



# DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) AGENDA

18 OCTOBER 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, 18 October 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  
13 OCTOBER 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 18 OCTOBER 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 B Nichols  
Robert Higgins, General Manager

## 2.0 CONFIRMATION OF THE MINUTES OF 4 OCTOBER 2022

### RECOMMENDATION

“That the Minutes of the Development Assessment Special Committee (DASC) Meeting held on 4 October 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. 7.2022.5.1

PLANNING SCHEME:	<i>Sorell Interim Planning Scheme 2015</i>
APPLICATION STATUS	Discretionary
RELEVANT LEGISLATION:	Section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
REASON FOR DASC MEETING	Subdivision creates more than one lot and more than one representation received

APPLICANT:	PDA Surveyors, Engineers and Planners
PROPOSAL:	Subdivision (6 lot and balance)
SITE ADDRESS:	16-42 Arthur Highway, Dunalley

RELEVANT ZONE:	Rural Living Zone
PROPOSED USE:	NA
APPLICABLE OVERLAY(S):	Bushfire-Prone Areas; Waterway and Coastal Protection
APPLICABLE CODES(S):	Road and Rail Assets, Stormwater Management
VALID APPLICATION DATE:	1 March 2022
DECISION DUE:	20 October 2022
DISCRETION(S):	1 Lot design
	2 Frontage
	3 Internal lots
	4 Roads
	5 Open Space
	6 Open Space
	7 Wastewater
	8 Stormwater
	9 Traffic increase
REPRESENTATION(S):	Two



**RECOMMENDATION**

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2022.5.1 for a six lot subdivision plus balance at 16-42 Arthur Highway, Dunalley be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 5 September 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 3% of the improved value of the area of lots 1, 2, 3, 4, 5 and 6. 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.
3. A 18m wide right of way is to be created over lot 5 for the benefit of CT 231238/1 to facilitate future subdivision and to satisfy clause 15.5.2 P1(c). The right of way is to allow for an extension of the public road only and not provide for access strips that service multiple lots.

**Design and Construction**

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

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

**Advice:**

- i. *The Tasmanian Subdivision Guidelines, Specification, and Drawings are available at [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au).*

- ii. *Variations from the Tasmanian Subdivision Guidelines, Specifications, or Drawings may be approved at the discretion of Council's General Manager or their delegate where a clear justification exists and the alternative solution is to a no lesser quality in terms of infrastructure performance or maintenance costs over the life of the asset.*
  - iii. *Where there exists any conflict(s) between the Tasmanian Subdivision Guidelines, Specifications, or Drawings and this permit, any requirements of this permit shall take precedence.*
  - iv. *Engineering design drawings will expire two years after their approval and will be endorsed as such.*
- 5. Prior to works commencing, the following fees must be paid for each stage of construction:
  - (a) Engineering design drawing assessment fee;
  - (b) Inspection fees for minimum estimated number of inspections.

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

*Advice: Where appropriate, Council fees are updated each financial year and can be found in the Sorell Council Fees and Charges schedule, available from Council.*
- 6. Works must not commence on site prior to the approval of engineering design drawings by the General Manager.
- 7. A Construction Management Plan (CMP) must be provided including, but not limited to, the following:
  - (a) Traffic Management Plan;
  - (b) Soil and Stormwater Management Plan.

All requirements of the CMP must be implemented prior to any works commencing on site.
- 8. Prior to works commencing, the developer must submit a Notice of Intention to Carry Out Work (available from Council) inclusive a certificate of currency for public liability insurance for the contractor and any sub-contractor.
- 9. Prior to sealing the final plan the following works must be completed in accordance with the endorsed engineering design drawings:
  - (a) Lot connections for each lot:
    - I. Connection to the electricity network;
    - II. Connection to the telecommunication network (if available).

- (b) Vehicle access for each lot:
    - I. 40mm thick DG10 asphalt vehicle crossover to front boundary (6.0m minimum);
    - II. Sealed vehicle driveway over the access strip for lot 5;
    - III. Minimum width of 3.6m, or 4.0m where bushfire prone;
    - IV. Each property access must be located to minimise potential conflicts with other vehicles.
  - (c) Fencing and gates:
    - I. Any existing frontage fencing not located on the correct boundary must be removed with new rural type fence installed in the correct location;
    - II. Gates must be installed at each new property access and set back to allow vehicles to stop clear of traffic lanes, minimum of 6.0m from edge of seal.
  - (d) Road construction:
    - I. Sealed and drained road carriageway with a 7m wide seal width (including shoulders) and 18m road reservation;
    - II. Cul-de-sac heads must be finished with 40mm thick DG10 asphalt with 9m radius and 25m road reservation. Where bushfire prone, radius to be increased to 12m with 31m road reservation;
    - III. Street lighting with LED lamps. Developer to reimburse Council at a rate of \$625 (indexed with CPI) per LED lamp required;
    - IV. Street signage and standard line marking to each intersection.
  - (e) Stormwater network:
    - I. Unimpeded major stormwater network for a 1% AEP event;
    - II. Minor stormwater network for a 5% AEP event, including provision of any required detention to prevent downstream flooding.
  - (f) Natural values:
    - I. Construction soil and water management plan.
  - (g) Rehabilitation
    - I. Provision of top soil and grass or vegetation on all disturbed surfaces along with weed management measures.
10. Mandatory audit inspections are required in accordance with the Tasmanian Subdivision Guidelines. The developer must provide a minimum 48 hours' notice.
  11. Works must be completed to a standard that is to the satisfaction of the Council General Manager.
  12. A qualified and experienced civil engineer must supervise and certify all works in accordance with clause 21, 22, 23 and 24 of the Tasmanian Subdivision Guidelines.
  13. The developer must engage Council to organise a Practical Completion inspection when practical completion of works for each stage has been reached. Upon successful completion of the inspection in accordance with

clause 21 and Appendix 6 of the Tasmanian Subdivision Guidelines, Council will issue a Certificate of practical Completion, listing any minor defects identified.

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

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

#### State Road Indemnity

18. Prior to the commencement of any works associated with this permit the developer must obtain the consent of the Minister administering the *Roads and Jetties Act 1935* in accordance with Section 84 (1) (c) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*. This must include an indemnity for the Crown against any claim which may

arise from an increase in the water flowing away from or under the State Road, or its rate of flow, by reason of the works approved by this permit.

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

#### General

19. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by Council's General Manager.
20. 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.
21. 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.
22. To the satisfaction of Council's General Manager, the final plan of survey must include easements over all drains, pipelines, wayleaves and services. The minimum easement width for stormwater is in accordance with the Tasmanian Subdivision Guidelines.
23. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.
24. Prior to practical completion, survey pegs are to be certified correct post construction.

#### Roads

25. 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.
26. The new intersection of Arthur Highway and the proposed road must be constructed in accordance with any Department of State Growth requirements.
27. Unless for a local road, service installation across an existing sealed road carriageway must be bored with a minimum cover of 1.2m. Bores for services greater than 100mm must have a pumped backfill.

### Stormwater

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

### Sight distance

29. The development must undertake vegetation clearance and/or earthworks to achieve the minimum sight distance specified in the planning scheme for all existing and proposed vehicle accesses.

### Existing Services

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

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

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

### Telecommunications & Power

32. Prior to sealing the final plan of survey, the developer must submit to Council either:
  - (a) Demonstration that the exemption from the installation of fibre ready pit and pipe notice has been completed, or
  - (b) An Exemption from the installation of fibre ready pit and pipe, a "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from Telstra or NBN Co.

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

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

34. Street lights must include LED lamps at the developers cost.

#### Road Widening

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

#### Natural Environment & Hazards

36. No top soil is to be removed from the site.

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

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

- 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 will not be sealed until all works required by this permit are complete.
- The final plan of survey is inclusive of any schedule of easement and Part 5 Agreement.
- 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>
- 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 permit does not imply that any other approval required under any other legislation or by-law has been granted.

- 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.

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

### Executive Summary

Application is made for a six lot subdivision plus balance at 16-42 Arthur Highway, Dunalley. This property is zoned Rural Living and is located towards the north-eastern edge of the Dunalley settlement.

The key planning considerations relate to the design of lots and infrastructure, including a new public road.

The application is considered to comply with each applicable standard of the Sorell Interim Planning Scheme 2015 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 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 is required to determine this application. Due diligence has been exercised in the preparation of this report and there are no predicted risks associated with a determination of this application.
Financial Implications	No financial implications are anticipated, unless an appeal is made against the Council's decision to the Tasmanian Civil and Administrative Tribunal. 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	There are no environmental implications associated with the proposal.

### Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding, modifying or removing recommended reasons and 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*.

### Planning Scheme Operation

- Clause 5.6.1 requires an application to comply with each applicable standard in order to be approved.
- Clause 5.6.2 in turn outlines what is an applicable standard and this includes a standard that deals with a matter that could affect, or could be affected by, the proposal.
- Standards can be met by either complying with an acceptable solution or satisfying a performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. A performance criteria requires 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			
State Growth	Yes	Yes	Nil	Nil

## Report

### Description of Proposal

The application proposes four lots ranging from 1.1ha to 1.26ha in size with direct access and frontage to the Arthur Highway. A further three lots are proposed to be accessed from a new road of some 185m in length. These three lots are 1.26ha, 1.48ha and 5.1ha in size.

The balance lot contains an existing dwelling while all other lots are vacant.

The application was originally submitted without a new road. In this earlier design lot 5 had a much longer access strip which continued through to Arthur Highway and with lots 4, 5 and 6 sharing a sealed driveway. To facilitate future development of lot 5 the proposal was changed to include a road and a shorter access strip.

The application is supported by:

- a planning assessment from PDA (which references the original proposal);
- a bushfire hazard report from GES Geo-Environmental Solutions dated August 2022; and
- a traffic assessment from TCS dated 17 February 2022 (which references the original proposal).

### Description of Site

The site is a large property near the north-eastern edge of the Dunalley settlement. The site, and surrounding sites, were rezoned from a Rural to a Rural Living Zone following the adoption of the Dunalley Structure Plan.

The site rises in elevation with a gradient of approximately 1 in 14 in the southern section increasing to 1 in 10 in the northern section. The site is cleared pasture with an existing dwelling in the south-west corner. A watercourse generally follows the western boundary of the site and weaves in and out of the property.



