



SORELL PLANNING AUTHORITY (SPA) AGENDA

6 JUNE 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, 6 June 2023 commencing at 4:30 pm.

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

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

ROBERT HIGGINS
GENERAL MANAGER
1 June 2023



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON
TUESDAY 6 JUNE 2023

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1.0 ATTENDANCE

^
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 Torenus
Robert Higgins, General Manager

2.0 APOLOGIES

3.0 CONFIRMATION OF THE MINUTES OF 30 MAY 2023

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 30th May 2023 be confirmed.”

4.0 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*.

5.0 LAND USE PLANNING

5.1 DEVELOPMENT APPLICATION NO.5.2023.97.1

Applicant:	M A Morrow
Proposal:	Secondary Residence
Site Address:	411 Kellevie Road, Kellevie (CT 132276/1)
Planning Scheme:	<i>Tasmanian Planning Scheme Sorell</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Owner is a staff member

Relevant Zone:	21.0 Agriculture
Proposed Use:	Secondary Residence
Applicable Overlay(s):	Bushfire-Prone Areas
Applicable Codes(s):	Parking and Sustainable Transport
Valid Application Date:	28 April 2023
Decision Due:	9 June 2023
Discretion(s):	1 Setbacks
Representation(s):	Nil

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2023.97.1 for a Secondary Residence at 411 Kellevie Road, Kellevie 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. The secondary residence, if constructed or occupied prior to the approved dwelling, shall be classified as a single dwelling until such time that the approved dwelling is occupied. At no stage shall two single dwellings exist on the site.
3. A minimum of two car parking spaces shall be provided on site.

4. All recommendations of the Geotechnical Assessment prepared by Rock Solid Geotechnics related to dispersive soils must be implemented, including:
 - a. Covering and revegetation of any disturbed areas of dispersive soils;
 - b. Ensuring stormwater overflow is appropriately managed; and
 - c. Avoiding unnecessary disturbance to the dispersive soil layer under the sandy soil profile.

Engineering

5. A vehicular crossing application shall be submitted to Council and an associated permit must be granted prior to any works commencing within the road reservation.
6. A new access shall be constructed to Council's Standard Drawings TSD-R03-v3 and TSD-R04-v3. The access shall have a 100mm thick compacted all-weather gravel finish (as a minimum standard) over a minimum 150mm compacted FCR base material or 150mm thick reinforced concrete over a minimum 100mm compacted base material.
7. The access shall start at the edge of the existing bitumen in Kellevie Road, shall have a minimum width of 4.0 metres, and shall extend for 6 metres or to the property boundary, whichever is greater. The connection to the road seal shall have a clean straight edge.
8. The access shall be located approximately 60 metres north of the existing gate to Kellevie Road (within the gravel section of Kellevie Road) and to the satisfaction of Council's Development Engineer.
9. Drainage from the access must not cause ponding within the Council's road reserve. A DN300 RCP Class 4 culvert plus headwalls shall be installed within the existing road side table drain. The table drain shall be reshaped and excavated as required to allow stormwater to flow through and gain adequate cover over the culvert.
10. A Council engineering officer must inspect the completed base prior to laying asphalt or pouring concrete. Please call Council on 6269 0000 to arrange a time giving at least 24 hours' notice.
11. The internal driveway and parking areas shall be upgraded to have a minimum width of 3.0 metres with a compacted all-weather gravel finish (as a minimum standard). This shall include provision of an appropriately sized table drain (or equivalent) to direct all stormwater runoff to Council's roadside drainage. A passing bay with minimum width of 5.5 metres and length of 6.0 metres, tapering back to the width of the driveway, shall be constructed as close as practicable to the property boundary and access to site.

12. The developer shall be responsible for the location of any existing services and Council infrastructure.
13. All works shall be undertaken by the developer at the developer's cost.
14. 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.
15. 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.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- 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

Executive Summary

Application is made for a Secondary Residence at 411 Kellevie Road, Kellevie.

