# DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) AGENDA

## 6 SEPTEMBER 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, 6 September 2022 commencing at 4:30 pm.

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

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
1 September 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 6 SEPTEMBER 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 Torenius
Councillor M Reed
Councillor B Nichols
Robert Higgins, General Manager

## 2.0 CONFIRMATION OF THE MINUTES OF 19 JULY 2022

### RECOMMENDATION

"That the Minutes of the Development Assessment Special Committee (DASC) Meeting held on 19 July 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 DEVELOPMENT APPLICATION NO. SA 2021 / 00018 - 1

APPLICANT: T N WOOLFORD & ASSOCIATES

PROPOSAL: ONE LOT SUBDIVISION & BALANCE

ADDRESS: 26 PENDELL DRIVE, FORCETT

RECOMMENDATION

That pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 Council resolve that Subdivision Application No. SA 2021 / 00018 - 1 for a 1 Lot Subdivision & Balance at 26 Pendell Drive, Forcett for T N Woolford & Associates be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 10/11/2021 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 area of lot 1. 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, at the subdividers cost, and provided to Council for the purposes of determining the improve value of the area being subdivided. The assessment of the value must have been completed no longer than 3 months prior to the final plan being submitted to Council for approval.

Engineering:

3. 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).

4. All works shall be undertaken at the developer's expense.

5. A new sealed access shall be constructed to service proposed lot 1 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 seal in Pendell Drive and shall extend to the property boundary, or for 6 metres, whichever is greater, with a minimum width of 4.0 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; and
f. As an alternative to the asphalt seal, 150mm thick reinforced concrete over a minimum of 100mm compacted sub-base material may be used.

6. 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.

7. Any fencing fronting the road which is not on the correct boundary shall be removed and a new rural type fence installed on the property boundary with all costs met by the developer.

8. A Start Works Notice shall be completed and submitted to Council prior to commencement of works on site.

9. A Council engineering officer must inspect the completed base, for each access, prior to laying asphalt or pouring concrete. Please call Council on 6269 0000 to arrange a time giving at least 24 hours' notice.

10. For each inspection required, the developer shall pay the prescribed fee as set annually by Council. 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 an all works are completed.

11. 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.

12. 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.

13. The survey pegs for all lots in the subdivision are to be certified correct after all works have been completed.

14. Prior to Council 'sealing' the final plan of survey, all engineering conditions in this permit must be satisfied

On-site wastewater:

15. Before sealing the final plan the applicant must demonstrate to the satisfaction of the Manager of Regulatory Services that the absorption trenches for the balance lot are located wholly within that lot.

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.

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 Resource Management and Planning Appeal Tribunal, Level 1, 144-148 Macquarie Street Hobart 7001. Ph☎ 6165 6794 or email rmpat@justice.tas.gov.au.

## Introduction

Application is made for a one lot subdivision. Lot 1 is a vacant, 2000m$^2$ lot. The balance lot has an area of 4072m$^2$ and contains an existing dwelling.

## 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 2022/2023.

## Environmental implications

There are no significant environmental implications associated with this proposal.

## Asset management implications

There are no significant asset management implications.

## 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: | Low Density Residential |
| Overlays: | Bushfire-Prone Areas |
| Codes: | Stormwater Management Code, Road and Railway Assets Code, On-site Wastewater Management Code |

## Representations

The application was advertised and representations closed on 22 August 2022. One co-signed representation was received.

## Referrals

The application was referred to Council's Engineering, Plumbing and Environmental Health Departments.

Environmental Health provided comments and conditions. Engineering provided comments and conditions.

## Date of Receipt of Application

10 November 2021.

## Date by Which a Decision Must be Made

7 September 2022.

## Report

This is an application for a one lot subdivision and balance at 26 Pendell Drive, Forcett. Lot 1 is 2000m$^2$ in area and is vacant other than for small garden structures to the rear. The balance lot has an area of 4072m$^2$ and contains an existing house and shed. Both lots are regular in shape and unserviced.

The site is located at the end of Pendell Drive. Pendell Drive is a sealed, 6m road. The site has a fall of 15m from west to east with a gradient of approximately 1 in 8. There is no native vegetation on site. Land to the west, north and east is zoned Low Density Residential with a typical lot size within a range of 2000m$^2$ to 3000m$^2$. The land to the south is a large property zoned Rural Living B.


Figure 1. Subject site.

Zone

The proposal complies with the acceptable solutions for the following Subdivision Standards:

- 12.5.1 Lot Design A1 – lot size is equal to or greater than the minimum lot size of 2000m$^2$;
- 12.5.1 Lot Design A3 – frontage is greater than the minimum of 30m;
- 12.5.1 Lot Design A4 – no lot is an internal lot;
- 12.5.1 Lot Design A5 – setbacks from the new boundary comply;
- 12.5.2 Roads A1 – no new road;
- 12.5.4 Services A1 – no reticulated water; and
- 12.5.4 Services A4 – no new road.

The proposal is subject to performance criteria for the following subdivision Standards:

A. 12.5.1 Lot Design P2 – building areas for both lots subject to bushfire-prone areas overlay;
B. 12.5.3 Ways and Open Space P1/P2 – as no acceptable solution is provided;
C. 12.5.4 Services P2 – no reticulated sewer; and
D. 12.5.4 Services P2 – no reticulated stormwater.

*A. 12.5.1 Lot Design P2 – building areas for both lots subject to bushfire-prone areas overlay.*

The following performance criteria applies as both lots are subject to the bushfire-prone areas overlay:

> *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 & dill 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 no 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.*

With respect to each criteria, it is considered that:

a) The Bushfire Hazard Report by GES Geo-Environmental Solutions and dated July 2022 demonstrates that bushfire risks can be managed. There are no major constraints to residential use;
b) Complied with;
c) There are no limitations on solar access to future development on lot 1;
d) There is no need for major earthworks as part of future development on lot 1;
e) N/A and
f) NA

Therefore, it is considered that the performance criteria are satisfied.

*B. 12.5.3 Ways and Open Space P1/P2 – as no acceptable solution is provided.*

The following performance criteria applies as there is no acceptable solution for ways and open space.

*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) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;*
*(e) topographical and other physical conditions of the site are appropriately accommodated in the design;*
*(f) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;*

*(g) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:*

*(i) the width of the way;*
*(ii) the length of the way;*
*(iii) landscaping within the way;*
*(iv) lighting;*
*(v) provision of opportunities for 'loitering';*
*(vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).*

*(h) 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.*

By road, the site is some 950m from Jack's Flat public open space and 2500m from public open space on the corner of Lewis Court and Lewisham Scenic Drive and spatially less than 120m to Council owned land at Boathouse Rise.

