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9 August 2021

Our Ref: 43-2021/1-1 & SA2021/3-1
Your Ref:
Enquiries to: Caroline Lindus

Executive Commissioner
Tasmanian Planning Commission,
GPO Box 1691
HOBART TAS 7001

Email: tpc@planning.tas.gov.au

Dear Sir/Madam

**BAUDIN ROAD, CARLTON AND MCGINNESS ROAD, CARLTON RIVER
REZONING FROM RURAL RESOURCE TO RURAL LIVING AND PROPOSED 12 LOT
SUBDIVISION.**

As required under s35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council wishes to formally notify the Tasmanian Planning Commission of the decision in relation the aforementioned draft amendment.

Please find attached Council minutes of meeting 3 August 2021 which:

- Resolved to certify Draft Amendment No. 43/2021/1 of the *Sorell Interim Planning Scheme 2015*;
- Resolved to approve a 12 lot subdivision with draft conditions on Josephs Road, Carlton and McGinness Road, Carlton River (also known as Waterson Lane).

Please find attached the relevant supporting documents.

I hope this information is of assistance, however, if you have any further enquiries regarding this matter please contact Caroline Lindus, Consultant Senior Planner on 6269 0060.

Yours sincerely,

**Caroline Lindus
CONSULTANT SENIOR PLANNER**

10.2 DEVELOPMENT APPLICATION NO. 43.2021.1

MCGINNESS ROAD, CARLTON RIVER

APPLICANT: Q C NEWITT

PROPOSAL: REZONING FROM RURAL RESOURCE TO RURAL LIVING

ADDRESS: MCGINNESS ROAD, CARLTON RIVER

RECOMMENDATION

“That S43a amendment application No. 43.2021.1 for a rezoning from Rural Resource to Rural Living at McGinness Road, Carlton River for Q C Newitt be refused pursuant to section 33 (3) of the former provisions of the *Land Use Planning and Approvals Act 1993* because:

The rezoning proposes a significant increase in Rural Living lots in the immediate locality, which is in contravention with Clause SRD 1.3(c)(ii) of the Southern Tasmanian Regional Land Use Strategy.”

INTRODUCTION

This is an application for a rezoning of two parcels of land at Josephs Road, Carlton and McGinness Road, Carlton River.

The property comprises two titles and is approximately 40.2ha in area. It is currently vacant land which could be utilised for grazing although there is currently no evidence of that occurring. There is no intensive horticulture occurring on site.

To the south the parcels are bounded by Rural Living lots at Baudin Road, Brue Court and McGinness Road, to the north, the parcels are bounded by rural land, which gain access off Josephs Road and Waterson Lane.

Other than some hobby farming activity, the site demonstrates no sign of agricultural production which is in part a reflection of a lack of access to irrigation water, but also in part a reflection of increasing residential uses in the surrounding area.



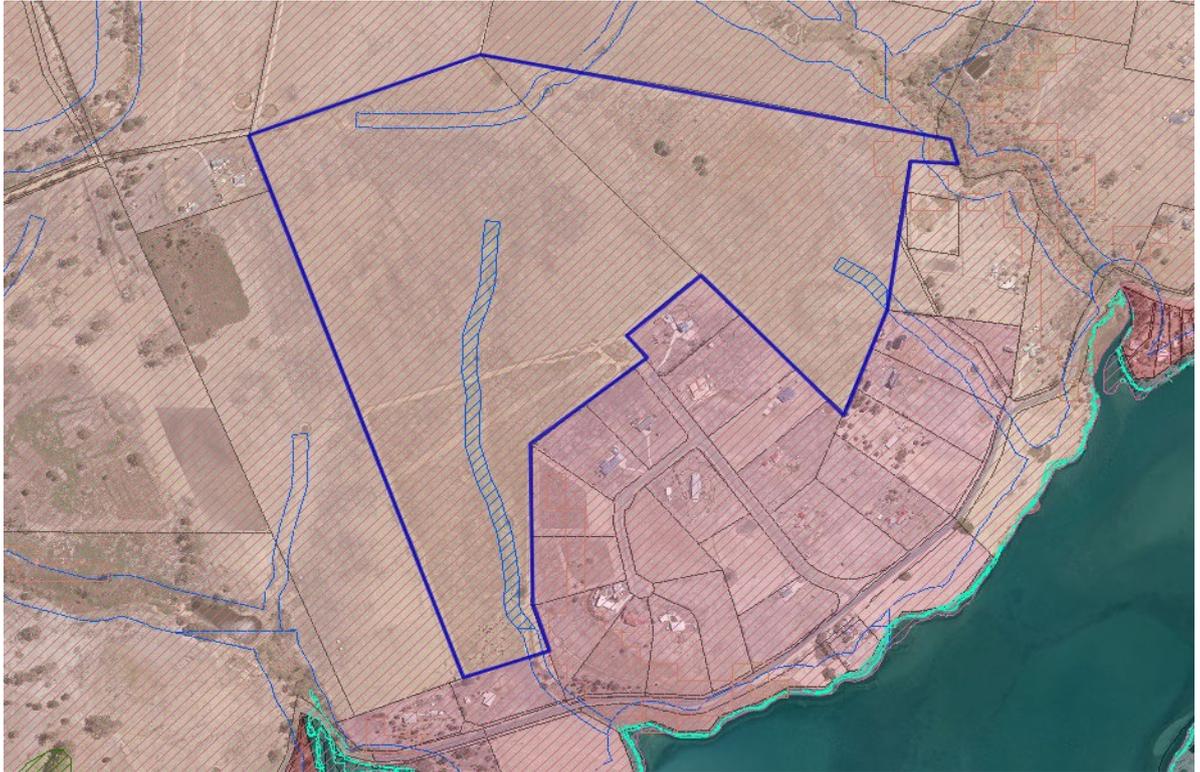


Figure 1: The subject property highlighted, showing the existing zoning being Rural Living on Baudin Road, with Rural Resource to the north. (source:www.thelist.tas.gov.au)

Legislative Requirements

Council received an application to rezone land at Josephs Road, Carlton and McGinness Road, Carlton River and following the rezoning, a subdivision from 2 lots to 12 lots. This application must be considered under S43a of the *Land Use Planning and Approvals Act 1993*.

Strategic Plan

Not applicable

Annual Plan

Not applicable

Policy

Not applicable

Environmental Implications

Not applicable

Asset Management Implications

Not applicable

Risk Management Implications

Not applicable

Community Implications

Not applicable

Statutory Implications

The savings and transitional provisions of the *Land Use Planning and Approvals Act (LUPAA)* specifies that the former Act applies to existing planning schemes in force prior to the approval of the Tasmanian Planning Scheme Local Provisions Schedule.

The proposal is submitted under Section 43a of LUPAA and is seeking a planning scheme amendment to rezone the land from Rural Resource, to Rural Living and Rural Living B, with a subdivision also proposed as part of this application.

If certified, the draft amendment will be advertised for public comment and subject to further review on the basis of any representations received by Council, prior to it being forwarded to the TPC for final consideration. In addition, should it be considered appropriate, under Section 41 Council has the power to direct that the amendment be modified.

If the application for a rezoning is certified, then the current zoning, which is Rural Resource, will change to Rural Living and Rural Living B. This would enable subdivision of lots to 1ha sizes for Rural Living and 10ha sizes for Rural Living B.

Currently in the Rural Resource zone, the land has a minimum lot size of 40ha, so no further subdivision is achievable.

Representations

As previously indicated, if the application is certified, it will then be advertised / exhibited for public comment, and any representations will need to be considered by Council at a later stage.

Referrals

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



Environmental Health had no comments or conditions.

Engineering had no comments or conditions.

Plumbing had no comments or conditions.

REPORT

The Proposal

The proposal has two distinct elements. The first and necessary element is the rezoning from Rural Resource to Rural Living and Rural Living B.

The rezoning may result in a number of changes around permitted land use, and minimum lot sizes.

In responding to the changes, specifically around lot sizes, the second element of the proposal is a 12 lot subdivision. This subdivision proposes 3 lots over 10ha in the Rural Living Zone B, with a further 9 lots that are approximately 1ha each. In addition, Baudins Road is to be extended to the north and then east to provide access for each of the lots.



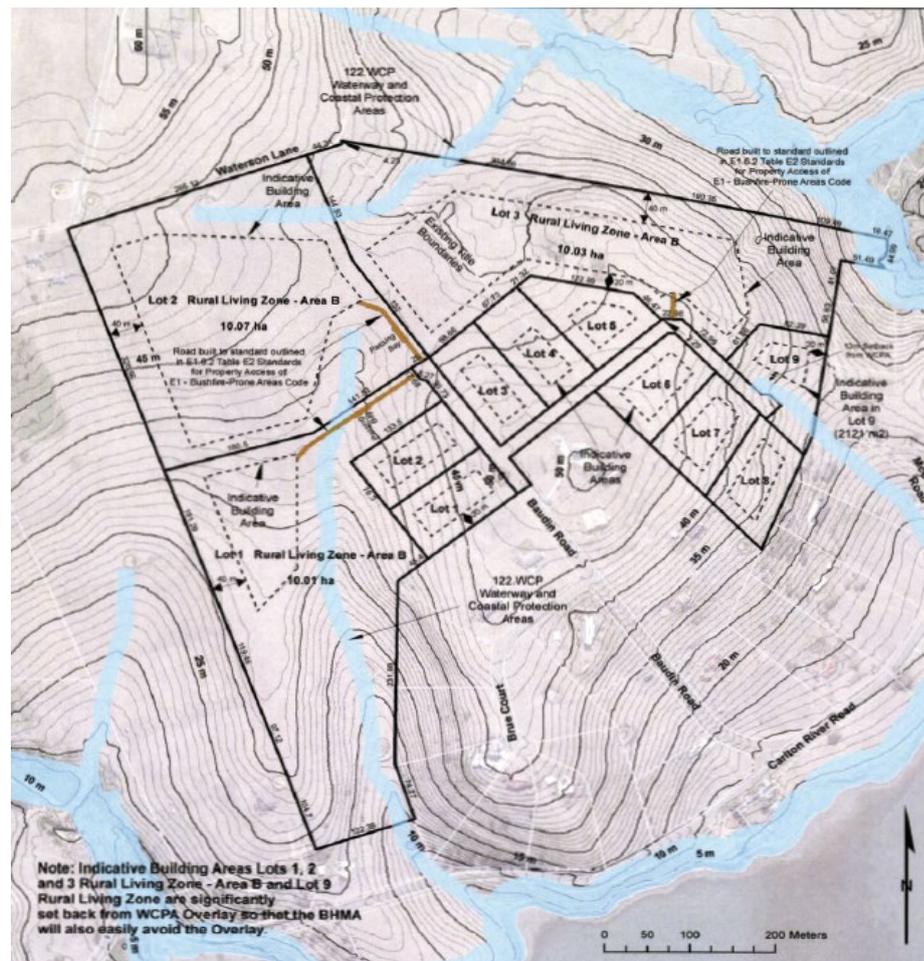


Figure 2: The proposed subdivision layout on the subject site. (source: Applicants supporting reports)

The application was supported by the following detailed reports:

- Agricultural assessment;
- Natural Values Assessment;
- Aboriginal Heritage Assessment Report;
- Traffic Impact Assessment;
- Subdivision Report and plans;
- Planners Report;
- Site and Soil evaluation for wastewater;
- Bushfire Hazard Management Assessment.

This report will address the rezoning first as this will inform the assessment of the subdivision.

The Site

The site is a 40ha parcel of land which is spread over two titles. It is cleared of native vegetation, and is currently in pasture. It is undulating land with the highest point

at the end of the current Baudin Road, and falls away to the north, and conversely to the south west.

The site includes views to the south west over Frederick Henry Bay, with the larger northern lots, having an outlook over the surrounding rural land.

To the south of the site are typical Rural Living lots; on average 1ha in size and accommodating single dwellings with outbuildings. They are predominantly all cleared of vegetation and almost all are fenced.

To the north, the land changes to larger lots – 10-25ha in size. There is no evidence of intensive horticulture, although some of these lots accommodate small numbers of stock, particularly sheep, alpacas, ducks and horses.



Photo 1: The subject site facing west.



Photo 2: The subject site facing north.



Photo 3: The subject site facing north-west.



Photo 4: Examples of nearby Rural Living development.

Zoning

The current zoning is Rural Resource as shown in Figure 1. The zone purpose statements for this zoning are:

26.1.1.1 *To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.*

26.1.1.2 *To provide for other use or development that does not constrain or conflict with resource development uses.*

26.1.1.3 *To provide for non-agricultural use or development, such as recreation, conservation, tourism and retailing, where it supports existing agriculture, aquaculture, forestry, mining and other primary industries.*

26.1.1.4 *To allow for residential and other uses not necessary to support agriculture, aquaculture and other primary industries provided that such uses do not:*

- (a) fetter existing or potential rural resource use and development on other land;*
- (b) add to the need to provide services or infrastructure or to upgrade existing infrastructure;*
- (c) contribute to the incremental loss of productive rural resources.*

26.1.1.5 *To provide for protection of rural land so future resource development opportunities are not lost.*

The two titles currently appear to allow limited rural uses, for example grazing of stock has occurred there in the past. However on the whole, there is relatively limited rural activities occurring on this site or on those surrounding it. The two lots to be rezoned represent two of the larger lots in the area, being effectively book ended to the south by smaller 1ha lots, and to the north by 10-20ha lots. The more substantial rural holdings that have some agricultural opportunities are located to the east of Sugarloaf Road, however, these again are only viable for dry land grazing.