The site is unserviced. Arthur Highway is a sealed public road and the speed limit is set at 60 km/hr. Culverts are located some 5m west and some 5m east of the site.



Figure 1. Subject site.

## Planning Assessment

### Zone

The applicable standards of the Rural Living Zone are as follows:

Clause	Matter	Complies with acceptable solution?
13.5.1 A1.1	Lot size	Yes, as each lot is greater than 1ha in size
13.5.1 A2	Lot design	No, as overlays for bushfire-prone areas and waterway and coastal protection apply. The performance criteria is assessment below
13.5.1 A3	Frontage	No, the frontage for lot 4, 5 and 6 is less than 40m
13.5.1 A4	Internal lots	No, lot 5 is an internal lot
13.5.1 A5	Setbacks	Yes, as setbacks from a new boundary to an existing building exceed 20m
13.5.2 A1	Roads	No, a new road is proposed
13.5.3 A1	Open space	No, as no acceptable solution is provided
13.5.3 A2	Open space	No, as no acceptable solution is provided
13.5.4 A1	Water	Yes, no water service exists for a connection to be made to
13.5.4 A2	Wastewater	No, as no acceptable solution is provided

13.5.4 A2	Stormwater	No, new stormwater services are not proposed
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*Performance Criteria Assessment 1 – Clause 13.5.1 P2 Lot Design*

The performance criteria provides:

*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 performance criteria is applicable as each lot is subject to the bushfire-prone areas overlay and lots 5, 6 and balance are partially subject to the waterway and coastal protection area. Neither overlay represents any significant obstacle to future development, nor the requirements of the bushfire-prone areas code are satisfied in full. Each lot is of sufficient size and dimension to accommodate future rural living development and is unconstrained with respect to access, topography, vegetation or on-site servicing. It is considered that the performance criteria is satisfied.

*Performance Criteria Assessment 2 – Clause 13.5.1 P3 Frontage*

The performance criteria provides:

*The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than: 6m.*

Lots 4, 5 and 6 have good levels of access with at least 15m of straight line frontage to accommodate a standard vehicle crossover. It is considered that the performance criteria is satisfied.

*Performance Criteria Assessment 3 – Clause 13.5.1 P4 Internal lot*

The performance criteria provides:

*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.*

With respect to each clause, it is considered that the performance criteria is satisfied on the basis that:

- Arthur Highway is an existing road and therefore eligible for internal lots.
- The layout retains the option for further development of lot 5 by an extension of the road.
- The current road would need to be extended by approximately 140m to remove the one internal lot which is a significant amount of infrastructure for one lot only.

- Further to the above, the layout is a reasonable way to subdivide the rear of the lot.
- The layout provides a more efficient utilisation of rural living land, consistent with the intent of the Dunalley Structure Plan.
- Amenity impacts are unlikely to arise.
- Lot 5 access strip is 18m wide to accommodate the driveway and any future road.
- Passing bays can be accommodated within the 18m access strip if required.
- The access strip is not shared with any other lot.
- A sealed driveway can be required as part of any permit granted.
- Clause (j) is not relevant.

*Performance Criteria Assessment 4 – Clause 13.5.2 P1 Road*

The performance criteria provides:

*The arrangement and construction of roads within a subdivision must satisfy all of the following:*

- (a) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;*
- (b) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;*
- (c) the subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;*
- (d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;*
- (e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;*
- (f) internal lots are not created;*
- (g) connectivity with the neighbourhood road network is maximised;*
- (h) the travel distance between key destinations such as shops and services is minimised;*
- (i) walking, cycling and the efficient movement of public transport is facilitated;*
- (j) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;*
- (k) multiple escape routes are provided if in a bushfire prone area.*

The road design provides for the further subdivision of lot 5 and is of a dimension and gradient that is consistent with the Tasmanian Standard Drawings for road design.

Opportunities to connect to neighbouring land with subdivision potential is limited to the west as these lots can access Russell Street East. The land to the east has subdivision potential and is an irregular shape which limits future development.

Connectivity to the east via a right of way over lot 5 would facilitate subdivision and is recommended as a condition on any permit granted.

*A 18m wide right of way is to be created over lot 5 for the benefit of CT 231238/1 to facilitate future subdivision and to satisfy clause 15.5.2 P1(c). The right of way is to allow for an extension of the public road only and not provide for access strips that service multiple lots.*

The proposal road is otherwise considered to satisfy the performance criteria.

*Performance Criteria Assessment 5 & 6 – Clause 13.5.3 P1 & P2 Ways and Open Space*

The two performance criteria provide:

*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.*

And

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

No public open space is proposed. Opportunities to provide connectivity to adjoining land is limited, other than for the road connectivity identified previously.

Land within the Rural Living Zone is to be subject to cash in lieu of public open space based on the improved value. The value is taken at 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 South East Sports Complex, 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.

Public open space in the vicinity includes the Dunalley Recreation Ground some 1km from the site by road and a walkway from Ryans Road to the foreshore. Council maintains these assets with no current plans for new assets. The lots are large and can accommodate much of their own recreational opportunity other than for organised sport or walking. The demand for public open space generated is reduced by the size of lots, the location of the site and the existing provision of public open space. Accordingly, it is recommended that a cash in lieu contribution of 3% of the improved value of the land be required on any permit granted.

*Performance Criteria Assessment 7 – Clause 13.5.4 P2 Wastewater*

The two performance criteria provide:

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

The wastewater report and EHO referral demonstrate that wastewater can be accommodated on the site. As each lot exceeds 1ha, the proposal is exempt from assessment under the onsite wastewater management code.

*Performance Criteria Assessment 8 – Clause 13.5.4 P3 Stormwater*

The two performance criteria provide:

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

The lots are sufficiently large to accommodate onsite stormwater management. Stormwater from the road will be managed by roadside open drains discharging to the Arthur Highway. The Department of State Growth have no comments on this arrangement.

## Codes

### Bushfire-Prone Areas Code

The proposal complies with the code through the provision of an accredited persons bushfire hazard report.

### Road and Railway Assets Code

The applicable Standards are:

- E5.5.1 A3/P3 Existing Road Accesses and Junctions
- E5.6.4 A1/P1 Sight Distance

#### *E5.5.1 A3/P3 Existing Road Accesses and Junctions*

The acceptable solution provides:

*The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.*

The Traffic Impact Assessment (TIA) estimates that there will 49 additional vehicle movements per day from future development of the lots.

The performance criteria provides:

*Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:*

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

It is considered that the performance criteria is satisfied having regard to:

- the small-scale of the subdivision;
- future traffic being only residential in nature;
- the existing speed environment and condition of the road; and
- the findings of the TIA.

#### E5.6.4 A1/P1 Sight Distance

The sight distance complies with Table E5.1 for a 60 km/hr speed environment.

#### Stormwater Management Code

Stormwater from new impervious surfaces (i.e., road) will discharge to existing services in a way that the subdivision complies with all applicable standards by acceptable solutions. As noted earlier, the lots are sufficient in size to accommodate onsite stormwater management for future dwellings.

#### Waterway and Coastal Protection Code

As building envelopes and all subdivision work are not within the waterway and coastal protection area, the subdivision complies with all applicable standards by acceptable solutions.

#### Representations

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

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

Issue	Relevant Clause	Response
Traffic safety and concerns with the TIA	E5.5.1 A3/P3 E5.6.4 A1/P1	The proposal is unlikely to have adverse traffic safety impacts noting that: <ul style="list-style-type: none"> <li>• The speed limit is 60 km/hr;</li> <li>• Each lot has compliant sight distance;</li> <li>• The TIA does not identify any issues;</li> <li>• The Department of State Growth have not identified any issues; and</li> <li>• Council's Development Engineer has not identified any issues.</li> </ul>
Proposal conflicts with existing Ryans Lane passing bay	E5.5.1 A3/P3	An informal right turn facility exists opposite Ryans Road allowing north-bound vehicles to continue pass any vehicle queuing to enter Ryans Road.  Lot 1 access is proposed close to Ryans Road and within this right turn facility. This access to lot 1 should be located as far as possible from Ryans Road, and at the western extent of the right turn facility. Adverse safety impacts are unlikely given

		<p>the speed environment and the low level of traffic turning right into Ryans Road.</p> <p>The developer will require further consent of the Department of State Growth before works commence.</p>
A footpath should be constructed from the site to connect to existing footpaths	13.5.2 A1/P1	The nearest Council footpath is opposite the Skate Park.
The TIA should be reviewed	Nil	The TIA has been reviewed by the Department of State Growth and Council's Development Engineer.
Inconsistent with previous subdivision lot sizes from Ryans Road	13.5.1 A1/P1	Ryans Road was approved following a rezoning proposal and assessed against a different planning scheme. The current scheme requires each lot to fit a 30m x 30m building envelope clear of setbacks (which are 20m). Thus, a 70m width rather than 75m width is the current requirement.
Stormwater runoff	E7.7.1 A1/P1, A2/P2	Subdivision runoff from the road will be managed in the existing network. Stormwater from future housing will be managed onsite via rainwater tanks and soakage. Adverse impacts are unlikely to arise.
Wastewater management	E13.5.4 A1/P1	The wastewater report demonstrates that each lot can accommodate onsite wastewater management. Site specific systems will be designed and installed during housing construction and in accordance with the relevant design standards as set by Consumer, Building and Occupational Services (CBOS).

## Conclusion

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

## Shane Wells

Senior Planner

Attachments:

Representations x 2

Proposal Plans



Representation in respect of 7.2022.5.1 Subdivision Application 16-42 Arthur Highway, Dunalley.