For Lewisham, Council's Public Open Space Strategy outlines:

- Improvements to Lewisham Boat Ramp and adjacent car park;
- Continued management of Samuel Thorne Reserve and the park at the corner of Lewis Court and Lewisham Scenic Drive;
- Continued improvements to footpaths and walkways for connectivity.

Council's Public Open Space Policy outlines the considerations relevant to determining:

- If a requirement for public open space land is appropriate;
- If land considered for public open space has the appropriate characteristics and meets a identified need; and
- The appropriateness of a cash in lieu of open space contribution.

Public open space is not proposed. There are no opportunities within the site to connect to existing public open space or tracks and trails.

Land within the Low Density Residential Zone is to be subject to cash in lieu of public open space based on the improved value. The value is taken as the time of lodgement of the final plan, which ensures any improvements such as new infrastructure is reflected in the value. The percentage of the cash in lieu contribution must not exceed the statutory limit of 5% and is determined against the following criteria:

(a) The existing provision of public open space in the vicinity of the subject area;
(b) The extent to which the newly created lots will impact upon demand for public open space; and

(c) The size of the newly created lots and the extent to which lots can provide for their own recreational opportunity.

Implicit in the policy is that Council maintains and develops many forms of open space assets and across different scales. All residents benefit from regional and district scale facilities such as the South East Sports Complex at Pembroke Park, from walking tracks and trails and from land used to manage natural or cultural values. Within settlements, residents also benefit from, and have a need for, nearby local parks.

On these matters, public open space is in the vicinity of the site. Whilst the Boathouse Rise land has been proposed for disposal in the past, this was not at the expense of the opportunity to improve pedestrian connectivity from Pendell Drive to the western part of Lewisham. The new lot will increase demand for public open space and is of a size that residents are unlikely to be able to fully provide for their recreational needs.

Accordingly, it is recommended that a cash in lieu contribution of 5% of the improved value of the land be required on any permit granted.

*C. 12.5.4 Services P2 – no reticulated sewer.*

The performance criteria provides:

> *Where a reticulated sewerage system is not available, each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.*

The Onsite Wastewater Assessment by GES Geo-Environmental Solutions determined that each lot was suitable for on-site wastewater management. Councils Manager Regulatory Services is satisfied by the assessment and recommends that any permit granted includes the following condition:

> *Before sealing the final plan the applicant must demonstrate to the satisfaction of the Manager of Regulatory Services that the absorption trenches for the balance lot are located wholly within that lot.*

*D. 12.5.4 Services P2 – no reticulated stormwater.*

The performance criteria provides:

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

A series of drainage easements in private property run from west to east to drain Pendell Drive. There is no infrastructure within the easement and some have no defined channel leading to inundation issues as shown in Figure 2.

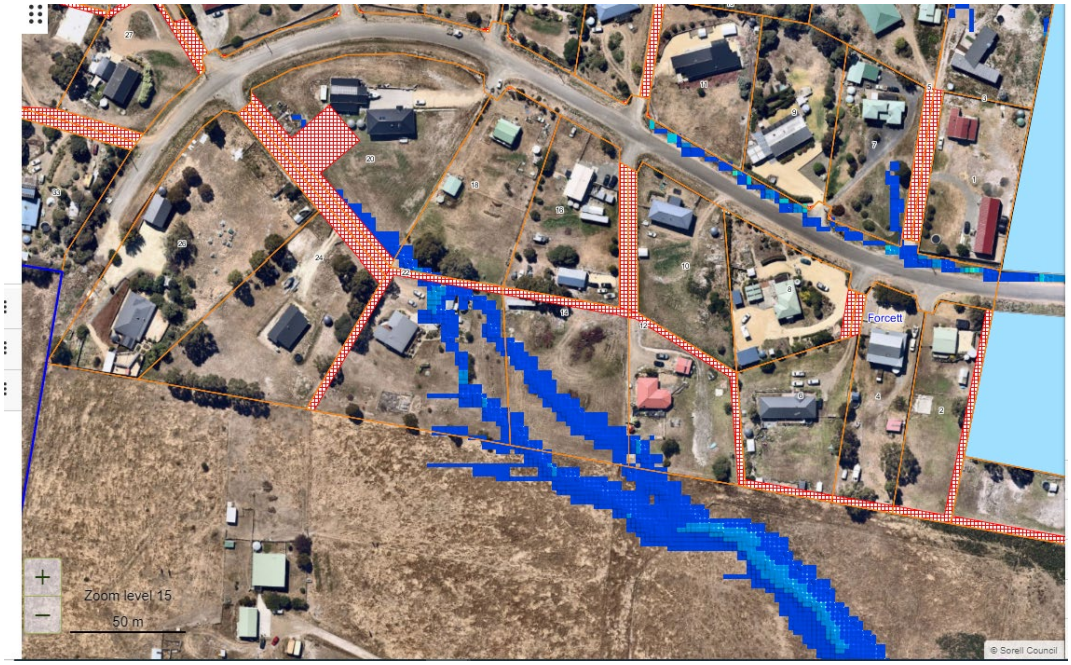



Figure 2. Easements and flood hazard

The proposed lot is sufficient in size to accommodate onsite stormwater management along with future buildings, driveways and onsite wastewater management. Reticulated water is not available and rainwater collected in tanks will be re-used onsite. Council's Development Engineer has reviewed the proposal and notes that:

> *The proposed subdivision is downstream of the road and will have no effect on Council's roadside drainage. The new access will have a culvert to ensure stormwater flow through the existing drain is not obstructed.*

Codes

The application is subject to the following Codes:

- Bushfire-Prone Areas Code;
- Road and Railway Assets Code; and
- Onsite Wastewater Management Code.

*Bushfire-Prone Areas Code*

The site is within a bushfire-prone area. The Bushfire Hazard Report demonstrates compliance with the Code.

*Road and Railway Assets Code*

The existing and new crossover site have good sight distance in both directions and the associated standard is complied with. Council's Development Engineer has reviewed the proposal and notes that:

> *The new lot is situated near the end of Pendell Drive, which is a low traffic road.*

*Onsite Wastewater Management Code*

The Onsite Wastewater Assessment by GES Geo-Environmental Solutions determined that each lot was suitable for on-site wastewater management. Councils Manager Regulatory Services is satisfied by the assessment and recommends that any permit granted includes the following condition:

> *Before sealing the final plan the applicant must demonstrate to the satisfaction of the Manager of Regulatory Services that the absorption trenches for the balance lot are located wholly within that lot.*

## Representations

One representation signed by six individuals has been received raising the following issues.