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

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
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 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 Engineering	Yes	Yes	Yes	Nil
Environmental Health	Yes	Yes	Nil	Nil
Plumbing	No			
NRM	No			
TasWater	No			
State Growth	No			

Report

Description of Proposal

Application is made for a secondary residence in association with an approved but not yet constructed dwelling. The structure is 10m x 6m x 3.5m (high) and contains one bedroom and living areas. Cladding is Colorbond trimdeck in Monument. Works are located 39m east of an approved shed which is adjacent to the dwelling.

Description of Site

The site borders Nelsons Rivulet to the south and fronts Kellevie Road. Land to the west is a small rural lot and land to the north is a similar sized rural lot. The land to the south is a similarly sized rural lot. In the surrounding area there are a number of small house lots and the area is of a semi-rural living nature.



The northern part of the site is relatively flat with a fall of 20m and a westerly aspect. The southern section rises in elevation above Nelsons Rivulet. This steeper section contains a scattering of native vegetation, as does the area of the site where development is proposed. Three trees have approval to be removed as part of the earlier approval for a dwelling (5.2022.36.1).

The site is zoned Agriculture, as is all adjoining land. The site is proposed to be changed to a Rural Zone as per the directions of the Tasmanian Planning Commission.

The site is unserviced. Kellevie Road is a sealed public road.



Figure 1. Subject site.

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
21.4.1 A1	Height	Yes, as height is less than 12m
21.4.2 A1	Setbacks	Yes, as the setback is more than 5m
21.4.2 A2	Sensitive use setback	No, as the setback to the north and south is less than 200m
21.4.3	Access	Yes, as the lot has access from a public road

Performance Criteria Assessment 1 – Clause 21.4.2 P1 Sensitive use setbacks

Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use, having regard to:

- (a) the size, shape and topography of the site;*
- (b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties;*
- (c) the location of existing buildings on the site;*
- (d) the existing and potential use of adjoining properties;*
- (e) any proposed attenuation measures; and*
- (f) any buffers created by natural or other features.*

To the south, the setback is more than 150m and the secondary residence is buffered from the adjoining land by a ridgeline. To the north, the setback is 151m and is setback more than the approved dwelling. Existing agricultural use is limited to grazing and more intensive use is unlikely given the prevailing lot sizes and lack of water. It is considered that the secondary residence will not conflict or interfere with an agricultural use.

Code

Parking and Sustainable Transport Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Numbers	Yes, two spaces available
C2.6.1 A1	Construction	Yes, gravel surface is acceptable in the zone
C2.6.3 A1	Access	Yes, one access only

