



DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) AGENDA

29 MARCH 2022

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)

NOTICE OF MEETING

Notice is hereby given that the next meeting of the Development Assessment Special Committee (DASC) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 29 March 2022 commencing at 4:30 pm.

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

I, Russell Fox, 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.

RUSSELL FOX
ACTING GENERAL MANAGER
23 MARCH 2022



AGENDA

**FOR THE DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC)
MEETING TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE
(CAC), 47 COLE STREET, SORELL ON TUESDAY 29 MARCH 2022**

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1.0 ATTENDANCE

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Chairperson Mayor Vincent
Deputy Mayor N Reynolds
Councillor K Degrassi
Councillor V Gala
Councillor G Jackson
Councillor C Torenus
Councillor M Reed
Councillor D De Williams
Councillor B Nichols
Russell Fox, Acting General Manager

2.0 CONFIRMATION OF THE MINUTES OF 1 FEBRUARY 2022

RECOMMENDATION

“That the Minutes of the Development Assessment Special Committee (DASC) Meeting held on 1 February 2022 be confirmed.”

3.0 DECLARATIONS OF PECUNIARY INTEREST



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

4.0 LAND USE PLANNING

4.1 SUBDIVISION APPLICATION NO. SA 2021 / 00010 - 1

APPLICANT: TN WOOLFORD & ASSOCIATES

PROPOSAL: TWO LOT SUBDIVISION PLUS BALANCE

ADDRESS: 179 GREENS ROAD, ORIELTON

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Sorell Interim Planning Scheme 2015*, Council resolve that Development Application SA 2021 / 00010 - 1 for a 2 lot plus balance subdivision at 179 Greens Road, Orielton be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 03/02/2022 except as may be amended by the conditions of this permit.
2. As no provision has been made for Public Open Space or improvements thereto and, having formed the opinion that such a provision should be made, Council invokes the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and requires security equivalent of 5% of the improved value of the gross area of the subdivision. This should be in the form of a direct payment made before the sealing of the final plan or, alternatively, in the form of security provided under Section 117 of the Act. The subdivider is to obtain a report from a Registered Valuer for the purposes of determining the improved value of the gross area of the subdivision.
3. All recommendations of the Bushfire Hazard Report prepared by GES Geo-Environmental Solutions and dated January 2022 must be implemented. Prior to sealing the final plan of survey, the subdivider must provide certification or documentation clearly demonstrating that all recommendations have been implemented.

Engineering Conditions

4. All works shall be constructed in accordance with Council's current Standard Drawings, and Specifications. All information, design plans and works shall be carried out to the satisfaction of Council's Manager Engineering and Regulatory Services (ME&RS).
5. All works shall be undertaken at the developer's expense.



6. Prior to the commencement of the development of the site, revised detailed plans and specifications must be submitted to Council's ME&RS 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;
7. 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 ME&RS, will be required.
8. A new sealed shared access shall be constructed to service proposed new lots 1 and 2 substantially in accordance with Council's current standard drawings, TSD-R03-v3 and TSD-R04-v3, and as follows:
 - a) The access shall have a 40mm thick asphalt seal (as a minimum standard) over a minimum 200mm compacted FCR base material (no clay content);
 - b) The asphalt seal shall start at the edge of bitumen in Greens Road and shall extend through to the property boundary, with a minimum width of 6.0 metres;
 - c) The connection to the road seal shall have a clean straight edge;
 - d) Drainage from the sealed access must not cause ponding within Council's road reserve;
 - e) The roadside table drain is to be reshaped and excavated as required to allow for installation of a DN300 RCP Class 4 concrete culvert plus headwalls;
 - f) As an alternative to the asphalt seal, 150mm thick reinforced concrete over a minimum of 100mm compacted sub-base material may be used.
9. The existing access servicing the balance lot shall be upgraded substantially in accordance with Council's current standard drawings, TSD-R03-v3 and TSD-R04-v3, and as follows:
 - g) The access shall have a 40mm thick asphalt seal (as a minimum standard) over a minimum 200mm compacted FCR base material (no clay content);
 - h) The asphalt seal shall start at the edge of bitumen in Greens Road and shall extend through to the property boundary, with a minimum width of 4.0 metres;
 - i) The connection to the road seal shall have a clean straight edge;
 - j) Drainage from the sealed access must not cause ponding within Council's road reserve;
 - k) The roadside table drain is to be reshaped and excavated as required to allow for installation of a DN300 RCP Class 4 concrete culvert plus headwalls;
 - l) As an alternative to the asphalt seal, 150mm thick reinforced concrete over a minimum of 100mm compacted sub-base material may be used.