25 September 2022

To whom it may concern,

As longstanding residents of the Dunalley township and neighbours to the proposed development we hereby make representation and request acceptable solutions to the below points:

1. The proposed traffic management plan fails to maintain safety for road users and Lot owners wishing to enter or exit Arthur Highway in the immediate vicinity of the proposed subdivision. Moreover, the current design is likely to pose increased hazards to vehicles on the highway and those turning into Ryans Lane and the proposed subdivision. The proposed accesses to Lots 1, 2 & 3 are in conflict with existing access to Ryans Lane cul de sac and other road users in general. A three way scenario is likely to occur whereby vehicle(s) may be turning into or out of Lots 1, 2 or 3 plus vehicle(s) turning into or out of Ryans Lane combined with the need to maintain traffic flow and the increased risk posed by vehicles using the existing widened section (north bound) to facilitate the passing of vehicles turning into Ryans Lane. A clear conflict exists and it seems dangerous and illegitimate for vehicles to be entering into a designated turning/passing bay. Whilst the signposted speed limit is 60km it is noted that excessive speed and overtaking is regularly witnessed in this section of highway which significantly increases the risk of accidents and serious injury. Near misses are commonplace in this section of Arthur Highway and further complications will only multiply the risk factors.
2. The proposed traffic management plan fails to identify and preserve the existing turning/passing bay which makes provision for north bound traffic to safely pass vehicles turning off the highway into Ryans Lane. This infrastructure was paid for by the developer of Ryans Point to ensure safety and the maintenance of traffic flow. We understand it was a condition of approval for the subdivision. This sets an appropriate precedent and must be required to be installed on the south bound section (approach to Dunalley) opposite the proposed subdivision entrance as a condition of development. We note that the current design fails to make provision for the safe passing of vehicles turning into the proposed subdivision by south bound traffic resulting in higher risk of accidents and significant interruptions to traffic flow.
3. The proposed development specifies multiple access points for the proposed subdivision which is inconsistent with the precedent set at Ryans Point subdivision directly opposite. In fact, two existing accesses to Arthur Highway were required to be removed in favour of Ryans Lane becoming the single access point to Arthur Highway.

4. The proposed traffic management plan makes no provision for pedestrians to safely access the township of Dunalley and avoid conflict with highway and turning vehicles. Within a town boundary and nearby School zone and consistent with the maintenance of community amenity it would be expected that walkers, joggers and cyclists have access to safe passage on a designated, formed footpath. Connection to existing footpath only a few hundred metres towards Dunalley should be undertaken as a condition of Planning.
5. We demand a review of the proposed traffic management plan by an independent, suitably qualified practitioner and the written endorsement of such a review by a delegated authority from the Department of State Growth and Sorell Council respectively.
6. Size and configuration of proposed Lots is not consistent with the precedent set for Ryans Point subdivision where a 75m diameter circle was required to fit within prescribed setbacks. The proposed subdivision has no such limitation. This appears to be a double standard and will be contested. We request that the developer or Sorell Council explain this inconsistency or justify the proposal against revised Planning Scheme provisions.
7. Given disturbance to natural drainage lines and increased catchment and discharge no provision is made for stormwater drainage and detention within the boundaries of the proposed subdivision. We note that, in the absence of suitably designed and engineered detention systems, overflow and runoff will discharge to neighbouring properties. This is inconsistent with established compliance obligations and has the potential to contaminate existing water storages, damage existing infrastructure and cause excessive erosion. We seek a performance solution from the developer detailing detention and treatment systems to not just mitigate but eliminate any risk of contamination.
8. We note the absence of Council sewer infrastructure to support the proposed subdivision. Given the geotechnical characteristics, direction of slope toward neighbouring properties and poor ability for clay soils to receive large volumes of onsite waste water it is anticipated that overflow of onsite waste water will contaminate neighbouring water storages. A detailed onsite wastewater management design is required for the entire subdivision to eliminate the risk of cumulative contamination to sensitive neighbouring properties. We request that the whole-of-site wastewater management plan be designed by an independent suitably qualified practitioner and endorsed by the Sorell Council EHO as a condition of Planning.
9. In summary: A constructive review of the design documentation should be conducted as it appears critical areas of vehicle and pedestrian safety and amenity have not been considered or have been overlooked. It seems apparent that there are inconsistencies with precedents set with respect to title size and configuration, required traffic infrastructure (road widening to allow turning/passing lane), single point of access to the proposed subdivision and no provision made for community amenity. The proposal as designed fails to provide a whole-of-site approach to wastewater and environmental management coupled with a failure to provide suitably sized detention and treatment systems for

stormwater and onsite wastewater. This proposal lacks design detail and a comprehensive understanding of the risks presented by the proposed development. We suggest an extension of time be added to the statutory assessment period to allow the developer to provide detailed solutions to the abovementioned issues to the satisfaction of neighbouring properties.

We await provision of more resolved design and endorsement documentation.

In good faith,



The General Manager

Sorell Council

**Representation regarding 7.2022.5.1 Subdivision Application 16-42 Arthur Highway, Dunalley.**

26 September 2022

We are not opposed to the proposed sub-division per se but we do have some concerns that we would like to express.

One of our concerns relates to the TCS **Traffic Impact Statement**.

We note that **3.3 State Road Network Owner Objectives**

*The department of State Growth objectives are to maintain safe and efficient operation of the state network.*

It is the safety of the proposed accesses that we wish to question.

We believe that the safety of the existing access at Ryans lane will be compromised if the proposed accesses are approved.

In 2009 we made an application for a 6 Lot Subdivision at 1&7 Arthur Highway directly across the road from the current proposed subdivision 16-42 Arthur Highway.

We eventually got approval for a 3 Lot subdivision plus balance. At the time of our application there were two perfectly useful existing accesses to the highway that would have suited two of the titles. It would have been very straight forward to establish one new access and one right of way to achieve access for all four titles.

However, the **DIER Access Works Permit SA48-10** required us, at our significant expense, to "Upgrade Existing Access, Close two existing accesses and construct a new road junction".

The new road junction involved construction of a new cul de sac, later to be called Ryans Lane, to provide access to all four titles. It also involved widening the road on the opposite side to allow vehicles heading towards Sorell to safely pass the vehicles turning into Ryans Lane. As it turns out this was a very prudent requirement because cars turning right into Ryans Lane do not stop the following traffic. The traffic slips passed on the inside and the passing lane works well.

While it is still within the 60km speed limit, vehicles approaching the end the township often start to accelerate early. Frequent high-speed passing occurs on the widened section (passing lane) of the road, we know about it because we are the ones turning off with cars whizzing up on the inside of us. Vehicles, particularly heavy vehicles, try to pick up a bit of speed before the incline as they head up the road towards Sorell.

It is a major omission on the part of Traffic and Civil Services that The Traffic Impact Statement produced by them as part of the 16-42 Arthur Highway Subdivision Application makes no reference to the passing lane. The passing lane is not shown on Figure 4 Proposed development layout. This figure shows the accesses to Lot 1&2 discharging directly into the passing lane.



If these accesses were to be approved there would be potential danger and confusion for vehicles turning left into Ryans Lane as well as vehicles turning right into Ryans Lane with traffic passing on the underside of the right turning vehicles, at the same time other vehicles could be wanting to turn right into either of the proposed accesses 1&2 Let alone cars wanting to out of proposed access 1&2 at the same time.

If the proposed accesses were to be approved it would be impossible to allow the passing lane to remain in place, it would have to be removed. The consequence would be significantly more danger for those using Ryans Lane

### **The Traffic Impact Statement Performance Criteria P2**

*(a) Describes the traffic activity as low range and easily able to cope with the traffic generated by the proposal.*

The average vehicles per day shown for traffic activity in the TCS report do not give accurate figures for weekend and public holiday activity which is significantly greater than the average day. The Arthur Highway is the main road to the Tasman Peninsular, on weekends and public holidays it carries much higher volumes of vehicles towing caravans, camper trailers, boats and tourist busses.

In 2008 it was considered necessary for us to establish a single turn off in the form of Ryans Lane to serve just four titles. How much more pertinent it must be now in 2022 for a single turnoff to service a 7 Lot subdivision. The proposed 4 new accesses are in distinct conflict with the requirements that we had to meet.

Another important consideration for any proposed access to 16-42 Arthur Highway is a public footpath/cycle track to connect with the existing path that finishes down the road back towards Dunalley. When we subdivided our land we had to provide land and cover the cost to establish a public footpath from the Arthur Highway to Blackmans Bay.

A public footpath along the Arthur Highway from Dunalley to the Boomer Bay turnoff is a high priority. We are not calling on the developer to have to meet the cost of this infrastructure, but it certainly needs to be factored into any plans for access onto the highway from residential blocks.

### **Performance Criteria P2 in the application**

*(g) Any written advice received from the road authority. Advice has been received from DSG, see appendix F*

