



SORELL PLANNING AUTHORITY (SPA) AGENDA

9 APRIL 2024

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, 9 April 2024 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
4 APRIL 2024



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON
TUESDAY 9 APRIL 2024

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1.0 ATTENDANCE

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Deputy Mayor C Wooley
Councillor B Nichols
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

Chairperson Mayor Vincent – current State Upper House election candidate

3.0 CONFIRMATION OF THE MINUTES OF 26 MARCH 2024

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 26 March 2024 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 SUBDIVISION APPLICATION NO. 7.2023.19.1

Applicant:	Rogerson & Birch Surveyors
Proposal:	Six Lot Subdivision
Site Address:	40 Erle Street, Carlton River (CT 113113/1)
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:	Subdivision creates more than one lot.

Relevant Zone:	Clause 10.0 Low Density Residential										
Proposed Use:	Six lot subdivision - Residential										
Applicable Overlay(s):	SOR-2.0 Southern Beaches On-site Waste Water and Stormwater Management Specific Area Plan										
Applicable Codes(s):											
Valid Application Date:	27 October 2023										
Decision Due:	23 April 2024										
Discretion(s):	<table border="1"> <tr> <td>1</td> <td>10.6.1 A1 – Lot Design (Size)</td> </tr> <tr> <td>2</td> <td>10.6.1 A2 – Lot Design (Frontage)</td> </tr> <tr> <td>3</td> <td>10.6.3 A2 – Services (Reticulated Sewerage System)</td> </tr> <tr> <td>4</td> <td>10.6.3 A3 – Services (Public Stormwater System)</td> </tr> <tr> <td>5</td> <td>C12.7.1 A1 - Subdivision within a flood-prone hazard area</td> </tr> </table>	1	10.6.1 A1 – Lot Design (Size)	2	10.6.1 A2 – Lot Design (Frontage)	3	10.6.3 A2 – Services (Reticulated Sewerage System)	4	10.6.3 A3 – Services (Public Stormwater System)	5	C12.7.1 A1 - Subdivision within a flood-prone hazard area
1	10.6.1 A1 – Lot Design (Size)										
2	10.6.1 A2 – Lot Design (Frontage)										
3	10.6.3 A2 – Services (Reticulated Sewerage System)										
4	10.6.3 A3 – Services (Public Stormwater System)										
5	C12.7.1 A1 - Subdivision within a flood-prone hazard area										
Representation(s):	Nil.										

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2023.19.1 for a Six Lot Subdivision at 40 Erle Street, Carlton River be approved, subject to the following conditions:

1. Except where modified by a condition of this permit, the use and development must be substantially in accordance with the endorsed plans and documents:
 - a) P1 (bushfire hazard report dated September 2023)
 - b) P1 (geotechnical assessment dated 4 July 2023)
 - c) P1 (plan of subdivision dated 2 October 2023)
 - d) P2 (flood hazard report dated 1 February 2024)



2. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by the General Manager.
3. Prior to sealing the final plan of survey a cash contribution in lieu of public open space equal to 5% of the value of 3 lots must be made to Sorell Council. The valuation is to be determined at the date of lodgement of the final plan by an independent registered land valuer, at the subdivider's expense, and the valuation report is to be provided to Council.
4. 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 an Independent Registered Valuer for the purposes of determining the improved value of the gross area of the subdivision. The date to which the valuation is to be done must be within 3 months of the date of lodgement of the Final Plan of subdivision. Please refer to Council's Open Space Policy for valuation requirements.

5. The Flood Hazard Report prepared by JMG dated 01 February 2024 forms part of this Permit and the measures contained must be implemented in relation to any future and established development on the lots.
6. The Bushfire Hazard Management Plan prepared by GES dated September 2023 forms part of this Permit and the measures contained with the Plan must be implemented prior to sealing the final plan of survey.

On-site wastewater

7. 150m² of land for the application of wastewater must be designated on the final plan of lot 3 on the northern part of the lot due to the flood inundation zone over the majority of the lot. The final position of the OWMS must be to the satisfaction of the Environmental Health Officer. All works are to be completed before the final plan of the subdivision is sealed.

