

SORELL PLANNING AUTHORITY (SPA) AGENDA

4 APRIL 2023

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)

NOTICE OF MEETING

Notice is hereby given that the next meeting of the Sorell Planning Authority (SPA) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 4 April 2023 commencing at 4:30 pm.

CERTIFICATION

I, Robert Higgins, General Manager of the Sorell Council, hereby certify that in accordance with Section 65 of the *Local Government Act 1993*, the reports in this Agenda have been prepared by persons who have the qualifications and experience necessary to give such advice. Information and recommendations or such advice was obtained and taken into account in providing general advice contained within the Agenda.

ROBERT HIGGINS GENERAL MANAGER 30 MARCH 2023



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON TUESDAY 4 APRIL 2023

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1.0 ATTENDANCE

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Chairperson Mayor Vincent

Deputy Mayor C Wooley

Councillor M Brown

Councillor S Campbell

Councillor J Gatehouse

Councillor M Miro Quesada Le Roux

Councillor M Reed

Councillor N Reynolds

Councillor C Torenius

Robert Higgins, General Manager

2.0 CONFIRMATION OF THE MINUTES OF 21 MARCH 2023

RECOMMENDATION

"That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 21 March 2023 be confirmed."

3.0 DECLARATIONS OF PECUNIARY INTEREST

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

4.0 LAND USE PLANNING

4.1 DRAFT AMENDMENTS TO THE SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY

RECOMMENDATION

"That the Sorell Planning Authority resolve to endorse the General Manager providing a submission to the State Planning Office noting support for the draft amendments to the Southern Tasmanian Regional Land Use Strategy."

Executive Summary

The State Planning Office is undertaking consultation on proposed changes to the Southern Tasmanian Regional Land Use Strategy (STRLUS). The changes are to:

- Amend the newly introduced clause SRD 2.12, which relates to variations to the Urban Growth Boundary (UGB);
- Amendments to the UGB to capture anomalies and errors in the Sorell, Clarence, Brighton, Kingborough LGA and specifically to include:
 - The Risdon Prison Complex and adjoining developed land (Clarence);
 - o The Droughty Point / Skylands sites (Clarence);
 - Part of Spring Farm Estate, Kingston which is already developed (Kingborough);
 - o 240 Abbotsfield Road, Claremont (Glenorchy);
 - o 28 Jackson Street, Glenorchy (Glenorchy);
 - o 73A, 73B, 73C Russell Road, Claremont (Glenorchy);
 - o 139 and 141 Main Road (Council owned), Sorell;
 - 30 Montagu Street (Council Depot) and 17 and 42 Henry Street, Sorell;
 - o Former quarry adjacent to 67 Tasman Highway, Sorell;
 - Sorell Bypass Road Reservation;
 - o 82 Main Road, Sorell;
 - o Part of the Brighton Industrial Estate (Brighton); and
 - o Part of Ashgrove Crescent, Old Beach.

Relevance to Council Plans & Policies

Strategic Plan	Objective 1: To Facilitate Regional Growth		
2019-2029	Objective 2: Responsible Stewardship and a Sustainable		
	Organisation		
	Objective 3: To Ensure a Liveable and Inclusive Community		
	The UGB is used to manage the supply of urban land.		
Asset	The proposal has no significant implications for asset		
Management	management.		
Strategy 2018			
Risk Management	No risks identified.		
Strategy 2018			
Financial	No financial implications are anticipated.		
Implications			
Open Space	The matter has no significant implications for open space		
Strategy 2020 and	management.		
Public Open Space			
Policy			
Enforcement	Not applicable.		
Policy			
Environmental	The sites within Sorell do not have major environmental		
Sustainability	values that would preclude urban development. Further		
Policy	analysis would be required for prior to zoning and		
	development.		

Legislation

Modifications to the STRLUS are declared by the Minister for Planning under provisions of the Land Use Planning and Approvals Act 1993.

A submission from Council is optional. Responses are due by 14 April 2023.

