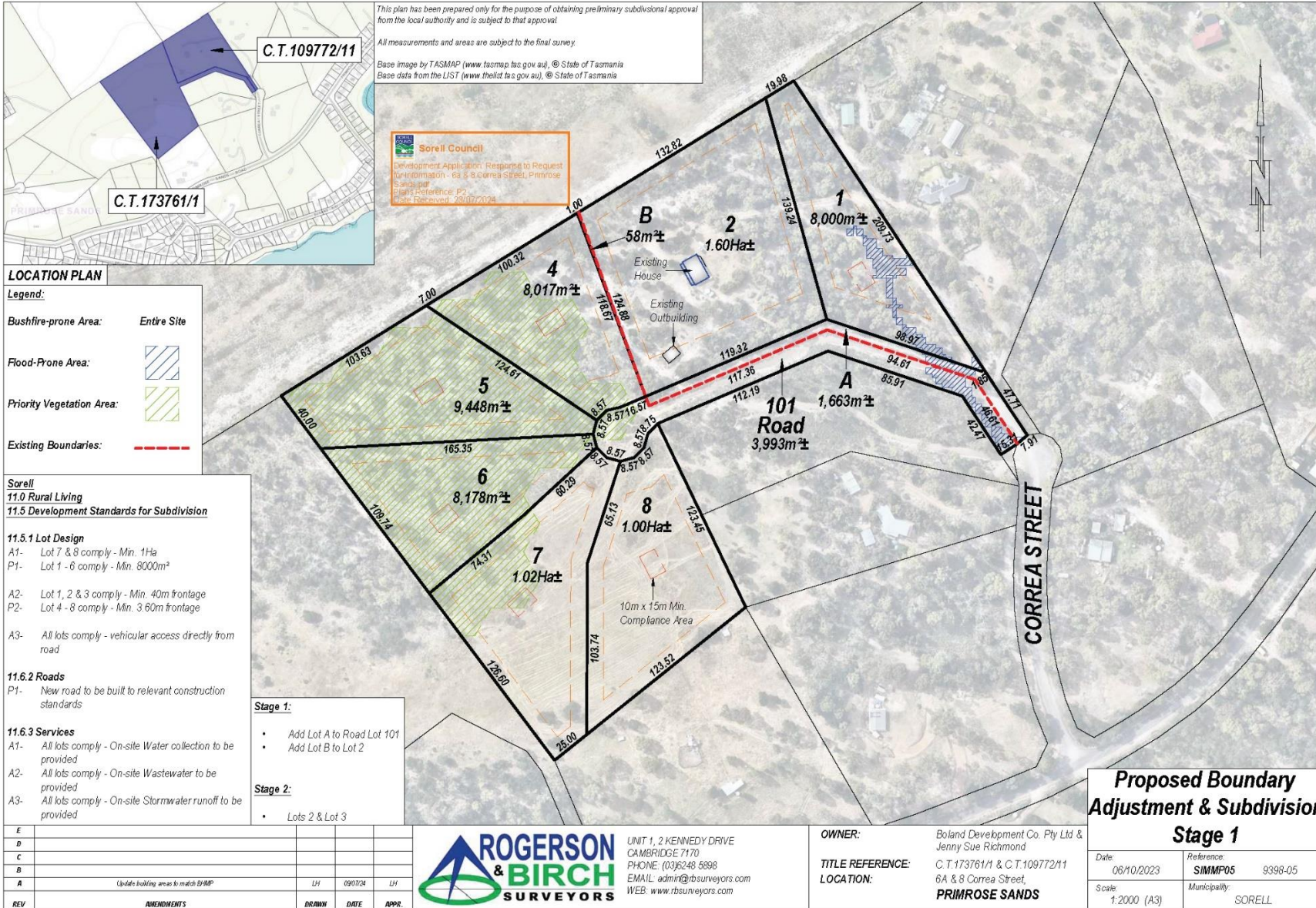
The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme – Sorell* and is recommended for conditional approval.