Environmental

8. 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 Environmental Health Officer for any works outside of these hours.

9. Airborne dust from construction works, 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.
10. Any soil disturbed or spread onto the land resulting from civil construction works must be free of weeds, compacted, revegetated and watered to allow the soil to stabilise and prevent dust being generated.
11. Any vegetation removed as part of the subdivision construction works, must not be burnt unless approval has been obtained from Councils Environmental Health Officer. All vegetation to be mulched and chipped onsite.

Engineering

12. Prior to the commencement of works, detailed 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, and
 - d) Any Council policy determined as relevant.

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, Specifications, 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 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.*

13. Prior to works commencing, the following fees must be paid for each stage of construction:

- a) Engineering design drawing assessment fee, and
- 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.

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

15. 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.

16. Prior to works commencing, the developer must submit a Notice of Intention to Carry Out Work (available from Council) inclusive of a certificate of currency for public liability insurance for the contractor and any sub-contractor.

17. 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, and
 - 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) for lot 1, 2 & 6,
 - II. Sealed vehicle driveway over the access strip, up to lot proper, for lot 3, 4 & 5 with a sealed traffic width and drained carriageway (including shoulders),
 - III. Minimum width of 4.0m where bushfire prone,
 - IV. Appropriate drainage infrastructure must be provided for each access and driveway to prevent runoff from leaving the property, or direct runoff into Council's roadside drains, and

- V. Each property access must be located to minimise potential conflicts with vehicles and other road users.
 - c) Fencing;
 - I. Any existing frontage fencing not located on the correct boundary must be removed with new rural type fence installed in the correct location, and
 - 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) 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, and
 - III. Required upgrades to Public Infrastructure downstream.
 - e) Natural values;
 - I. Construction soil and water management plan.
 - f) Rehabilitation;
 - I. Provision of top soil and grass or vegetation on all disturbed surfaces along with weed management measures.
18. Mandatory audit inspections are required in accordance with the Tasmanian Subdivision Guidelines. The developer must provide a minimum 48 hours notice.
19. Works must be completed to a standard that is to the satisfaction of the Council General Manager.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. 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,
 - b) Photos of all new assets,
 - c) Be accurate to AHD and GDA94,
 - d) Be drawn to scale and dimensioned,
 - e) Include top, inlet, and outlet invert levels,
 - f) Include compaction and soil test results, and
 - g) 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

26. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by Council's General Manager.
27. 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.
28. 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.
29. The final plan of survey must include easements over all drains, pipelines, wayleaves and services, to the satisfaction of Council's General Manager. The minimum easement width for stormwater is in accordance with the Tasmanian Subdivision Guidelines.
30. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.

31. Prior to practical completion, survey pegs are to be certified correct post construction.

Roads

32. 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.
33. 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

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

Fill

35. 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

36. 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

37. 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.

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

Telecommunications & Power

39. 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>

40. 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.
41. Street lights must include LED lamps at the developer’s cost.

Road Widening

42. 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

43. 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

- Council recommends consulting Before You Dig Australia (BYDA) at www.byda.com.au before undertaking any works.

Legal

- 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 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.

Asset Protection

- In accordance with the Local Highway Bylaw 2 of 2015, the owner is required to repair any damage to any Council infrastructure caused during construction.
- Council recommends contacting Dial-Before-You-Dig (phone 1100 or www.1100.com.au) before undertaking any works.

Other Approvals

- All stormwater management measures and designs on the endorsed plans and documents, together with any related permit condition, constitutes General Managers consent under section 14 of the *Urban Drainage Act 2013*.
- This permit does not imply that any other approval required under any other by-law or legislation has been granted.

Generally

- 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 is inclusive of any schedule of easement and Part 5 Agreement.
- The final plan of survey will not be sealed until all works required by this permit are complete. On lodgement of the final plan of survey, inspections will be undertaken ,unless otherwise advised by the developer, and additional inspection fees will apply to incomplete or substandard works.