Representations

Nil

Conclusion

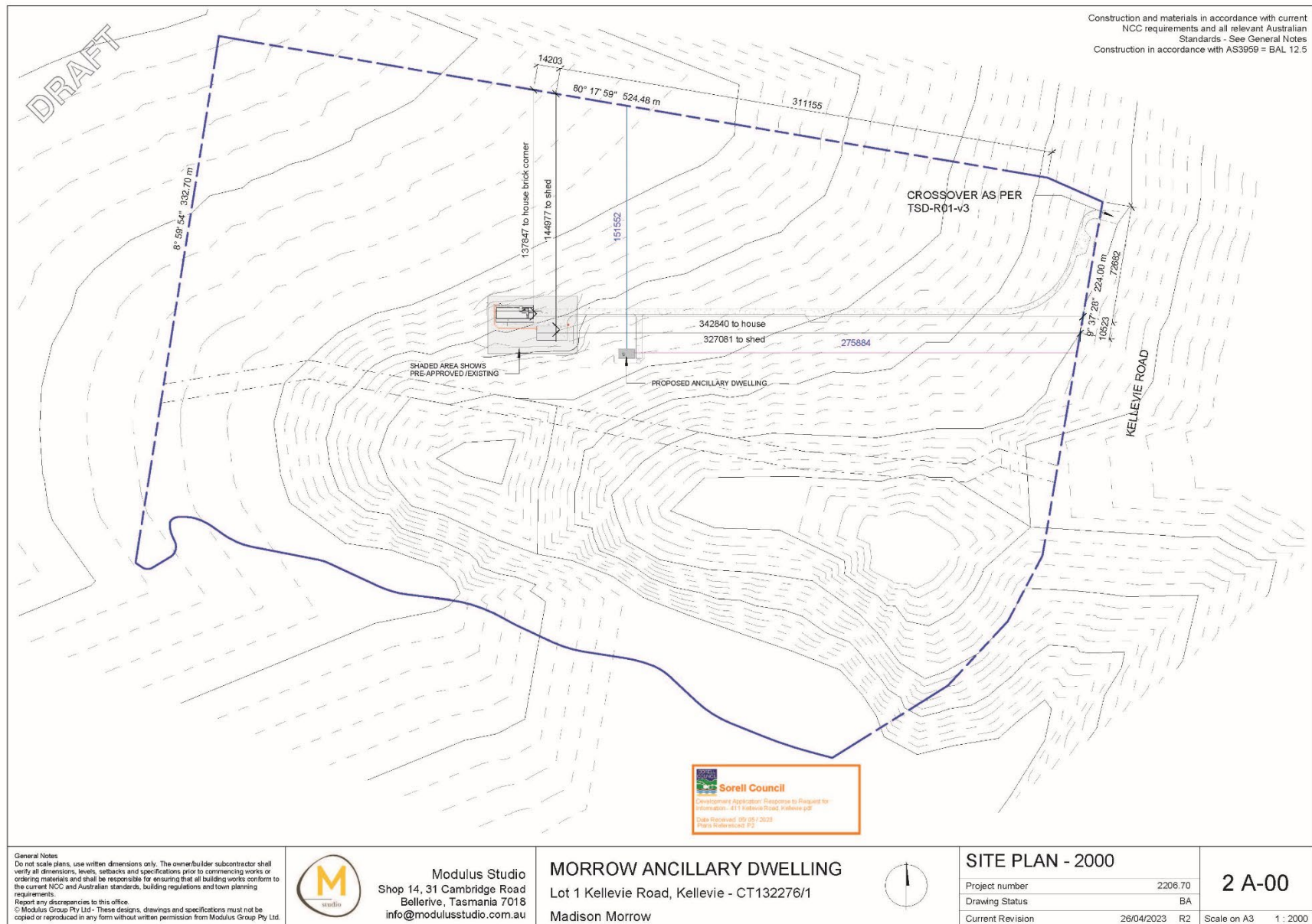
The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme Sorell* and is recommended for conditional approval.