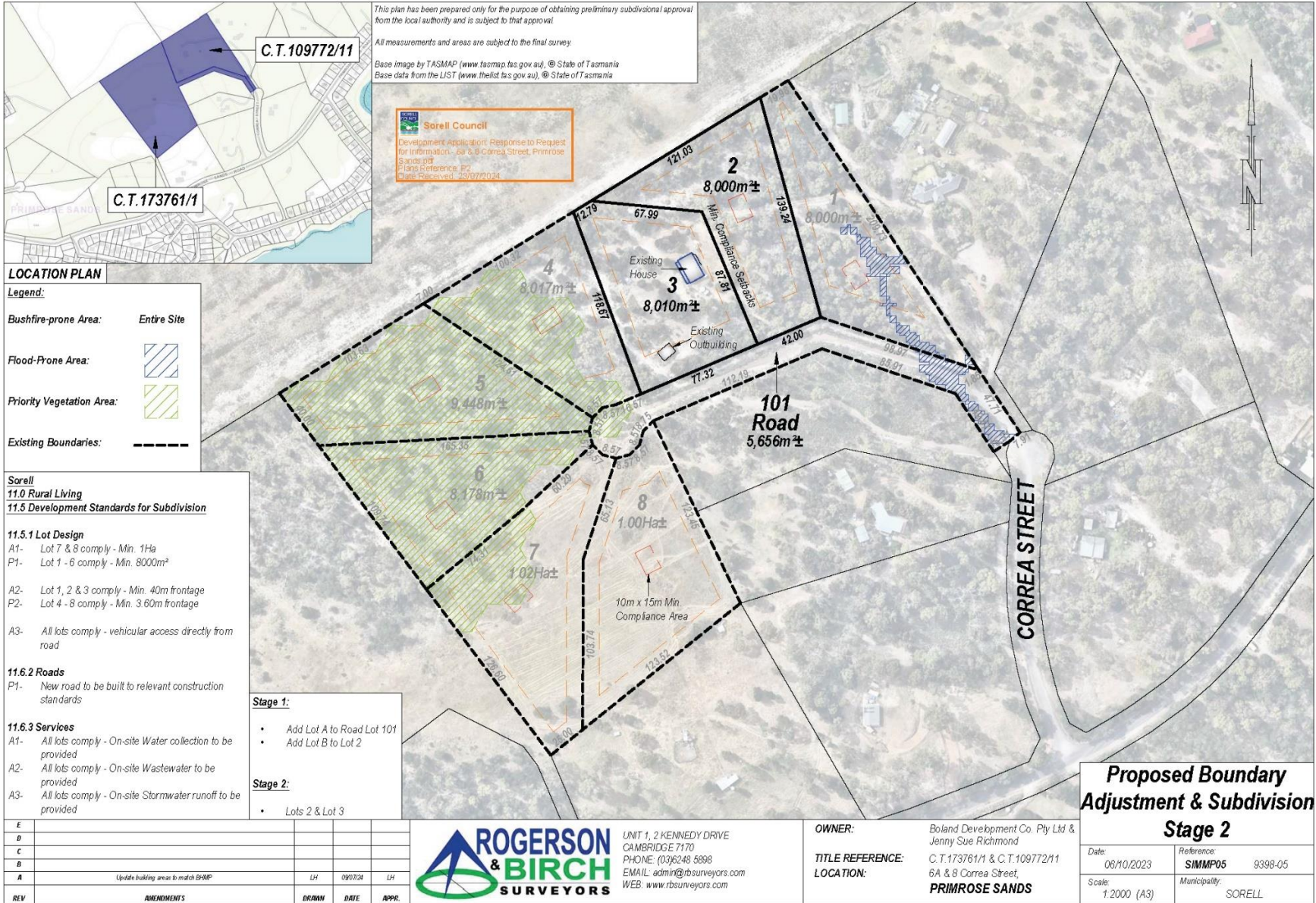
Shannon McCaughey Senior Planner

Attachment to the agenda:
Plan of Subdivision

Attached separately:
Bushfire Hazard Management Plan







LOCATION PLAN

Legend:

Bushfire-prone Area: Entire Site

Flood-Prone Area: [Hatched Box]

Priority Vegetation Area: [Diagonal Lines Box]

Existing Boundaries: [Dashed Line Box]

Sorell
11.0 Rural Living
11.5 Development Standards for Subdivision

11.5.1 Lot Design
 A1- Lot 7 & 8 comply - Min. 1Ha
 P1- Lot 1 - 6 comply - Min. 8000m²

A2- Lot 1, 2 & 3 comply - Min. 40m frontage
 P2- Lot 4 - 8 comply - Min. 3.60m frontage

A3- All lots comply - vehicular access directly from road

11.6.2 Roads
 P1- New road to be built to relevant construction standards

11.6.3 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

Stage 1:

- Add Lot A to Road Lot 101
- Add Lot B to Lot 2

Stage 2:

- Lots 2 & Lot 3

E				
D				
C				
B				
A	Update building areas to match BHP	LH	09/07/24	LH
REV	AMENDMENTS	DRAWN	DATE	APP.