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 Six Lot Subdivision at 40 Erle Street, Carlton River. This property is zoned Low Density Residential and is an irregular shaped 8694 sqm lot with access from Erle Street.

The key planning considerations relate to compliance with the:

- Suitability of lot size and frontage;
- Flood Prone Hazard Areas Code;
- Provision of onsite services; and
- Bushfire Prone Area Code.

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	The proposal has been assessed against Council’s Public Open Space Policy. A condition for a cash-in-lieu contribution is recommended.



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 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	Yes	A SSE report and generalised waste water proposed design prepared by Peter Hofto demonstrating compliance with the relevant performance criteria and acceptable solutions specified in Development Standards SOR-S2.6.1 (low density residential), SOR-S2.7.1 and SOR-S2.7.2 has been received.
Plumbing	No	N/A		
NRM	No	N/A	N/A	N/A
TasWater	No	N/A	N/A	N/A
TasNetworks	No	N/A	N/A	N/A
State Growth	No	N/A	N/A	N/A

Report

Description of Proposal

It is proposed that a 6 lot subdivision is developed on the site described as per the proposed plan of subdivision. Public access to new lots will be provided by Erle Street, an existing public roadway. The development is proposed to occur as a single stage. All proposed are vacant lots and are undeveloped.



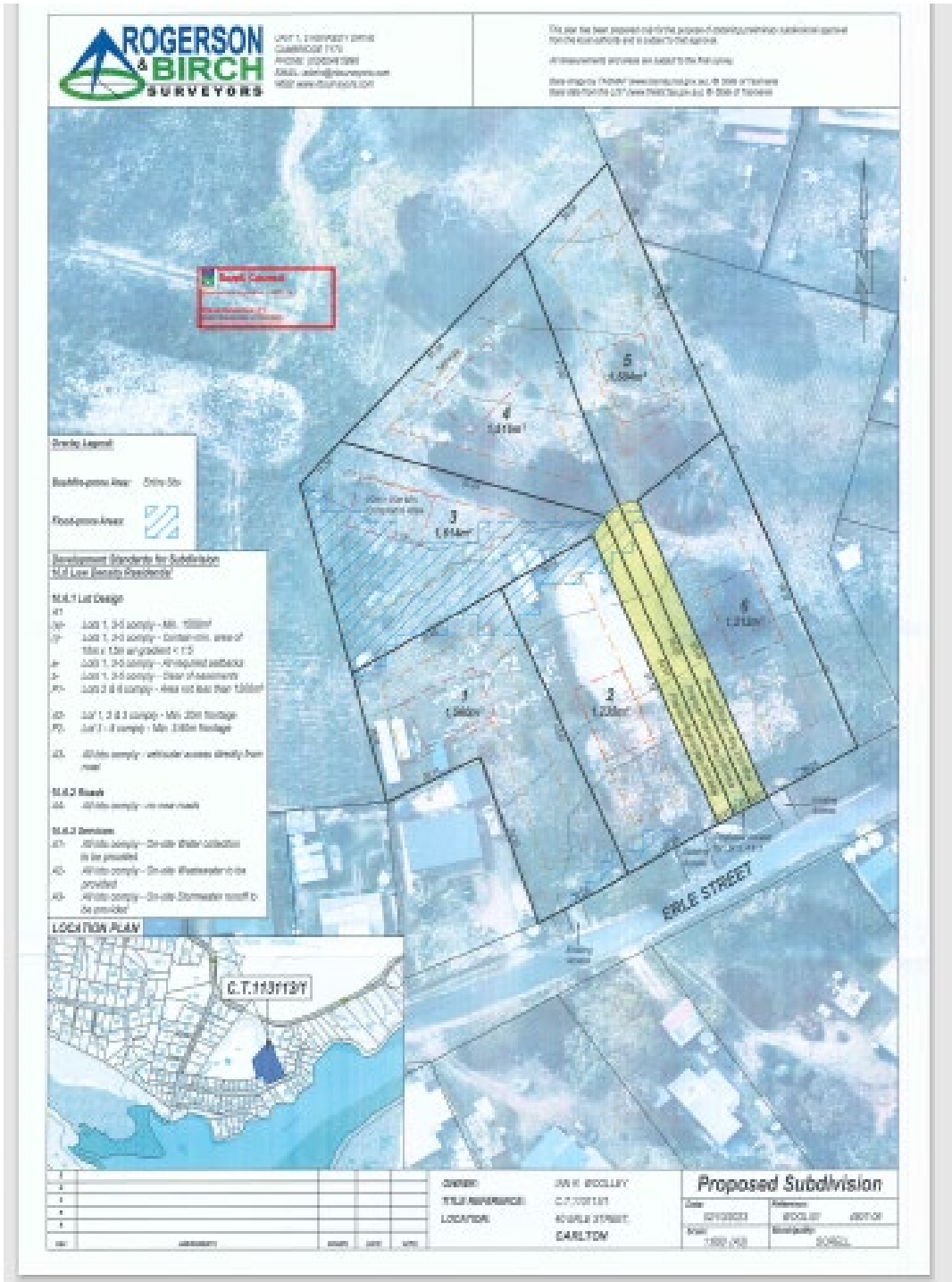


Figure 1 - Proposed Subdivision Plan

The application is supported by:

- Subdivision Plan;
- Flood Hazard Report from JMG and dated 01 February 2024;
- a Bushfire Hazard Report from GES dated September 2023; and
- a Bushfire Hazard Management Plan from GES dated 22/09/2023.

Description of Site

The subject site comprises private land on one title at 40 Erle Street, Carlton River, FR: 113113/1

The subject site is zoned Low-density Residential. The site is located within the eastern extent of the Carlton settled area adjacent to the Carlton River estuary, approximately 1.5km north-east of Carlton Bluff. The subdivision area is dominated by grassland as are adjacent lands which are fragmented by residential development. Surrounding lands comprise both developed and undeveloped areas and residential development.