Report

Urban Growth Boundary

The State Planning Office (SPO) is working through a staged process to update the URB and related STRLUS provisions. The need to update is widely regarded as long overdue. The staged process, which is subject to change, is likely to consist of UGB anomalies and errors in stage 1 followed by larger or more significant complex sites in stage 2 with a final stage implemented through the next version of STRLUS. Stages 2 and 3 will likely capture the outcomes of the Greater Hobart settlement strategy for the metro Council's and the regional supply and demand work underway across all other southern Council's.

The UGB applies to the settlements of Sorell and Midway Point only.

In February 2023, the SPO sought advice from officers regarding sites that could be included in the UGB on the basis of error or anomalies. Through this, a total of seven sites in Sorell were identified with five now considered.

The basis for the five Sorell sites is considered straightforward. Each site contains or adjoins urban development. Inclusion in the UGB has no effect on zoning or development rights. The UGB is, rather, a strategic tool to manage the supply of residential land.

139 and 141 Main Road (Council owned), Sorell



139 Main Road, Sorell is an existing area of Light Industrial Zoning which is a logical inclusion in the UGB. 141 Main Road, Sorell consists of three Council owned parcels originally acquired for a visitor information centre / town entrance. The future of 141 Main Road, Sorell is unclear and the inclusion in the UGB is logical given its location and adjoining development and will provide broader long-term options.

30 Montagu Street (Council Depot) and 17 and 42 Henry Street, Sorell



This area includes the Council depot, a cemetery and a single dwelling. The depot is zoned Utilities, the cemetery is zoned Community Purpose and the dwelling is zoned Rural. Land south of the cemetery is residential with a large subdivision currently under construction. Inclusion in the UGB is logical given the adjoining development.

Former quarry adjacent to 67 Tasman Highway, Sorell



Property Services (PWS) have received enquiries from people looking to purchase the former quarry. The land could be developed with access through adjoining land.

Sorell Bypass Road Reservation



This change reflects the as built road reservation.

82 Main Road, Sorell



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82 Main Road, Sorell contains the Inghams processing facility. The factory is a significant employer and has the qualities of urban (industrial) land. The front of the property is to be acquired at some stage by the Department of State Growth for roadworks.

In terms of changes in other LGA's, it is beyond the scope of this report to consider the merits of each. Unlike other piecemeal or ad-hoc changes to the UGB it is encouraging that a more holistic approach is now adopted.

Clause SRD 2.12

Clause SRD 2.12 is a relatively new clause for STRLUS and allows for land outside the UGB to be rezoned subject to various considerations including a two hectare size limitation.

The proposed changes to SRD 2.12 are to replace the two hectare limitation with a requirement that the area is a 'minor and logical extension' and is identified in a settlement strategy (such as Council's Land Supply Strategy) or structure plan endorsed by a Council. In addition, there is a requirement to consider road and service infrastructure.

The proposed changes are appropriate. The fixed size limitation is difficult to apply and work with at a strategic level. A more flexible approach that is linked to either a settlement strategy or structure plans and infrastructure is a more considered approach.

Conclusion

The State Planning Office is undertaking consultation on a proposed regional planning framework and structure planning guidelines. The proposed changes are important and will improve land use planning outcomes. A number of suggestions and comments should be nevertheless provided.

Shane Wells Manager Planning

Attachments: (Letter from Minister for Planning and Discussion Paper)

Deputy Premier Treasurer Minister for Infrastructure and Transport Minister for Planning



Level 10, Executive Building, 15 Murray Street, Hobart Public Buildings, 53 St John Street, Launceston GPO Box 123, Hobart TAS 7001 Phone: (03) 6165 7754; Email: <u>Michael.Ferguson@dpac.tas.gov.au</u>

Councillor Kerry Vincent Mayor Sorell Council sorell.council@sorell.tas.gov.au

Dear Mayor

Southern Tasmania Regional Land Use Strategy Draft amendment to the Regional Settlement and Residential Development Strategy (Map 10 and SRD 2.12)

I refer to the attached documents that form a draft amendment to the Southern Tasmania Regional Land Use Strategy (STRLUS), including background to the draft amendment.

Tasmania is currently experiencing unprecedented pressure for housing. Settlement growth in greater Hobart is managed through the application of the Urban Growth Boundary under the STRLUS Settlement and Residential Development Strategy (settlement strategy).