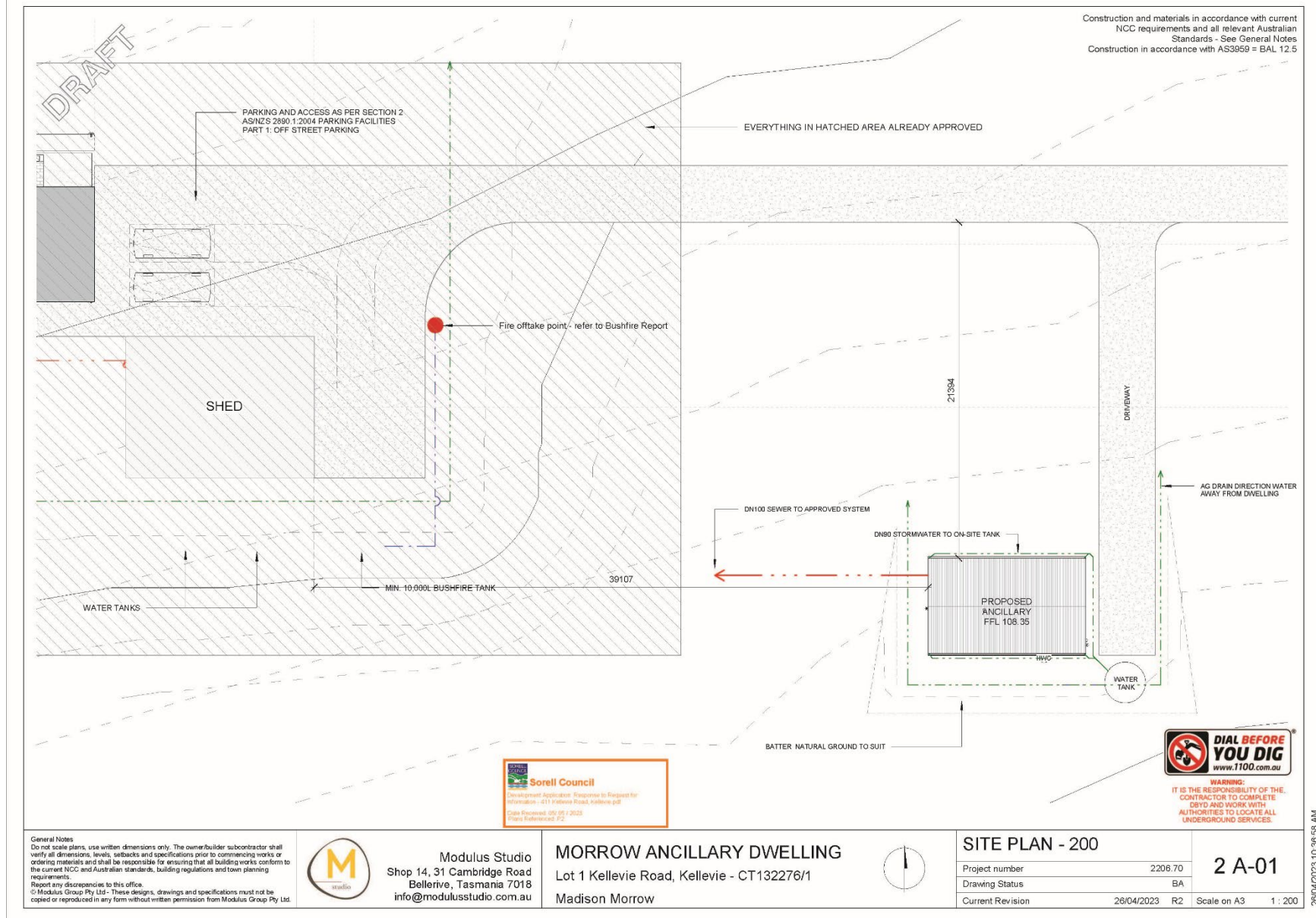
SHANE WELLS

Manager Planning

Attachments: Proposal plans



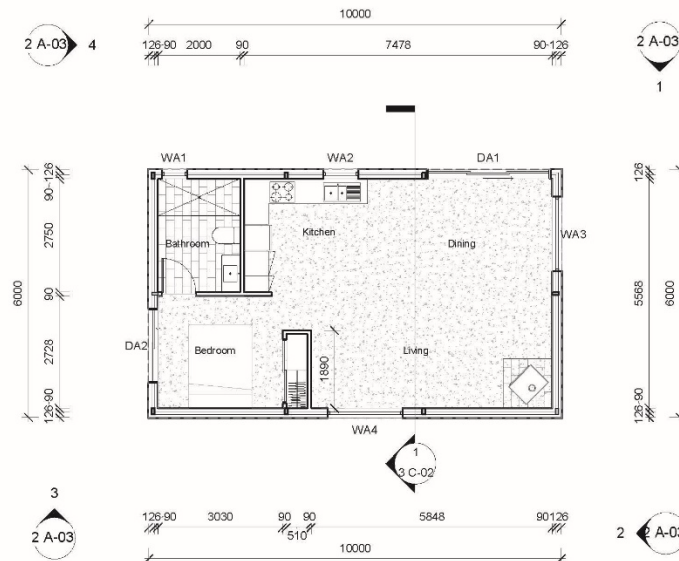




AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
6 JUNE 2023

DRAFT

Construction and materials in accordance with current
NCC requirements and all relevant Australian
Standards - See General Notes
Construction in accordance with AS3959 = BAL 12.5



Area Schedule - Ancillary

Name	Area
Area	60 m ²

General Notes
Do not scale plans, use written dimensions only. The owner/builder/subcontractor shall verify all dimensions, levels, setbacks and specifications prior to commencing works or ordering materials and shall be responsible for ensuring that all building works conform to the current NCC and Australian standards, building regulations and town planning requirements.
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MORROW ANCILLARY DWELLING
Lot 1 Kellevie Road, Kellevie - CT132276/1
Madison Morrow