The site does not have access to the south east irrigation scheme, and given the distances from irrigation resources, and the limited amount of area that would benefit from it, it is considered unlikely that resource would ever be made available.

The rezoning proposes the Rural Living Zone. The objectives for this zone are:

13.1.1.1 *To provide for residential use or development on large lots in a rural setting where services are limited.*

13.1.1.2 *To provide for compatible use and development that does not adversely impact on residential amenity.*

13.1.1.3 *To provide for agricultural uses that do not adversely impact on residential amenity.*

13.1.1.4 *To facilitate passive recreational uses that enhance pedestrian, cycling and horse trail linkages.*

13.1.1.5 *To avoid land use conflict with adjacent Rural Resource or Significant Agriculture zoned land by providing for adequate buffer areas.*

13.1.1.6 *To recognise existing rural living uses in the Southern Beaches on land previously designated for reserved residential purposes, but where due to road infrastructure constraints, is not suitable for release as residential land in the future.*

If the land was to be considered for Rural Living zone, it needs to be consistent with the zone purpose statements. With the implementation of the subdivision, the lots would represent residential use on larger lots in a rural setting with limited services. The proposed smaller lots, being adjacent to 1ha sized lots existing in Baudin Road, are entirely compatible with the objectives. The graduation to larger lots sizes to the north would provide a buffer from the small rural holdings further north. These lots would also be of adequate size to accommodate small scale hobby farms, consistent with what occurs on Josephs Road and Waterson Lane. There is potential for the proposed subdivision to facilitate passive recreational uses to enhance local



infrastructure however this has not been shown on the plans to date. The land has not been previously identified as reserve residential and so this zone purpose statement does not apply.

While there are differences in standards between the Rural Resource Zone and the Rural Living zone, particularly around setbacks, there will also be significant differences in allowable uses. These include:

- Visitor accommodation being permitted in Rural Living but discretionary with additional qualifications within the Rural Resource Zone;
- Education and occasional care for home based childcare being no permit required in Rural Living but permitted in the Rural Resource Zone;
- Business and professional services for a veterinary clinic being discretionary in the Rural Living zone but prohibited in the Rural Resource Zone;
- Extractive industries, Crematoria and cemeteries, Food Services, Manufacturing and processing, Motor racing facility, Pleasure Boat Facility, Research and Development, Recycling and Waste Disposal, Service industry, Transport depot and distribution are all discretionary within the Rural Resource Zone but prohibited in the Rural Living Zone.

Fundamentally, the number of permissible uses within the Rural Living zone are fewer than in the Rural Resource Zone. Furthermore, the uses allowable in the event of the rezoning will be consistent with those on the land adjacent to the south.

Codes

Any development on this site will be subject to consideration of the following Codes:

- Bushfire Prone Areas Code;
- Waterway and Coastal Protection Code;
- Road and Railway Assets Code;
- Stormwater Management Code;

These Codes would continue to apply in the event of the rezoning being approved.

Bushfire Prone Areas Code

A bushfire hazard management plan was drafted by an accredited person. This found that each of the proposed lots could contain a building area that could meet the BAL19. Each of the lots could achieve an appropriately constructed access point, and each lot would need to have a 10,000L water tank exclusively for fire-fighting purposes. This meets the requirements of the Code.



Natural Values Assessment

This report was provided in support of the rezoning. It found that the vegetation community was dominated by Agricultural land, with degraded pasture. There is one area of lowland grassland complex with only one threatened plant species identified – *Juncus amabilis* or Gentle Rush. This species is found along two drainage swales around the edge of some of the dams.

Seven declared weeds were found at the site including serrated tussock, Chilean needle grass, African boxthorn, Fennel, Californian thistle, Hoary cress, and blackberry. The report recommends weed management at the site as part of any construction and environment management plan with a particular focus on Chilean needle grass.

This report also addressed the Waterway and Coastal Protection overlay. The report states that future building sites can all be set outside of the overlay area with the driveway also avoiding the overlay. It is the view of the author that the performance criteria can be met.

Traffic Impact Assessment

The application was accompanied by a traffic impact assessment for the development. This found that the proposed road and lot layout provided for good sight distance for access to the proposed lots. The increase in traffic volumes on both Baudin Road and Carlton River Road were found to be within the acceptable levels during peak periods. It is not expected that there will be any delays from the development, nor will there be any safety deficiencies at the Baudin Road/Carlton River Road intersection. The summary was that the development can be supported on traffic grounds.

Aboriginal Heritage

While Aboriginal heritage values does not require assessment through the Planning Scheme, at the time of any rezoning, consideration of likely Aboriginal Heritage values on a site must be completed.

A supporting report was provided which went into considerable detail about the history of the broader area, the other assessments that have occurred in the surrounding area,

A desktop study was completed followed by a field survey. This found that there were no registered Aboriginal sites within or in the immediate vicinity of the study area. There were also no stone resources within the study area that would be suitable for stone artefact manufacturing. Many of the recorded sites of significance were shell middens along the Carlton River foreshore.



The assessment confirmed that if the subdivision were to go ahead within the study area, that it will have no impacts on any known Aboriginal heritage sites. It was considered that there was generally a low to very low potential for undetected Aboriginal heritage sites to occur within the study area footprint. Notwithstanding this, processes outlined in the unanticipated discovery plan should be followed, with a copy of the plan kept on site during construction work.

State Policies and Act Objectives

In recommending approval for initiation of a rezoning, various State Policies, and objectives under the Resource Management and Planning System must be considered. These are detailed below.

Schedule 1 – Part 1 - Objectives of Resource Management and Planning System of Tasmania

The objectives of the RMPS are:

- to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;
- to provide for the fair, orderly and sustainable use and development of air, land and water;
- to encourage public involvement in resource management and planning;
- to facilitate economic development in accordance with the objectives set out in the above paragraphs;
- to promote the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry in the State.

The application for rezoning does not contravene these objectives. In the event of the rezoning being initiated, it would be advertised for public comment, as would the subdivision application. In the event of initiation the application would be referred to the Tasmanian Planning Commission for decision. The application is considered to meet the objectives of the Act.

State Coastal Policy

The site is within 1km of the coastline therefore is classified as the coastal zone under the policy. To that end, the State Coastal Policy is applicable for consideration as part of this application.

The policy has three main principles, these are:

Natural and Cultural Values of the coast shall be protected:



The site is setback over 500m from the coast, and is separated from the coastline by a road, a number of existing subdivided rural living lots and topographic change with much of the site is over the crest of a hill.

Given the separation from the coastline; the established development between the subject site and the coastline; the ability to implement soil and water management techniques on site; and the fact that any subdivision in a Rural Living zoning would provide for larger lots; with less impervious area than higher density housing; it is considered that the natural and coastal values of the coastline would be protected.

The coast shall be used and developed in a sustainable manner.

The development does not propose the use of the coastline in any manner and so this policy requirement is not applicable.

Integrated management and protection of the coastal zone is a shared responsibility.

Applicable Codes related to water quality and the coastal zone will continue to apply to this site following the rezoning. These include specific standards related to those environmental values and risks. This is the appropriate mechanism for addressing the protection of the coastal zone.

State Policy on the Protection of Agricultural Land 2009

The site is currently in pasture and has been utilised for grazing over the last several years. It does not have access to the south east irrigation scheme.

As part of the submission documentation, an agricultural assessment was provided by Pinion Advisory, an agricultural consulting firm. This found:

- That upon inspection of the property, the land was classified as Class 4, Class 4+5, Class 5 and Class 6.
- The Class 4 land is closest to Baudin Road, and is considered to be suitable for grazing and occasional cropping, however conservation treatments or careful management is required to minimise degradation; meaning cropping is limited to 1-2 years out of 10 in a rotation with pasture to avoid damage to the soil resource. The versatility of the land is limited.
- The Class 5 and 6 land is unsuitable for cropping although some areas may be suitable for pasture. It could be more useful with appropriate soil conservation measures and land management practices.
- Specific risks to this site include:
 - Erosion associated with wind erosion on bare or exposed soils, or sheet erosion on bare or exposed soils during heavy rainfall events.
 - Rockiness with the frequent presence of surface stone;

- Soils associated with the presence of stone and gravels present on the surfaces and throughout the soil profile, shallow topsoil depth and imperfect soil drainage.
- The pastures on site are particularly degraded and there is very low rainfall (average annual rainfall of 484mm).
- There is no access to reliable stock water and so all water requirements were trucked in during the previous pastoral use on site.
- No access to irrigation water.
- The economics of stocking this land with livestock (sheep was the example given) results in an inability to break even financially, and if further investment was made regarding soil fertility, pasture improvement and adoption of appropriate grazing practices (an investment of \$80,000) it would take 9-10 years to break even from that.

Fundamentally, the Protection of Agricultural Land Policy focusses on Prime Agricultural land which is classified as class 1-3; land which has access to irrigation; and specific standards in relation to plantation forestry.

There are a smaller number of policies that reference the protection of non-prime agricultural land from conversion to non-agricultural use and residential development.

The land in question is not locally nor regionally significant. It has low levels of grazing but has not been heavily invested in to improve agricultural outputs. It represents 0.032% of the total non-prime agricultural land in the Nugent district. In considering the report as written, even substantial investment is unlikely to make the site highly profitable and a significant contributor to the local agricultural economy. Edge effects from established Rural Living areas adjacent, including stock losses, issues with irrigation spray and so forth also impact upon viability, as does the fact that this site is not adjacent or near to sites with prime agricultural land, with the majority of sites being used for low intensity small scale pastoral use.

In summary, it is considered that the proposal is consistent with the PAL policy principles.

State Policy on Water Quality Management 1997

The objectives of this policy is to achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's RMPS.

Critically the main requirements are:

- Focus on water quality management;



- Ensure that diffuse source and point source pollution does not impact upon water quality objectives and the pollutants are discharged as far as is reasonable;
- Ensure the efficient and effective water quality monitoring is implemented;
- Facilitate and promote integrated catchment management;
- Apply the precautionary principle.

In this instance, the site does have ephemeral water courses that flow in times of high rain fall. They have the ability to end up in receiving coastal waters, although there is some separation distance and a number of properties between the site and the coastline. It is considered that in the event of the rezoning being approved, and subdivision occurring, that through careful soil and water management, and appropriate management of stormwater on site; it is unlikely that there would be any impact upon coastal waters and the policy requirements would be met.

National Environment Protection Measures

National Environment Protection Measures (NEPMs) are a special set of national objectives designed to assist in protecting or managing particular aspects of the environment. In general terms NEPMs are made on:

- Ambient air quality;
- Ambient marine, estuarine and fresh water quality;
- Protection of amenity in relation to noise;
- General guidelines for the assessment of site contamination;
- Environmental impacts associated with hazardous wastes;
- The re-use and recycling of used materials.

The rezoning as proposed is not likely to necessitate consideration against any NEPMs as identified in the *National Environment Protection Council Act 1994*.

Southern Tasmanian Regional Land Use Strategy

The Southern Tasmanian Regional Land Use Strategy provides the strategic guidance for use and development in the broader southern region for the time period of 2010-2035. The Implementation Statement highlights how amendments made to planning schemes must take the strategy into account.

Specifically to this rezoning application, the strategy requires consideration of section 19 – Settlement and Residential Development, and the associated Strategic Directions.

The Carlton River area is not specifically identified within the Growth Management Strategies for settlements, although Carlton Beach and Primrose Sands area (Carlton River being located roughly between the two). The Growth strategies for these areas are Very Low and Consolidation. The localities of Carlton Beach and



Primrose are identified as Dormitory Suburbs of Greater Hobart; reliant upon services and facilities within the metropolitan area of Greater Hobart, with a population of less than 2000.

Very Low Growth is defined as

“no new potential dwellings except single dwellings on existing lots or where there is existing low density subdivision potential subject to demonstrating that: there will be no off-site impacts from on-site waste water disposal; there is adequate provision of potable water either through reticulation or tank water; and hazard and natural values constraints are adequately addressed”.

Consolidation as a growth scenario requires

“that the growth should be predominantly from infill development which can involve development of existing subdivided lots, subdivision of existing zoned but vacant or developed residential, construction of additional dwellings on existing developed lots, redeveloping existing developed lots”.

In 2016¹, Carlton (including Carlton River and Carlton Beach) had a population of 1,384 people with Primrose at 1050. In the years since 2016, 222 building approvals were issued for the Southern Beaches area which also included Dodges Ferry, and Lewisham. For the Carlton area, the population in that location is approximately 25% of the overall Southern Beaches population. It is plausible that 55 dwellings (being 25% of 222) have been constructed in the Carlton area since 2016. At an average of 2.4 people per dwelling, this could result in a population increase in that area of approximately 131 persons. This could take the total population in the Carlton area alone to approximately 1,515 persons which remains under the 2000 population identified as part of a dormitory suburb.