UNIT 1, 2 KENNEDY DRIVE
 CAMBRIDGE 7170
 PHONE: (03)6248 5998
 EMAIL: admin@rbsurveyors.com
 WEB: www.rbsurveyors.com

OWNER: Boland Development Co. Pty Ltd & Jenny Sue Richmond

TITLE REFERENCE: C.T.173761/1 & C.T.109772/11

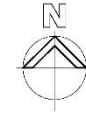
LOCATION: 6A & 8 Correa Street, PRIMROSE SANDS

Proposed Boundary Adjustment & Subdivision Stage 2

Date: 06/10/2023	Reference: SIMMP05 9398-05
Scale: 1:2000 (A3)	Municipality: SORELL



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PROPOSED 6 LOT SUBDIVISION
AT 6A & 8 CORREA STREET, PRIMROSE SANDS
FOR BOLAND DEVELOPMENT CO. P/L & J RICHMOND

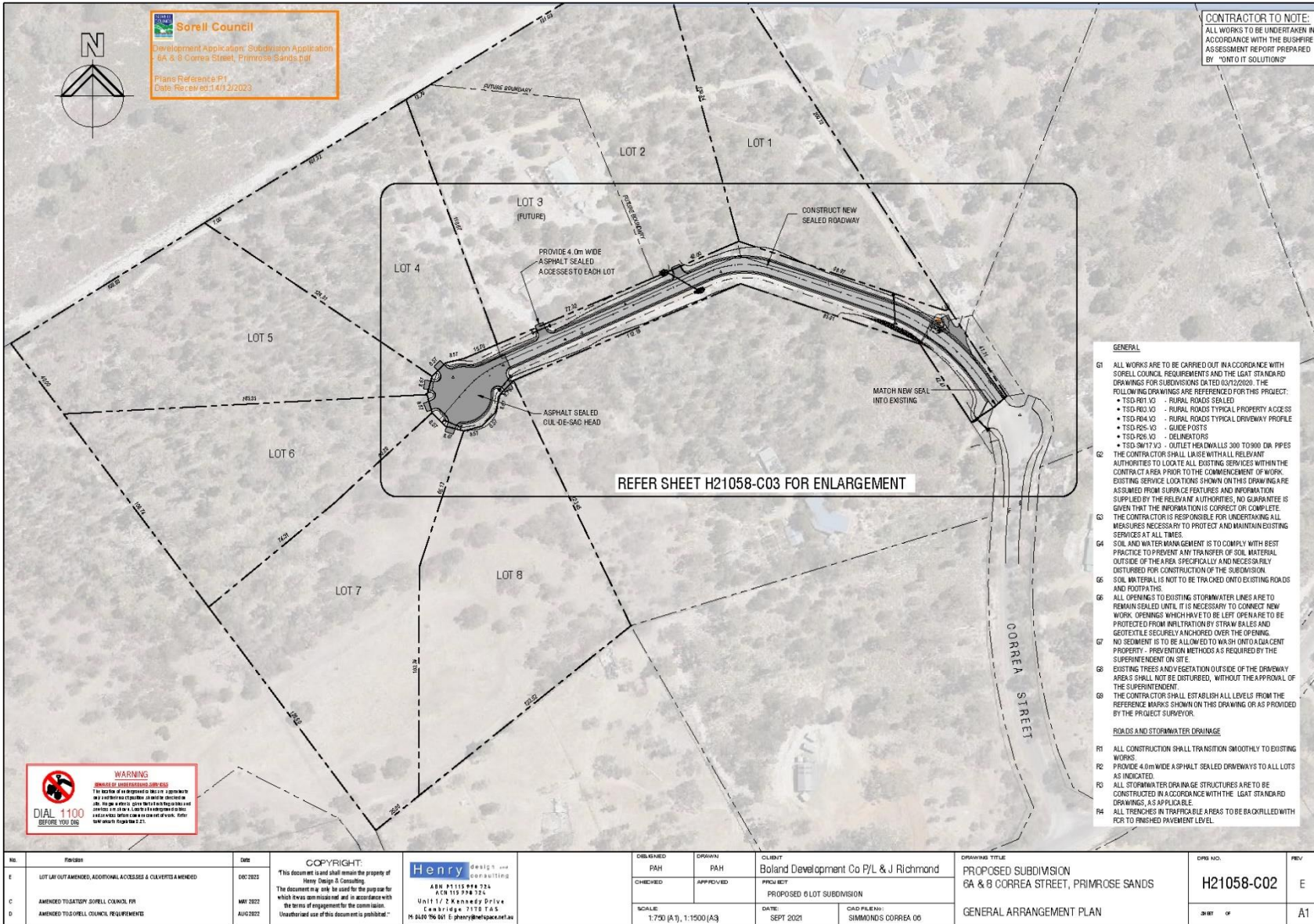
DRAWING No.	DRAWING TITLE
H21058-C01	LOCALITY PLAN & DRAWING INDEX
H21058-C02	GENERAL ARRANGEMENT PLAN
H21058-C03	ROADWORKS & DRAINAGE PLAN
H21058-C04	ROAD LONGITUDINAL SECTION - SHEET 1 OF 2
H21058-C05	ROAD LONGITUDINAL SECTION - SHEET 2 OF 2
H21058-C06	ROAD CROSS SECTIONS - SHEET 1 OF 3
H21058-C07	ROAD CROSS SECTIONS - SHEET 2 OF 3
H21058-C08	ROAD CROSS SECTIONS - SHEET 3 OF 3
H21058-C09	TYPICAL DRIVEWAY DETAILS