Figure 2 - Subject site

The land to the east and south is zoned low density residential and fragmented by residential development on small and medium size lots. The site neighbours cleared agricultural zoned land to the north.

The site is unserviced and accessed by an unsealed public road, Erle Street.

A previous permit for was approved for a four lot subdivision - SA 2017 / 3 - 1 - 3 LOT (FOR A TOTAL OF 4 LOTS) SUBDIVISION.

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
10.6.1 A1	Lot size	No , as lots 2 and 6 have an area less than 1500 sqm. Refer to performance criteria assessment below.
10.6.1 A2	Frontage	No , as the frontage for all lots are less than 20m. Refer to performance criteria assessment below.
10.6.1 A3	Vehicle Access	Yes, as all lots have a vehicle access from the lot boundary to Erle Street road frontage. Lots 1, 2 & 3 all have an existing access whilst the rights of way for Lots 3, 4 & 5 have proposed 3.61m wide accesses.
10.6.2 A1	Roads	Yes, no new road will be created as part of the subdivision proposal.
10.6.3 A1	Services	Yes, as neither limited nor full water supply service is available within the area.
10.6.3 A2	Sewerage	No , no connection to reticulated systems is proposed. Refer to performance criteria assessment below.
10.6.2 A3	Stormwater	No , no connection to a public stormwater system is proposed. Refer to performance criteria assessment below.

Performance Criteria Assessment 1 – Clause 10.6.1 - Lot Design (Lot Size)

Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:

- a) the relevant requirements for development of buildings on the lots;*
- b) the intended location of buildings on the lots;*
- c) the topography of the site;*
- d) adequate provision of private open space;*
- e) the pattern of development existing on established properties in the area; and*
- f) any constraints to development, and*
- g) must have an area not less than 1200m².*

The performance criteria is applicable as Lots 2 & 6 have a total site area less than 1500m² – Lot 2 being 1235m² and Lot 6 being 1312m². It is considered that the performance criteria is satisfied given:

- Lots 1, 3, 4 & 5 have an area equal or greater than 1500m² – Lot 1 = 1560m², Lot 3 = 1614m², Lot 4 = 1516m² & Lot 5 = 1504m²
- Each lot contains a building area with a minimum area of 10m x 15m.