Significant work has been undertaken in relation to the management of residential growth as part of the Greater Hobart Plan. A foundational outcome of the GHP is to provide for a short to medium term update to the STRLUS UGB where necessary to support future growth objectives.

Early work associated with the GHP identified a number of anomalies and errors associated with the mapped UGB, and some small to moderate sized parcels adjoining UGB that are suitable for urban rezoning without further justification in relation to their impact on the intent of the UGB. The draft amendment to the mapped UGB area captures these issues, as well as the removal of the UGB over the entire Tranmere and Rokeby peninsula to provide for a consistent approach to the application of the UGB across the Clarence municipality.

The second component involves a text change to the settlement strategy's policy SRD 2.12 to allow is to allow a more merit-based approach to planning decisions relating to consideration of land outside, but adjacent to the UGB than what is currently provided under that policy.

As you will be aware, the State Government has committed substantial funds to the comprehensive review of the three regional land use strategies over the next few years. The work forms part of the Phase 2 planning reforms currently underway by the State Planning Office. The Phase 2 work program also anticipates minor updates to the regional land use strategies, as and when required, to address immediate growth pressures prior to the comprehensive review of the RLUSs which will commence after the Tasmanian Planning Policies are made, anticipated for later this year.



In accordance with section 5A(4) of the Land Use Planning and Approvals Act 1993, I am required to consult with all councils in the Southern region, State Agencies and the Tasmanian Planning Commission on the proposed amendment to the STRLUS. If you wish to provide any comment, please make a submission by email to yoursay.planning@dpac.tas.gov.au by close of business on Monday I3 June 2022.

If you have any queries on the proposed amendment to the STRLUS, or the broader reforms relating to regional land use strategies, please contact the State Planning Office on 1300 703 977 or by email at stateplanning@dpac.tas.gov.au.

Yours sincerely

Michael Ferguson MP

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Deputy Premier

Minister for Planning

Attachments:

- 1. Draft amendment to the STRLUS UGB identified sites
- 2. Draft amendment to the STRLUS settlement strategy SRD 2.12
- 3. Discussion Paper

Attachment 3

Discussion Paper

Amendment to the Southern Tasmania Regional Land Use Strategy (STRLUS) Urban Growth Boundary for Greater Hobart



State Planning Office
Department of Premier and Cabinet



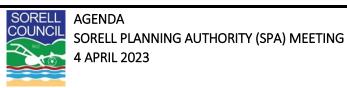


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I Introduction

This paper provides an overview of a proposed amendment to the Urban Growth Boundary (UGB) in the Southern Tasmania Regional Land Use Strategy's (STRLUS) Settlement and Residential Development Strategy (settlement strategy). The amendment is proposed as a short-term change to address current growth pressures in greater Hobart.

The amendment involves both a change to the mapped boundary of the UGB, and a text amendment to policy SRD 2.12, which relates to the consideration of urban zoning for land adjacent to, but beyond the boundary of the UGB. The capacity to rezone land will be subject to all other requirements being met for a planning scheme amendment, including all other applicable STRLUS policies, State Policies and other requirements of the Land Use Planning and Approvals Act (LUPA Act).

Significant work is underway to address the management of residential growth in greater Hobart through the preparation of the Greater Hobart Plan (GHP) and its anticipated Settlement Strategy, and through sub-regional residential demand and supply studies. This work will inform the review of the UGB for greater Hobart, which will be considered in more detail as part of the Phase 2 planning reforms.

The Phase 2 planning reforms include the making of the Tasmanian Planning Policies (TPPs), the regional planning framework project and the comprehensive review of the each of the three regional land use strategies (RLUS). The reforms also anticipate short-term updates to the current RLUS, as and when required, to address immediate growth pressures prior to the review work being complete, which is anticipated for 2024.

I.I Background

Settlement growth in greater Hobart is managed through the application of the UGB provided on Map 10 of the STRLUS and the associated regional policies under SRD 2 of the STRLUS's settlement strategy. The settlement management policies under SRD 2 address issues such as greenfield and infill development, dwelling density, land release staging and the requirements for growth management across the municipalities that contain the UGB.