As the proposal is for the rezoning of land to Rural Living specifically, Clause SRD 1.3 must be considered and is relied upon. It states:

c. Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:

(i) the land must predominantly share common boundaries with:

- existing Rural Living zoned land; or*
- rural living communities which comply with SRD 1.3(a);*

(ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;

(iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;

¹ Based on Census data, www.quickstats.censusdata.abs.gov.au



- (iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;*
- (v) the land rezoned to rural living use is not designated as Significant Agricultural Land;*
- (vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and*
- (vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.*

The rezoning must meet all the requirements identified in SRD 1.3(c). These requirements are met as follows:

- (i) The land shares a common boundary with Rural Living zoned land to the south in Baudin Road. This meets the requirement.
- (ii) The amount of Rural Living land represents an increase in overall lots by 10 lots. This is the critical issue in relation to how it meets the strategy or otherwise and is considered in greater detail below.
- (iii) The development and use of the land for residential purposes is unlikely to increase the potential for land use conflict as the lots adjacent to the Rural land are much larger, achieving greater separation distances between housing and rural activities. In addition, the rural land further to the north are not substantial land holdings, and are not in high value agricultural productivity, being primarily used for hobby farming activities, and in recognition of the lack of irrigation water, and limited land capability.
- (iv) The proposed subdivision layout that was submitted with the rezoning application shows a road connection from the end of Baudin Road. This demonstrates adequate connectivity for vehicular and pedestrian movement and ensures it will integrate with the established Rural Living zoned area.
- (v) The land to be zoned Rural Living is not designated as Significant Agriculture, nor is it considered prime agricultural land.
- (vi) The land to be zoned Rural Living is not adjacent to the Urban Growth Boundary nor is it identified for future urban growth.
- (vii) The lot layout has taken into account constraints on site including waterways and landslide areas.

The strategy does not define what is a “significant increase” nor does it define the “immediate locality”, and to that end determining compliance with this provision is not straight forward. The applicant determines that the increase in Rural Living land is 30%, based on the fact that there will be nine 1ha lots as part of the development, which is approximately 30% of the overall land area. The applicant does not comment upon the fact that the remaining 31ha will also be subdivided into a further three lots.



It is considered that the strategy requires analysis of the amount of land area to be rezoned to Rural Living in relation to the immediate locality, not as an analysis of the number of lots created from what is existing on the subject site. The 2011 strategy was based on Census data from 2006, and associated locality definitions. Again, Carlton River was not defined at that time. Carlton as a locality was defined at that time but fell short of where the subject property is located.

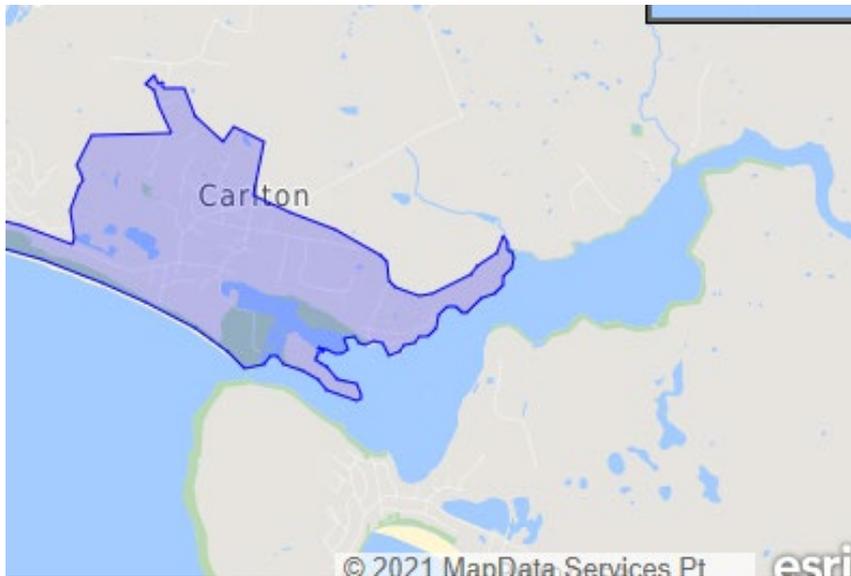


Figure 1 Carlton as a locality defined in the 2006 Census.

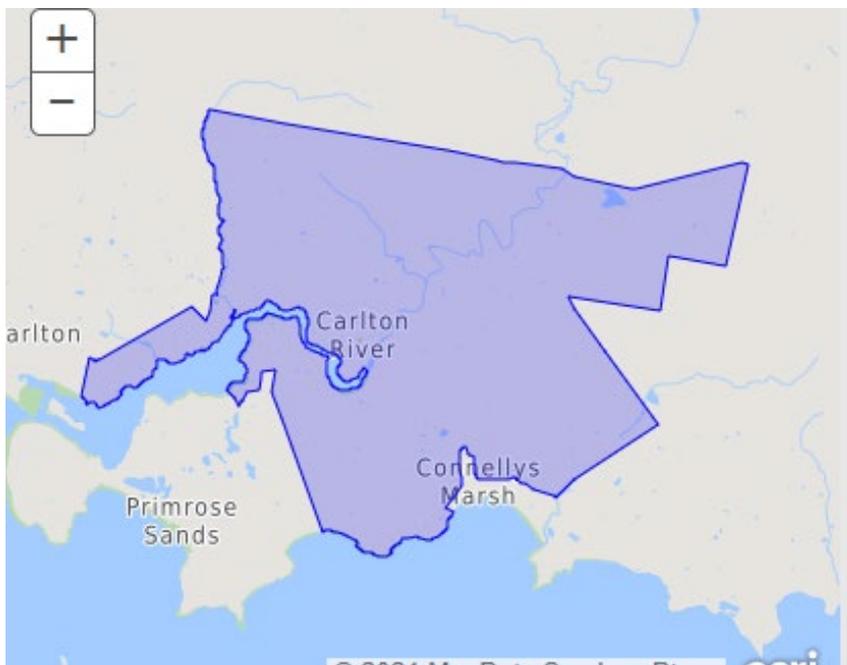


Figure 2 Carlton River locality as defined by the 2016 Census.

Carlton River as a locality predominantly covers the agricultural land to the east of the river catchment itself. The dominant characteristics of this area from a land use planning perspective, are large land holdings used for hobby farms or dry land grazing. The site and its relationship to the surrounding area, however is more

nuanced than this, with the development pattern reflecting an extension of the Carlton area to the east.

This particular issue has been considered by the Commission before, in relation to a scheme amendment 43/2016.2 under the *Sorell Interim Planning Scheme 2015*. This amendment proposed the rezoning of 195ha of Rural Living land off Old Forcett Road. The critical issue in that case was around clause (ii) and how one considers 'significant', 'immediate' and 'locality'. In that case, the Commission relied upon the Macquarie Dictionary definition which stated:

- Significant as being 'important; of consequence'
- Immediate as 'having no object or space intervening; nearest or next: in the immediate vicinity' and
- Locality as '1. A place, spot, or district, with or without reference to things or persons in it. The place in which a thing is or occurs'.

That decision determined that Dodges Ferry was considered to be the immediate locality. While not explicitly stated, Dodges Ferry as an area is identified as the locality on the LIST data. While the amount of Rural Living land in Dodges Ferry is considerable as compared to what exists at Carlton River, it was considered that rezoning 195ha was not insignificant, therefore it did not meet Clause SRD1.3(c)(ii).

A separate decision made by the Commission in relation to this issue of significant increase in the immediate locality was RZ 2016-07, under the *Brighton Interim Planning Scheme 2015*. In this case, again locality was defined as that found in the locality layer on the LIST map. Similarly to the Dodges Ferry decision, while the surrounding area has considerable Rural Living land, the increase brought about by some 90 odd lots was considered to be too significant to meet Clause SRD1.3(c)(ii).

Conversely, a recent decision by Sorell Council to approve a rezoning at 223 Old Forcett Road, saw an application for rezoning that could have resulted in 6 lots. This lot was adjacent to expansive areas of Rural Living zoned land, however in that instance the Commission, on consideration of what was significant in relation to the immediate locality, determined that only 4 lots were allowable on the parent title to ensure compliance with SRD 1.3(c)(ii).

It is of note that the LIST map localities identified have been drawn based on the most recent Australian Bureau of Statistics collector districts and do not for any intents and purposes, reflect any planning context or background. Furthermore, in the instance of this site, the census district has changed between the years that the Strategy was declared, and the most recent census collection period in 2016. There is no way of telling what the census collection district will be this year in 2021 and how that will influence locality if that is relied upon by the Commission.

In relation to the Locality as defined by the 2016 census district and reflected on the LIST map, the amount of land area zoned Rural Living (minimum lot size of 1ha)



is just over 35ha. This however doesn't take account of the land zoned Low Density Residential within the immediate locality, nor does it consider the land which may be zoned Rural Resource, which has lot sizes more akin to Rural Living B zoned land.

More critically, the locality as defined doesn't reflect the settlement pattern which more accurately reflects Carlton as opposed to Carlton River. There is some merit in the argument that Carlton River is the eastern book end of this main section of Low Density and Rural Living land in the Southern Beaches. However, none of this is a matter for consideration in relation to the strategy.

The site is located in Carlton River as defined by the Census district and accordingly identified in the LIST map. Carlton River has 35ha that are zoned Rural Living with a minimum lot size of 1ha. The application proposes 9 lots – approximately 9ha – to be zoned Rural Living. This represents approximately 26% increase.

Given previous decisions of the Commission in relation to what is considered significant, a 26% increase in Rural Living lots in the immediate locality is significant and to that end, does not meet clause (c)(ii).

Sorell Strategic Plan

The Sorell Strategic Plan identifies the following objectives:

- Objective 1 – To Facilitate Regional Growth;
- Objective 2 – Responsible Stewardship and a Sustainable Organisation;
- Objective 3 – To Ensure a Liveable and Inclusive Community; and
- Objective 4 – Increased Community Confidence in Council.

The proposal as submitted does not contradict the Strategic Plan.

Sorell Land Supply Strategy.

The Sorell Land Supply Strategy was undertaken in 2018 and updated in 2019. It was drafted to provide some direction for development and rezoning within the municipality, as the municipal area grapples with high levels of development. A number of sites within the Southern Beaches area were identified for Rural Living development. This included sites that were identified for Rural Living B zoning (being 10ha minimum lot size).

The subject site was not identified within this Land Supply Strategy as being a location for further Rural Living development.

Conclusion

The application as submitted to Council is comprehensive and provides detailed responses to a range of issues associated with the rezoning of the land from Rural



Resource to Rural Living. It is agreed that the rezoning represents an orderly transition from Rural Living to Rural Resource land, particularly with the utilisation of Rural Living B lots at a 10ha minimum lot size.

The rezoning of the site can be supported on Traffic management grounds, in relation to natural values, in relation to Aboriginal cultural values, and viable agricultural land. However the Southern Tasmanian Regional Land Use Strategy is highly restrictive in relation to rezoning land to Rural Living. Specifically, the strategy does not provide a rezoning pathway where it is considered that there will be a significant increase in Rural Living lots in the immediate locality. Given the limited number of rural living lots in the immediate locality of Carlton River, the proposal for nine 1ha lots and a further three 10ha lots is considered significant. To that end, despite the proposals merits, it is recommended to Council that the rezoning not be initiated.

LAND USE PLANNING

DEVELOPMENT APPLICATION NO. SA 2021/3

MCGINNESS ROAD, CARLTON RIVER

APPLICANT: Q C NEWITT

PROPOSAL: SUBDIVISION OF 12 LOTS

ADDRESS: MCGINNESS ROAD, CARLTON RIVER

RECOMMENDATION

That Development Application No. SA-2021/3 for a subdivision of 12 lots at McGinness Road, Carlton River for Q C Newitt be refused for the following reason:

1. The proposal does not comply with Clause 26.5.1 P1, Development Standards for Subdivision of the Sorell Interim Planning Scheme 2015, as the proposed subdivision has lot sizes smaller than 40ha.

This is an application for the subdivision of two lots at McGinness Road, Carlton River. The subdivision would result in nine 1ha lots, and a further three 10ha lots with a new road constructed from the end of Baudin Road.

The property has two titles and combined is approximately 40ha in area. The site is zoned Rural Resource which has a minimum lot size of 40ha.



The application was made to Council as part of a combined rezoning and subdivision application, whereby the subdivision was reliant upon the rezoning of the land to Rural Living to be recommended for initiation.

The rezoning has not been recommended for initiation, and to that end, the application does not comply with Clause 26.5.1 P1 which states:

P1

A lot must satisfy all of the following:

(a) be no less than 40ha; except for

(i) 2582 Tasman Highway (CT 142417/1)

where the minimum lot size is determined as the entire portion of the land in this zone

(b) have a frontage of no less than 6m;

(c) not be an internal lot unless the site contains existing internal lots or creation of an internal lot is necessary to facilitate rural resource use;

(d) be provided with safe vehicular access from a road;

(e) provide for the sustainable commercial operation of the land by either:

(i) encompassing sufficient agricultural land and key agricultural infrastructure, as demonstrated by a whole farm management plan;

(ii) encompassing an existing or proposed non-agricultural rural resource use;

(f) if containing a dwelling, setbacks to new boundaries satisfy clause 26.4.2;

(g) if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the lot containing the primary dwelling;

(h) if vacant, must:

(i) contain a building area capable of accommodating residential development satisfying clauses 26.4.2 and 26.4.3;

(ii) not result in a significant increase in demand for public infrastructure or services;

(i) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.



While some of the above sub clauses can be complied with, all of the proposed 12 lots will be smaller than 40ha and therefore will not comply with Clause (a). To that end the application is recommended for refusal.