| Issue | Response |
|---|---|
| The existing house is currently for sale. | This is not a relevant consideration under the planning scheme. |
| Stormwater management. | The representation includes photos of stormwater runoff which align with the flood mapping provided earlier in this report. These issues stem from the initial subdivision of Pendell Drive which did not provide piped infrastructure within the drainage easements or open channels. As a result, road runoff is directed above ground and through private property. The nature of flooding issues appears to be that of a nuisance and to not be a significant risk to life or property. The existing issues are not a matter that can be rectified through this proposal. Importantly, future development on the new lot will not substantially increase runoff or adversely affect the existing situation. |
| Onsite wastewater management. | The application demonstrates, through the onsite wastewater assessment by GES, that each lot is suitable for onsite wastewater management. |
| Lack of lot demand and sufficient supply. | This is not a relevant consideration under the planning scheme. |

| | |
|---|---|
| The lot is small, difficult to build on and will affect adjoining owners through building close to the boundaries. | The lot size complies with the acceptable solution for minimum lot size. There is no discretion sought on lot size and therefore no ability to give consideration to this issue.<br><br>It should be noted that the State Planning Provisions, which will apply to any future dwelling, provide a 5m side and rear boundary setback. This is greater than the 1.5m side setback and 4m rear setback that the interim planning scheme applies. The lot is more than 30m wide and it is possible to construct a substantial home and also comply with the setbacks. |
| Out of character with the existing lot pattern. | Of the 24 lots in Pendell Drive and on sealed plan 119566, eight are larger than 3000m$^2$. Of these eight, the subject site is the largest. The other 16 lots range from 2259m$^2$ to 2884m$^2$ in area. The proposed lot 1 is not considered to be inconsistent with the prevailing pattern of lot size in the area. |
| Traffic safety | As noted early, the road is subject to low traffic volumes. Sight lines are good, as is the road condition. There are no reasons why the proposal would negatively impact traffic safety. |
| Notification of the application | An administrative error was made whereby the letters sent to adjoining properties contained an incorrect date for when representations were due. This date given was 21 June 2022 whereas the letter was sent on 4 August 2022 and clearly incorrect.<br><br>Representations have been received from the owners of one property and the occupier of another property. No owner or occupy impacted by the incorrected date contacted Council staff for queries or clarification. It is reasonable to argue that no person has been prejudicially affected by this administrative error given they were made aware of the application and made representations within the correct representation period.<br><br>The site notice was placed on the front boundary of the property and attached to the existing frontage fence near the property access as per standard practice and the legislative requirements. |

In considering this application and requirements of the Sorell Planning Scheme, this application has been presented to Council and recommended for approval with conditions.

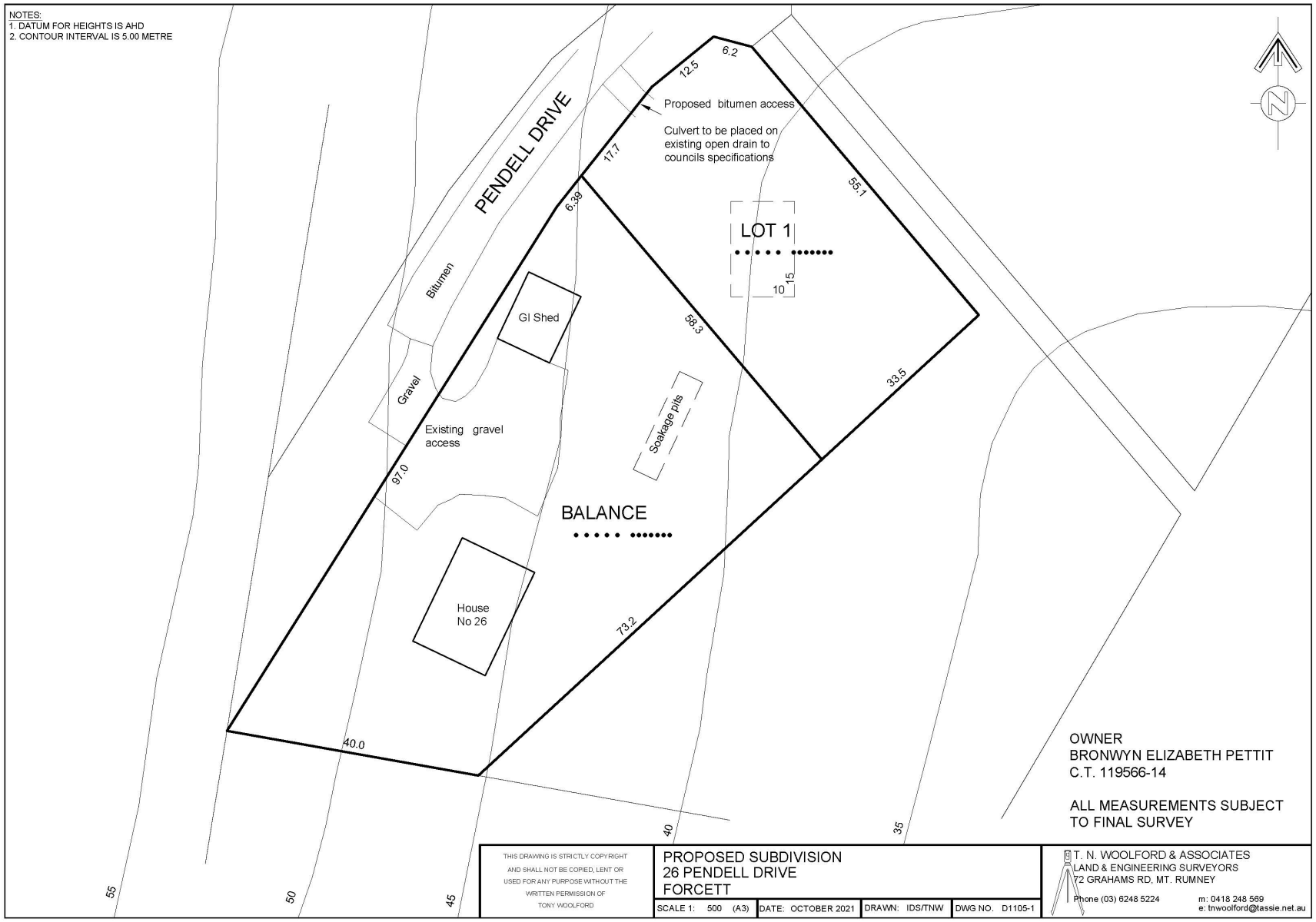
It is therefore requested that Council consider this application and recommendation for approval with conditions.

## Conclusion

The subdivision application demonstrates compliance with each applicable Standard of the Sorell Interim Planning Scheme 2015 and is accordingly recommended for approval subject to conditions.