Regional Policy SRD 2.12 formed an amendment to the STRLUS in 2021. It comprised part of the Stage 2 planning reform agenda and sought to enable a more efficient approach for managing anomalies on the UGB boundary without having to adjust the mapped boundary of the UGB. At the time, the introduction of SRD 2.12 considered the impending work to be undertaken as part of the GHP (formerly MetroPlan).

SRD 2.12 effectively allows parcels beyond, but adjacent to, the UGB to be considered for urban rezoning, where they are not in excess of an area of 2ha, and where they meet the remaining criteria specified in SRD 2.12. As with all planning scheme amendments, rezoning proposals under SRD 2.12 must also be considered in the broader context of the STRLUS policies, along with other considerations such as the State Policies and the objectives of Schedule I of the LUPA Act.



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1.1.1 Greater Hobart Plan Objectives and Implementation

The GHP sets out broad strategic directions for the growth and development of greater Hobart over the next 30 years. It has recently been endorsed by the Greater Hobart Committee and a draft Implementation Plan is currently being prepared.

A foundational outcome of the GHP is to provide for a short to medium term update to the STRLUS, including any amendments to the UGB which may be necessary to support future growth objectives.

To achieve the above, a Settlement Plan for greater Hobart consistent with the objectives of the Greater Hobart Plan, is being prepared as part of the GHP implementation.

The Settlement Plan will provide the spatial description of where growth should occur (in accordance with the objectives of the GHP and agreed infrastructure and service capacity), and when that growth is likely to occur across each of the municipalities. This in turn will provide the strategic justification and detailed spatial information necessary to support a range of expected medium term updates to the UGB.

1.1.2 Approach to Urban Growth Boundary Amendments

A number of anomalies and errors associated with the mapped UGB were identified during the GHP preparation process, including locations where the boundary is inconsistent with the underlying cadastre, and where the UGB is inconsistent with the urban extent of greater Hobart.

The GHP work also identified a number of small to moderate sized parcels adjoining the current UGB that do not necessarily require further justification in relation impact on the intent of the UGB or the broader STRLUS settlement strategy.

In order to address immediate growth pressures and any constraints to housing supply, a staged approach to managing short to medium term amendments to the UGB in response to the outcomes of the GHP is considered appropriate.

In responding to the current situation, it is important to achieve the appropriate balance between enabling the timely release of residential land for growth without undermining the strategic work to be finalised through the GHP, nor the strategic intent of the STRLUS' settlement strategy.

The current amendment is intended to address the anomalies and errors, and the small to medium sized parcels, as described above, and identified through the GHP preparation process.

At a later stage, it is envisaged that the outcomes of the GHP settlement strategy will inform medium-term updates to the UGB, potentially involving larger and more strategically significant sites required to support future urban growth.

The comprehensive review of the STRLUS to be undertaken after the making of the Tasmanian Planning Policies will provide for the longer-term strategic updates to the UGB and will be informed by GHP settlement strategy regional demand and supply work, and the outcomes of the STRLUS review process.

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2 STRLUS amendment to Urban Growth Boundary for Greater Hobart

The proposed draft amendment to the STRLUS consists of two components.

The first component involves mapped changes to the UGB to address the anomalies and errors identified by the GHP preparation process, as outlined in the previous section 1.1.2. It also includes parcels considered errors and anomalies as identified within Brighton and Sorell through a separate process, due to those municipalities being excluded from the GHP area.

The mapped changes also include removal of the UGB over the entire Tranmere/Rokeby peninsula to prove for a consistent approach to the application of the UGB across the Clarence municipality.

The peninsula is currently the only location within STRLUS where the UGB encircles an area, leaving a "hole" within the urban settlement pattern. Removing the UGB from the peninsula is consistent with the UGB in similar locations, including Natone Hill, Gordons Hill, Rosny Hill and the Hobart Domain, as well as the Nyrstar industrial area and the Hobart International Airport.