Glazing Schedule - Double Glazed - Monument - BAL 12.5

Mark	Height	Width	Head Height	Description	Comments	Count
DA1	2100	3010	2100	Sliding Door	Clear	1
DA2	2100	1810	2100	Sliding Door	Clear	1
WA1	1800	610	2100	Awning Window	White Trans	1
WA2	857	850	2100	Awning Window	Clear	1
WA3	1200	1810	2100	Awning Window	Clear	1
WA4	1200	1810	2100	Awning Window	Clear	1

FLOOR PLAN

Project number	2208.70
Drawing Status	BA
Current Revision	28/04/2023 R2

2 A-02

Scale on A3 1:100

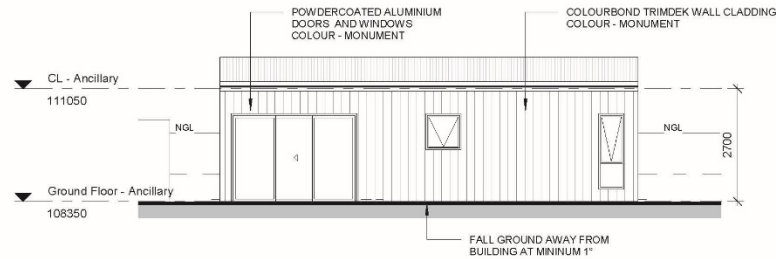
28/04/2023 10:36:59 AM



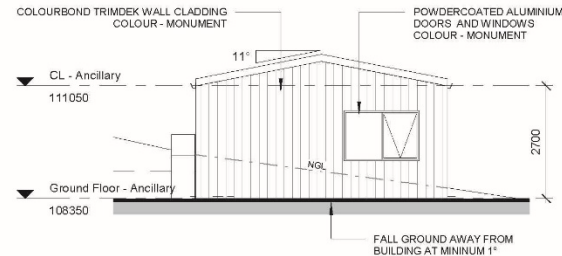
AGENDA
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6 JUNE 2023

DRAFT

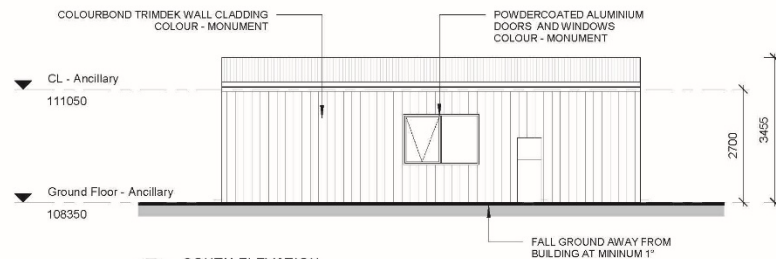
Construction and materials in accordance with current
NCC requirements and all relevant Australian
Standards - See General Notes
Construction in accordance with AS3959 = BAL 12.5



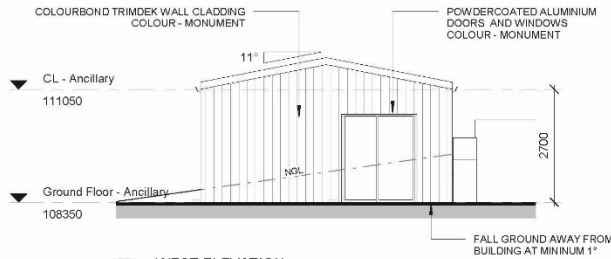
1 NORTH ELEVATION
1 : 100



2 EAST ELEVATION
1 : 100



3 SOUTH ELEVATION
1 : 100



4 WEST ELEVATION
1 : 100



NOTE:

ALL STEEL CLADDING MATERIALS TO HAVE A MINIMUM AM100 COATING. REFER TO NCC 3.5.1

USE ONLY COMPATIBLE FIXINGS AND INSTALL AS PER MANUFACTURERS SPECIFICATIONS. REFER TO NCC 3.5.1

General Notes
Do not scale plans, use written dimensions only. The owner/builder/subcontractor shall verify all dimensions, levels, setbacks and specifications prior to commencing works or ordering materials and shall be responsible for ensuring that all building works conform to the current NCC and Australian standards, building regulations and town planning requirements.
Report any discrepancies to this office.
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MORROW ANCILLARY DWELLING
Lot 1 Kelleve Road, Kelleve - CT132276/1
Madison Morrow