Shane Wells
Senior Planner
Date: 30 August 2022

Attachments:
Proposal Plan
Representations
Onsite Wastewater Assessment
Bushfire Hazard Report – *located on website*


NOTES:
1. DATUM FOR HEIGHTS IS AHD
2. CONTOUR INTERVAL IS 5.00 METRE
PENDELL DRIVE
Bitumen
Proposed bitumen access
Culvert to be placed on existing open drain to councils specifications
LOT 1
10.15
GI Shed
Gravel
Existing gravel access
Soakage pits
BALANCE
House No 26
6.2
12.5
17.7
6.39
55.1
58.3
33.5
97.0
73.2
40.0
55
50
45
40
35
OWNER
BRONWYN ELIZABETH PETTIT
C.T. 119566-14
ALL MEASUREMENTS SUBJECT TO FINAL SURVEY
THIS DRAWING IS STRICTLY COPYRIGHT AND SHALL NOT BE COPIED, LENT OR USED FOR ANY PURPOSE WITHOUT THE WRITTEN PERMISSION OF TONY WOOLFORD
PROPOSED SUBDIVISION
26 PENDELL DRIVE
FORCETT
SCALE 1: 500 (A3)
DATE: OCTOBER 2021
DRAWN: IDS/TNW
DWG NO. D1105-1
T. N. WOOLFORD & ASSOCIATES
LAND & ENGINEERING SURVEYORS
72 GRAHAMS RD, MT. RUMNEY
Phone (03) 6248 5224
m: 0418 248 569
e: tnwoolford@tassie.net.au

## EXECUTIVE SUMMARY FOR DETAILED REPRESENTATIONS

## SA 2021/18-1-1 LOT SUBDIVISION AND BALANCE

Signatories to the attached representation consider that we provide ample evidence and considerations for Sorell Council to refuse the above subdivision. We are the most affected by this application.

***The proposed subdivisional block at 26 Pendell is profoundly unsuitable for development through the inability of Council to address serious problems with surface and sewage water and seepage and that alone presents a prima facie case for refusal of this opportune proposal.***

In precis form:

- Council must surely be placing itself in an invidious position in entertaining this subdivision under the obvious uncertainty of a clear title being obtained only if the remainder lot is sold as advertised. It is only hoped that this shonky process is not being sanctioned through a basis of familiarity.
- Clay formations provide poor water dispersal seriously affecting the wellbeing of other residents and their properties.
- Council storm water controls or the lack thereof, cannot manage even the present difficulties. Further blocks exacerbate this.

- This subdivision enables ribbon development by precedence alone.
- The addition of extra sewage needs is in itself a reason for refusal.
- No meaningful analysis has been conducted for sewage seepage for existing properties.,
- There is no local demand for extra building blocks and there are substantial alternatives already on the market.
- The size of the proposed block represents future building design obstacles to the detriment of existing residents
- Every other block in Pendell drive is substantially larger than the subdivision proposal.
- Traffic safety and dangers are greatly increased by yet another driveway which would require a large set back. This is the end of a dead-end street (Pendell Drive) with eleven residences in close proximity to any access created for a new block
- The proposed subdivision seriously impedes on the private entrances of two properties and interferes with the outlook of others.
- All properties abutting to the private accesses of numbers 22 and 24 (including 20) will be adversely affected should this subdivision application be passed. Clearly the width of this block places any future structure close to the boundaries of others thereby interfering with their residential enjoyment.
- Council has been remiss or ineffective in notifying local residents of the subdivision application.

Mr Robert Higgins,
General Manager-Sorell Council
47 Cole Street
Sorell 7172

22nd August 2022

Dear Mr. Higgins

**RE: Proposed development application SA 2021/18-1**

This representation is the combined views of the owners and or occupiers of

. We collectively place this document before Council.

As can be seen from the attached sheet, all those above have read and are aware of the document's contents and are agreed.

We would like it known that we are very unhappy with the closing date of the 22nd of August. Some undertakings were given by the General Manager, that if and when the application was received then you would inform the writer of this submission. It did not occur.

Additionally, the notice to those adjacent to the applicant were informed by mail six days after the application was published and this notice had the incorrect return time **(see attached copy).**

Lastly the required publication notice is well concealed by the dead end of the applicant property with no passing traffic and importantly out of site to all neighbours of Number 26. This notice should obviously have been placed on the NE corner of the applicant's lot 1.

The refusal to accept a request for an extension of closure date by council has meant that professional and legal advice has largely not been possible. This is now left to appeals should the subdivision application be accepted by council.

As the group identified by the above, we strongly object to this application on multiple grounds as follows:

**Storm water drainage**

Council is in possession of evidence of successive administrations avoiding their responsibilities based on budget limitations. This overall subdivision dates to 1995 and 27 years would seem to be a prolonged period of unsuccessful budget allocations.

Only recently it was discovered that the end of Pendell Drive was still registered in the name of the original developer which would indicate a rather casual approach to the overall problem by council when signing off the subdivision.

One of this group's members has been given the assurance that council accepts responsibility for the poor or nonexistence of efficient storm water drainage by both the general Manager and the council engineer.

In addition:

- The significant drainage easements surrounding all blocks at the end of Pendell Drive have, at no time, been correctly employed.
- Storm water from drainage channels at the southwestern end of Pendell do nothing more than direct flows through number 20 and on to 22 and 14.
- Because of the steep driveways on the Northern side water is funnelled directly past the roadside channels into all blocks on the southern side and this would include the proposed subdivision.

***Clearly the additional strain exerted by another block and its inevitable dwelling would add to storm water difficulties through water table and drainage dispersal.***

**Ground water movement and seepage**

The sloping nature of all the blocks in question create an ongoing problem with drainage and the flooding of blocks below number 26 which has the greatest slope gradient and consequently the greatest water seepage overflow creating problems for others.

The under strata of these blocks is of heavy clay retention soils which impede water dispersals and are imperfectly drained as identified by the GES report. This clay is a mere 300 mm below surface cover.

The water emanating from 26 flows through 24, 22 and down to 14.

Attached photos clearly demonstrate the extent of this flooding problem. Yes, they have been taken after a heavy rainfall event however, irrespective of quantum, this surface and absorbed water will follow the same paths with lesser or larger degrees of damage. This precludes the right of others to enjoy their spaces which represent their desires to maintain privacy.

It is now patently obvious that weather patterns change and that significant events are becoming more frequent. 2022 thus far shows daily rainfall of 8mm or above to date on 14 occasions and in 2021 25 days.

***It may be that any increased volume of water from a subdivision may not be of a huge magnitude, but we suggest that the breaking up of lot 26 should be refused because of its steep and soaked nature alone and the highly likely interference with established properties.***

**Foul and grey water disposal.**

There can be no argument with the problems of effluent that exist in the unserviced areas of Forcett and surrounds and this alone should raise serious concerns with council and the decisions made on this application.

Septic tank seepage from number 26 directly into 24 and then 22 and 14 shows a clear line of extra vegetation growth from unknown nutrients and would appear to have killed three mature gum trees in the process.