The second component consists of a text change to policy SRD 2.12 as follows:

Notwithstanding SRD 2.2 and SRD 2.8, and having regard to the strategic intent of the Urban Growth Boundary under SRD 2 to manage and contain growth across greater Hobart, land outside the Urban Growth Boundary shown in Map 10 may be considered for urban development if it:

- shares a common boundary with land zoned for urban development within the Urban Growth Boundary;
- (b) only provides for a minor and logical extension to land for urban development and does not constitute a significant increase in land zoned for urban development in that locality;
- (c) is identified in a settlement strategy or structure plan produced or endorsed by the relevant planning authority; and
- (d) results in minimal potential for land use conflicts with adjoining uses.

The draft amendment to SRD 2.12 removes the 2.0 ha limit on parcels to be considered for urban rezoning, however, introduces a requirement for the land to be considered as part of a settlement strategy or structure plan endorsed by the relevant planning authority.

In this regard, the redrafting of SRD 2.12 allows for the Tasmanian Planning Commission to adopt a more merit-based approach decision-making when considering the rezoning of land beyond the UGB for urban purposes, rather than being constrained by the 2ha requirement.

The approach allows for greater flexibility in the design, layout and response to constraints associated with the development of larger redevelopment or greenfield sites, which provides opportunities to more efficiently release respond to growth demands.

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Definitions are not provided for 'minor', 'logical' or 'significant increase'. This is to allow for the appropriate professional judgement to be made against the relevant criteria when determining the suitability of any rezoning proposal and removes quantitative limits which are difficult to apply uniformly without arbitrary outcomes. The

Whilst the amendment allows for more flexibility under the settlement strategy to consider urban development beyond the UGB, rezoning proposals will still to must also be considered in accordance with the broader context of the STRLUS policies and other requirements of the Act for a planning scheme amendment. These will include considerations such as the protection of natural and cultural values, management of natural hazards and the provision of physical and social infrastructure, as well as the State Policies and the objectives of Schedule I of the LUPA Act.

3 Compliance with the Land Use Planning and Approvals Act 1993

Section 5A(3A) of the LUPA Act requires the Minister to only declare a regional land use strategy (including an amended strategy) if satisfied that it:

- furthers the Schedule I Objectives of the LUPA Act;
- is consistent with each State Policy; and
- is consistent with the Tasmanian Planning Policies (once made).

The current STRLUS has been declared as furthering the Schedule I Objectives of the Act and being consistent with the State Policies. The proposed amendment seeks to accommodate growth pressures whilst retailing the original intent of the STRLUS settlement strategy and its regional policies. The amendment is considered to be in accordance with the Schedule I Objectives of the LUPA Act and the State Policies.



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4.2 SUBDIVISION APPLICATION NO. 7.2022.2611

Applicant:	C Gregg
Proposal:	4 Lot Subdivision
Site Address:	212 Greens Road, Orielton (CT 182990/1)
Planning Scheme:	Tasmanian Planning Scheme - Sorell
Application Status	Discretionary
Relevant Legislation:	Section 57 of the Land <i>Use Planning and Approvals Act</i>
	1993 (LUPAA)
Reason for SPA meeting:	Subdivision creates more than one lot.

Relevant Zone:	11.0 Rural Living Zone			
Proposed Use:	Nil			
Applicable Overlay(s):	Bushfire-prone area, Airport obstacle limitation area,			
	dispe	rsive soils specific area plan		
Applicable Codes(s):	Road and railway assets			
Valid Application Date:	28/11/2022			
Decision Due:	7 April 2023			
Discretion(s):	1 Lot design			
	2 New road design			
	3 Onsite wastewater services			
	4 Dispersive soils			
Representation(s):	One			

RECOMMENDATION

That pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 Council resolve that Planning Application 7.2022.26.1 for a 4 Lot Subdivision at 212 Greens Road, Orielton be approved, subject to the following conditions:

- 1. Development shall generally be in accordance with the endorsed plans dated 21 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 5% of the improved value of the gross area of the subdivision. This should be in the form of a direct payment made before the sealing of the final plan or, alternatively, in the form of security provided under Section 117 of the Act. The subdivider is to obtain a report from a Registered Valuer for the purposes of determining the improved value of the gross area of the subdivision.

Development engineering:

- 3. 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.
- ii. Variations from the Tasmanian Subdivision Guidelines, Specifications, or Drawings may be approved at the discretion on 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.
- 4. 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: Council fees are updated each financial year and can be found in the Sorell Council Fees and Charges schedule, available from Council.