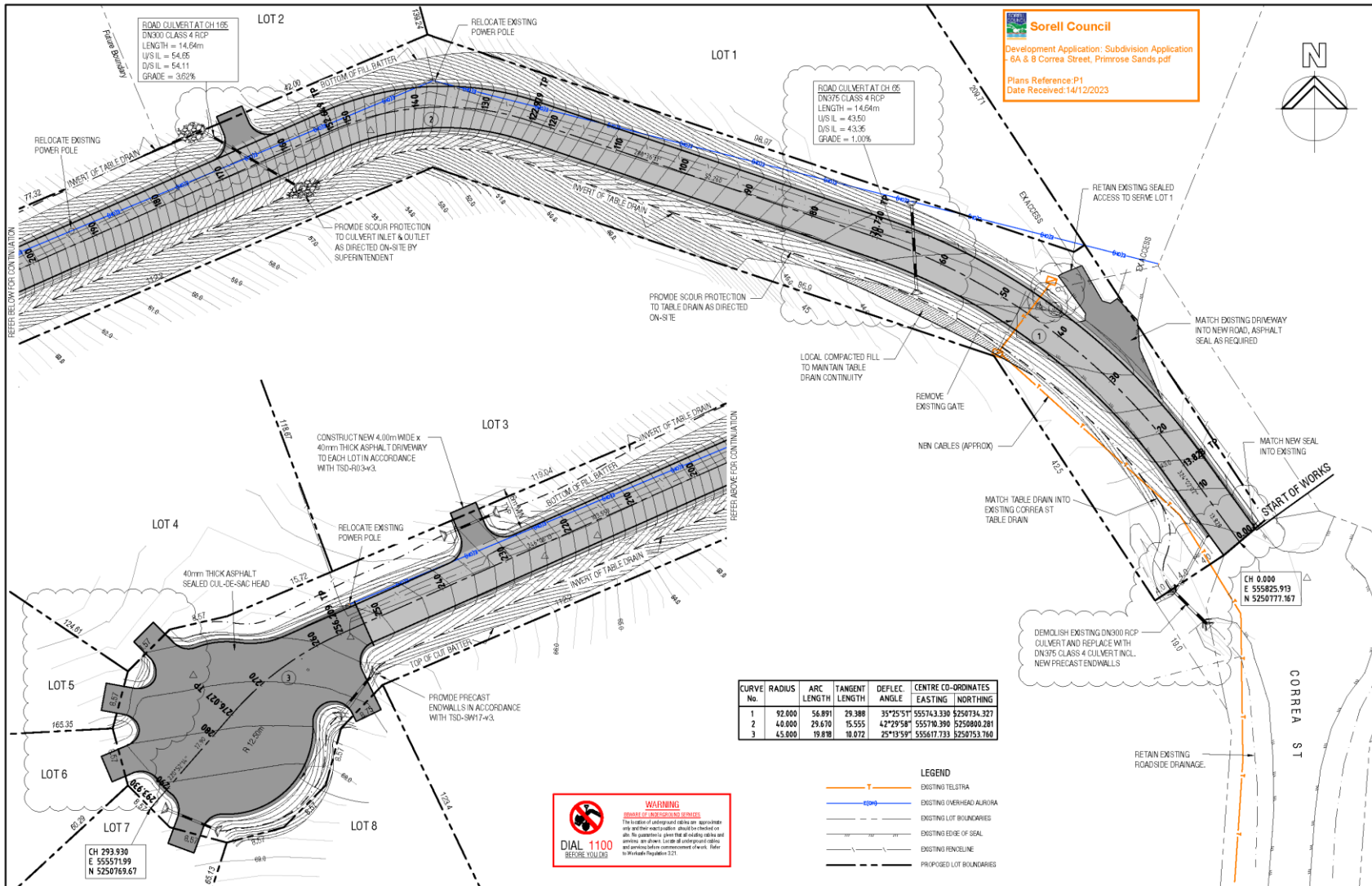


Sorell Council
 Development Application - Subdivision Application
 - 6A & 8 Correa Street, Primrose Sands.pdf
 Plans Reference P1
 Date Received 14/12/2023

No.	Revision	Date	COPYRIGHT:	DESIGNER	DRAWN	CLIENT	DRAWING TITLE	DWG NO.	REV
F	LOT LAYOUT AMENDED, ADDITIONAL ACCESSES & DIMENSIONS AMENDED	DEC 2023	*This document, in whole or in part, is the property of Henry Design & Consulting. The document may not be used for any purpose for which it was not intended and in accordance with the terms of engagement for the commission. Any unauthorised use of this document is prohibited.	Henry DESIGN & CONSULTING 488 4115 058 324 41 4110 998 324 UNIT 17/2 KENNEDY DRIVE CAMDEN 3464 TAS H 21058 06 01 - 01.pptx@h21058.spa.nsw.gov.au	PAH	Boland Development Co P/L & J Richmond	PROPOSED SUBDIVISION 6A & 8 CORREA STREET, PRIMROSE SANDS	H21058-C01	E
G	AMENDED TO SAURBY SHULL CORREA ST	MAY 2022				PROPOSED 6 LOT SUBDIVISION			
E	AMENDED TO SORELL COUNCIL ROADWORKS	AUG 2022				SCALE: 1:5,000 (A3)	LOCALITY PLAN & DRAWING INDEX		A1