In addition:

- When heavy rains occur so does the stench of the flooding water which becomes deep brown as it dries, creating filamentous weed growth indicating excessive nutrients.
- There appears to be no reference to septic tank effluent testing and its volume to ensure that further harmful levels are created through an additional sewage outlet.
- We note that no testing of ground water effluent has been included by GES.
- GES report that the SE and SW land aspect profiles of proposed lot 1 are of "high site limitations requiring special consideration".

**Size of proposed subdivision block**

It is noted that 2,000 sqm is only 500 over the minimum lot size prescribed for the local zoning and due to the narrowness of the proposal indicates that this is an opportunistic or fortuitous area decision.

Clearly the zoning of Pendell Drive as "low density residential" is immediately close to "Rural living" configuration which indicates the preference of residents to occupy and enjoy the privacy of larger area blocks.

Allowing subdivisions into smaller areas belies these preferences and spoils the existing nature of area sizes.

Professional reports reveal a required area of 200sqm for a sewage system plus an area 1000sqm for secondary treatment which begins to greatly reduce any area for future development. Clearly this forces less setback spaces from other properties.

*With respect, we would remind council members of the Tasmanian Planning scheme which states:*

*"The Low-Density Residential Zone provides for our residential areas where there are constraints to development that limit the* **Density, location, or form of development"**

**And**

**"Low Density Residential Development Zone development standards provide greater setbacks"**

*We submit that this proposed subdevelopment conflicts with these statements.*

In Addition:

- This proposed block abuts a jointly owned private driveway along its full length. It is worth mentioning that council did not think it worthwhile or reasonable to inform both owners of this driveway of the application notice.
- This driveway represents a choice of its owners to seek peace and privacy and this narrow block destroys that objective.
- The dimensions of the block indicate that any future structure would not only be very close to the driveway but also interfere with the view aspects of number 20 and their privacy and enjoyment of amenity.
- There are no blocks in Pendell Drive under 2400+ sqm and the awarding of a block of lesser size in this zone could only be seen as ribbon development furthering subdivision through precedence.

- There are some 50 blocks of vacant land in the immediate area and many closer to, and within Sorell itself let alone established houses.
- Division of number 26 is not an area necessity other than for the applicant attempting to address the stranded sale of their existing domiciled bloc through a presumed confirmed purchaser's contract withdrawal.
- Because of the "squeezed" nature of the proposed block any future structure will impose on the boundaries of number 22 and24.
- Information on "infill" housing in State Growth documents would indicate that this negates the size and purpose of this subdivision.

**Other considerations**

- The driveway considered on the proposal drawings are opposite to another two private driveways serving 5 separate houses thereby creating access and egress dangers and confusion.
- Any reasonable plan would necessitate a turn in area for safety which would also further reduce the block size below 2000sqm.
- The fall of the proposed lot would demand car parking at the block's northern side further exacerbating overall and vehicle congestion.
- It is noted that an abutting property has in the past applied for subdivision planning and been refused on block sizes far exceeding those proposed by number 96
- Because of the size and position of this block it creates a loss of local amenities for existing residents.
- It is proposed to make the existing fire static water point common to both blocks a suggestion that we believe to be opportune. Should it become necessary to install a separate static fire supply then again it impedes on the area for any housing development.
- It is astounding that the "balance" block is on the market with title subject to this subdivision application although any successful purchaser may be offered first refusal. We would suggest that this same sale provision was the reason for the last failed sale of this now stranded asset and that the present sale process is at best morally bankrupt.

**This document represents the mutually agreed and combined views of all the below signatories:**

Signature:.....
Dated: 20/8/2022

Signature:.....
Dated: 22/8/2022

Signature:.....
Dated: 20/8/2022

Signature:.....
Dated 22/8/22

**Representation against 1 lot Subdivision and Balance**

**SA 2021/18-1**

Below signatories wish to join this representation of objections document.

Unfortunately given time restraints it has not been possible to enter their objections on page one of the document due to computer and printer malfunction.

Both parties have read and understand the document as a whole.

Signature: .....

Date: 22/8/22

And

Signature: .....