5. Works must not commence on site prior to the approval of engineering design drawings by the General Manager.

- 6. A Construction Management Plan (CMP) must be provided including, but not limited to, the following:
 - (a) Traffic Management Plan; and
 - (b) Soil and Stormwater Management Plan

All requirements of the CMP must be implemented prior to any works commencing on site.

- 7. 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.
- 8. 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. Appropriate drainage must be provided for each access and driveway to prevent runoff from leaving the property or to direct runoff into Council's roadside drains;
 - 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.
- 9. Mandatory audit inspections are required in accordance with the Tasmanian Subdivision Guidelines. The developer must provide a minimum 48 hours' notice.
- 10. Works must be completed to a standard that is to the satisfaction of the Council General Manager.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. 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.
- 15. 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.

- 16. 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.

General

- 17. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by Council's General Manager.
- 18. 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.
- 19. 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.
- 20. 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.
- 21. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.
- 22. Prior to practical completion, survey pegs are to be certified correct post construction.

Roads

- 23. 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.
- 24. 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

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

Fill

26. Site filling, if to a depth of 300mm or more, must comply with the provisions of Australian Standard AS 3798 Guidelines on Earthworks for Commercial and Residential Development as demonstrated by certification from a suitably qualified and experienced civil engineer.

Sight distance

27. The development works must include vegetation clearance and/or earthworks to achieve the minimum sight distance required by the Austroads Guide to Road Design for all existing and proposed vehicle accesses.

Existing Services

- 28. 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.
- 29. Existing crossover(s) or lot connections, if retained, must comply with current standards

Telecommunications & Power

- 30. Prior to sealing the final plan of survey, the developer must submit to Council either:
 - (a) a completed exemption from the installation of fibre ready pit and pipe notice, or
 - (b) a "Provisioning of Telecommunications Infrastructure Confirmation of final payment", or
 - (c) "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

- 31. Prior to sealing the final plan of survey, the developer must submit written advice from TasNetworks confirming that either:
 - (a) all conditions of the Agreement between the Owner and authority have been complied with; or
 - (b) 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.
- 32. Street lights must include LED lamps at the developers cost.

Road Widening

33. 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

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

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

On-site wastewater

35. A new on-site wastewater management system (OWMS) must be provided for the existing residence on lot 1, the final position of the OWMS must be to the satisfaction of the Manager of Health & Compliance. All works are to be completed before the final plan of the subdivision is sealed.

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

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

- 37. 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.
- 38. Any vegetation removed as part of the subdivision construction works, must not be burnt unless approval has been obtained from Councils Environmental Health Officer.

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 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
- 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: 2(03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

Executive Summary

Application is made for a 4 Lot Subdivision at 212 Greens Road, Orielton. This property is zoned Rural Living and is located within the rural living area of Greens Road / Branders Road.

The key planning consideration relate to design of each lot.

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

Relevance to Council Plans & Policies

Strategic Plan	Objective 1: To Facilitate Regional Growth			
2019-2029	Objective 2: Responsible Stewardship and a Sustainable Organisation			
	Objective 3: To Ensure a Liveable and Inclusive Community			
Asset	The proposal includes a new road to be transferred to Council.			
Management	Design and construction standards for these assets are considered in			
Strategy 2018	this report and conditions on any permit granted.			
Risk Management	In its capacity as a Planning Authority, Council must determine this			
Strategy 2018	application. Due diligence has been exercised in preparing this			
	report and there are no predicted risks from a determination of this			
	application.			
Financial	No financial implications are anticipated unless the decision is			
Implications	appealed to TASCAT. In such instances, legal counsel is typically			
	required.			
Open Space	The proposal will increase demand on open space in the locality.			
Strategy 2020 and	Consistent with Council policy, a cash in lieu contribution condition			
Public Open Space	is recommended for any permit granted.			
Policy				
Enforcement	Not applicable.			
Policy				

Environmental	There are	no	environmental	implications	associated	with	the
Sustainability	stainability proposal.						
Policy							

Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.
- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

The role of the Council in relation to planning matters is, in very broad terms, to uphold its planning scheme. In that context it is in a sense, blind to everything but the terms of the Scheme. It cannot put economic advantage or perceived community benefits over the terms of the Scheme. And in the context of enforcement proceedings unless expressly authorised to do so, it may not take any approach which is inconsistent with the terms of its Scheme.