Appendix F does not show any information or advice from DSG

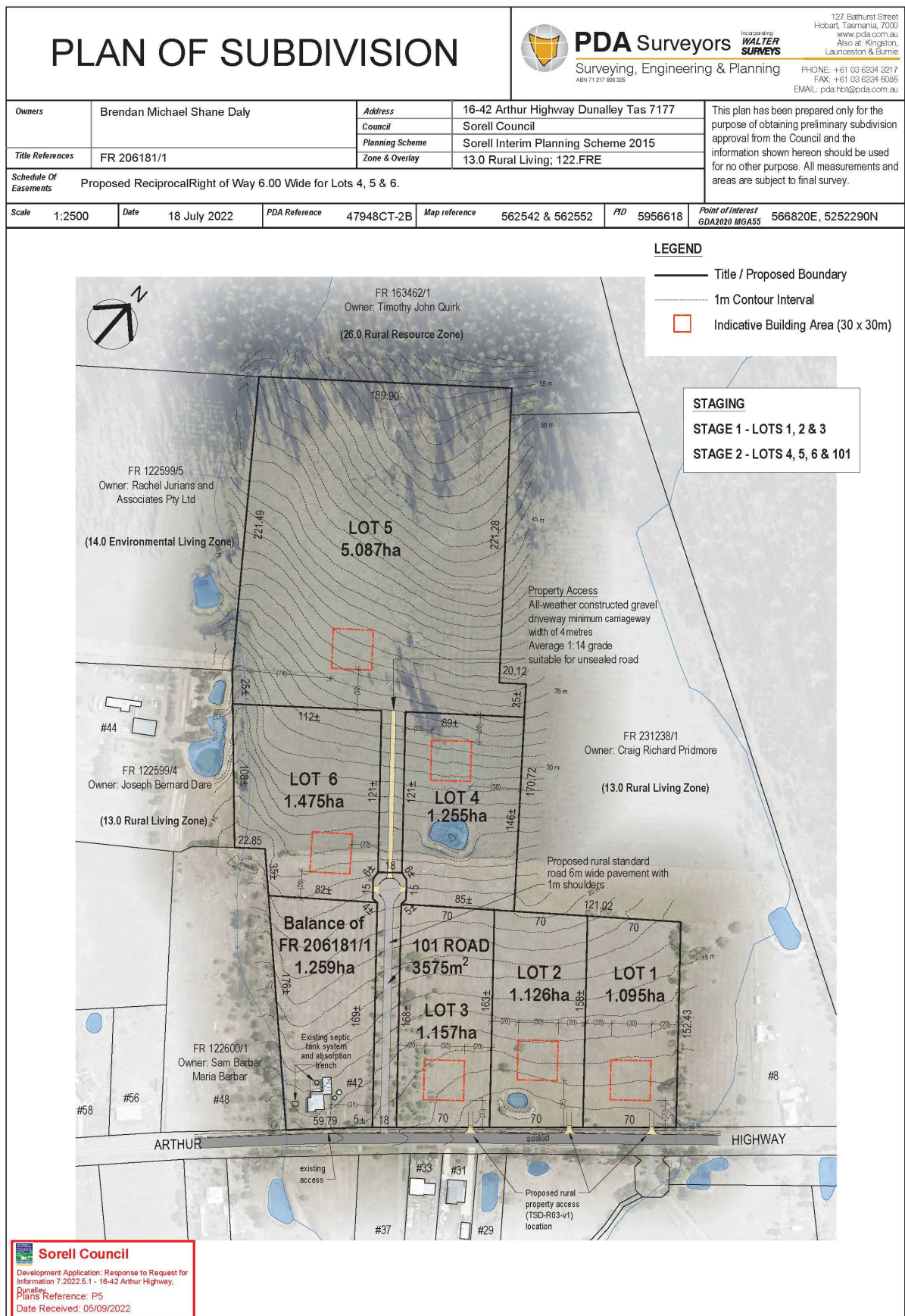
In summary on the accesses, it would seem sensible to create a single new access that would service all seven blocks and keep it well away from the passing lane. The logical place would be where the access is proposed for lots 4,5,6. An access could be brought through between lot 4 and 3 to service both lots 1&2.

The other concerns we have about this subdivision proposal are the wastewater treatment systems that will be necessary to service the dwellings. The application does not contain any consultants

reports to demonstrate that the soil is suitable for the absorption of effluent or that and waterways will not be polluted by household wastewater. When we made our application, we had to provide consultants reports for each proposed title.

Yours sincerely





## 4.2 DEVELOPMENT APPLICATION NO. 5.2022.166.1

PLANNING SCHEME:	Sorell Interim Planning Scheme 2015
APPLICATION STATUS	Discretionary
RELEVANT LEGISLATION:	Section 57 of the Land Use Planning and Approvals Act 1993
REASON FOR DASC MEETING	While staff have delegation the proposal is large in scale with Councillors requesting it be considered by DASC

APPLICANT:	Young Group Pty Ltd
PROPOSAL:	Commercial Building (Multiple Uses)
SITE ADDRESS:	33 Dubs and Co Drive, Sorell

RELEVANT ZONE:	General Business Zone
PROPOSED USE:	Office, Restaurant, Retail, Storage
APPLICABLE OVERLAY(S):	Nil
APPLICABLE CODES(S):	Road and Rail Assets, Parking and Access, Stormwater Management, Inundation Prone Ares
VALID APPLICATION DATE:	15 September 2022
DECISION DUE:	26 October 2022
DISCRETION(S):	1 Height
	2 Front setback
	3 Traffic increase
	4 Car parking numbers
	5 Number of vehicle accesses
	6 Flood prone area
REPRESENTATION(S):	One



**RECOMMENDATION**

That pursuant to Section 57 of the Land Use Planning and Approvals Act 1993, Council resolve that Planning Application 5.2022.237.1 for a Commercial Building (Mixed Use) at 33 Dubs and Co Drive, Sorell for Young Group Pty Ltd be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans and document unless amended by the conditions of this permit. The endorsed plans and documents consist of:
  - Noise assessment from NVC dated 10 August 2022 (Council ref: P4);
  - Traffic impact assessment from Howarth Fisher and Associates dated August 2022 (Council ref: P4);
  - Flood hazard report from Flussig dated 5 May 2022 (Council ref: P1);
  - Stormwater report from Aldanmark dated 13 July 2022 (Council ref: P2);
  - Lighting illumination plan received 25 August 2022 (Council ref: P5);
  - Landscaping plan from Inspiring Place dated 6 May 2022 (Council ref: P1); and
  - Architectural drawings from 1+2 Architecture (Council ref: P4); and
2. Two motor cycles spaces are to be included in the completed development. The design of each space must comply with Provision for Motorcycles” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking

**Environmental Health Conditions**

3. The hours of operation of the development must comply with the following:
  - (a) 6.00. a.m. to 10.00. p.m. from Monday to Saturday;
  - (b) 7.00 a.m. to 9.00 p.m. on Sundays and Public Holidays.
4. Commercial vehicle movements delivering or collecting goods or waste are only permitted between 7am and 7pm.
5. 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 Regulatory Services for any works outside of these hours.

6. The Manager Regulatory Services may require the building owner to undertake noise or light measurements to demonstrate compliance with permit conditions. Measurements must be undertaken by a suitably qualified person to the satisfaction of the Manager Regulatory Services.

7. 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.
8. Before commencing works on the site the applicant must provide a construction environmental management plan details proposed measures to prevent pollutants leaving the site. The plan shall include but not be limited to:
  - (a) Soil and water management;
  - (b) Dust suppression;
  - (c) Noise management;
  - (d) Air pollution control;
  - (e) Washing down of construction vehicles to; and
  - (f) Light spillage from construction or security lighting.
9. A solid 2.1m high fence must be erected and maintained along the northern boundary of the site. The fence must not have any gaps and be constructed with a material with a minimum surface mass of 15kg/m<sup>2</sup>.
10. All external lighting on the building and car park shall be located to minimize light spillage onto neighbouring properties and comply with AS/NZS 4282:2019 Control of the obtrusive effects of lighting.

#### Engineering Conditions

11. Prior to any works commencing, revised detailed plans and specifications, clearly showing all proposed works within the road reservation, must be submitted to Council for approval. These shall include, but not be limited to:
  - (a) Any landscaping or pedestrian facilities proposed in the road reserve;
  - (b) All proposed driveway entrance or exit points from the site;
  - (c) All traffic facilities and line marking required for the on-street parking.
12. A vehicular crossing application must be submitted to Council and an associated permit must be granted prior to any access or egress works commencing within the road reservation.
13. On-street car parking for the development must generally be in accordance with AS 2890.5:2020 and the traffic impact assessment completed by Howarth Fisher and Associates, dated August 2022.

14. Off-street car parking shall comply with the following requirements:
  - (a) Off street parking requirements (including layout, line marking, signage and the installation of wheel stops) shall comply with AS 2890.1:2004;
  - (b) Off street driveway, car parking and turning areas shall be constructed of reinforced concrete or asphalt;
  - (c) Lighting and landscaping must be implemented for the car parking and vehicular circulation areas generally in accordance with the approved plans.
15. Stormwater shall be discharged to the existing piped Council stormwater system in accordance with the following:
  - (a) All stormwater pipes collecting runoff from driveways, car parking, turning areas and other hard surfaces shall be designed to suit the calculated stormwater runoff from the property;
  - (b) A concrete kerb shall be installed along the entire length of the internal driveway, car parking and turning areas to direct stormwater into the stormwater system. Grated pits shall be installed at suitable locations, as per the drainage plan;
  - (c) All grated pits, grated drains and stormwater lot connections must be constructed to a trafficable standard;
  - (d) No ground stormwater runoff generated from the development shall be directed onto neighbouring properties;
  - (e) A stormwater filtration and detention system must be implemented as specified in the civil drawings by Aldanmark and dated 5/04/2022;
  - (f) Council must be notified and all stormwater works within the road reserve must be inspected by Council prior to any backfilling. Please call Council on 6269 0000 to arrange a time giving at least 24 hours' notice.
16. The developer shall be responsible for the location of any existing services and Council infrastructure.
17. All works shall be undertaken by the developer at the developer's cost.
18. Any existing Council infrastructure that is damaged or modified in any way, as a consequence of these works, shall be repaired or reinstated by the developer to its original condition, as soon as reasonably practicable, at the developer's cost.
19. During the works period, the developer shall contain all materials within the property boundaries and maintain the site so as not to cause a hazard to pedestrian or vehicular traffic.

**TasWater Conditions**

20. Refer to TasWater form	04 (attached)
Reference number	TWDA 2022/00894-SOR
Dated	29 June 2022

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

- A separate registration under the Food Act 2003 is required for any food business before commencing operations.
- 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 conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: ☎(03) 6165 6790 or email [resourceplanning@tascat.tas.gov.au](mailto:resourceplanning@tascat.tas.gov.au)

**Executive Summary**

Application is made for a mixed use commercial building at 33 Dubs and Co Drive, Sorell which is located in the General Business Zone.

The key planning considerations relate to the design of the building and the provision of car parking.

The application is considered to comply with each applicable standard of the *Sorell Interim Planning Scheme 2015* 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 footpath and landscaping assets within the road reserve to be transferred to Council. Post any approval, further discussion will be required to finalise the design and construction standards for these assets.



Risk Management Strategy 2018	In its capacity as a Planning Authority, Council is required to determine this application. Due diligence has been exercised in the preparation of this report and there are no predicted risks associated with a determination of this application.
Financial Implications	No financial implications are anticipated, unless an appeal is made against the Council's decision to the Tasmanian Civil and Administrative Tribunal. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	Not applicable.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

### Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding, modifying or removing recommended reasons and 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*.