Caroline Lindus

Consultant Senior Planner

Attachments: Councillor F:) Drive.

06 May 2021



10.2 DEVELOPMENT APPLICATION NO. 43.2021.1

MCGINNESS ROAD, CARLTON RIVER

APPLICANT: Q C NEWITT

PROPOSAL: REZONING FROM RURAL RESOURCE TO RURAL LIVING

ADDRESS: MCGINNESS ROAD, CARLTON RIVER

RECOMMENDATION

“That S43a amendment application No. 43.2021.1 for a rezoning from Rural Resource to Rural Living at McGinness Road, Carlton River for Q C Newitt be refused pursuant to section 33 (3) of the former provisions of the *Land Use Planning and Approvals Act 1993* because:

The rezoning proposes a significant increase in Rural Living lots in the immediate locality, which is in contravention with Clause SRD 1.3(c)(ii) of the Southern Tasmanian Regional Land Use Strategy.”

95/2021 REED/REYNOLDS

“That the recommendation be accepted.”

An amended Motion was moved.

RECOMMENDATION

“That in accordance with the provisions of the *Land Use Planning and Approvals Act 1993*, Draft Amendment No. 43.2021.1 to the Sorell Interim Planning Scheme 2015 relating to the rezoning from Rural Resource to Rural Living at McGinness Road, Carlton River, Council resolves that the report of the Consultant Senior Planner be received and that:

1. In accordance with 34(1) (b) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council initiates draft Amendment 43.2021.1.”

96/2021 DEGRASSI/NICHOLS

The amended Motion was put.

For: Reynolds, Nichols, Gala, Degrassi, and Vincent

Against: Jackson, Reed and Torenus

The amended Motion was **CARRIED**.

The Motion as amended was put.

For: Reynolds, Nichols, Gala, Degrassi, and Vincent

Against: Jackson, Reed and Torenus

The Motion was **CARRIED**.

11.0 GOVERNANCE

^

11.1 DISPOSAL OF PUBLIC LAND – GIBLIN DRIVE / STORES LANE ROAD RESERVES

RECOMMENDATION

“That Council resolve to authorise the General Manager to dispose of the public land described in Certificate of Title Volume 133032 Folio 101 and Stores Lane Road Reserves x 2 (no title identifiers) situated at Stores Lane and Giblin Drive, Sorell pursuant to Section 178 of the Local Government Act 1993.”

97/2021 JACKSON/REED

“That the recommendation be accepted.”

The motion was put.

For: Reynolds, Torenus, Nichols, Reed, Jackson, Gala, Degrassi, and Vincent

Against: None

The Motion was **CARRIED**



4.2 SCHEME AMENDMENT NO. 43.2021.1

APPLICANT: Q C NEWITT

PROPOSAL: REZONING FROM RURAL RESOURCE TO RURAL LIVING

ADDRESS: MCGINNESS ROAD, CARLTON RIVER

RECOMMENDATION

That in accordance with the provisions of the *Land Use Planning and Approvals Act 1993* Draft Amendment No. 43/2021/1 of the *Sorell Interim Planning Scheme 2015*, relating to an application by Quentin Newitt at Baudin Road, Carlton and McGinness Road, Carlton River, Council resolves that the report of the Senior Planner be received and that:

1. In accordance with section 35(1) (a) of the *Land Use Planning and Approvals Act 1993*, Council certifies draft amendment 43.2021.1 as meeting the requirements of section 32 of the Act.
2. In accordance with section 35(4) of the *Land Use Planning and Approvals Act 1993*, Council forwards a copy of the sealed Instrument of Certification and the draft amendment to the Tasmanian Planning Commission.
3. In accordance with section 56S of the *Water and Sewer Industry Act 2008*, Council refers draft amendment 43.2021.1 to TasWater.
4. In accordance with section 38 of the *Land Use Planning and Approvals Act 1993*, Council publicly exhibits the draft amendment 43.2021.1 for a period of 21 days.

BACKGROUND

This is an application for a rezoning of two parcels of land at Josephs Road, Carlton and McGinness Road, Carlton River.

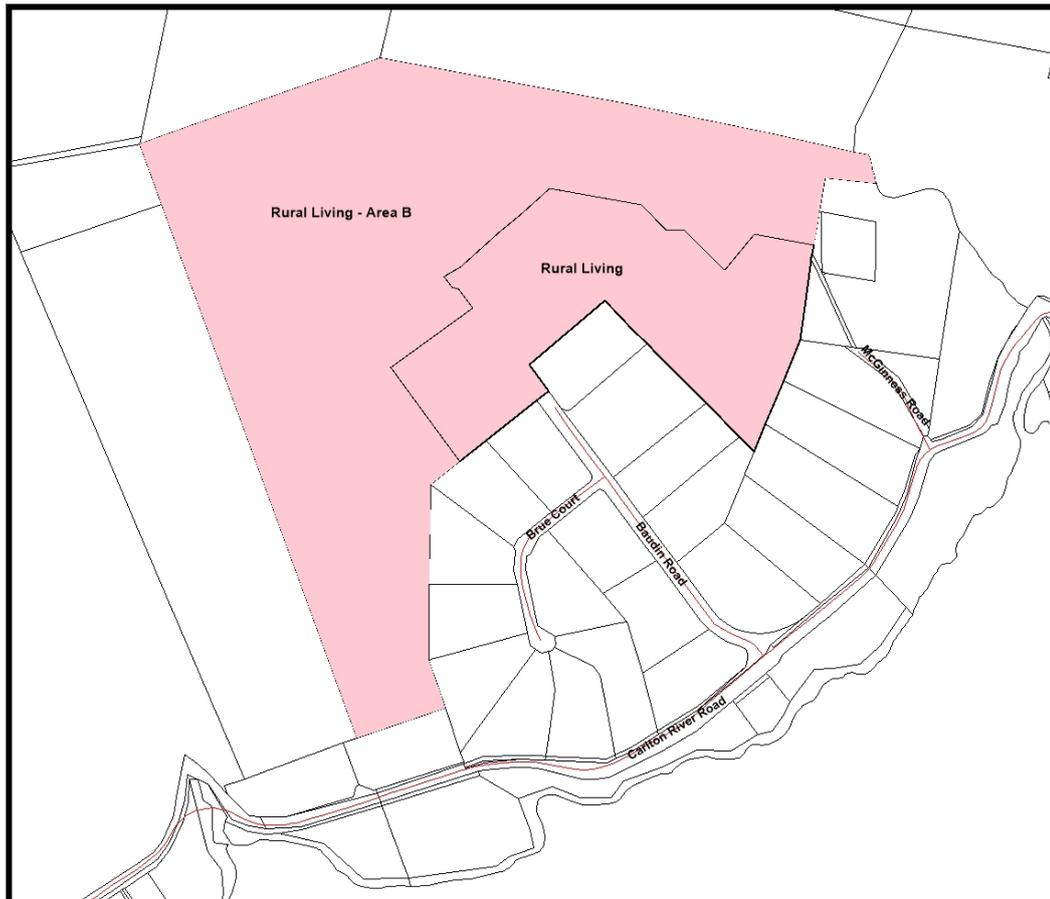
Following consideration of the amendment by Council at the Ordinary Council meeting of 20 July 2021, the officer recommendation was overturned with the Council resolving to initiate the amendment. To facilitate certification of the amendment the above recommendation must be made.



SORELL INTERIM PLANNING SCHEME 2015 AMENDMENT NO. 1/2021

To amend the Sorell Interim Planning Scheme 2015 as follows:

Rezone land at Josephs Road, Carlton and McGinness Road, Carlton River from Rural Resource, to Rural Living and Rural Living B as shown below.



Date.....

The Common Seal of the Sorell Council has been hereunto Duly affixed in the presence of:)	
)
)	Mayor
)
)	Councillor
)
)	General Manager



SUBDIVISION APPLICATION NO. SA2021 / 0003 - 1

APPLICANT: Q C NEWITT

PROPOSAL: 12 LOT SUBDIVISION

ADDRESS: JOSEPHS ROAD, CARLTON & MCGINNESS ROAD, CARLTON RIVER,
(ALSO KNOWN AS WATERSON LANE), CT 169070/1 AND CT
119311/1.

Introduction

This application for the 12 lot subdivision was lodged with the rezoning as provided for under s43a of the *Land Use Planning and Approvals Act 1993*.

43A. Application for a permit when amendment requested

- (1) A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider, in accordance with this Division, an application for a permit which would not be allowed if the planning scheme were not amended as requested.*
- (2) Where a planning authority has decided to initiate an amendment under section 33(3), it may consider the application for a permit referred to in subsection (1) concurrently with the preparation of the requested amendment to the planning scheme.*
- (3) An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.*

As the rezoning was initiated by Council on 20 July 2021, the proposed subdivision must be assessed against the standards of the Rural Living Zone, and relevant Code standards. This process enables Council to assess the application as if the rezoning has gone through.

To that end, this report will address the subdivision application as submitted. This application is proposing the subdivision of two existing titles, to 12 lots in total. This represents an increase in the number of lots by 10 lots.

In accordance with the rezoning approach, the land will be zoned two different classes of Rural Living: Rural Living B to the north of the site with a minimum lot size of 10ha, and Rural Living to the south of the site with a minimum lot size of 1ha.

The subdivision proposes three 10ha lots, and nine 1ha lots.



Strategic plan

The application will not require an amendment to the strategic plan.

Annual plan

The application will not influence the annual plan.

Policy

The application does not impact upon Council policies.

Environmental implications

The land is currently agricultural land which is used for grazing. An environmental report was submitted with the application which found that the vegetation community was dominated by Agricultural land, with degraded pasture. There is one area of lowland grassland complex with only one threatened plant species identified – *Juncus amabilis* or Gentle Rush. This species is found along two drainage swales around the edge of some of the dams.

Seven declared weeds were found at the site including serrated tussock, Chilean needle grass, African boxthorn, Fennel, Californian thistle, Hoary cress, and blackberry. The report recommends weed management at the site as part of any construction and environment management plan with a particular focus on Chilean needle grass.

This report also addressed the Waterway and Coastal Protection overlay. The report states that future building sites can all be set outside of the overlay area with the driveway also avoiding the overlay. It is the view of the author that the performance criteria can be met.

Asset management implications

The approval of this subdivision would result in the creation of an additional road which will become an asset requiring management into the future. It will also create an additional 10 lots beyond the existing that will require servicing with rubbish collection.

Risk management implications

There are no significant risk management implications from this subdivision.

Community implications



The approval of this subdivision would provide lots for an additional 10 dwellings in the area, beyond what is currently allowable.

Statutory implications

Zone: Rural Living and Rural Living B.

Use Classification: Subdivision is a discretionary use.

Representations

Unlike a normal subdivision application process, as this subdivision is incorporated within a Planning Scheme amendment process, the application will be advertised following the initiation of the amendment. It will be advertised for 3 weeks with the community able to comment upon the rezoning and/or the subdivision as they see necessary.

Following the advertising period, a section 39 report will be drafted addressing any representations and making comment upon whether further changes to the zoning, or additional conditions, need to be applied.

Referrals

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

Environmental Health had no comments or conditions.

Engineering provided the following comments and conditions.

This subdivision is located off the northern end of Baudin Road, between Carlton River Road and Waterson Lane in Carlton River. The subdivision consists of 9 x Rural Living Lots and 3 Rural Living Area B Lots. The subdivision roads will be an extension of Baudin Road with a proposed new road (unnamed) to the right hand side off Baudin Road. Baudin Road has a reservation width of 20 metres and the proposed road will have a width of 18 metres. Accesses for all proposed lots will be from these two roads. Road drainage outlets (easements) will be required.

Draft conditions will be applied.



Report

This is an application for 12 Lot Subdivision at Josephs Road, Carlton & McGinness Road, Carlton River.

The property is two titles, having a total area of 41ha. It is to the north of Carlton River, and gains access from Baudin Road, and Waterson Lane. Land to the south of the site is Rural Living, with lot sizes typically around 1ha accommodating single dwellings. To the north of the site, the lots are more substantial land holdings, accommodating single dwellings and more often than not, hobby farm agricultural activities. None of the properties to the north have intensive horticulture or agriculture.