10. An access road shall be constructed to service Lots 1 and 2, through to the lot proper, and substantially in accordance with Council's current standard drawing TSD-R02-v3, and as follows:
 - m) The access road shall have a two coat (14/7) bitumen seal (as a minimum standard) with a minimum width of 4.0 metres;
 - n) The bitumen seal shall be placed over a minimum of 100mm FCR Base 'Class A' material (no clay content) on 200mm thick sub-base 1 material, with subgrade improvement as required;
 - o) Passing bays shall be provided in accordance with the Bushfire Hazard Report completed by GES and dated January 2022;
 - p) A roadside table drain shall be constructed in accordance with the standard drawings, to direct all stormwater into Council's existing roadside drainage. Culverts shall be provided in appropriate locations to suit site topography.
11. Council has no stormwater pipeline in the immediate area. Stormwater outfalls and drainage from the access road shall be directed to roadside table drains or to absorption drains constructed on site.
12. Any old fencing fronting the road shall be removed and a new rural type fence installed on the property boundary with all costs met by the developer. Gates shall be installed within the property boundary at all new accesses and shall be set back off the road to allow vehicles to stop clear of the traffic lanes (minimum 6.0 metres).
13. A Start Works Notice shall be completed and submitted to Council prior to commencement of works on site.
14. A Council engineering officer must inspect any culverts prior to backfilling and any completed access base, prior to laying asphalt or pouring concrete. Please call Council on 6269 0000 to arrange a time giving at least 24 hours' notice.
15. For each inspection required, the developer shall pay the prescribed fee as set by Sorell Council in the fees and charges schedule (currently \$275). This inspection fee shall be indexed at the CPI rate for Hobart until paid. 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. Council will not 'seal' final plan of survey until all fees are paid and all works are completed.
16. 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 and roadworks, with a minimum fee as set by Sorell Council in the fees and charges schedule (currently \$641). This shall be paid along with inspection fees prior to commencing works. An invoice will be provided with the approval letter.
17. No debris/materials/waste is to be left behind within the road reservation once all works are completed. The road reserve shall not be used for storage of any materials during construction.

18. Power and communication services (including NBN if available) are to be provided to the new lot in accordance with the relevant Authority's standards and specifications, with the developer to meet all costs.
19. The survey pegs for all lots in the subdivision are to be certified correct after all works have been completed.
20. Prior to Council 'sealing' the final plan of survey, all engineering conditions in this permit must be satisfied

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- This permit shall lapse at the expiration of two (2) years from the date on which it is granted if the development and use is not substantially commenced within that period.
- This permit does not imply that any other approval required under any other by-law or legislation has been granted.
- Separate Building Approval may be required prior to commencement of the development.
- Council recommends contacting Dial-Before-You-Dig (phone 1100 or www.1100.com.au) before undertaking any works.

You may appeal against the above condition/s, any such appeal must be lodged within fourteen (14) days of service of this notice to the Tasmanian Civic and Administrative Tribunal, 38 Barrack Street, Hobart 7000. Ph ☎ 1800 657 500 or email resourceplanning@tascat.tas.gov.au.

Introduction

The application seeks to create two internal lots to the rear of an existing lot at 179 Greens Road, Orielton. Each new lot is 1ha in size, leaving a balance lot of 2.9ha that contains an existing dwelling. The new lots have a 3.6m frontage with a shared access of approximately 140m in length.

Strategic plan

The proposal will not affect implementation of Council's Strategic Plan 2019 – 2029.

Annual plan

The proposal will not affect implementation of Council's Annual Plan 2021/2022.

Environmental implications

There are no significant environmental implications associated with this proposal.



Asset management implications

The proposal will increase traffic along Greens Road.

Risk management implications

There are no significant risk management implications associated with this proposal.

Community implications

There are no significant implications for the community associated with this proposal.

Statutory implications

Zone: Rural Living

Use Classification: Permitted

Representations

The application was advertised in accordance with the requirements of section 57 of the *Land Use Planning and Approvals Act 1993* (LUPAA) on 17 February 2022 and representations closed on 7 March 2022.

No representations were received.

Referrals

The application was referred to Council's Engineering, Plumbing and Environmental Health Departments, with engineering conditions and comments provided.