### Planning Scheme Operation

- Clause 5.6.1 requires an application to comply with each applicable standard in order to be approved.
- Clause 5.6.2 in turn outlines what is an applicable standard and this includes a standard that deals with a matter that could affect, or could be affected by, the proposal.
- Standards can be met by either complying with an acceptable solution or satisfying a performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. A performance criteria requires 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	There is a large off-street car park associated with the development as well as some on-street car parking spaces. Line marking must be provided for the on-street spaces. The development includes various works proposed in the road reserve. Details plans identifying exactly what is intended and the construction standards is required for approval prior to works commencing. A stormwater quality and quantity system has been designed to meet the targets in the planning scheme.
Environmental Health	Yes	Yes	Yes	Detailed below
Plumbing	Yes	No		
NRM	No			
TasWater	Yes	Yes	Yes	Refer to SPAN TWDA 2022/00894-SOR
State Growth	No			

## Report

### Description of Proposal

Application is made for a mix-use multi-tenancy development.

The development consists of a two-storey structure above a basement level with car parking to the rear. The structure is formed by two equal sized pavilions linked by a footbridge. The overall building footprint is 25m by 86.4m with a maximum building height above natural ground of 12.3m. The design incorporates a gable roof form with an angular ridgeline that leads to variability in the wall height. The northern elevation, for instance, has a wall height ranging from 7.6m to 11m. The upper section of the western elevation is partially open. A 5.2m wide centrally located opening provides spacing between the two pavilions.

Cladding is predominately zincalume with extensive glazing to the lower level. The zincalume is to be treated to reduce reflectivity. The architectural statement states:

*External materials have been chosen as a contemporary response to the context. They have been configured to provide complexity and fragmentation of the larger façade elements through the use of complimentary yet varying textures colours and forms. External materials are compliant with the Design requirements specified under the Development Standards of Planning Schemes. These include; corrugated steel sheet for the upper level, chosen for texture, durability, and lightweight simple construction, light coloured brickwork at street level chosen for closer contact texture and scale, durability and vandal resistance, extensive shop front glazing for transparency to retail areas and an expressed galvanised steel structural frame. Integrated 'green wall' planting within façade elements is also proposed to soften architectural elements and contribute to habitable spaces.*

The development is setback 0.93m to the southern frontage and 5.3m to the western frontage with side setbacks of 12.7m to the east and 19m to the north.

The floor layout consists of multiple tenancies and common plaza areas with a layout that follows the angular building ridgeline. There are three main pedestrian entry points to the lower level with two from the car park and one from the street.

The car park has one-way only circulation with entry in the south-east corner and exit in the north-west corner. A central ramp provides one-way circulation from east to west for the basement with a second vehicle exit on the western side. The car park has 50 spaces plus one disability access space and three EV parking/charging spaces. The car park also has waste truck and bin storage loading areas occupying the equivalent of two spaces and landscaping beds occupying the

equivalent of five spaces. A 2.7m wide landscaping zone runs along the northern boundary of the car park.

One 7m high, ground based sign is proposed adjacent to the vehicle entry point.

Ancillary elements of the development include bin storage areas and screening of mechanical plant decks on the southern side of the roof.

Works are proposed to the road reserve to replace the existing concrete footpath with a paved and landscaped frontage.

The ground level consists of:

- two food services tenancies with floor areas of 163m<sup>2</sup> and 156m<sup>2</sup>, each with external terrace areas of 46m<sup>2</sup> and 50m<sup>2</sup>;
- two main retail and hire tenancies of 272m<sup>2</sup> and 306m<sup>2</sup>;
- five small retail and hire spaces of 14m<sup>2</sup> each within a larger common area;
- one smaller retail and hire tenancy of 24m<sup>2</sup>;
- toilet and amenity area of 177m<sup>2</sup>;
- voids and stairwells totally of 149m<sup>2</sup>; and
- common areas of approximately 560m<sup>2</sup>.

The upper level consists of:

- one larger office of 393m<sup>2</sup>, one mid-sized office tenancy of 132m<sup>2</sup> and four smaller offices totally 132m<sup>2</sup>;
- a food service tenancy of 192m<sup>2</sup> adjacent to a common terrace area;
- a 231m<sup>2</sup> area noted as passive recreation which is explained as an ancillary space within the complex principally for informal play area for children;
- toilet and amenity area of 177m<sup>2</sup>; and
- walkways and stairwells of approximately 170m<sup>2</sup>.

The basement level consists of 27 self-storage units, of which the majority have a floor area of 43m<sup>2</sup>. The basement also contains services, a lift and a stormwater detention tank. A one-way traffic lane is provided along with a 3m loading zone.

The combined floor area for each use class is:

- food services 511m<sup>2</sup>;
- office 657m<sup>2</sup>;
- retail and hire 672m<sup>2</sup>; and
- storage 1165m<sup>2</sup>.

The proposed hours of operation, inclusive of commercial vehicle operations, are 6am to 10pm Monday to Saturday and 7am to 9pm Sunday and public holidays.

The application is supported by:

- Noise assessment from NVC dated 10 August 2022 (P4);
- Traffic impact assessment from Howarth Fisher and Associates dated August 2022 (P4);
- Flood hazard report from Flussig dated 5 May 2022 (P1);
- Stormwater report from Aldanmark dated 13 July 2022 (P2);
- All Urban Planning submission (P1);
- All Urban Planning additional information (P2);
- Lighting illumination plan received 25 August 2022 (P5);
- Landscaping plan from Inspiring Place dated 6 May 2022 (P1);
- Architectural design statement (undated) (P1);
- Architectural drawings from 1+2 Architecture (P4); and
- 3D visualisation (viewable on Council's youtube channel).

### Description of Site

The site is a vacant corner lot of 4886m<sup>2</sup> in area. The site is flat and contains no native vegetation. The site adjoins residential development to the north and a childcare centre to the east. Nearby land includes residential development to the west and the Council CAC to the south.



Figure 1. Subject site.

### Planning Assessment

#### Zone

The site is within the General Business Zone.

The storage use is a discretionary use in the zone. All other proposed uses are permitted.

The zone includes the following Desired Future Character Statements which are referenced in several planning standards.

*Future development of the Sorell township is to:*

- (a) provide active and attractive streetscapes;*
- (b) improve access / permeability to the town centre from the adjacent residential areas;*
- (c) provide an open space hierarchy incorporating open spaces that are accessible and appropriately landscaped providing both passive and active recreation for social interaction with particular attention to enhancing the Sorell Rivulet;*
- (d) provide for sustainable development to optimise water and energy conservation;*
- (e) use scale, proportion, materials and colour to ensure building facades positively contribute to the streetscape.*

The applicable standards of the General Business Zone are as follows:

Clause	Matter	Complies with acceptable solution?
21.3.1 A1	Hours of operation	Yes, as proposed hours are from 6am to 10pm Monday to Saturday and 7am to 9pm for Sunday and public holidays
21.3.2 A1	Noise	Yes, as noise levels will comply with the limits as demonstrated in the Noise Assessment
21.3.3 A1	External lighting	Yes, as only security lighting will be on between 11pm and 6am and lighting is appropriately baffled as demonstrated by the lighting illumination plan
21.4.3 A1	Commercial vehicle movements	Yes, as commercial vehicles will not access the site other than from 6am to 10pm Monday to Saturday and 7am to 9pm for Sunday and public holidays
21.4.1 A1	Height	No, as building height exceeds 10m
21.4.1 A1	Height within 10m of residential zone	Yes, as building is more than 10m from a residential zone
21.4.2 A1	Front setback	No, the building is no more than 3m from the frontage but is not parallel
21.4.2 A3	Setback	Yes, setbacks from a residential zone are more than 5m
21.4.3 A1	Design	Yes, as the design includes extensive glazing and screens mechanical plan and storage.
21.4.3 A2	Reflectivity	Yes, as cladding to be treated to reduce reflectivity (a condition on any permit is required)
21.4.4 A1	Passive surveillance	Yes, as the design includes extensive glazing and clear pedestrian entrances from the road and the car park.
21.4.5 A1	Landscaping	Yes, as landscaping is provided along the frontage

21.4.5 A2	Landscaping	Yes, as landscaping is provided along the General Residential Zone boundary
21.4.6 A1	Storage areas	Yes, as outdoor stage areas are screened
21.4.7 A1	Fencing	Yes, as fencing (to the residential boundary) is less than 2.1m high

*Performance Criteria Assessment 1 – Clause 21.4.1 P1 Building Height*

The performance criteria provides:

*Building height must satisfy all of the following:*

- (a) be consistent with any Desired Future Character Statements provided for the area;*
- (b) be compatible with the scale of nearby buildings;*
- (c) not unreasonably overshadow adjacent public space;*
- (d) allow for a transition in height between adjoining buildings, where appropriate;*

It is considered that the performance criteria is satisfied as:

- The building design positively contributes to the streetscape through glazing and clear pedestrian access points and the varied scale and proportion across the development. The design uses scale, proportion and materials in a way to promote public use of the space consistent with the Council CAC and the childcare centre on adjoining land.
- The streetscape of Dubs and Co Drive is evolving, from the older car wash and the rear of the Gateway Complex to the newer retail and childcare facilities. Buildings such as the Council CAC, the child care centre, the Mens Shed (former depot), the railway shed and the Gateway complex are large and/or utilitarian structures (designed for function rather than aesthetics) which the proposal reflects and then enhances through visually interesting design responses such as the angular roof pitch, the twin pavilions, glazing and building openings.
- Overshadowing is limited to the road carriageway as shown in the shadow diagrams.

*Performance Criteria Assessment 2 – Clause 21.4.2 P1 Frontage Setback*

The performance criteria provides:

*Building setback from frontage must satisfy all of the following:*

- (a) be consistent with any Desired Future Character Statements provided for the area;*
- (b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;*

- (c) *enhance the characteristics of the site, adjoining lots and the streetscape;*
- (d) *provide for small variations in building alignment only where appropriate to break up long building facades, provided that no potential concealment or entrapment opportunity is created;*
- (e) *provide for large variations in building alignment only where appropriate to provide for a forecourt for space for public use, such as outdoor dining or landscaping, provided the that no potential concealment or entrapment opportunity is created and the forecourt is afforded very good passive surveillance.*

It is considered that the performance criteria is satisfied as:

- The setback is compatible with the setback of the adjoining child care centre, which is setback 1.6m;
- The facade includes extensive glazing to enhance the streetscape;
- The space between the twin pavilions reduces the length of the façade and encourages pedestrian access; and
- Complementary landscaping and paving works will enhance the streetscape and potentially integrate well with future development on the Council CAC site as identified in the Sorell Streetscape Plan Update 2021.