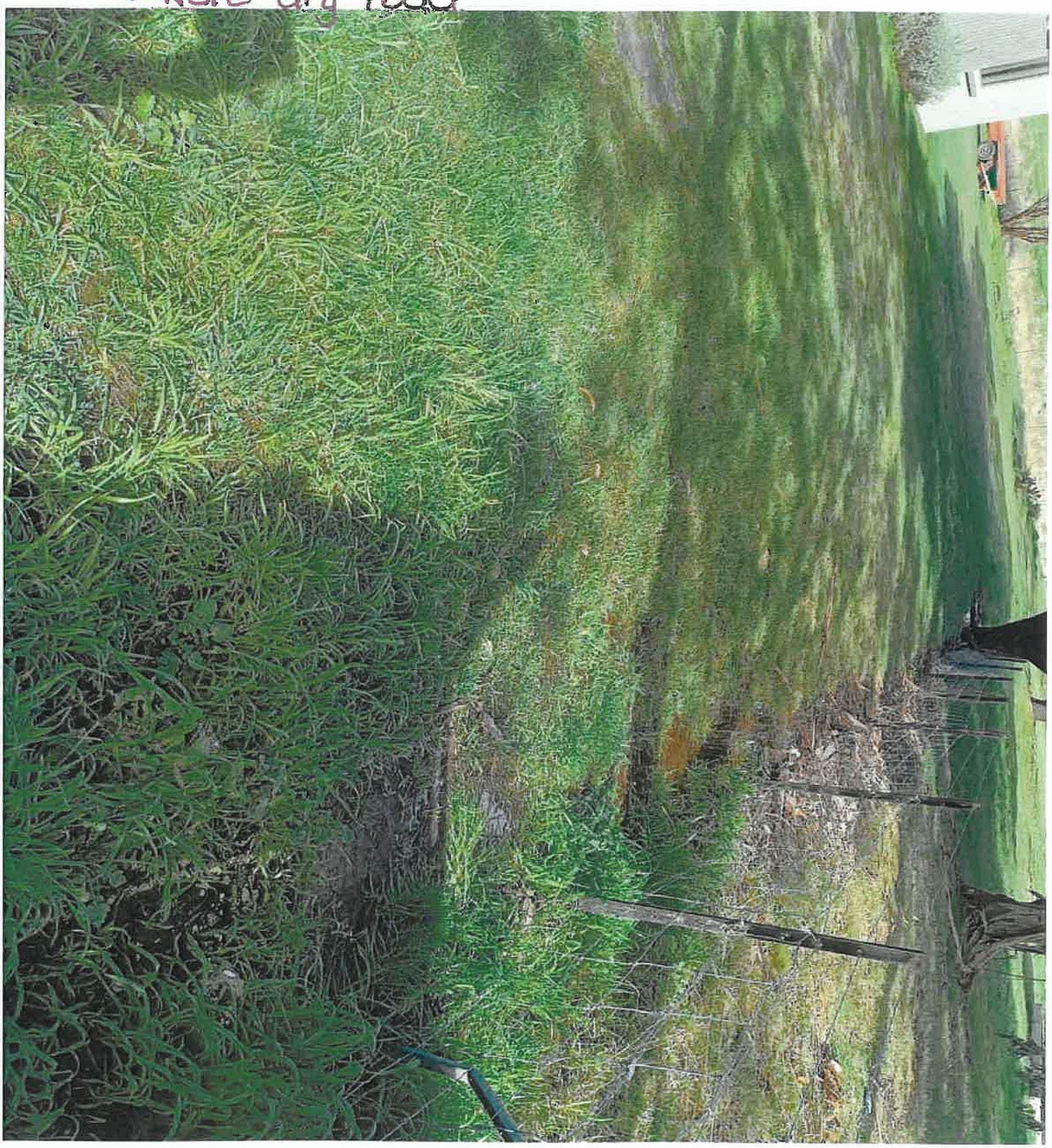
Date: 22/08/22

Typical drainage from Northern blocks


Northside flows
from other blocks.

Drainage from 26 and 24 after 3 days

* Note dry road



Taken from Eastern side blocks and Council owned property.


Flows from Northen blocks.

Flows from Council storm water culvert and roadway.

# ONSITE WASTEWATER ASSESSMENT

***26 Pendell Drive***

***Forcett***

***May 2022***

GES

GEO-ENVIRONMENTAL

SOLUTIONS



*Geo-Environmental Solutions P/L 29 Kirksway Place Battery Point. Ph 6223 1839*

## Introduction

**Client:** Bronwyn Whittaker
**Date of inspection:** 1/4/2022
**Location:** 26 Pendell Drive, Forcett
**Land description:** Approx 6040m$^2$ Lot
**Building type:** Proposed subdivision
**Investigation:** GeoProbe 540UD
**Inspected by:** M. Campbell

## Background information

**Map:** Mineral Resources Tasmania 1:50 000 Sorell Sheet
**Rock type:** Jurassic dolerite
**Soil depth:** >2.0m
**Planning overlays:** Bushfire Prone Area
**Local meteorology:** Annual rainfall approx 600 mm
**Local services:** Tank water with on site services required

## Site conditions

**Slope and aspect:** Approx 15% East facing slope
**Site drainage:** Imperfectly drained
**Vegetation:** Mixed grass and ornamental species
**Weather conditions:** Fine, approx <10mm rainfall received in preceding 7 days.
**Ground surface:** Disturbed soil surface

## Investigation

A number of excavations were completed to identify the distribution of, and variation in soil materials on the site. Representative excavations at the approximate location indicated on the site plan were chosen for testing and classification according to AS1547-2012 (see profile summary).

## Profile summary

| TH1 Depth (m) | TH2 Depth (m) | Horizon | Description |
|---|---|---|---|
| 0 – 0.30 | 0 – 0.20 | A1 | Greyish Brown **SAND (SW)**, weak polyhedral structure, slightly moist loose consistency, few roots, gradual boundary to |
| 0.30 – 1.20 | 0.20 – 0.90 | B21 | Brownish Yellow and Light Olive Brown **CLAY (CI)**, moderate polyhedral structure, slightly moist stiff consistency, medium plasticity, gradual boundary to |
| 1.20 – 2.0+ | 0.90 – 2.0+ | B22 | Light Greyish Brown **CLAY (CI)**, strongly developed polyhedral structure, slightly moist stiff consistency, medium plasticity, lower boundary undefined. |

## Soil profile notes

The soil on site have developed from dolerite sediments and consist of sandy topsoils overlying clay rich subsoils.

## Site Summary

The current development application is for the subdivision into two lots with a total area of approximately 6072m$^2$. The proposed new lots will be approximately 4072m$^2$ and 2000m$^2$ in size. The topsoils are moderately well drained; however, the subsoils are likely to have a reduced permeability.

## Nutrient Balance and Sustainable Wastewater Application

The soils across the site have developed from dolerite and have a moderate Cation Exchange Capacity (CEC). The soils returned negative results to all Emerson dispersion tests. Therefore, the soils have a good capacity to retain nutrients in applied wastewater.

## Hydrological Balance and Wastewater Disposal

The capability of the proposed new lots to support a typical residential dwelling and on-site wastewater disposal must be evaluated to ensure environmental values are maintained. Modelling of wastewater application on the proposed lot was undertaken utilising the Trench program, long term weather average for Forcett and estimated flows from an average three bedroom home (as per E23.9.1 P1 of the Sorell Interim Planning Scheme 2015).

The balance lot contains an existing dwelling that is currently serviced by a septic tank with onsite absorption. The absorption area was unable to be located during the site inspection, however no visible signs of failure were observed across the site.

The soil observed onsite are moderately structured, have a moderate permeability and moderate CEC for retention of nutrients. According to AS1547-2012 as **Category 5 – Light Clay** with an applicable Design Loading Rate (DLR) of 5L/m$^2$/day for primary treated wastewater and a Design Irrigation Rate (DIR) of 3mm/day for secondary treated wastewater.

Assuming the construction of a typical three-bedroom dwelling with tank water supply, the expected loading under AS1547-2012 is 600L/day (5 people @ 120L/day/person).

A septic tank-based system would therefore require an absorption area of at least 120m$^2$ to accommodate the expected wastewater flows. Alternatively, a package treatment system would require an irrigation area of approximately 200m$^2$. There is sufficient space on either lot to accommodate the required application areas.

It is recommended the final decision of wastewater system approval rest with the permit authority at the time of site specific design to ensure the most compatible environmental and economic outcomes. Therefore, it is not warranted to restrict the lot to a single wastewater system type at the subdivision approvals stage, as each dwelling will have individual nuances which may be more suited to any one of a range of designs allowable within AS1547-2012.

## Setbacks Distances to Boundaries and Sensitive Features

A number of indicative minimum boundary setbacks applicable to the development have been modelled utilising the Trench program and with reference to E23 of the Sorell Interim Planning Scheme 2015 and the Building Act 2016 wastewater guidelines.

| | Acceptable Solution Setback distance (m) | |
|---|---|---|
| | Primary treatment | Secondary treatment |
| Upslope or level building | 2 | 2 |
| Downslope building | 6 | 4.25 |
| Upslope or level boundary | 1.5 | 1.5 |
| Downslope boundary | 18 | 10.5 |
| Downslope surface water | 100 | 68 |

Setback distances were calculated assuming an average slope angle of 9 degrees.