Date of Receipt of Application

3 August 2021, and made valid on 25 August 2021.

Additional information was requested on 1 September 2021 on access matters, with a response received on 3 February 2022.

Date by Which a Decision Must be Made

30 March 2022.



Report

Approval is sought to create two internal lots at 179 Greens Road, Orielton.

The site is an irregular shaped 4.9ha lot on the northern side of Greens Road. An existing dwelling is located in the south-east corner with a setback 85m from the frontage. The site is flat and contains no native vegetation. A drainage runs along the full length of the eastern boundary.

The site, and all adjoining land, is within the Rural Living Zone. There is one internal lot between the site and an area of Significant Agriculture Zone to the west. The site is subject to overlays for bushfire and waterway protection.

The Rural Living Zone in the area has a mix of lot sizes. Vigar Court, to the east, has a number of 1ha lots but otherwise most lots are 4ha or above in size.

Rural Living Zone

The application complies with the acceptable solution for the following standards:

- 13.5.1 Lot Design A1 – minimum lot size is met
- 13.5.1 Lot Design A3 – frontage of the balance lot complies, frontage for the internal lot is assessed by 13.5.1 A4/P4
- 13.5.1 Lot Design A5 – setbacks from existing buildings are compliant
- 13.5.2 Roads A1 – no new road is proposed
- 15.5.4 Services A1 – water supply is not available
- 13.5.3 Services P2, and
- 13.5.3 Services P3.

The proposal is subject to performance criteria for lot design, public open space, stormwater and wastewater. These are considered below.

A. 13.5.1. Lot Design P2

The design of each lot must contain a building area able to satisfy all of the following:

- (a) *is reasonably capable of accommodating residential use and development;*
- (b) *meets any applicable standards in codes in this planning scheme;*
- (c) *enables future development to achieve reasonable solar access, given the slope and aspect of the land;*
- (d) *minimises the requirement for earth works, retaining walls, and cut & fill associated with future development;*
- (e) *is sufficiently separated from the land zoned Rural Resource and Significant Agriculture to prevent potential for land use conflict that would fetter non-sensitive use of that land, and the separation distance is no less than:*
 - (i) *40 m from land zoned Rural Resource;*
 - (ii) *80 m from land zoned Significant Agriculture;*

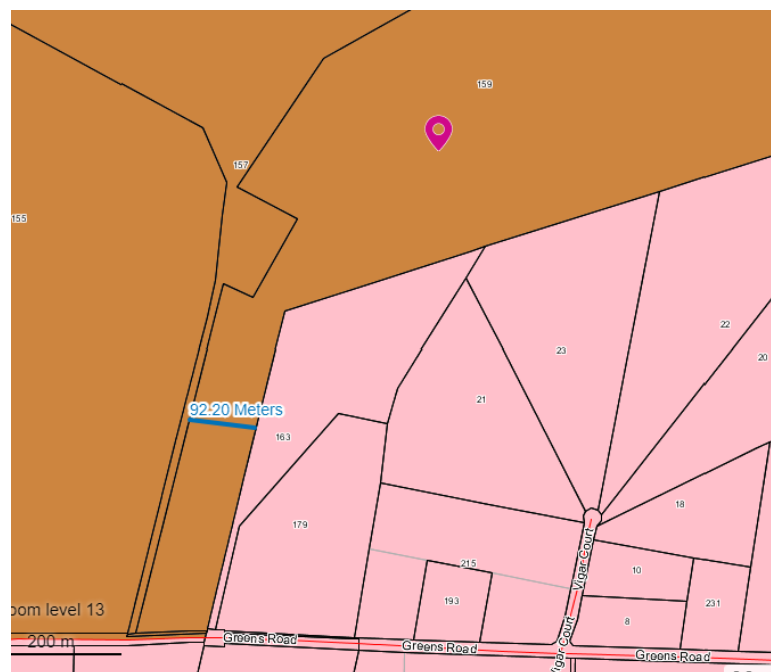
- (f) *is setback from land zoned Environmental Management to satisfy all of the following:*
- (i) *there is no significant impact from the development on environmental values;*
 - (ii) *the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;*
 - (iii) *there is minimal potential for contaminated or sedimented water runoff impacting the land zoned Environmental Management;*
 - (iv) *there are no reasonable and practical alternatives to developing close to land zoned Environmental Management.*

The acceptable solution is not complied with as each lot is subject to the bushfire-prone areas code and each building area has less than 200m of separation from the Significant Agriculture Zone (SAZ).