## Codes

### Road and Rail Assets Code

The applicable Standards are:

- E5.5.1 A3/P3 Existing Road Accesses and Junctions
- E5.6.4 A1/P1 Sight Distance

#### *E5.5.1 A3/P3 Existing Road Accesses and Junctions*

The acceptable solution provides:

*The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.*

The Traffic Impact Assessment (TIA) estimates that there will 541 trips per day on average with an evening peak hour of 59 trips.

The performance criteria provides:

*Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:*

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

It is considered that the performance criteria is satisfied having regard to:

- The mixed use nature of the development, which will disperse traffic generation across the day;
- The location of the site within the General Business Zone and close to other business and services leading to linked and multi-purpose trips; and
- The nature of the road which has capacity for additional traffic and provides a minor collector role in moving vehicles across commercial and residential areas.

#### *E5.6.4 A1/P1 Sight Distance*

The sight distance complies with Table E5.1 for a 50 km/hr speed environment.

### **Parking & Access Code**

The applicable Standards are:

- E6.6.1 Number of Car Parking Spaces
- E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability
- E6.6.4 Number of Motorcycle Parking Spaces
- E6.6.4 Number of Bicycle Parking Spaces
- E6.7.1 Number of Vehicular Accesses
- E6.7.2 Design of Vehicular Accesses
- E6.7.3 Vehicular Passing Areas Along an Access
- E6.7.4 On-Site Turning
- E6.7.5 Layout of Parking Areas
- E6.7.6 Surface Treatment of Parking Areas
- E6.7.7 Lighting of Parking Areas
- E6.7.8 Landscaping of Parking Areas
- E6.7.9 Design of Motorcycle Parking Areas
- E6.7.10 Design of Bicycle Parking Facilities

- E6.7.12 Siting of Car Parking
- E6.7.14 Access to a Road

#### E6.6.1 Number of Car Parking Spaces

The proposal includes 50 spaces plus one disability access space and three EV parking/charging spaces together with waste truck loading and bin storage loading areas. Up to 21 parking spaces can be accommodated in the road reservation along the frontage of the site. As Dubs and Co Drive narrows in this section, parking on both sides of the road is not possible.

The car parking demand under Table E6.1 is as follows:

Parking Demand				
Use	Table E6.1 Ratio	Floor Area	Scheme Requirement	Assessed Demand
Office	1 for each 30m <sup>2</sup> of floor area	657m <sup>2</sup>	21.9	12.32
Food services	15 for each 100m <sup>2</sup> of floor area or 1 space for each 3 seats, whichever is the greater.	511m <sup>2</sup> / 229 seats	75 (floor area) 76.33 (seats)	20.44
Retail	1 for each 30m <sup>2</sup> of floor area	672m <sup>2</sup>	22.4	26.88
Storage	1 for each 100m <sup>2</sup> of floor area	1165m <sup>2</sup>	11.65	6 (in loading bay)
<b>Total</b>			132.3	60

The TIA outlines a number of reasons for why the proposed parking numbers are adequate. These reasons include:

- The mixed use nature of the site, and determining car parking requirements for each use in isolation to the overall development will lead to an oversupply of car parking as there is no regard to multi-purpose trips;
- The site is close to the Park and Ride which, by its nature, has no weekday time restrictions;
- A parking survey in the area showed relatively low rates of on-street and off-street parking;
- Estimates of peak demand based on customer usage indicate a peak parking demand from 4pm to 6pm of 76 spaces (with assumptions that many customers at this time are nearby workers) and 65 spaces from 6pm to 8pm; and
- That each use generally has a differently timed peak demand (i.e., restaurant versus office or retail).

A review of the TIA was commissioned from Ratio: consultants and had regard to other proposals on private land and on the Council CAC site. This review also noted that determining car parking requirements for each use in isolation to the overall development will lead to an oversupply of car parking as there is no regard to multi-purpose trips. The review noted that the TIA provides no detail on how the estimate of peak demand was determined.

The review considered that the appropriate assessment of car parking for the proposal is 0.75 spaces per 40m<sup>2</sup> of office floor area and one space per 25m<sup>2</sup> of retail and food services with storage parking accommodated in the loading zone. On this basis, 60 spaces is required with the shortfall of 11 spaces adequately accommodated in the surrounding road network.

There is sufficient frontage to accommodate the shortfall of 11 spaces on the east-west aligned section of Dubs and Co Drive. The TIS suggests 16 spaces could be provided in this section, however, this would need to be reduced to 13 or 14 if they are to fully comply with the relevant standards. Providing line-marked spaces to one side will require no parking restrictions be imposed on the other side due to the width of the carriageway.

The performance criteria provides:

*The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:*

- (a) car parking demand;*
- (b) the availability of on-street and public car parking in the locality;*
- (c) the availability and frequency of public transport within a 400m walking distance of the site;*
- (d) the availability and likely use of other modes of transport;*
- (e) the availability and suitability of alternative arrangements for car parking provision;*
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) any car parking deficiency or surplus associated with the existing use of the land;*
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) any relevant parking plan for the area adopted by Council;*

- (l) *the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*
- (m) *whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Tree schedule.*

With respect to each of the above criteria:

- (a) Having regard to the TIS, and the review, the assess car parking demand is 60 spaces;
- (b) The shortfall of spaces can be accommodated in the surrounding road network;
- (c) Some customers may utilise the commuter bus service available nearby;
- (d) Some customers, such as those working nearby, may travel by foot or taxi;
- (e) No alternative car parking provisions are proposed;
- (f) The demand for car parking is reduced by the multi-use nature of the proposal and variability in the timing of peak usage;
- (g) N/A
- (h) N/A
- (i) As demand can be accommodated on site and in the surrounding road network, there is no justification for a cash in lieu contribution;
- (j) N/A
- (k) N/A
- (l) N/A
- (m) N/A

#### *E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability*

One space is provided as close as practicable to a building entrance which complies with the acceptable solution.

#### *E6.6.4 Number of Motorcycle Parking Spaces*

The TIA states that two spaces are provided. This is not clear from the plans but can be conditioned. Two spaces will comply with the acceptable solution.

#### *E6.6.4 Number of Bicycle Parking Spaces*

Six bicycle spaces are proposed to the east of the building which complies with the acceptable solution.

#### E6.7.1 Number of Vehicular Accesses

The performance criteria applies as there are more than two access points on the western frontage. The performance criteria provides:

*The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:*

- (a) *access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;*
- (b) *whether the additional access points can be provided without compromising any of the following:*
  - (i) *pedestrian safety, amenity and convenience;*
  - (ii) *traffic safety;*
  - (iii) *residential amenity on adjoining land;*
  - (iv) *streetscape;*
- (v) *cultural heritage values if the site is subject to the Local Historic Heritage Code;*
- (vi) *the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.*

*The performance criteria is satisfied as there is minimal impact to on-street parking, safety or amenity. The second access is for the less utilised storage areas.*

#### E6.7.2 Design of Vehicular Accesses

The acceptable solution is satisfied by way of the design of the vehicle access.

#### E6.7.3 Vehicular Passing Areas Along an Access

The acceptable solution is satisfied by way of passing at the frontage and within the car park which are separated by less than 30m (as per (a)(ii)).

#### E6.7.4 On-Site Turning

On-site turning is provided consistent with the acceptable solution.

#### E6.7.5 Layout of Parking Areas

The parking layout complies with the acceptable solution.

#### E6.7.6 Surface Treatment of Parking Areas

The sealed surface complies with the acceptable solution.

#### *E6.7.7 Lighting of Parking Areas*

Lighting is provided in accordance with the acceptable solution.

#### *E6.7.8 Landscaping of Parking Areas*

Landscaping exceeds 5% of the parking area consistent with the acceptable solution.

#### *E6.7.9 Design of Motorcycle Parking Areas*

A condition on any permit granted is required to confirm these details.

#### *E6.7.10 Design of Bicycle Parking Facilities*

Facilities are consistent with the acceptable solution.

#### *E6.7.12 Siting of Car Parking*

Car parking is to the rear consistent with the acceptable solution.

#### *E6.7.14 Access to a Road*

Access is to Council's development engineering satisfaction, consistent with the acceptable solution.

### **Stormwater Management Code**

The applicable Standards are:

- E7.7.1 A1
- E7.7.1 A2
- E7.7.1 A3

The proposed stormwater system includes an underground detention tank fitted with a filter system. The system complies with the acceptable solution for managing stormwater quality and quantity.

### **Inundation Prone Areas Code**

The south-west section of the site has been identified as flood-prone associated with overland flow from the stormwater network at the end of Rushes Court. Overflow has since been re-directed through the child care centre to Dubs and Co Drive.

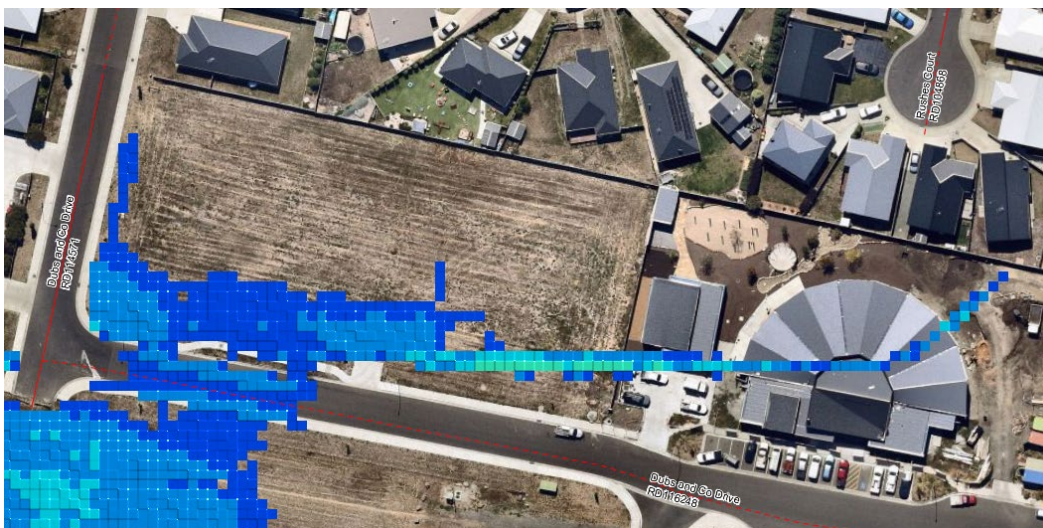


Figure 2. Flood Hazard Modelling (source: Sorell Council)

The performance criteria provides:

*A new habitable building must have a floor level that satisfies all of the following:*

- (a) risk to users of the site, adjoining or nearby land is acceptable;*
- (b) risk to adjoining or nearby property or public infrastructure is acceptable;*
- (c) risk to buildings and other works arising from riverine flooding is adequately mitigated through siting, structural or design methods;*
- (d) need for future remediation works is minimised;*
- (e) provision of any developer contribution required pursuant to policy adopted by Council for riverine flooding protection works.*

The flood hazard report demonstrates that the floor level of the building (15m) is sufficiently high to mitigate the risk and that the development will have negligible impact on surrounding properties. It is considered that the performance criteria is satisfied.