The following zone standards are relevant for consideration:

Clause 13.5.1 – Lot

Acceptable Solution	Performance Criteria
<p>A1.1 <i>The size of each lot must be no less than the following, except if for public open space, a riparian or littoral reserve, or a Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority:</i></p> <p><i>as specified in Table 13.1.</i></p> <p>A1.2 <i>223 Old Forcett Road, Forcett (folio of the Register folio 204117 volume 1) contains not more than 4 lots.</i></p>	<p>P1 <i>No Performance Criteria.</i></p>
<p><u>Planners Response:</u></p> <p>Table 13.1 specifies that lots zoned Rural Living must have a minimum lot size of 1ha, and lots zoned Rural Living B must have a minimum lot size of 10ha. The proposed application meets these requirements with lots 1-9 having a minimum lot size of 1ha, and lots 1-3 – Rural Living B being just over 10ha each. Complies.</p>	
<p>A2 <i>The design of each lot must provide a minimum building area that is rectangular</i></p>	<p>P2</p>

<p><i>in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;</i></p> <p><i>(a) clear of the frontage, side and rear boundary setbacks;</i></p> <p><i>(b) not subject to any codes in this planning scheme;</i></p> <p><i>(c) clear of title restrictions such as easements and restrictive covenants;</i></p> <p><i>(d) has an average slope of no more than 1 in 5;</i></p> <p><i>(e) has a separation distance no less than:</i></p> <p style="padding-left: 40px;"><i>(i) 100 m from land zoned Rural Resource;</i></p> <p style="padding-left: 40px;"><i>(ii) 200m from land zoned Significant Agriculture.</i></p> <p><i>(f) has a setback from land zoned Environmental Management no less than 100 m.</i></p> <p><i>(g) is a minimum of 30 m x 30 m in size.</i></p>	<p><i>The design of each lot must contain a building area able to satisfy all of the following:</i></p> <p><i>(a) is reasonably capable of accommodating residential use and development;</i></p> <p><i>(b) meets any applicable standards in codes in this planning scheme;</i></p> <p><i>(c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;</i></p> <p><i>(d) minimises the requirement for earth works, retaining walls, and cut & fill associated with future development;</i></p> <p><i>(e) is sufficiently separated from the land zoned Rural Resource and Significant Agriculture to prevent potential for land use conflict that would fetter non-sensitive use of that land, and the separation distance is no less than:</i></p> <p style="padding-left: 40px;"><i>(i) 40 m from land zoned Rural Resource;</i></p> <p style="padding-left: 40px;"><i>(ii) 80 m from land zoned Significant Agriculture;</i></p> <p style="padding-left: 80px;"><i>(f) is setback from land zoned Environmental Management to satisfy all of the following:</i></p> <p style="padding-left: 40px;"><i>(i) there is no significant impact from the development on environmental values;</i></p> <p style="padding-left: 40px;"><i>(ii) the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;</i></p> <p style="padding-left: 40px;"><i>(iii) there is minimal potential for contaminated or sedimented water runoff</i></p>
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	<p><i>impacting the land zoned Environmental Management;</i></p> <p><i>(iv) there are no reasonable and practical alternatives to developing close to land zoned Environmental Management.</i></p>
<p><u>Planners Response:</u></p> <p>Each lot has a specified building area which is cleared of the frontage, side and rear setbacks. However a number of these building areas are subject to codes within the planning scheme and some are within 100m of land zoned Rural Resource. The performance criteria P2 must be considered.</p> <p>The building areas are of adequate size to accommodate residential use and development and have the capacity to meet the applicable standards in Codes in this planning scheme. The building areas will be able to achieve reasonable solar access with minimal cut and fill works. The building areas will be able to be setback more than 40m from land zoned Rural Resource, and more than 80m from land zoned Significant Agriculture. The building areas are all in excess of 200m from the land zoned Environmental Management along the waterfront. The application is considered to meet the relevant performance criteria.</p>	
<p><i>A3</i></p> <p><i>The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:</i></p> <p><i>40 m.</i></p>	<p><i>P3</i></p> <p><i>The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than:</i></p> <p><i>6m.</i></p>
<p>The 1ha Lots 1-7 and 9 all have frontages of more than 40m. The 10ha lots 3 and 1 have frontages well in excess of 40ha. The 1ha lot 8 has a frontage of only 10m and the 10ha Lot 2 has a frontage of approximately 25m. Therefore the application must be considered against the Performance criteria.</p> <p>Lot 8 has a frontage of 10m and Lot 2 has a frontage of 25m. Both of these can achieve a reasonable vehicular and pedestrian access. The proposal meets the performance criteria.</p>	

<p>A4</p> <p>No lot is an internal lot. [R1]</p>	<p>P4</p> <p>An internal lot must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land; (b) it is not reasonably possible to provide a new road to create a standard frontage lot; (c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot; (d) the lot will contribute to the more efficient utilisation of rural living land; (e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use; (f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m; (g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot; (h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road; (i) a sealed driveway is provided on the access strip prior to the sealing of the final plan. (j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.
<p>Complies, there are no internal lots proposed.</p>	
<p>A5</p>	<p>P5</p>

<p><i>Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.</i></p>	<p><i>Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.</i></p>
<p>There are no existing buildings. Complies.</p>	

Clause 13.5.2, Roads.

Acceptable Solutions	Performance Criteria.
<p>A1</p> <p><i>The subdivision includes no new road.</i></p>	<p>P1</p> <p><i>The arrangement and construction of roads within a subdivision must satisfy all of the following:</i></p> <ul style="list-style-type: none"> <i>(a) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</i> <i>(b) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</i> <i>(c) the subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;</i> <i>(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;</i> <i>(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;</i> <i>(f) internal lots are not created;</i> <i>(g) connectivity with the neighbourhood road network is maximised;</i> <i>(h) the travel distance between key destinations such as shops and services is minimised;</i>



	<p>(i) walking, cycling and the efficient movement of public transport is facilitated;</p> <p>(j) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;</p> <p>(k) multiple escape routes are provided if in a bushfire prone area.</p>
<p><u>Planners Response:</u></p> <p>The application involves the construction of a new road, therefore the performance criteria must be considered.</p> <p>The entire lot is going to be subdivided and the balance lot will not represent any further subdivision opportunity. The Planning Authority does not have a road network plan that applies to this area. Adjoining properties do not represent any further subdivision potential that the construction of this road should assist, in part due to the adjacent zoning, in part due to other properties having access to other roads. Two culdesacs are created, but given the constraints around zoning and existing lot layout, this is considered acceptable. There are no internal lots created. Connectivity with the neighbourhood road network will be achieved back to Carlton River Road via Baudin Road and to Waterson Lane to the north.</p> <p>This area does not have shops nearby, and therefore any road network is not going to improve the travel distance in that regard. Similarly there is very limited-no public transport in this area therefore the road network does not need to facilitate public transport routes. The road will not be an arterial or collector road therefore does not need to provide cycling infrastructure. There will be two escape routes in the event of a fire, to Waterson Lane to the north for two of the lots, and the remainder to Baudin Road and Carlton River Road to the south. The application meets the performance criteria.</p>	

Clause 13.5.3 Ways and Public Open Space

Acceptable Solutions	Performance criteria
<p>A1 <i>No Acceptable Solution.</i></p>	<p>P1 <i>The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i></p> <ul style="list-style-type: none"> <i>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i> <i>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i> <i>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i> <i>(d) topographical and other physical conditions of the site are appropriately accommodated in the design;</i> <i>(e) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;</i> <i>(f) the route of new equestrian ways has regard to any equestrian trail plan adopted by the Planning Authority.</i>
<p>There are no proposed ways or public open space within the subdivision. Furthermore there are no ways or open space in the nearby area that the subdivision layout should connect with.</p>	
<p>A2 <i>No Acceptable Solution.</i></p>	<p>P2 <i>Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.</i></p>

In accordance with section 6 of Council's Public Open Space Policy, a cash in lieu contribution should be made in lieu of land. The cash in lieu contribution should be made up to 5% of the improved value of the land. The percentage to be taken should be based on consideration of the scale of the subdivision and the likely demand on open space, the existing provision of open space in the vicinity and the extent to which the lots can accommodate their own recreational needs.

The subdivision would result in a total of 12 lots, which is a reasonable level of demand. While 3 of those lots are likely to accommodate their recreational needs within the lot, the remaining lots at 1ha each, have limitations in so far as providing for recreational space. Furthermore, the surrounding area has limited open space available to it being Snake Hollow Park some 3km away, and Carlton Beach itself, and it is generally only accessible by car with limited walking trails. Council's Public Open Space Strategy has identified that the provision of walkways are a critical requirement for the municipality including the Southern Beaches area. To that end, a 5% cash in lieu contribution should be taken for the improved value of the lots which can contribute towards the extension of existing footpaths and walking trails in the area to eventually, access this site as well.

Clause 13.5.4 Services

Acceptable Solution	Performance Criteria
A1 <i>Each lot must be connected to a reticulated potable water supply where such a supply is available.</i>	P1 <i>No Performance Criteria.</i>
There is no reticulated water nearby, therefore the application meets Clause A1 in not connecting.	
A2 <i>No Acceptable Solution.</i>	P2 <i>Each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</i>
The lots are all 1ha or larger, and are therefore large enough to accommodate on site wastewater management systems.	
A3 <i>Each lot must be connected to a stormwater system able to service the building area by gravity.</i>	P3 <i>Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.</i>

The lots do not have access to reticulated stormwater. The lots are however 1ha or larger, and will need to retain their rainwater on site for use in any future developments. To that end, any overflow beyond what is used can be accommodated on site. The application is considered to meet this criteria.

CODES

The application must be considered against the following Codes within the Sorell Interim Planning Scheme:

- Bushfire Prone Areas Code;
- Road and Railway Assets Code;
- Parking and Access Code;
- Stormwater Management Code;
- Waterway and Coastal Protection Code

Bushfire Prone Areas Code

The application was accompanied by a bushfire hazard management plan which was undertaken by a suitably qualified Bushfire assessor. The plans show:

- Each of the lots have hazard management areas that can be accommodated within the proposed property titles, and that achieve a BAL of 12.5.
- Each lot will require an all-weather access, of 4m width, with a load capacity of 20T and terminating with a turning circle of 10m radius or hammer head access.
- All lots will rely upon tank water for firefighting purposes.

The report demonstrates compliance with the Code.

Road and Railway Assets Code

The proposed development incorporates a new road. Many of the standards within this Code are not applicable, however, the proposed subdivision will result in an intensification of an existing access under Clause E5.5.1, A3 of the Code.

The application was accompanied by a Traffic Impact Assessment. This found that in all scenarios, the intersection and road network has capacity up to 2030 and beyond. The identified additional movements will be approximately 12 per peak hour in addition to the 80 per peak hour that currently occur. This meets the acceptable solution which allows for a 20% increase.

Conditions around the road design and construction requirements will also be applied.



Parking and Access Code

While the development does not require parking per se, the works will require new access points. Each site will have a singular access point and there will be capacity for passing areas and on site turning if required for future parking areas. Any new access points will have to be sealed to the property boundary. The remaining standards can only be considered at the time of construction of dwellings or other developments on the site.

Stormwater Management Code

The site does not have access to reticulated stormwater. Currently any stormwater from future dwellings will need to be managed on site through water tanks and overflow management. Given the sizes of the lots, this is considered achievable.

Road drainage will need to collect to existing Council services, or if levels do not accommodate this, connecting to existing water courses. Where the drainage is directed but not within an identified water course, an easement will need to be applied. This is considered appropriate to meet the requirements of the Stormwater Management Code.

Waterway and Coastal Protection Code

The subject site has a number of identified watercourses running over it. This triggers an assessment under Clause E11.8.1. The application will not meet the acceptable solution on account of one of the accesses covering an established watercourse. The performance criteria reads as follows:

P1

Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area, must satisfy all of the following:

- (a) minimise impact on natural values;*
- (b) provide for any building area and any associated bushfire hazard management area to be either:
 - (i) outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area; or*
 - (ii) able to accommodate development capable of satisfying this code.**
- (c) if within a Potable Water Supply Area, be in accordance with the requirements of the water and sewer authority.*



A natural values assessment was completed for the site. This found that the site includes a number of weeds including African boxthorn, blackberry, fennel, serrated tussock, and whiteweed. Only one threatened flora species was identified at various locations around the site, which was *Juncus amabilis*. The location of the access will be separated from these weed species and from the threatened flora species. The most significant risk in this regard is disturbance of weeds during construction of an access and that expanding their coverage. To that end any permit should include a weed management and eradication plan to address the management of weed species across the site. Beyond this the impact upon natural values will be minimal.

The building area is outside of the waterway and coastal protection area. The site is not within a potable water supply area.

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

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

Conclusion

Council's engineering officer has undertaken an assessment and provided their referrals and associated conditions of approval. It is considered that the application meets the requirements of the Rural Living Zone subject to conditions. The draft development permit with recommended conditions is provided in Attachment A below.

Caroline Lindus
Consultant Senior Planner

Date: 27 July 2021

Attachments: Subdivision Layout Plan
Following attachments in Councillor F drive – July Council meeting
Bushfire Hazard Management Report
Natural Values Assessment
Traffic Impact Assessment



DRAFT

DEVELOPMENT / USE PERMIT

SORELL INTERIM PLANNING SCHEME 2015

Application No: SA 2021/3

Submitted by: Q C Newitt

For: 12 Lot Subdivision

At: Josephs Road, Carlton and McGinness Road Carlton River
(also known as Waterson Lane),
CT 169070/1 and CT 119311/1.

If a permit is granted, these draft conditions should be applied:

1. Subdivision shall generally be in accordance with the endorsed plans submitted on 16/02/2021 except as may be amended by the conditions of this permit.
2. The survey pegs for all lots in the subdivision are to be certified correct after the construction is completed and prior to Council sealing the Final Plan of Survey.
3. The Final Plan of Survey to be submitted to Council for sealing is to incorporate any necessary easements, including drainage easements over sewer and storm water pipelines.
4. The Bushfire Hazard Management Plan prepared by SEAM environmental dated December 2020, forms part of this Permit and the measures contained with the plan must be implemented including any future development on the lots.
5. 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 177 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. 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. The valuation must be undertaken within 60 days of the final plan being lodged to Council.



If the final plan is staged, at lodgement of the final plan for each stage the valuation must be provided and contribution to Council must be made.