## Conclusions

The current subdivision proposal allows for sufficient space on the proposed lots to be created for the installation and successful operation of a wastewater treatment system, with adequate setbacks in regards boundaries and sensitive features.

It is recommended the final decision of wastewater system approval rest with the permit authority at the time of site specific design to ensure the most compatible environmental and economic outcomes. Therefore, it is not warranted to restrict the lot to a single wastewater system type at the subdivision approvals stage, as each site will have individual nuances which may be more suited to any one of a range of designs allowable within AS1547-2012.

No serious geotechnical; impediments were identified for future residential use on either of the lots and as such the land is suitable for the proposed subdivision.

Dr John Paul Cumming B.Agr.Sc (hons) PhD CPSS GAICD
*Environmental and Engineering Soil Scientist*

**GES P/L**

Land suitability and system sizing for on-site wastewater management

Trench 3.0 (Australian Institute of Environmental Health)

# Assessment Report

## Site assessment for on-site waste water disposal

| | | | |
|---|---|---|---|
| Assessment for | Bronwyn Whittaker | Assess. Date | 1-Jun-22 |
| | | Ref. No. | |
| Assessed site(s) | 26 Pendell Drive, Forcett | Site(s) inspected | 1-Apr-22 |
| Local authority | Sorell | Assessed by | John Paul Cumming |

This report summarises wastewater volumes, climatic inputs for the site, soil characteristics and sustem sizing and design issues. Site Capability and Environmental sensitivity issues are reported separately, where 'Alert' columns flag factors with high (A) or very high (AA) limitations which probably require special consideration for system design(s). Blank spaces on this page indicate data have not been entered into TRENCH.

**Wastewater Characteristics**

'astewater volume (L/day) used for this assessment = 600 (using the 'No. of bedrooms in a dwelling' method)

Septic tank wastewater volume (L/day) = 200

Sullage volume (L/day) = 400

Total nitrogen (kg/year) generated by wastewater = 2.2

'otal phosphorus (kg/year) generated by wastewater = 1.1

**Climatic assumptions for site** (Evapotranspiration calculated using the crop factor method)

| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mean rainfall (mm) | 37 | 44 | 44 | 52 | 56 | 61 | 40 | 41 | 44 | 72 | 55 | 50 |
| Adopted rainfall (R, mm) | 37 | 44 | 44 | 52 | 56 | 61 | 40 | 41 | 44 | 72 | 55 | 50 |
| Retained rain (Rr, mm) | 30 | 35 | 35 | 42 | 45 | 49 | 32 | 33 | 35 | 58 | 44 | 40 |
| Max. daily temp. (deg. C) | | | | | | | | | | | | |
| Evapotrans (ET, mm) | 130 | 110 | 91 | 63 | 42 | 29 | 32 | 42 | 63 | 84 | 105 | 126 |
| Evapotr. less rain (mm) | **101** | **75** | **56** | **21** | **-3** | **-19** | **-1** | **9** | **28** | **26** | **61** | **86** |

Annual evapotranspiration less retained rain (mm) = 440

**Soil characterisitics**

Texture = Light clay Category = 5 Thick. (m) = 2

Adopted permeability (m/day) = 0.12 Adopted LTAR (L/sq m/day) = 3 Min depth (m) to water = 5

**Proposed disposal and treatment methods**

| | |
|---|---|
| Proportion of wastewater to be retained on site: | All wastewater will be disposed of on the site |
| The preferred method of on-site primary treatment: | In a package treatment plant |
| The preferred method of on-site secondary treatment: | In-ground |
| The preferred type of in-ground secondary treatment: | None |
| The preferred type of above-ground secondary treatment: | Trickle irrigation |
| Site modifications or specific designs: | Not needed |

**Suggested dimensions for on-site secondary treatment system**

| | |
|---|---|
| Total length (m) = | 20 |
| Width (m) = | 10 |
| Depth (m) = | 0.2 |
| Total disposal area (sq m) required = | 200 |
| comprising a Primary Area (sq m) of: | 200 |
| and a Secondary (backup) Area (sq m) of: | |

Sufficient area is available on site

To enter comments, click on the line below 'Comments'. (This yellow-shaded box and the buttons on this page will not be printed.)

Comments

The calculated DIR for the category 5 soil present on site for wastewater is 3L/sq m/day for secondary treated effluent, and an irrigation area of 200sq m will be required. Alternatively, a septic tank will require an absorption area of 120 sqm, using a DLR of 5L/sq m/day

**GES P/L**

Land suitability and system sizing for on-site wastewater management

Trench 3.0 (Australian Institute of Environmental Health)

# Site Capability Report

## Site assessment for on-site waste water disposal

| | | | |
|---|---|---|---|
| Assessment for | Bronwyn Whittaker | Assess. Date | 1-Jun-22 |
| | | Ref. No. | |
| Assessed site(s) | 26 Pendell Drive, Forcett | Site(s) inspected | 1-Apr-22 |
| Local authority | Sorell | Assessed by | John Paul Cumming |

This report summarises data relating to the physical capability of the assessed site(s) to accept wastewater. Environmental sensitivity and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) site limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

| Alert | Factor | Units | Value | Confid level | Limitation Trench | Limitation Amended | Remarks |
|---|---|---|---|---|---|---|---|
| | Expected design area | sq m | 1,000 | V. high | Moderate | | |
| | Density of disposal systems | /sq km | 10 | Mod. | Very low | | |
| | Slope angle | degrees | 9 | High | Moderate | | |
| | Slope form | Straight simple | | High | Low | | |
| | Surface drainage | Imperfect | | High | Moderate | | |
| | Flood potential | Site floods <1:100 yrs | | High | Very low | | |
| | Heavy rain events | Infrequent | | High | Moderate | | |
| A | Aspect (Southern hemi.) | Faces SE or SW | | V. high | High | | |
| | Frequency of strong winds | Common | | High | Low | | |
| | Wastewater volume | L/day | 600 | High | Moderate | | |
| | SAR of septic tank effluent | | 1.0 | High | Low | | |
| | SAR of sullage | | 1.6 | High | Low | | |
| | Soil thickness | m | 2.0 | V. high | Very low | | |
| | Depth to bedrock | m | 2.0 | V. high | Low | | |
| | Surface rock outcrop | % | 0 | V. high | Very low | | |
| | Cobbles in soil | % | 0 | V. high | Very low | | |
| | Soil pH | | 5.5 | High | Low | | |
| | Soil bulk density | gm/cub. cm | 1.4 | High | Very low | | |
| | Soil dispersion | Emerson No. | 8 | V. high | Very low | | |
| | Adopted permeability | m/day | 0.12 | Mod. | Very low | | |
| | Long Term Accept. Rate | L/day/sq m | 3 | High | High | Moderate | Other factors lessen impact |

To enter comments, click on the line below 'Comments' . (This yellow-shaded box and the buttons on this page will not be printed.)