Planning Scheme Operation – for Zones, Codes and site specific provisions

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any a standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development	Yes	Yes	Yes	Nil
Engineering				
Environmental	Yes	Yes	Yes	Nil
Health				
Plumbing	No			
NRM	No			
TasWater	No			
State Growth	No			

Report

Description of Proposal

Application is made for a four lot subdivision of part of 212 Greens Road, Orielton (CT 182990/1). The balance of 212 Greens Road has an existing 14 lot subdivision approval in place. The current application is effectively an extension of that earlier proposal.

The proposed lots range from 0.9 hectares to 1.1 hectares in size. Each lot is regular in shape and has an east-west alignment with access from a new road on the western side of each lot. The plan shows this new road as a 240m long cul-de-sac. Practically, the four new lots will access the road that is under construction as part of the 14 lot proposal.

The proposal will remove an existing dam. Stormwater services consist of a 6m wide drainage easement through lot 17 and roadside table drains all leading to a 6m wide drainage easement on the balance of 212 Greens Road that will discharge to a watercourse. Again, this drainage infrastructure through the balance of 212 Greens Road is approved through the existing 14 lot permit.

The application is supported by:

- subdivision plans from JSA Consulting Engineers dated 21 September 2022;
- a planning assessment from Metier Planning and Development;
- a bushfire hazard report from JSA Consulting Engineers dated 7 July 2022;
 and
- a stormwater design report from JSA Consulting Engineers dated 21 September 2022.

Description of Site

The site is a four hectare regular shaped lot with an existing dwelling to the front. The site is located within the Greens Road / Branders Road Rural Living Zone and adjoins Rural Living zoned properties. The land is relatively flat with a gradient of 1 in 20. Vegetation consists of pasture shelter trees along the eastern boundary. A dam with a footprint of approximately 2500m² exists in the southern part of the site and is feed by sheet runoff.

The site is unserviced. Greens Road is a sealed 6m wide public road with a 100 km/hr speed environment.



Figure 1. Subject site.



Figure 2. Adjoining subdivision.

Planning Assessment

Zone

Applicable zo	Applicable zone standards					
Clause	Matter	Complies with acceptable solution?				
11.5.1 A1	Lot size	No, as lot 18 is less than one hectare in size and two existing outbuildings are setback less than ten metres from the new boundary with lot 16				
11.5.1 A2	Frontage	Yes, as each lot has a frontage of more than 40 metres.				
11.5.1 A3	Access	Yes, as each lot has direct access from either the subdivision road or Greens Road.				
11.5.2 A1	Road	No, as there is no acceptable solution for a subdivision with a new road.				
11.5.3 A1	Water	Yes, as there is no TasWater water service in the area.				
11.5.3 A2	Wastewater	No, as the subdivision relies on onsite wastewater management.				

Performance Criteria Assessment 1 – Clause 11.5.1 P1 Lot Design

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

- (a) the relevant requirements for development of existing buildings on the lots;
- (b) the intended location of buildings on the lots;
- (c) the topography of the site;
- (d) any natural or landscape values;
- (e) adequate provision of private open space; and
- (f) the pattern of development existing on established properties in the area, and must be no more than 20% smaller than the applicable lot size required by clause 11.5.1 A1.

The performance criteria is applicable as two outbuildings have a setback to the new lot 16 of less than ten metres and as lot 18 is less than one hectare in size.

It is considered that the performance criteria is satisfied as:

- the setback of the two outbuildings is sufficient for their requirements and will not unreasonable impact future development on the adjoining lot given the size of lot 16 and the ability to design and site a future dwelling in a large area;
- lot 18 has adequate space for a future dwelling and is the most regular of the lots proposed with less restrictions on siting than lot 16 (narrows to rear) or lot 17 (drainage easement); and
- the balance of 212 Greens Road has an approval (figure 2) for 14 lots ranging from 1ha to 1.2ha in size and in this context lot 18 is consistent with the pattern and will have no negligible effect on how the area is viewed or perceived.