						DATE: SEPT 2021	DATE FILED: SIMMONDS CORREA 06		







Sorell Council
 Development Application: Subdivision Application - 6A & 8 Corrae Street, Primrose Sands.pdf
 Plans Reference: P1
 Date Received: 14/12/2023

CURVE No.	RADIUS	ARC LENGTH	TANGENT LENGTH	DEFLEC ANGLE	CENTRE CO-ORDINATES EASTING	NORTHING
1	92.000	56.891	29.388	35°25'51"	555743.330	5250734.327
2	4.000	29.670	15.555	42°19'54"	55570.390	5250800.281
3	45.000	19.818	10.072	25°13'53"	555617.733	5250753.760

WARNING
 DIAL 1100
 RECORD YOURSELF

- LEGEND**
- EXISTING TELSTRA
 - EXISTING OVERHEAD ALURAIPA
 - EXISTING LOT BOUNDARIES
 - EXISTING EDGE OF SEAL
 - EXISTING FENCELINE
 - PROPOSED LOT BOUNDARIES

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E	LOT LAYOUT AMENDED, ADDITIONAL ACCESS & CULVERTS AMENDED	DEC 2023			SCALE: AS SHOWN	DATE: SEPT 2021	GAD FILE NO: SIMMONDS CORRAE 06	ROADWORKS & DRAINAGE PLAN	SHEET OF	A1
F	AMENDED TO SATISFY SORELL COUNCIL R/R	MAY 2022								
G	AMENDED TO SORELL COUNCIL REQUIREMENTS	AUG 2022								



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 29 OCTOBER 2024