Comments

The site has the capabilityto accept onsite wastewater

**GES P/L**

Land suitability and system sizing for on-site wastewater management

Trench 3.0 (Australian Institute of Environmental Health)

# Environmental Sensitivity Report

## Site assessment for on-site waste water disposal

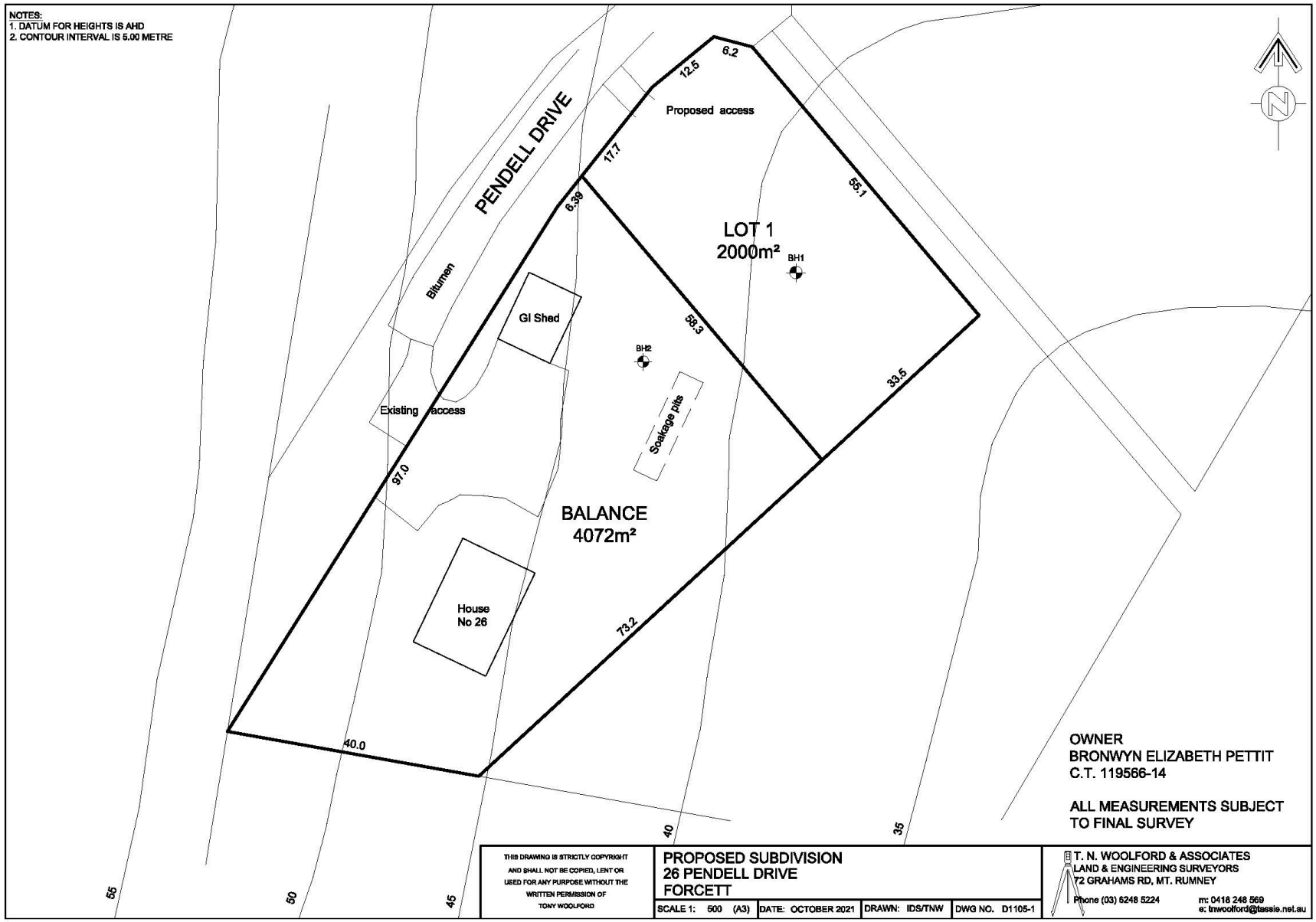
| | | | |
|---|---|---|---|
| Assessment for | Bronwyn Whittaker | Assess. Date | 1-Jun-22 |
| | | Ref. No. | |
| Assessed site(s) | 26 Pendell Drive, Forcett | Site(s) inspected | 1-Apr-22 |
| Local authority | Sorell | Assessed by | John Paul Cumming |

This report summarises data relating to the environmental sensitivity of the assessed site(s) in relation to applied wastewater. Physical capability and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

| Alert | Factor | Units | Value | Confid level | Limitation Trench | Limitation Amended | Remarks |
|---|---|---|---|---|---|---|---|
| | Cation exchange capacity | mmol/100g | 95 | High | Low | | |
| | Phos. adsorp. capacity | kg/cub m | 0.7 | High | Moderate | | |
| | Annual rainfall excess | mm | -440 | High | Very low | | |
| | Min. depth to water table | m | 5 | High | Very low | | |
| | Annual nutrient load | kg | 3.3 | High | Very low | | |
| | G'water environ. value | Agric non-sensit | | V. high | Low | | |
| | Min. separation dist. required | m | 2 | High | Very low | | |
| | Risk to adjacent bores | Very low | | V. high | Very low | | |
| | Surf. water env. value | Agric non-sensit | | V. high | Low | | |
| | Dist. to nearest surface water | m | 300 | V. high | Low | | |
| | Dist. to nearest other feature | m | 50 | V. high | Moderate | | |
| | Risk of slope instability | Very low | | V. high | Very low | | |
| | Distance to landslip | m | 200 | V. high | Low | | |

To enter comments, click on the line below 'Comments'. (This yellow-shaded box and the buttons on this page will not be printed.)

Comments


NOTES:
1. DATUM FOR HEIGHTS IS AHD
2. CONTOUR INTERVAL IS 5.00 METRE
PENDELL DRIVE
Bitumen
Proposed access
6.2
12.5
17.7
6.39
55.1
LOT 1
2000m²
BH1
GI Shed
BH2
58.3
33.5
Existing access
Soakage pits
97.0
BALANCE
4072m²
House
No 26
73.2
40.0
55
50
45
40
35
OWNER
BRONWYN ELIZABETH PETTIT
C.T. 119566-14
ALL MEASUREMENTS SUBJECT
TO FINAL SURVEY
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PROPOSED SUBDIVISION
26 PENDELL DRIVE
FORCETT
SCALE 1: 500 (A3)
DATE: OCTOBER 2021
DRAWN: IDS/TNW
DWG NO. D1105-1
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