ELEVATIONS

Project number	2208.70
Drawing Status	BA
Current Revision	26/04/2023 R2

2 A-03

Scale on A3 1 : 100

26/04/2023 10:36:59 AM 2487



AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
6 JUNE 2023

5.2 SUBDIVISION APPLICATION NO. 7.2022.22.1

Applicant:	Tony Woolford & Associates	
Proposal:	Three Lot Subdivision	
Site Address:	41 Imlay Street, Dunalley (CT 182841/1)	
Planning Scheme:	Tasmanian Planning Scheme Sorell	
Application Status	Discretionary	
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>	
Reason for SPA meeting:	Subdivision creates more than one lot.	
Relevant Zone:	Low Density Residential Zone	
Proposed Use:	N/A	
Applicable Overlay(s):	Bushfire-Prone Areas, Priority Vegetation Area	
Applicable Codes(s):	Road and Railway Assets	
Valid Application Date:	13 January 2023	
Decision Due:	9 June 2023	
Discretion(s):	1	Frontage
	2	Sewer
	3	Stormwater
Representation(s):	Nil	

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2022.22.1 for a three lot subdivision at 41 Imlay Street, 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 in the subdivision.

This security 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 improved value of the area being subdivided. Please refer to Council's Open Space Policy for valuation requirements.

Development Engineering

3. Prior to any works commencing within the road reservation, a Vehicular Crossing and Associated Works Application (available on Council's website) must be submitted with an associated permit granted for the works.
4. Prior to sealing the final plan the following works must be completed:
 - (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. Must be upgraded to compliant width, surface treatment, drainage, and sight distance as specified in a Vehicular Crossing Permit issued by Sorell Council;
 - II. 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 road seal.
5. Survey pegs for all lots are to be certified correct after completion of all subdivision works.
6. Council has no public stormwater infrastructure in the immediate area, therefore any post-development stormwater outfalls should be wholly contained on-site (e.g., a suitable absorption system).
7. Prior to sealing the final plan of survey, all services (including existing and proposed lot connections) must be separated and relocated to be wholly contained within each respective 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, telecommunications, or vehicular access, infrastructure.

8. Existing services connections (e.g., vehicular access), if retained, must comply with current standards.

9. 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>

10. 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.
11. Any existing Council infrastructure (e.g., roadway and table drain) that is damaged or modified in any way as a consequence of works approved by this permit shall be repaired or reinstated by the developer to its original condition, as soon as reasonably practicable and at the developer’s cost.

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 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

Executive Summary

Application is made for a three lot subdivision at 41 Imlay Street, Dunalley. This property is zoned Low Density Residential and is located towards the Dunalley oval.

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

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.



Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposed subdivision is assessed in accordance with the Public Open Space Policy.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	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 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 Engineering	Yes	Yes	Yes	Nil
Environmental Health	Yes	Yes	Nil	Nil
Plumbing	No			
NRM	No			
TasWater	No			
TasNetworks	Tes	Yes	Nil	
State Growth	No			

Report

Description of Proposal

The application seeks to create three lots ranging from 1500m² to 1560m² on the western side of Imlay Street. Lot 1 contains an existing dwelling.

The application is supported by:

- an onsite wastewater assessment by On-Site Wastewater Solutions dated 5 April 2023;
- a bushfire hazard report from David Lyne dated April 2023; and
- a proposal plan by TN Woolford & Associated dated March 2023.

Description of Site

The site is a regular shaped lot of 4600m² in area that contains an existing dwelling. The site has a slight gradient with a southerly aspect.

Adjoining land consists of similarly sized lots with single dwellings. The oval is to the north and the school is to the south-west.

The site is unserviced with the sewer district ending at the sites western boundary. Imlay Street is an unsealed public road with a table drain along the western side.



Figure 1. Subject site.