6. Building and construction activities that create more than 250m² of ground disturbance will be managed in accordance with a Soil and Water Management Plan in accordance with accepted guidelines (Soil and Water Management on Building and Construction Sites 2008) detailing all the sediment and erosion control measures that will be implemented before any ground disturbance work commences. A Soil and Water Management Plan is to be submitted to Council prior to the commencement of works.
7. A Weed Management Plan must be prepared by a suitably qualified person and submitted by the applicant to be approved by Council's Manager Engineering and Regulatory Services before commencing any works on the property. It shall detail how weeds will be eradicated on site. In order to prevent the spread of weeds to off-site areas, it is essential to apply quarantine measures as follows:
 - Install a bunded and dedicated wash-down area located clear of any existing houses;
 - Wash down all earth moving machinery on-site prior to machinery leaving site.
8. Prior to any site works conduct a targeted survey of Chilean needle grass across the whole property. Incorporate the findings and recommendations into the Weed Management Plan that prescribes:
 - a. Hygiene measure to exclude the risk of spreading declared weeds on site and transporting them off site.
 - b. Secondary and follow up treatment for all weeds with specific consideration for Chilean needle grass (Lot 3 – Rural Living Zone - Area B).
9. Chilean needle grass management should be the responsibility of future lot owners. To achieve this, the Weed Management Plan must form a Part 5 agreement to be applied on the Certificate of Title for each of the lots. The Part 5 agreement must be drawn up by a suitably qualified person, at the cost of the developer, and be to the satisfaction of Council's Senior Planner and be applied to the Title prior to the Final plan being signed off.
10. Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the Council's ME&RS for approval. Such plans and specifications must:

- Include all infrastructure works required by the permit or shown in the endorsed plans;
- Be prepared by a suitably qualified and experienced engineer or engineering consultancy;
- Be prepared strictly in accordance with the current IPWEA Standard Drawings and Tasmanian Subdivision Guidelines available on the LGAT website;
- Include best practice Water Sensitive Urban Design (WSUD) to prevent hard litter, 80% of Total Suspended Solids (TSS), and 45% of Total Nitrogen (TN) and 45% Total Phosphorus (TP), entering waterways – where required;
- Be to the satisfaction of Council's ME&RS.

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

12. The proposed roads shall have a minimum sealed width of 6.0 metres with 0.6 metre wide gravel shoulders and 0.5 metre wide verges. Any cul-de-sac heads shall have a minimum sealed diameter of 17.5 metres with 0.6 metre wide gravel shoulders and 0.5 metre wide verges. The minimum standard of seal shall be a prime and two coat 14/7 seal over an adequately designed pavement depth. Any necessary line marking and signage shall be provided by the developer (i.e. road name signage, give way signage & line marking).

13. The roads shall be adequately drained using roadside table drains and culverts. Any drainage, outside of the watercourses within the subject site, either piped or suitably designed and easily maintainable open channels, must be provided with drainage easements. Any easements must be 3.0m in width to the benefit of Council.

14. Each lot is to be provided with a vehicular access in accordance with Council's current Standard Drawings. The minimum sealed width shall be 4.0 metres plus 0.3 metre wide gravel shoulders. Double crossings shall be 7.0 metres wide where required. Culverts and headwalls are to be provided if crossing table drains.

15. Old fencing shall be removed and new rural type fencing shall be installed on all road boundaries, as a minimum, with all costs met by the developer. Gates shall be installed at all new accesses. They shall be set back from the road to allow vehicle parking clear of the sealed road lanes (minimum 6.0 metres deep).

16. A Start Works Notice shall be completed and submitted to Council's Engineering Section prior to commencement of works on site.

17. Engineering Inspections: Council is to be notified and work inspected at each of the following stages of construction

- Proof roll inspection of the sub-grade/sub-grade improvement,
- Proof roll inspection of the sub-base course(s),
- Proof roll inspection of the base course, prior to sealing,
- Laying of any culverts for stormwater drainage prior to back filling,
- Practical Completion of works (On Maintenance),
- Final inspection at completion of Defects Liability Period (Off Maintenance),
- Installation WSUD installations including bio-retention swales.

Where the development is to be constructed in multiple stages, the above inspections and associated fees will be required for each stage.

18. For each inspection required and carried out, the applicant shall pay the prescribed fee as set annually by Council. This inspection fee shall be indexed at the CPI rate for Hobart until paid. Council will invoice the developer for the minimum number of inspections required together with the drawing approval. Where works do not meet Council requirements and/or further inspection is required, additional fees will be charged for subsequent inspections at the prescribed inspection rate. The works will not be placed On Maintenance until payment of the above fees has been paid.

19. All works must be carried out to Council standards and to the satisfaction of Council's ME&RS and under the direct supervision of a civil engineer. Certification that all the works have been carried out in accordance with the approved engineering design plans and to Council standards will be required prior to issue of the Certificate of Practical Completion.

20. Prior to the sealing of the Final Plan of Survey, the person responsible must lodge with Council a bond or bank guarantee/cash deposit for the duration of the twelve (12 month) Defect Liability Period for the amount of 5% of the total construction value.

21. A Contract Management Plan (CMP) shall be prepared by the successful civil contractor to the satisfaction of Council's ME&RS and is to be submitted to Council prior to any works commencing. This CMP shall include but not be limited to the following:

- Noise and Dust Management Plan;
- Traffic Management Plan;
- Soil and Water Management Plan.

22. The applicant shall provide Council with “As Constructed” drawings of the development and complete the Data spreadsheet at the completion works. The following list must be submitted as part of these requirements:
- “As Constructed” drawings must be clearly understood and must provide all relevant information to the works. The minimum standard for “As Constructed” drawings is demonstrated through the As Constructed Example Drawing, available by contacting Council.
 - “As Constructed” drawing must be completed and certified by a qualified surveyor or engineer prior to the works being placed on maintenance.
 - “As Constructed” drawings must be accurate to AHD and GDA94 and must be drawn to an appropriate scale, show all top, inlet and outlet invert levels and shall be to the satisfaction of Council’s ME&RS.
 - “As Constructed” drawings must be provided electronically in both .pdf and .dwg or .dxf formats, or as otherwise approved by Council’s ME&RS.
 - The data spreadsheet must be completed and certified by a suitably qualified surveyor or engineer prior to the works being placed on maintenance.
 - The data spreadsheet must be provided to Council’s Asset Manager along with the “As Constructed” drawings. A copy is available by contacting Council.
 - All height and special information must be accurate to AHD and GDA94, to the satisfaction of Council’s ME&RS.
 - The data spreadsheet must be provided electronically, as an Excel document.
 - Compaction and soil tests results for all earthworks or pavement works.
 - An engineer’s certificate stating that each component of the works complies with the approved engineering plans and Council standards.
23. The Defects Liability Period shall be a minimum of twelve (12) months from the date of Practical Completion. Prior to the sealing of the Final Plan of Survey, the person responsible must lodge with the Council a bond in the form of a bank guarantee or a cash deposit for the duration of the defect liability period for the amount equal to 5% of the total construction value.
24. The developer must provide three road names for the new road to the satisfaction of Council and the Nomenclature Board.
25. All roads in the subdivision must be conveyed to the Council upon the issue of the Certificate under Section 10 (7) of the Local Government (Highways) Act 1982. All costs involved in this procedure must be met by the developer/person responsible.

26. A power supply, including street lighting (at intersections and turning heads), and communication services (including broadband internet infrastructure if available) are to be provided to each lot within the subdivision in accordance with the relevant Authority's standards and specifications, with the developer to meet all costs.

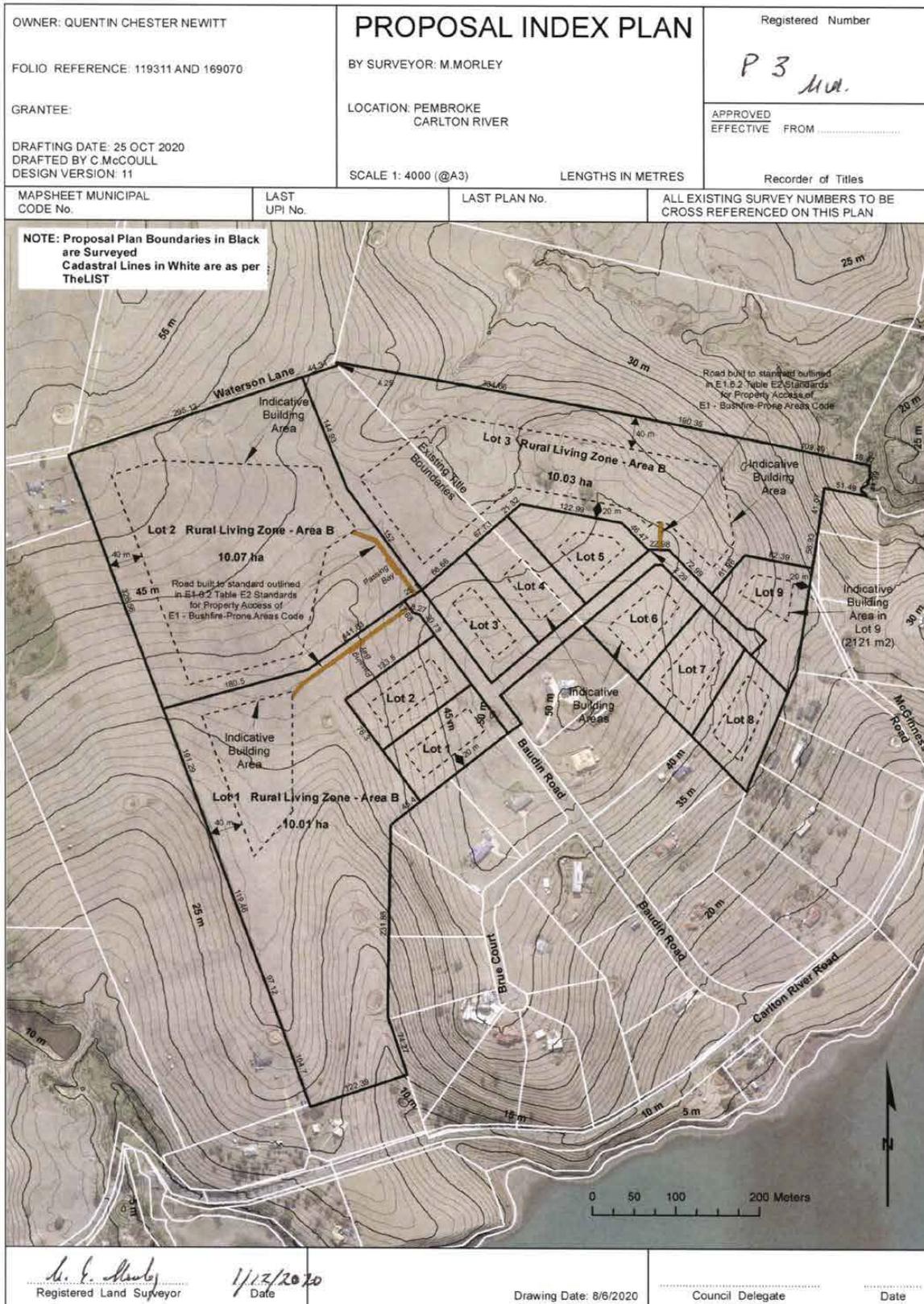
The developer is to reimburse Council for the cost of street lights and 14W LED lamps at a rate of \$625 per light.

27. The survey pegs for all lots in the subdivision are to be certified correct after the construction is completed and prior to the works being placed on maintenance.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- This permit shall lapse at the expiration of two (2) years from the date on which it is granted if the development and use is not substantially commenced within that period.
- This permit does not imply that any other approval required under any other by-law or legislation has been granted.
- The Final Plan of Survey when submitted and found to be in accordance with the above conditions be sealed.







MINUTES

FOR THE DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE
STREET, SORELL ON TUESDAY 3 AUGUST 2021

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1.0 ATTENDANCE

^

Chairperson Mayor Vincent
Deputy Mayor N Reynolds
Councillor C Torenus
Councillor M Reed
Councillor B Nichols
Robert Higgins, General Manager

APOLOGIES

Councillor D De Williams (Approved Leave of Absence)
Councillor G Jackson
Councillor K Degrassi
Councillor V Gala

STAFF IN ATTENDANCE

Greg Robertson, Manager Regulatory Services
Denis Wall, Engineering Officer
Jenny Richmond, Planning Officer
John Molnar Senior Planner
Leon Ashlin Manager Engineering – Projects and Development

2.0 CONFIRMATION OF THE MINUTES OF 29 JUNE 2021

RECOMMENDATION

“That the Minutes of the Development Assessment Special Committee (DASC) Meeting held on 29 June 2021 be confirmed.”

29/2021 NICHOLS/REYNOLDS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Nichols and Reed.

Against: None

The Motion was **CARRIED**.



3.0 DECLARATIONS OF PECUNIARY INTEREST

The Mayor requested any Councillors to indicate whether they had, or were likely to have, a pecuniary interest in any item on the agenda.

No committee member indicated that they had, or were likely to have, a pecuniary interest in any item on the agenda.