- Each building area is within the required setbacks (8m frontage and 5m side and rear).
- The site is not required for public use, not required for utilities or be for the consolidation of lots. The size of the lots (less than 1,500m²) is compatible with those within the surrounding area and pattern of development specifically lots along adjoining Gate Five Road, directly adjoining to the east along Erle Street and Carlton River Road.

Performance Criteria Assessment 2 – Clause 10.6.1.1 P2 – Lot Design (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:

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

The performance criteria is applicable as Lots 3, 4 & 5 will have a right of way and subsequently a frontage of 3.61m wide. It is considered that the performance criteria is satisfied.

- Lots 1, 2 & 6 all have a frontage to Erle Street in excess of 20m.
- The conjoined right of ways as their sole principal access is sufficient for the intended residential use and enable functionality and manoeuvring of vehicles to and from the lots (3, 4 & 5) proper.
- The adjoining Gate Five Road to the west also contains access to rear lots via right of ways.
- This development is considered in line with the pattern of development of the area.

Performance Criteria Assessment 3 – Clause 10.6.3 P2 – Sewerage



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.

The performance criteria is applicable as Lots will not be connected to a reticulated sewerage system. It is considered that the performance criteria is satisfied.

- An onsite wastewater suitability report undertaken by Rock Solid Geotechnics Pty Ltd has been provided outlining the site and soil conditions of each lot with suitability and recommendations as per the following:
- “All the proposed lots are classified as Class 1 (Sand) in accordance with AS1547-2012 and the 2016 Building Act...”. “50m² of LAA is required per bedroom for a Class 1 (Sand) site on these blocks. Therefore the maximum required LAA for a three bedroom residence on any of these proposed blocks is 150m².” “The only site restrictions encountered on this site is the observed wet portions of land at the base of proposed Lots 1, 2 & 6 after heavy rain. The portion of these sites adjacent to Erle Street will not be suitable for onsite wastewater disposal. This said, each of these proposed blocks has ample available higher land that is very well suited for wastewater disposal.” “Primary treated onsite wastewater systems will be suitable on all of the proposed lots.”

Performance Criteria Assessment 4 – 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*

The performance criteria is applicable as Lots will not be connected to a public stormwater system. It is considered that the performance criteria is satisfied.

- Each lot on the proposed subdivision plan has sufficient area for proposed residential development and associated onsite stormwater. As no water

services are available within the area, onsite stormwater management by way of water storage tanks will be required for collection of water from roofed areas for re-use onsite.

- Stormwater from the site, access and onsite flows will be directed to existing infrastructure along Erle Street.

Code(s)

C12.6 Flood -Prone Areas Hazards Code

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
C12.7.1 A1	Subdivision within a flood-prone hazard area	No , as the development is not able to contain a building area, vehicle access, and services, that are wholly located outside a flood-prone hazard area. Refer to performance criteria assessment below.

Performance Criteria Assessment 5 – Clause 12.7 P1 Subdivision within a flood-prone hazard area

Each lot, or a lot proposed in a plan of subdivision, within a flood-prone hazard area, must not create an opportunity for use or development that cannot achieve a tolerable risk from flood.

A Flood Prone Report prepared by JMG, dated 01/02/2024 demonstrating compliance with the relevant performance criteria has been received.

Specifically, the report, subject to compliance with Section 7 - Management & Actions During / Following Flood Events, demonstrates that the development satisfies the relevant performance criteria having regard to:

- a) any increase in risk from flood for adjacent land;
- b) the level of risk to use or development arising from an increased reliance on public infrastructure;
- c) the need to minimise future remediation works;
- d) any loss or substantial compromise by flood of access to the lot, on or off site;
- e) the need to locate building areas outside the flood-prone hazard area;

Any permit is to be conditioned to comply with Section 7 - Management & Actions During / Following Flood Events, of the Report.