### Detailed EHO Referral Comments

#### *Building construction impacts*

*Building and construction works have the potential to create a nuisance to neighbours by way of noise, dust and smoke. Noise emission nuisance can be reduced by regulating the hours that works may occur. Dust must be suppressed by watering exposed surfaces and stockpiles of soil or rock. There is a significant excavation for the basement, involving approximately removal of 8000m<sup>3</sup> of soil. This will result in the potential for dust to be generated, particularly during westerly winds. There will also be a significant amount of heavy vehicles entering and existing the site. Assuming each truck carries 10m<sup>3</sup>, then 800 truckloads are expected during the excavations.*

*Day time noise will be expected during construction and this will impact on surrounding residential properties and the neighbouring childcare centre.*

#### *Impacts associated with the use of the building*

##### *Noise*

*An acoustic report has been prepared by Noise and Vibration Consulting, the main sources of noise identified are from mechanical plant decks located on the roof. Two of the three decks face south away from the residential area. The third deck faces north towards the residential area but only comprises kitchen exhaust fans. Other noise sources include traffic noise, commercial vehicles, internal music, the restaurant/bar and patron noise. No external amplified music is proposed from the building. The operating hours are 6am to 10pm Monday to Saturday and 7am to 9pm on a Sunday or Public Holiday. Commercial vehicle movements are restricted to 7am to 7pm.*

*In relation to compliance with the Scheme, NVC have predicted the noise emission by using noise modelling software. The most significant noise emission will be from heavy vehicles accessing the site for waste disposal and/or loading. However, this will only occur once a day. Patron noise in the food service area is the most dominant internal noise source. Light vehicle traffic noise is not considered to be significant at 28dB(A) at the most sensitive neighbouring property. Mechanical plant noise is only predicted to be 25dB(A) at the nearest residential property.*

*The report concludes that the activity can comply with the clause 21.3.2 A1, 55dBA daytime and 40dBA night time noise levels providing:*

- *Heavy vehicle movements only occur between 7am and 7pm.*
- *The boundary fence along the Northern boundary is a solid 2.1m high fence.*

##### *Light spillage*

*Lighting on the building or car parking has the potential to cause annoyance to neighbouring residential properties. A lighting illumination plan has been provided demonstrating that light spillage will reduce to 1-2 Lux at the property boundary, which satisfies the levels specified in AS/NZS 4282:2019.*

*There is a 2.1m solid fence being constructed along the northern boundary which should be sufficient to prevent car lights shining onto neighbouring houses.*

*AS/NZS 4282:2019 Control of the obtrusive effects of lighting specify how light spillage may be controlled. Table 3.2 specifies maximum illuminance levels for non-curfew and curfew periods. For suburban areas in towns the limits are 10 Lux for non-curfew and 2 Lux for curfew periods. For town centres and residential areas that adjoin commercial areas the levels are 25 Lux and 5 Lux.*

## Representations

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

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

Issue	Relevant Clause	Response
Generally the building is great for the area but height is unnecessary and an eyesore	21.4.1 A1 21.4.1 A2	Height has been assessed earlier in this report. It is considered that the height, particularly when considered in light of the design and the separation from residential use, is acceptable and will not unreasonable impact the streetscape or amenity of the area. The height is important to the sense of light and openness to the common areas within the structure.

## Conclusion

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

Shane Wells  
**SENIOR PLANNER**

Attachments:  
Representation x 1  
Proposal Plans



**From:**  
**To:** [Sorell Council](#)  
**Subject:** New submission from Contact  
**Date:** Tuesday, 4 October 2022 3:13:17 PM

**Name****Email****Phone****Enquiry Type**

Planning

**Is your enquiry related to a particular address?**

Yes

**Address related to your enquiry**

33 dubs &co drive sorell  
tas  
Australia  
[Map It](#)

**Message**

i would like to submit an objection to the proposed development at 33 dubs & co Sorell.

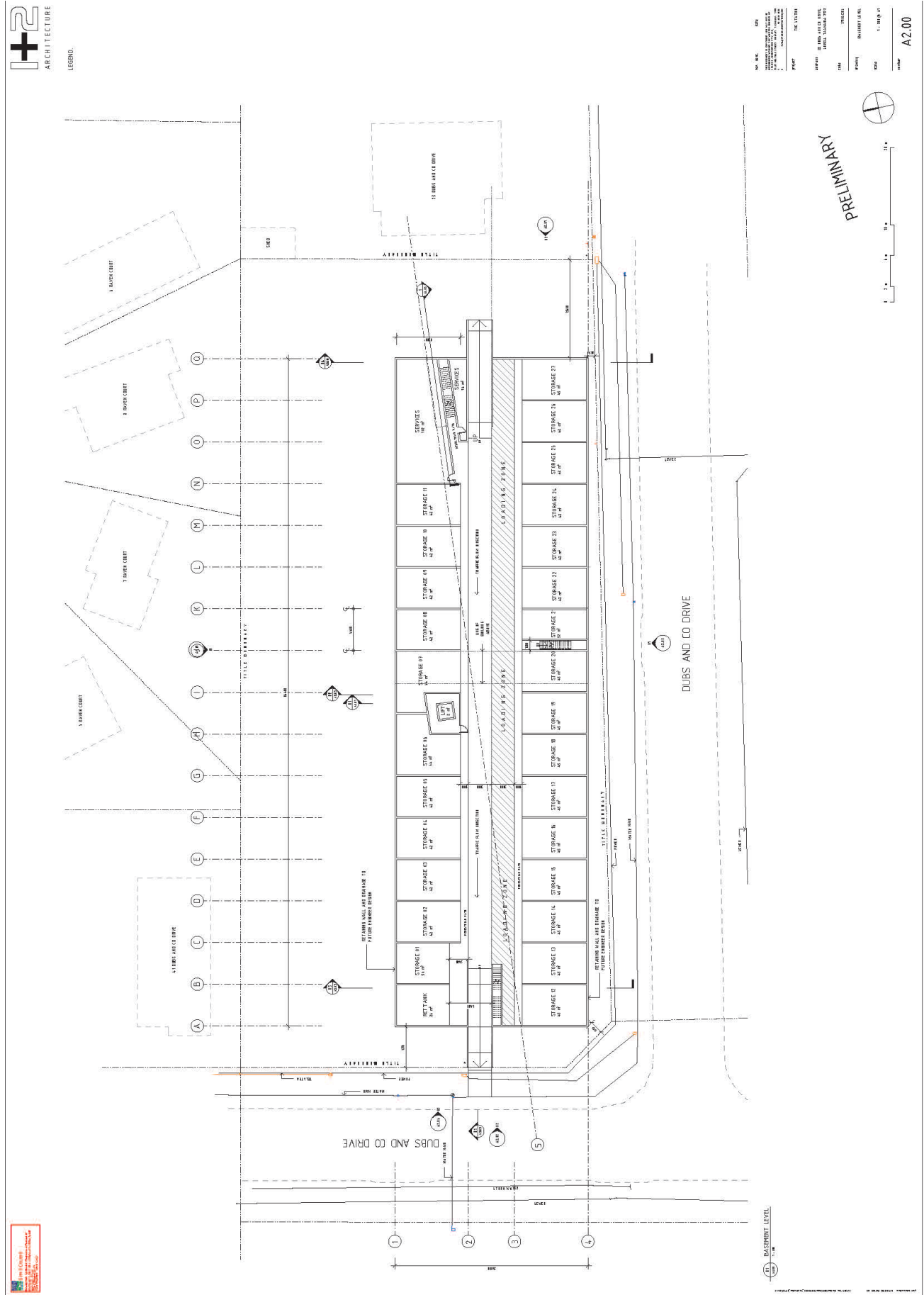
the extremity of the overall height of this development is not innkeeping with the area at all, especially because it boards residential building, pushing upto almost 12m above FGL a building of this size is unnecessary and an eyesore to all neighboring property's.

the general idea of the building would be great for the area, however the height of this needs to be reduced dramatically.