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

4.0 LAND USE PLANNING

4.1 SUBDIVISION APPLICATION NO. SA 2021 / 00004 - 1

APPLICANT: GOODFORD HILL PTY LTD

PROPOSAL: 7 LOT SUBDIVISION INCLUDING WORKS WITHIN COUNCIL'S ROAD RESERVE

ADDRESS: 28 GOODFORD LANE & GOODFORD LANE, ORIELTON

RECOMMENDATION

That pursuant to Section 57 of the Land Use Planning and Approvals Act 1993 Council resolves to approve Subdivision Application No. SA 2021 / 00004 - 1 for a 7 Lot Subdivision Including Works within Council's Road Reserve at 28 Goodford Lane & Goodford Lane, Orierton for Goodford Hill Pty Ltd, subject to the following conditions:

1. Subdivision shall generally be in accordance with the endorsed amended plans submitted on 29/04/2021 except as may be amended by the conditions of this permit.
2. The Bushfire Hazard Management Plan prepared by Roger Fenwick, amended version dated May 2021, forms part of this Permit and includes required works involving the public access road plus access, hardstanding and water supply to the existing house and any future development on the lots which must be completed prior to sealing of the titles.
3. 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



less the value of Lot 2 containing the existing dwelling. 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.

4. Lots are to be no smaller in area than 1 ha.

Environmental Health Conditions

5. Before sealing the final plan the applicant must demonstrate to the satisfaction of the Manager of Regulatory Services that the wastewater land application area for the existing dwelling on lot 2 is located within the boundaries of that lot and satisfies required setback distances.

Engineering Conditions

6. All works shall be constructed in accordance with Council's current Standard Drawings and Specifications, and under the direct supervision of a qualified civil engineer. All information, design plans, and works shall be to the satisfaction of Council's Manager Engineering and Regulatory Services (ME&RS).
7. All works shall be undertaken at the developer's expense.
8. Prior to the commencement of the development of the site, revised detailed plans and specifications must be submitted to Council's ME&RS for approval. Such plans and specifications shall:
 - a. Include all infrastructure works required by the permit or shown on the endorsed plans;
 - b. Be prepared by a suitably qualified and experienced engineer or engineering consultancy;
 - c. Be prepared substantially in accordance with the current IPWEA Standard Drawings and Tasmanian Subdivision Guidelines available on the LGAT website;
 - d. Include best practice Water Sensitive Urban Design (WSUD) to prevent 80% of Total Suspended Solids (TSS), and 45% of Total Nitrogen (TN) and 45% Total Phosphorus (TP) from leaving the site.
9. If any changes to the Council approved detailed plans are required during construction, a revised set of plans must be submitted for further review and approval by Council's ME&RS, prior to any changes being implemented.

Any fees associated with the review and approval of the engineering drawings may be required to be paid again.

10. Prior to the issue of the Certificate of Practical Completion, certification that all private and public infrastructure works have been constructed in accordance with the latest approved version of the detailed plans and specification as approved by Council's ME&RS will be required.
11. The continuation of Goodford Lane shall be constructed in accordance with TSD-R02-v3 and finished with a two coat (14/7) bitumen seal as a minimum standard. The minimum sealed traffic width shall be 6.0 metres with 0.5 metre sealed shoulders and a 0.5 metre verge each side (minimum of 8.0 metres road width with 7.0 metres sealed carriageway)
12. The road reservation (Lot 100 Road) width shall be a minimum of 14 metres and increased to 15 metres where possible while remaining within the existing title boundary. An amended subdivision plan is to be provided to the satisfaction of Council's ME&RS.
13. Each lot shall be provided with a new access, constructed in accordance with TSD-R03-v3 and TSD-R04-v3 and finished with a 40mm thick DG asphalt seal over a minimum of 200mm compacted FCR base material (no clay content). The seal shall have a minimum width of 4.0 metres, and shall extend for 6 metres, or to the property boundary, whichever is greater.
14. Each sealed access must be shaped to direct all stormwater into the roadside table drains and drainage from each access must not cause ponding within the road reserve. Each access shall have a new DN300 RRJ RCP culvert and headwalls in accordance with TSD-R03-v3 and TSD-R04-v3. Driveway outfalls shall be constructed and directed into the roadside table drains with appropriate rock lining to prevent erosion.
15. The cul-de-sac head is to be constructed in accordance with TSD-R08-v3 and finished with a 40mm thick DG asphalt seal. The minimum sealed asphalt diameter shall be 24 metres and the minimum road reservation width shall be 31 metres.
16. The road shall be designed and certified by a suitably qualified and experienced engineer, to be generally in accordance with TSD-R02-v3. The road shall have a minimum of 100mm FCR Base 'Class A' material (no clay content) over 200mm thick sub-base 1 material and finished with a bitumen seal. Sub-grade improvement shall be implemented as required to achieve a minimum sub-grade C.B.R. of 4.0% soaked.
17. Steel-Flex, or equivalent, guideposts shall be installed to each access, culvert headwalls, and the new road as per TSD-R03-v3 and TSD-R25-v3.



18. Roadside table drains shall be constructed for the proposed road in accordance with TSD-R02-v3 and as required by the applicant's stormwater report by ADDC dated June 2021 to safely carry all stormwater from the subdivision to Council's existing roadside drainage in Goodford Lane. New culverts are to be constructed to suit the topography of the site and as per the stormwater report.
19. The existing culverts and table drains in Goodford Lane shall be upgraded as required by the applicant's stormwater report by ADDC dated June 2021 to accommodate the additional flow generated by the subdivision.
20. The new sealed road construction shall extend to the start (southern side) of the existing cul-de-sac and shall match into the existing Goodford Lane with a smooth connection.
21. All old fencing shall be removed and a new rural type fence installed on all road frontages and with all costs met by the developer. Gates shall be installed at all new accesses and they shall be set back off the road to allow vehicles to stop clear of the traffic lanes (minimum 6.0 metres).
22. A fee is associated with the review and approval of engineering design plans. The fee will be calculated at 1% of the construction estimate or contract price for stormwater, roadworks, and street lights. This shall be paid along with inspection fees prior to commencing works. An invoice will be provided with the approval letter.
23. Any site filling must comply with the provisions of AS 3798 Guidelines on Earthworks for Commercial and Residential Developments current at the time of application. Prior to the use commencing, a Civil Engineer must certify that all the works have been carried out in accordance with AS 3798 and the Council endorsed engineering plan(s). Any fill placed within the road reserve (Lot 100 Road) shall be limited and shall be finished and seeded to the satisfaction of Council's Manager Engineering and Regulatory Services (ME&RS).
24. Prior to the commencement of any works, the developer/contractor shall:
 - a. Complete a Start Works Notice (copy available from Council);
 - b. Provide a copy of their current public liability insurance policy (certificate of currency) for the contractor and any subcontractors engaged to undertake the works;
 - c. Ensure that all traffic management and WH&S requirements are in place for the duration of the works.

25. Easements are required over all Council and third party services located in private property. The minimum width of any easement must be 3.0m for Council (public) mains. Note: TasWater has its own requirements.
26. Council is to be notified and engineering inspections are to be completed at the following stages of construction:
 - a. Proof roll inspection of the sub-grade/sub-grade improvement;
 - b. Proof roll inspection of the sub-base course(s);
 - c. Proof roll inspection of the base course, prior to sealing;
 - d. Laying of pipelines for stormwater drainage prior to back filling, including access culverts;
 - e. Inspection of the base course in any footpaths, kerb and gutter, and driveway accesses, prior to sealing;
 - f. Practical Completion of works (On Maintenance);
 - g. Final inspection at completion of Defects Liability Period (Off Maintenance);
 - h. Installation of all WSUD systems;
 - i. Any other inspections required during the construction of the public infrastructure.

Where the development is to be constructed in stages, the above inspections and associated fees will be required for each stage.

27. For each inspection required to be carried out, the applicant shall pay the prescribed fee as set annually by Council. This inspection fee shall be indexed at the CPI rate for Hobart until paid. Council will invoice the developer for the minimum number of inspections required together with the drawing review and approval. Where works do not meet Council requirements and/or further inspections are required, additional fees will be charged for each subsequent inspection at the prescribed inspection rate. The works will not be placed On Maintenance until payment of the above fees has been received.
28. A Construction Management Plan (CMP) shall be prepared by the successful civil contractor to the satisfaction of Council's ME&RS and is to be submitted to Council prior to any works commencing. This CMP shall include but not be limited to the following:
 - a. Noise and Dust Management Plan;
 - b. Traffic Management Plan;
 - c. Soil and Stormwater Management Plan;
 - d. Weed Management Plan.
29. The Soil and Stormwater Management Plan must be approved by Council's ME&RS and fully implemented prior to any works commencing on site. No

polluted and/or sediment laden runoff must discharge directly or indirectly into Council's drains or watercourses during development.

30. The Weed Management Plan must be prepared by a suitably qualified person and submitted by the applicant to be approved by Council's ME&RS before commencing any works on the property. It shall identify and detail how weeds will be eradicated on site, including a specification for 'clean fill' only to be used on site. In order to prevent the spread of weeds to off-site areas, it is essential to apply quarantine measures as follows:
 - a. Install a bunded and dedicated wash-down area located toward the lower area of the property;
 - b. Wash down all earth moving machinery on-site prior to machinery leaving site.

31. The applicant shall provide Council with "As Constructed" drawings of the development and complete the Data Spreadsheet, copy available form Council, at the completion works. The following list must be submitted as part of these requirements:
 - a. "As Constructed" drawings must be clearly understood and must provide all relevant information to the works. The minimum standard for "As Constructed" drawings is demonstrated through the As Constructed Example Drawing, available by contacting Council;
 - b. "As Constructed" drawing must be completed and certified by a qualified surveyor or engineer prior to the works being placed on maintenance;
 - c. "As Constructed" drawings must be accurate to AHD and GDA94 and must be drawn to an appropriate scale, show all top, inlet and outlet invert levels and shall be to the satisfaction of Council's ME&RS;
 - d. "As Constructed" drawings must be provided electronically in both .pdf and .dwg or .dxf formats, or as otherwise approved by Council's ME&RS;
 - e. The Data Spreadsheet must be completed and certified by a suitably qualified surveyor or engineer prior to the works being placed on maintenance;
 - f. The Data Spreadsheet must be provided to Council's Asset Manager along with the "As Constructed" drawings;
 - g. All height and special information must be accurate to AHD and GDA94, to the satisfaction of Council's ME&RS;
 - h. The data spreadsheet must be provided electronically, as an Excel document; Photographs of all newly constructed assets must be supplied to Council; a description of photos required is outlined in the Data Spreadsheet Information.
 - i. Compaction and soil tests results for all earthworks or pavement works;
 - j. An engineer's certificate stating that each component of the works complies with the approved engineering plans and Council standards.

32. The Defects Liability Period shall be a minimum of twelve (12) months from the date of Practical Completion. Prior to the sealing of the Final Plan of Survey, the person responsible must lodge with the Council a bond in the form of a bank guarantee or a cash deposit for the duration of the defect liability period for the amount equal to 5% of the total construction value.
33. 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.
34. Underground power, street light poles and communication services (including NBN if available) are to be provided to each lot within the boundary adjustment in accordance with the relevant Authority's standards and specifications, with the developer to meet all costs. The developer is to reimburse Council for the cost of street lights and 14W LED lamps at a rate of \$625 per light (indexed with CPI).
35. The survey pegs for all lots in the boundary adjustment are to be certified correct after the construction is completed and prior to the works being placed On Maintenance.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- This permit shall lapse at the expiration of two (2) years from the date on which it is granted if the development and use is not substantially commenced within that period.
- This permit does not imply that any other approval required under any other by-law or legislation has been granted.
- The Final Plan of Survey when submitted and found to be in accordance with the above conditions be sealed.
- Council recommends contacting Dial-Before-You-Dig (phone 1100 or www.1100.com.au) before undertaking any works.

You may appeal against the above condition/s, any such appeal must be lodged within fourteen (14) days of service of this notice to the Resource Management and Planning Appeal Tribunal, Level 1, 144-148 Macquarie Street Hobart 7001. Ph ☎ 6165 6794 or email rmpat@justice.tas.gov.au.



30/2021 REED/REYNOLDS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Nichols and Reed.

Against: None

The Motion was **CARRIED**.