C13.0 Bushfire-Prone Areas Code



Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
13.6.1 A1	Provision of hazard management areas	Yes, the Bushfire Hazard Management Plan is certified by an accredited person. Each lot within the subdivision has a building area and associated hazard management area shown which is suitable for BAL-19 and BA:12.5 construction standards. Covenants are required for each lot to validate this bushfire hazard management plan and associated bushfire hazard report. The proposal is compliant with the acceptable solution at C13.6.1 A1(b).
13.6.2 A1	Public and firefighting access	Yes, the Bushfire Hazard Management Plan requires static water supplies to be provided for all lots. The specifications for static water supplies are provided consistent with table C13.5. The proposal is compliant with the acceptable solution at A1, (b) and table C13.1.

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.

Covenants are required to validate compliance with the Bushfire Hazard Report and the Bushfire Hazard Management Plan considering any permit if approved, is to have a relevant condition as per the following extract of the report:

Covenants are required to validate this report and bushfire hazard management plan and relate to the maintenance of hazard management areas (see s5.1).

SOR-2.8 Southern Beaches On-site Waste Water and Stormwater Management Specific Area Plan

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
SOR 2.8	Development Standards for Subdivision	Not applicable – This sub-clause is not used in this specific area plan.

Note: A SSE report and generalised waste water proposed design prepared by Peter Hofto demonstrating compliance with the relevant performance criteria and acceptable solutions specified in Development Standards SOR-S2.6.1 (low density residential), SOR-S2.7.1 and SOR-S2.7.2 has been received.

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. Any land would sit behind existing residential use and would be constrained in future opportunities while also creating safety considerations.

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) *the extent to which the newly created lots will impact upon demand for POS; and*
- (c) *the size of the newly created lots and the extent to which the lots can provide for their own recreational opportunities.*

In this case the full 5% is recommended as there are identified opportunities to develop Snake Hollow Park which is located within close proximity of the subject site.

Conclusion

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

Shannon McCaughey
Senior Planner

Attachments: Proposal plan





UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE T170
PHONE: (03)6248 5895
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com

This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval.

All measurements and areas are subject to the final survey.

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Sorell Council
Item 1005 (Supp) - 13/03/2023
17/2
File: 1005 - P1
Doc's Path: 1005 - 43/05/2023

Overlay Legend:

Bushfire-prone Area: Entire Site

Flood-prone Areas:

Development Standards for Subdivision
10.0 Low Density Residential

10.6.1 Lot Design

A1- Lots 1, 3-5 comply - Min. 1500m²
 (i)- Lots 1, 3-5 comply - Contain min. area of 10m x 15m w/ gradient < 1:5
 a- Lots 1, 3-5 comply - All required setbacks
 b- Lots 1, 3-5 comply - Clear of easements
 P1- Lots 2 & 6 comply - Area not less than 1200m²

A2- Lot 1, 2 & 3 comply - Min. 20m frontage
 P2- Lot 3 - 5 comply - Min. 3.60m frontage