Performance Criteria Assessment 2 – Clause 11.5.2 P1 Roads

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

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

It is considered that the performance criteria is satisfied as:

- the cul-de-sac road has the appropriate width and sight distance for the subdivision traffic;
- the cul-de-sac road has the same location and dimensions as the road for the 14 lot subdivision that was previously approved;
- engineering design drawings have been issued for the prior subdivision, which if constructed will replace the need for the cul-de-sac; and



• alternatively, if the cul-de-sac is constructed first the cul-de-sac road has sufficient width to cater for further lots.

Performance Criteria Assessment 3 – Clause 11.5.3 P2 Onsite Wastewater

Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.

It is considered that each lot is capable of supporting onsite wastewater system given the size and regular dimensions of each lot and existing soil conditions.

Code

Road and Railway Assets Code

Applicable Code standards				
Clause	Matter	Complies with acceptable solution?		
C3.5.1 P1	Traffic	Yes, as traffic generation is less than 40 vehicles per		
	generation	day		

Bushfire-Prone Areas Code

The proposal complies with the code through the provision of an accredited persons bushfire hazard report, which s52(2)(d) of LUPAA requires the planning authority to accept.

Safeguarding of Airports Code

Applicable Code standards					
Clause	Matter	Complies with acceptable solution?			
C16.6.1	Buildings and works	Yes, as subdivision works are less than the airport obstacle limitation height of 152m above mean sea level			

Dispersive Soils Specific Area Plan

Applicable Code standards					
Clause	Clause Matter Complies with acceptable solution?				
SOR-S1.8.1	Subdivision	No, as there is no acceptable solution provided.			
A1					

Performance Criteria Assessment 4 – Clause SOR-S1.8.1 P1 Subdivision

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

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

The level of risk associated with dispersive soils is minimal.

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	Response
	Clause	
Filling of the dam		The stormwater network is designed to
generally and prior to		accommodate a 5% AEP event (1 in 20)
new easements and		within the easements with all larger
potential stormwater		events triggering overland flow. This
and flood issues		complies with the standard subdivision
		design requirements.
Greens Road is	C3.5.1 A4/A5	Traffic generation is within the
inadequate for traffic		acceptable solution and complies with
		C3.5.1 A4.

Conclusion

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

Shane Wells Manager Planner

Attachments: Proposal Plans

PROPOSED SUBDIVISION 3 LOTS + BALANCE 212 GREENS ROAD, ORIELTON, 7172 **TASMANIA**

INDEX

C00 INDEX & COVER SHEET EXISTING SITE PLAN C01

PROPOSED BOUNDARY PLAN SH.1 C02

C03 PROPOSED BOUNDARY PLAN SH.2

STORMWATER PLAN



DESIGN SPECIFICATIONS

- 1. DRIVEWAY PROFILE DESIGN TO TASMANIAN STANDARD DRAWINGS (LGAT).
- 2. DRIVEWAY PROFILE AND STORMWATER PIPE COVER DESIGNED TO TASMANIAN STANDARD DRAWINGS (LGAT).

Sorell Council
n ent Application. Response to Request for on 212 Greens Road, Orietton, pdf
reived: 20/02 / 2023 eferenced: P4



REV	DESCRIPTION	BY	CHK	DATE
A	FOR PLANNING APPROVAL	DG	MH	15/08/22
0	FOR PLANNING APPROVAL - DRAINAGE AMENDMENT	DG	EH	21/09/22
-				

SA JSA
(Tas) Pty Ltd
121 Sandy Bay Road, Sandy Bay TAS 7009 Phone [03] 6240 9911 www.jsa.com.au

PLANNING PLANNING	APPROVAL		
D. GRANNETIA	HYDRAULIC ENGINEER R. HORNER		
M. HORSHAM CC5865 I	AS SHOWN	A3	PRO

PROPOSED SUBDIVISION
212 GREENS ROAD,
ORIELTON

DRAWING TITLE		
INDEX & C	COVER SHEET	
miberia.		
PROJECT NO	DWG NO	REV