4.2 SCHEME AMENDMENT NO. 43.2021.1

APPLICANT: Q C NEWITT

PROPOSAL: REZONING FROM RURAL RESOURCE TO RURAL LIVING

ADDRESS: MCGINNESS ROAD, CARLTON RIVER

RECOMMENDATION

That in accordance with the provisions of the *Land Use Planning and Approvals Act 1993* Draft Amendment No. 43/2021/1 of the *Sorell Interim Planning Scheme 2015*, relating to an application by Quentin Newitt at Baudin Road, Carlton and McGinness Road, Carlton River, Council resolves that the report of the Senior Planner be received and that:

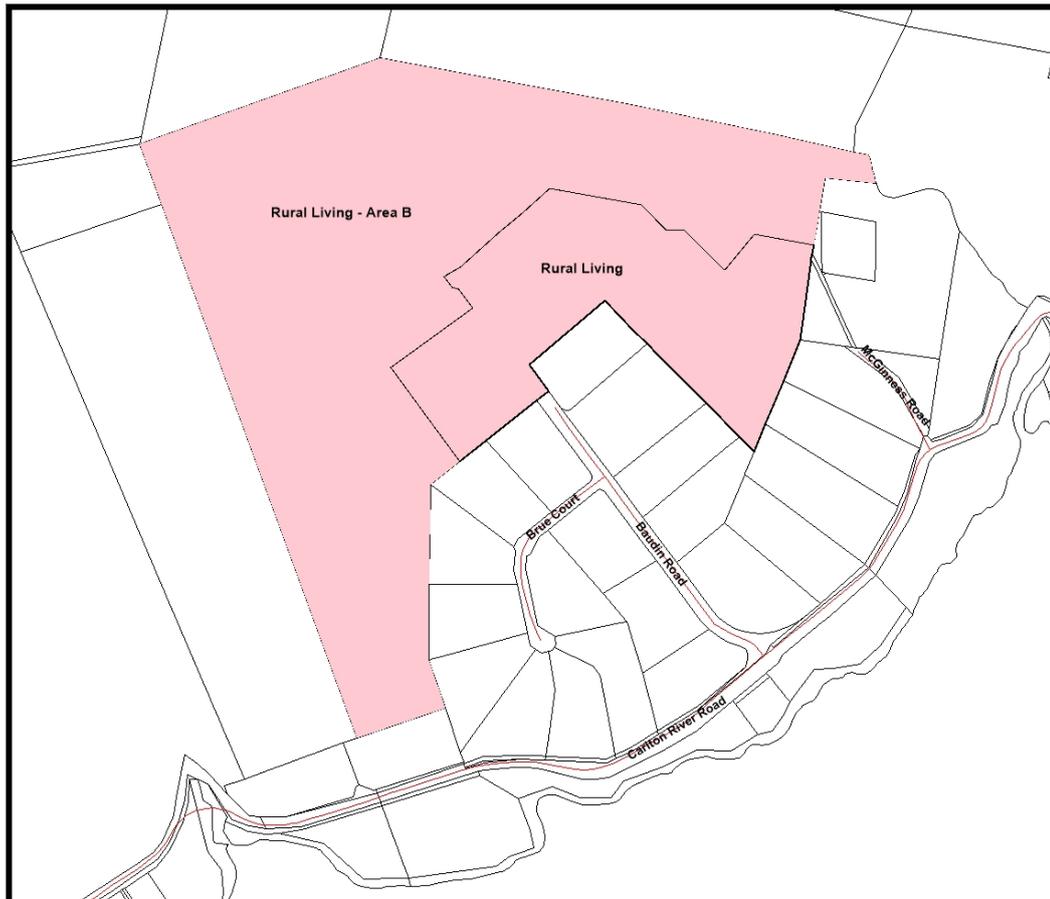
1. In accordance with section 35(1) (a) of the Land Use Planning and Approvals Act 1993, Council certifies draft amendment 43.2021.1 as meeting the requirements of section 32 of the Act.
2. In accordance with section 35(4) of the Land Use Planning and Approvals Act 1993, Council forwards a copy of the sealed Instrument of Certification and the draft amendment to the Tasmanian Planning Commission.
3. In accordance with section 56S of the Water and Sewer Industry Act 2008, Council refers draft amendment 43.2021.1 to TasWater.
4. In accordance with section 38 of the Land Use Planning and Approvals Act 1993, Council publicly exhibits the draft amendment 43.2021.1 for a period of 21 days.



SORELL INTERIM PLANNING SCHEME 2015 AMENDMENT NO. 1/2021

To amend the Sorell Interim Planning Scheme 2015 as follows:

Rezone land at Josephs Road, Carlton and McGinness Road, Carlton River from Rural Resource, to Rural Living and Rural Living B as shown below.



Date.....

The Common Seal of the Sorell Council has been hereunto Duly affixed in the presence of:)	
) Mayor
) Councillor
) General Manager



SUBDIVISION APPLICATION NO. SA2021 / 0003 - 1

APPLICANT: Q C NEWITT

PROPOSAL: 12 LOT SUBDIVISION

ADDRESS: JOSEPHS ROAD, CARLTON & MCGINNESS ROAD, CARLTON RIVER,
(ALSO KNOWN AS WATERSON LANE), CT 169070/1 AND CT
119311/1.

DRAFT

DEVELOPMENT / USE PERMIT

SORELL INTERIM PLANNING SCHEME 2015

Application No: SA 2021/3

Submitted by: Q C Newitt

For: 12 Lot Subdivision

At: Josephs Road, Carlton and McGinness Road Carlton River
(also known as Waterson Lane),
CT 169070/1 and CT 119311/1.

If a permit is granted, these draft conditions should be applied:

1. Subdivision shall generally be in accordance with the endorsed plans submitted on 16/02/2021 except as may be amended by the conditions of this permit.
2. The survey pegs for all lots in the subdivision are to be certified correct after the construction is completed and prior to Council sealing the Final Plan of Survey.
3. The Final Plan of Survey to be submitted to Council for sealing is to incorporate any necessary easements, including drainage easements over sewer and storm water pipelines.
4. A Bushfire Hazard Management Plan prepared by a suitably qualified person that appropriately addresses the subdivision layout, shall be endorsed by the Tasmania Fire Service and submitted to Council. The Bushfire Hazard Management Plan forms part of this Permit and the measures contained within the Plan must be implemented including any future development on the lots.



5. 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 177 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. 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. The valuation must be undertaken within 60 days of the final plan being lodged to Council.

If the final plan is staged, at lodgement of the final plan for each stage the valuation must be provided and contribution to Council must be made.

6. Building and construction activities that create more than 250m² of ground disturbance will be managed in accordance with a Soil and Water Management Plan in accordance with accepted guidelines (Soil and Water Management on Building and Construction Sites 2008) detailing all the sediment and erosion control measures that will be implemented before any ground disturbance work commences. A Soil and Water Management Plan is to be submitted to Council prior to the commencement of works.
7. A Weed Management Plan must be prepared by a suitably qualified person and submitted by the applicant to be approved by Council's Manager Engineering and Regulatory Services before commencing any works on the property. It shall detail how weeds will be eradicated on site. In order to prevent the spread of weeds to off-site areas, it is essential to apply quarantine measures as follows:
 - Install a bunded and dedicated wash-down area located clear of any existing houses;
 - Wash down all earth moving machinery on-site prior to machinery leaving site.
8. Prior to any site works conduct a targeted survey of Chilean needle grass across the whole property. Incorporate the findings and recommendations into the Weed Management Plan that prescribes:
 - a. Hygiene measure to exclude the risk of spreading declared weeds on site and transporting them off site.
 - b. Secondary and follow up treatment for all weeds with specific consideration for Chilean needle grass (Lot 3 – Rural Living Zone - Area B).

9. Chilean needle grass management should be the responsibility of future lot owners. To achieve this, the Weed Management Plan must form a Part 5 agreement to be applied on the Certificate of Title for each of the lots. The Part 5 agreement must be drawn up by a suitably qualified person, at the cost of the developer, and be to the satisfaction of Council's Senior Planner and be applied to the Title prior to the Final plan being signed off.
10. Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the Council's ME&RS for approval. Such plans and specifications must:
 - Include all infrastructure works required by the permit or shown in the endorsed plans;
 - Be prepared by a suitably qualified and experienced engineer or engineering consultancy;
 - Be prepared strictly in accordance with the current IPWEA Standard Drawings and Tasmanian Subdivision Guidelines available on the LGAT website;
 - Include best practice Water Sensitive Urban Design (WSUD) to prevent hard litter, 80% of Total Suspended Solids (TSS), and 45% of Total Nitrogen (TN) and 45% Total Phosphorus (TP), entering waterways – where required;
 - Be to the satisfaction of Council's ME&RS.
11. All works shall be undertaken at the developer's expense.
12. The proposed roads shall have a minimum sealed width of 6.0 metres with 0.6 metre wide gravel shoulders and 0.5 metre wide verges. Any cul-de-sac heads shall have a minimum sealed diameter of 17.5 metres with 0.6 metre wide gravel shoulders and 0.5 metre wide verges. The minimum standard of seal shall be a prime and two coat 14/7 seal over an adequately designed pavement depth. Any necessary line marking and signage shall be provided by the developer (i.e. road name signage, give way signage & line marking).
13. The roads shall be adequately drained using roadside table drains and culverts. Any drainage, outside of the watercourses within the subject site, either piped or suitably designed and easily maintainable open channels, must be provided with drainage easements. Any easements must be 3.0m in width to the benefit of Council.
14. Each lot is to be provided with a vehicular access in accordance with Council's current Standard Drawings. The minimum sealed width shall be 4.0 metres plus 0.3 metre wide gravel shoulders. Double crossings shall be 7.0 metres wide where required. Culverts and headwalls are to be provided if crossing table drains.
15. Old fencing shall be removed and new rural type fencing shall be installed on all road boundaries, as a minimum, with all costs met by the developer. Gates

shall be installed at all new accesses. They shall be set back from the road to allow vehicle parking clear of the sealed road lanes (minimum 6.0 metres deep).

16. A Start Works Notice shall be completed and submitted to Council's Engineering Section prior to commencement of works on site.
17. Engineering Inspections: Council is to be notified and work inspected at each of the following stages of construction:
 - Proof roll inspection of the sub-grade/sub-grade improvement,
 - Proof roll inspection of the sub-base course(s),
 - Proof roll inspection of the base course, prior to sealing,
 - Laying of any culverts for stormwater drainage prior to back filling,
 - Practical Completion of works (On Maintenance),
 - Final inspection at completion of Defects Liability Period (Off Maintenance),
 - Installation WSUD installations including bio-retention swales.

Where the development is to be constructed in multiple stages, the above inspections and associated fees will be required for each stage.

18. For each inspection required and carried out, the applicant shall pay the prescribed fee as set annually by Council. This inspection fee shall be indexed at the CPI rate for Hobart until paid. Council will invoice the developer for the minimum number of inspections required together with the drawing approval. Where works do not meet Council requirements and/or further inspection is required, additional fees will be charged for subsequent inspections at the prescribed inspection rate. The works will not be placed On Maintenance until payment of the above fees has been paid.
19. All works must be carried out to Council standards and to the satisfaction of Council's ME&RS and under the direct supervision of a civil engineer. Certification that all the works have been carried out in accordance with the approved engineering design plans and to Council standards will be required prior to issue of the Certificate of Practical Completion.
20. Prior to the sealing of the Final Plan of Survey, the person responsible must lodge with Council a bond or bank guarantee/cash deposit for the duration of the twelve (12 month) Defect Liability Period for the amount of 5% of the total construction value.
21. A Contract Management Plan (CMP) shall be prepared by the successful civil contractor to the satisfaction of Council's ME&RS and is to be submitted to Council prior to any works commencing. This CMP shall include but not be limited to the following:



- Noise and Dust Management Plan;
- Traffic Management Plan;
- Soil and Water Management Plan.

22. The applicant shall provide Council with “As Constructed” drawings of the development and complete the Data spreadsheet at the completion works. The following list must be submitted as part of these requirements:

- “As Constructed” drawings must be clearly understood and must provide all relevant information to the works. The minimum standard for “As Constructed” drawings is demonstrated through the As Constructed Example Drawing, available by contacting Council.
 - “As Constructed” drawing must be completed and certified by a qualified surveyor or engineer prior to the works being placed on maintenance.
 - “As Constructed” drawings must be accurate to AHD and GDA94 and must be drawn to an appropriate scale, show all top, inlet and outlet invert levels and shall be to the satisfaction of Council’s ME&RS.
 - “As Constructed” drawings must be provided electronically in both .pdf and .dwg or .dxf formats, or as otherwise approved by Council’s ME&RS.
 - The data spreadsheet must be completed and certified by a suitably qualified surveyor or engineer prior to the works being placed on maintenance.
 - The data spreadsheet must be provided to Council’s Asset Manager along with the “As Constructed” drawings. A copy is available by contacting Council.
 - All height and special information must be accurate to AHD and GDA94, to the satisfaction of Council’s ME&RS.
 - The data spreadsheet must be provided electronically, as an Excel document.
 - Compaction and soil tests results for all earthworks or pavement works.
 - An engineer’s certificate stating that each component of the works complies with the approved engineering plans and Council standards.
23. The Defects Liability Period shall be a minimum of twelve (12) months from the date of Practical Completion. Prior to the sealing of the Final Plan of Survey, the person responsible must lodge with the Council a bond in the form of a bank guarantee or a cash deposit for the duration of the defect liability period for the amount equal to 5% of the total construction value.
24. The developer must provide three road names for the new road to the satisfaction of Council and the Nomenclature Board.
25. All roads in the subdivision must be conveyed to the Council upon the issue of the Certificate under Section 10 (7) of the Local Government (Highways) Act 1982. All costs involved in this procedure must be met by the developer/person responsible.

26. A power supply, including street lighting (at intersections and turning heads), and communication services (including broadband internet infrastructure if available) are to be provided to each lot within the subdivision in accordance with the relevant Authority's standards and specifications, with the developer to meet all costs.

The developer is to reimburse Council for the cost of street lights and 14W LED lamps at a rate of \$625 per light.

27. The survey pegs for all lots in the subdivision are to be certified correct after the construction is completed and prior to the works being placed on maintenance.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- This permit shall lapse at the expiration of two (2) years from the date on which it is granted if the development and use is not substantially commenced within that period.
- This permit does not imply that any other approval required under any other by-law or legislation has been granted.
- The Final Plan of Survey when submitted and found to be in in accordance with the above conditions be sealed.

31/2021 REYNOLDS/NICHOLS

"That the recommendation be accepted."

The motion was put.

For: Vincent, Reynolds, Torenus, Nichols and Reed.

Against: None

The Motion was **CARRIED**.

Meeting closed at 4.52pm

**KERRY VINCENT
CHAIRPERSON
3 AUGUST 2021**