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
10.6.1 A1	Lot size	Yes, as each lot is equal to or greater than 1500m ² in size and contains a 10m x 15m rectangle with 5m side setbacks
10.6.1 A2	Frontage	No, lot 1 has a frontage of less than 20m
10.6.1 A3	Access	Yes, as access is to the satisfaction of the road authority
10.6.2 A1	Roads	Yes, no roads are proposed
10.6.3 A1	Water	Yes, no water service exists
10.6.3 A2	Sewer	No, each lot is reliant on onsite wastewater management
10.6.3 A3	Stormwater	No, each lot is reliant on onsite stormwater management

Performance Criteria Assessment 1 – Clause 10.6.1 P2 Frontage

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway that is sufficient for the intended use, having regard to:

- (a) the width of frontage proposed, if any;*
- (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;*
- (c) the topography of the site;*
- (d) the functionality and useability of the frontage;*
- (e) the ability to manoeuvre vehicles on the site; and*
- (f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.*

Lot 1 has a frontage of 13.9m. The frontage is adequate to provide for vehicular access to the existing dwelling on that lot.

Performance Criteria Assessment 2 – Clause 10.6.3 P2 Sewer

Each lot, or a lot proposed in a plan of subdivision, excluding 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.

Each lot, as demonstrated in the wastewater report, is adequate for the onsite treatment of wastewater with secondary wastewater treatment required. Approximately 50m² of each lot will be required for wastewater management. The wastewater report has been reviewed by the Manager Health and Compliance.

Performance Criteria Assessment 3 – Clause 10.6.3 P3 Stormwater

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:

- (a) the size of the lot;*
- (b) topography of the site;*
- (c) soil conditions;*
- (d) any existing buildings on the site;*
- (e) any area of the site covered by impervious surfaces; and*
- (f) any watercourse on the land.*

As there is not reticulated water, stormwater will be managed by rainwater tanks with overflow to absorption beds. There is adequate land to provide for onsite stormwater management in addition to onsite wastewater.

Code

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1.4	Traffic generation	Yes, as traffic generation is 10 vehicle movements per day which is less than 40 vehicle movements per day allowed

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.

Public Open Space Policy

Broadly, there are three considerations for public open space within a subdivision under this policy; being:

- whether public open space land should be taken for a park or other purpose;
- whether public open space land should be taken for connectivity; or
- if no public open space land is proposed or taken, what rate of a cash in lieu contribution should apply.

Section 5.2 of the public open space policy outlines criteria to assess the taking of land. Among other matters, this section has regard to any related Council policy, whether the land is conveniently located with respect to the wider area along with existing open space and any alternatives, whether the land would contribute to Council's ability to support a diversity of recreational activities and the demand created.

In this case, it is considered that taking land for open space would not further the Council policy. The site is within 50m of the oval and 350m of the skate park and playground and thus there is adequate open space land in the area.

Where land is not taken, a cash contribution is required. Section 6.4 of the policy states:

In determining the percentage of a cash in lieu contribution, the following criteria must be considered:

- (a) the existing provision of POS in the vicinity of the subject area;
- (b) any planned provision of POS in the vicinity of the subject area as identified in the Open Space Strategy, the long-term financial plan, any relevant Council resolution or required by a valid subdivision permit;
- (c) the extent to which the newly created lots will impact upon demand for POS; and
- (d) the size of the newly created lots and the extent to which the lots can provide for their own recreational opportunities.

The skate park / playground at Imlay Street has been recently upgraded and there is no plan for future capital expenditure for new / upgraded assets. The Open Space Strategy does not make any significant recommendations with respect to Dunalley. The subdivision will increase usage of open space locally but not to a significant extent while also increasing demand on regional assets and walkways across the LGA. It is considered reasonable to apply a lesser percentage of 3%, noting also that the policy requires valuation to be based on the improved, rather than unimproved value of the land.

Representations

Nil.

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 Planning

Attachments: Proposal Plan

Separate Attachments:

Bushfire Hazard Report

Onsite Wastewater Report

NOTES:
1. DATUM FOR HEIGHTS IS AHD
2. CONTOUR INTERVAL IS 5.00 METRE