A3- All lots comply - vehicular access directly from road

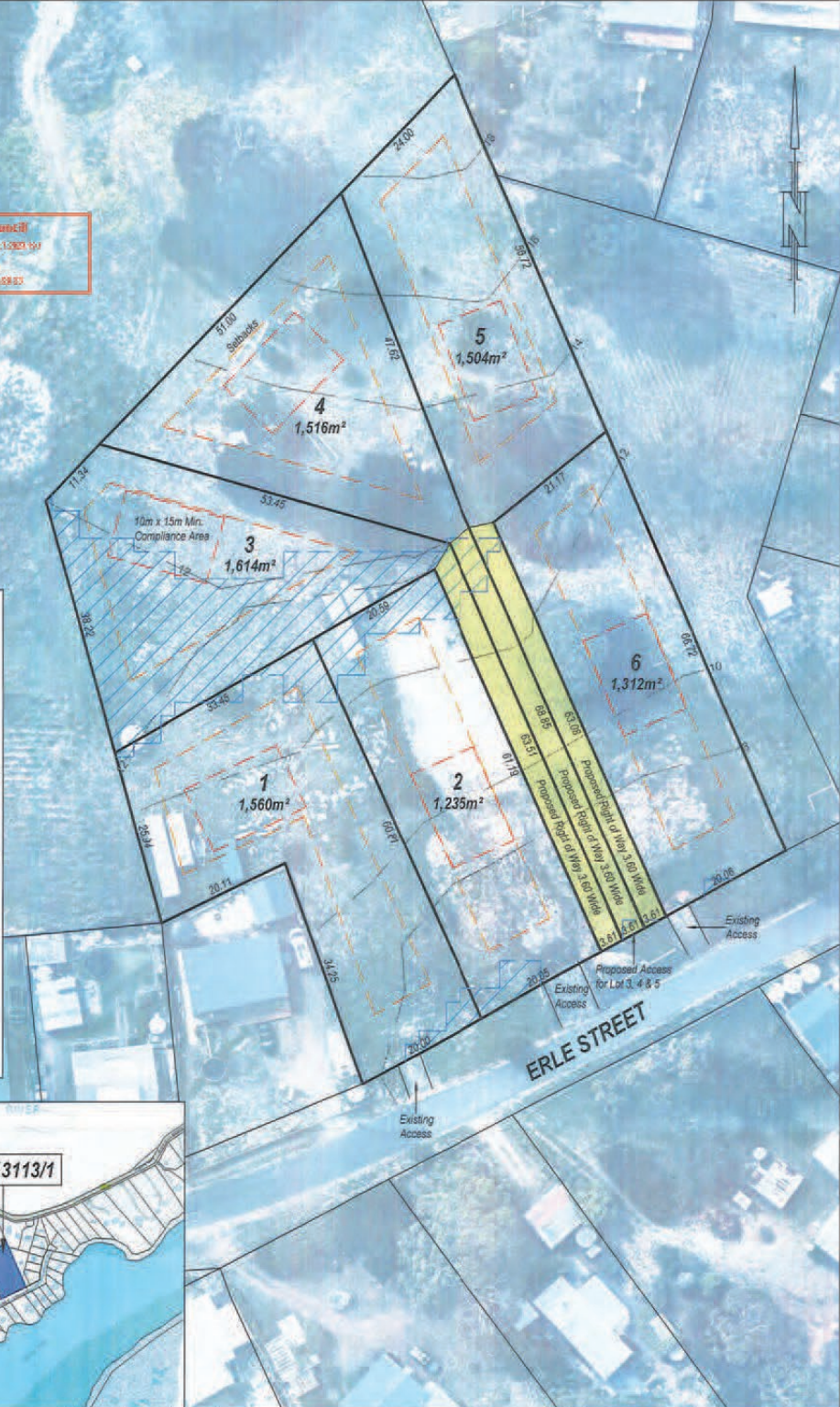
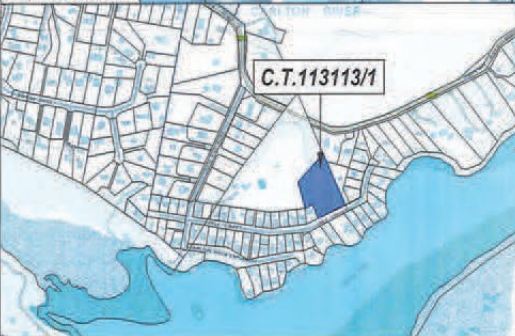
10.6.2 Roads

A4- All lots comply - no new roads

10.6.3 Services

A1- All lots comply - On-site Water collection to be provided
 A2- All lots comply - On-site Wastewater to be provided
 A3- All lots comply - On-site Stormwater runoff to be provided

LOCATION PLAN



E					
D					
C					
B					
A					
REV	AMENDMENTS	DRAWN	DATE	APPR.	

OWNER: IAN R. WOOLLEY
TITLE REFERENCE: C.T.113113/1
LOCATION: 40 ERLE STREET, CARLTON

Proposed Subdivision

Date: 02/10/2023
 Reference: WOOL01 4907-09
 Scale: 1:600 (A3)
 Municipality: SORELL