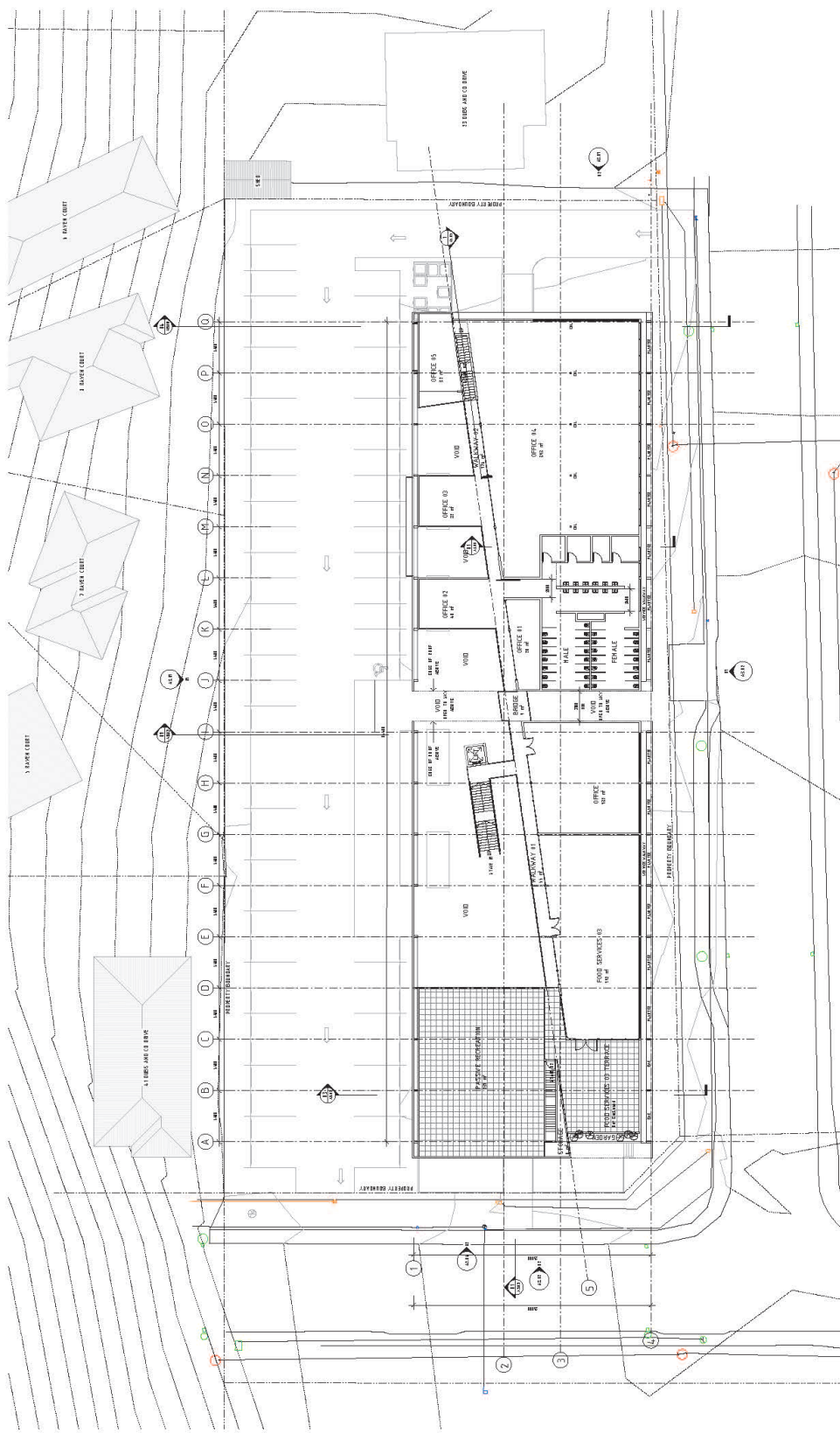
kind regards





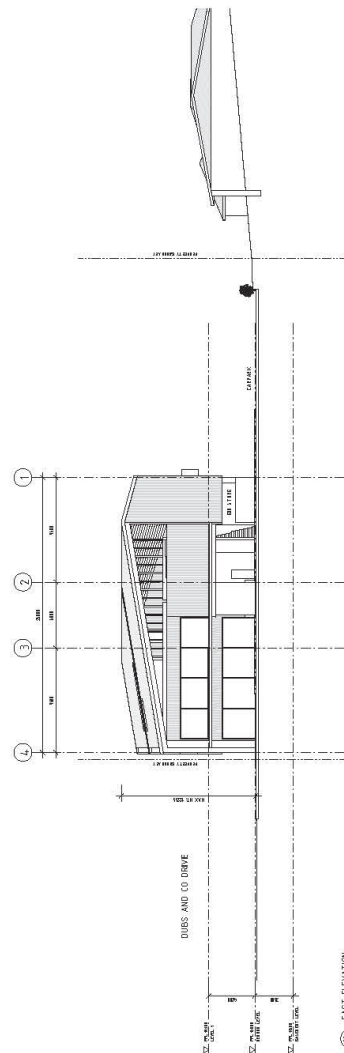
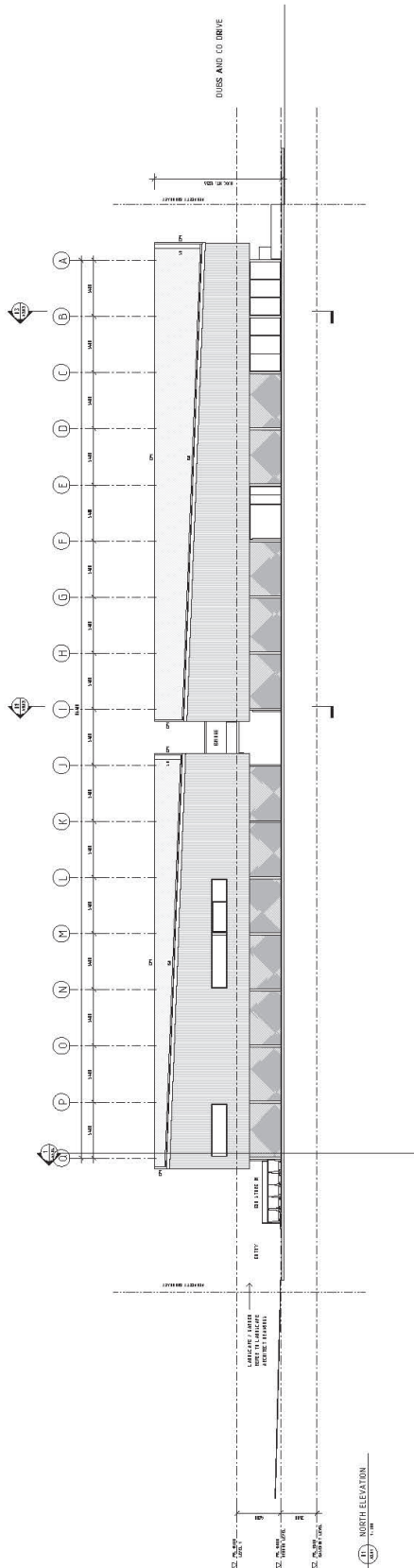






PRELIMINARY

A2.02 <sup>a</sup>

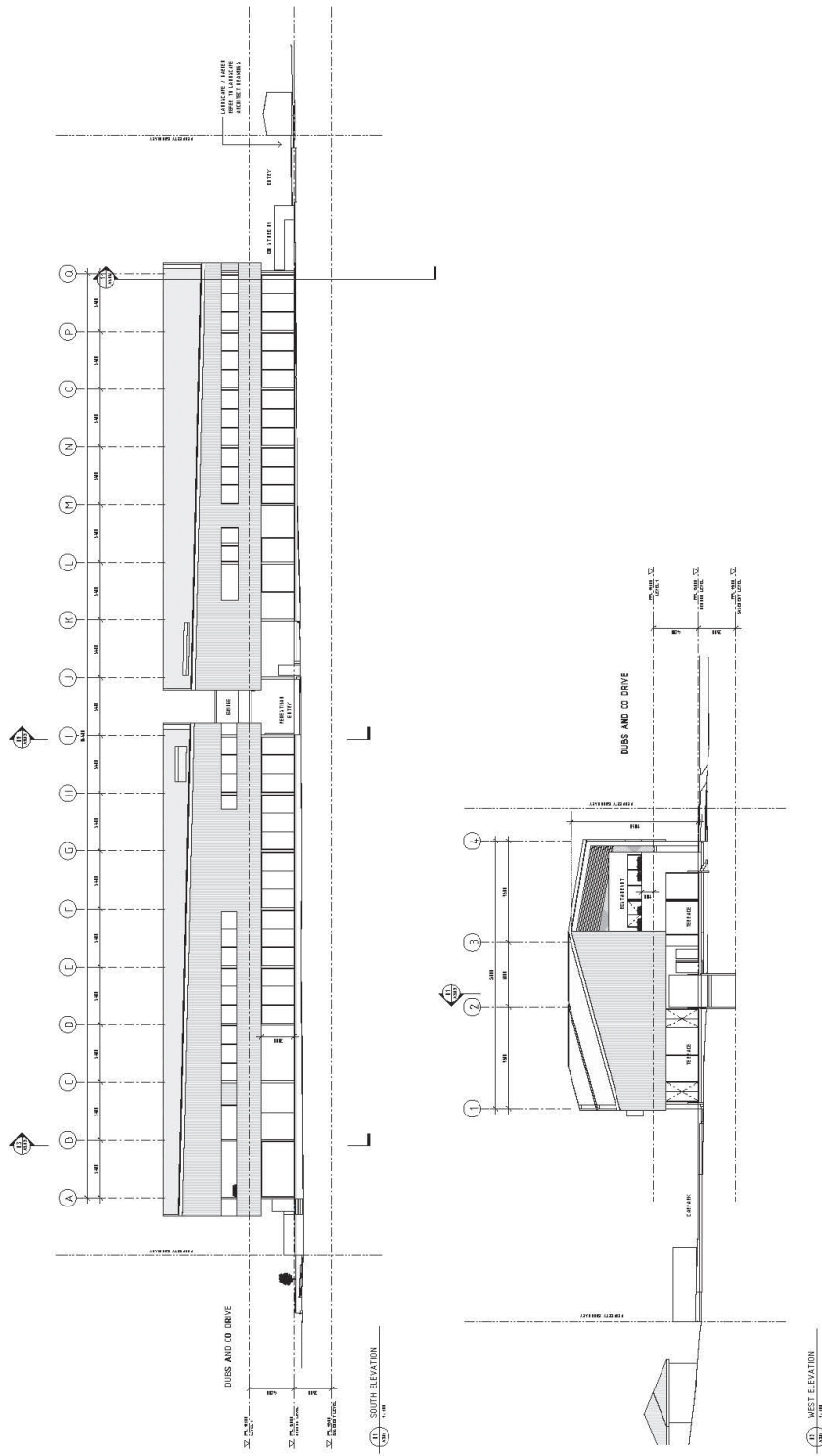
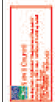


PRELIMINARY



A3.01

DATE	01/11/2021
BY	01/11/2021
CHECKED	01/11/2021
DESIGNED	01/11/2021
PROJECT	THE 1111
LOCATION	1111 1111 1111
CLIENT	1111 1111 1111
ARCHITECT	1111 1111 1111
SCALE	1/8" = 1'-0"
NO.	1111



PRELIMINARY



A3.02

NO.	REV.	DATE
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