Of the performance criteria, (a) to (d) are met as each lot is capable of future residential use and development. Clause (f) is not relevant.

With respect to (e), each building area has a separation from the SAZ that is more than the absolute minimum of 80m. The existing dwelling is approximately 110m from the SAZ and the two new lots have a separation of approximately 120m. Whether that separation is also sufficient is dependent upon the existing and future agriculture use on the SAZ as, in this case, there is no natural buffer through topography or vegetation.

At present, the SAZ land is pasture and within the TasIrrigation district. At present, there is limited potential for future residential development on the lots to conflict with the SAZ land. Future intensive agriculture on the adjoining SAZ could be constrained by the irregular lot shape. As shown in the following image, the SAZ lot i is only 90m in width near the proposed lots. Given this, and the existing use in the SAZ, it is reasonable to consider the separation between the proposed lots and the SAZ is adequate.



B. 13.5.1. Lot Design P4

An internal lot must satisfy all of the following:

- (a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;*
- (b) it is not reasonably possible to provide a new road to create a standard frontage lot;*
- (c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;*
- (d) the lot will contribute to the more efficient utilisation of rural living land;*
- (e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;*
- (f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;*
- (g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;*
- (h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;*
- (i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.*
- (j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.*

The proposal complies with (a) as Greens Road is existing. A new road is not reasonable for two lots only on the subject site, and (b) is met. Converting the shared access to a road would increase the frontage to 163 Greens Road (the adjoining land to the west) and provide that land with additional subdivision potential, but this would be to the exclusive benefit of the adjoining land which is not considered reasonable. The proposal satisfies all other criteria.

C - 13.5.2 Ways and Open Space P1 & P2

P1

The arrangement of ways and public open space within a subdivision must satisfy all of the following:

- (a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;*
- (b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;*
- (c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;*
- (d) topographical and other physical conditions of the site are appropriately accommodated in the design;*
- (e) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;*
- (f) the route of new equestrian ways has regard to any equestrian trail plan adopted by the Planning Authority.*

P2

Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.

Ways and open space are not proposed and there are no opportunities to connect to an existing network.

Council policy is to require a cash contribution in lieu of open space not exceeding 5% of the improved value of rural living land. Council policy also requires the percentage to be determined having regard to:

- existing public open space in the area
- the extent of demand for public open space, and
- the size of the lots and capacity to provide recreational opportunities.

There is no public open space in the vicinity, but there is an existing and increasing demand for open space that could be met through the establishment of tracks and trails. In light of this increasing demand, recent subdivision approvals in the vicinity have set the percentage at 5% and this is considered appropriate in this instance.

D - 13.5.3 Services P2

Each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.

As each lot is more than 0.5ha, the proposal was exempt from the onsite wastewater management code and no assessment has been provided. Nevertheless, each lot is sufficient in area to accommodate on-site wastewater.

Comments from Council's Manager Regulatory Services are below:

*The application is to subdivide 3 lots at **179 Greens Road, Orielton**. The existing house is situated on the balance title and the existing septic tank system is contained within the boundaries of that lot satisfying E23.9.2 A1.*

The lots are >5000m² and therefore comply with E23.9.1 A1.

E - 13.5.3 Services P3

Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.

Given the size of each lot, future impervious surfaces from buildings and driveways will occupy a small percentage of each lot leaving sufficient room for on-site stormwater management.

Codes

The application is subject to the following Codes:

- Bushfire-Prone Areas Code
- Road and Railway Assets Code
- Parking and Access Code
- Stormwater Management Code

Bushfire-Prone Areas Code

The subdivision is within a bushfire-prone area. A Bushfire Hazard Report demonstrates compliance with the Code and specifies the provision of water tanks, access and passing bays and hazard management.

Road and Railway Assets Code

The increase in traffic from the subdivision is within the level of growth that is acceptable under the Code. The sight distance is also compliant. The subdivision therefore complies with the Code.

Parking and Access Code

The subdivision requires a shared driveway access to be constructed. The driveway must be constructed in accordance with the Bushfire Hazard Report and the zone provisions which require a sealed surface. The subdivision complies with all applicable Standards of the Code.

Stormwater Management Code

Stormwater overflow can be directed to the drainage line that runs down the western side boundary, however, lots are sufficient in size for onsite retention.

Conclusion

In considering the development and site, with the application of appropriate conditions, the application is recommended for approval with conditions.

Shane Wells
SENIOR PLANNER

