



SORELL PLANNING AUTHORITY (SPA) AGENDA

11 JUNE 2024

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)

NOTICE OF MEETING

Notice is hereby given that the next meeting of the Sorell Planning Authority (SPA) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 11 June 2024 commencing at 4:30 pm.

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

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

ROBERT HIGGINS
GENERAL MANAGER
6 JUNE 2024



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON
TUESDAY 11 JUNE 2024

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1.0 ATTENDANCE

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Deputy Mayor C Wooley
Councillor B Nichols
Councillor S Campbell
Councillor J Gatehouse
Councillor M Miro Quesada Le Roux
Councillor M Reed
Councillor N Reynolds
Councillor C Torenus
Robert Higgins, General Manager

2.0 APOLOGIES

3.0 CONFIRMATION OF THE MINUTES OF 28 MAY 2024

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 28th May 2024 be confirmed.”

4.0 DECLARATIONS OF PECUNIARY INTEREST



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

5.0 LAND USE PLANNING

5.1 SUBDIVISION APPLICATION NO. SA 2024 / 4 - 1

Applicant:	Ireneinc Planning And Urban Design Obo Annecy Group Pty Ltd
Proposal:	Sixteen Lot Subdivision including works within the road reserve
Site Address:	9 Valleyfield Road, Sorell, 123 Rosendale Road, Sorell & including Valleyfield Road Reserve (CT179945/2 & CT130391/2)
Planning Scheme:	Tasmanian Planning Scheme – Sorell
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Subdivision creates more than one lot.

Relevant Zone:	Rural Living Zone												
Proposed Use:	N/A												
Applicable Overlay(s):	Waterway & Coastal Protection Area Overlay												
Applicable Codes(s):	C2.0 Road and Rail Assets Code C7.0 Natural Assets Code C13.0 Bushfire Prone Area Code C16.0 Safe Guarding Airports Code												
Valid Application Date:	07 February 2024												
Decision Due:	18 June 2024												
Discretion(s):	<table border="1"> <tr> <td>1</td> <td>11.5.1 A1 Lot Design</td> </tr> <tr> <td>2</td> <td>11.5.1 A2 Frontage</td> </tr> <tr> <td>3</td> <td>C7.6.1 A1 Natural Assets Code</td> </tr> <tr> <td>4</td> <td>C7.6.1 A3 Natural Assets Code</td> </tr> <tr> <td>5</td> <td>C7.7.1 A1 Natural Assets Code</td> </tr> <tr> <td>6</td> <td>C16.7.1 A1 Safeguarding of Airports Code</td> </tr> </table>	1	11.5.1 A1 Lot Design	2	11.5.1 A2 Frontage	3	C7.6.1 A1 Natural Assets Code	4	C7.6.1 A3 Natural Assets Code	5	C7.7.1 A1 Natural Assets Code	6	C16.7.1 A1 Safeguarding of Airports Code
1	11.5.1 A1 Lot Design												
2	11.5.1 A2 Frontage												
3	C7.6.1 A1 Natural Assets Code												
4	C7.6.1 A3 Natural Assets Code												
5	C7.7.1 A1 Natural Assets Code												
6	C16.7.1 A1 Safeguarding of Airports Code												
Representation(s):	One (1)												

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2024.4.1 for a Sixteen Lot Subdivision including works within the road reserve at 9 Valleyfield Road, Sorell, 123 Rosendale Road, Sorell & including Valleyfield Road Reserve be approved, subject to the following conditions:



General

1. Except where modified by a condition of this permit, the use and development must be substantially in accordance with the endorsed plans and documents:
 - a) P3 (traffic impact assessment from SALT dated 04 December 2023);
 - b) P3 (onsite wastewater assessment from Integral Consulting Engineers dated 01 February 2024);
 - c) P3 (noise assessment report dated 27 November 2023);
 - d) 5 (stormwater assessment report from Stephen Cole dated 10 April 2024);
 - e) P5 (planning assessment from Ireneinc Planning dated 8 February 2024);
 - f) P5 (bushfire hazard management report from GES dated 12 April 2024);
 - g) P7 (engineering plans from Integral Consulting Engineers dated 9 April 2024); and
 - h) P7 (subdivision plan from Leary & Cox dated 18 April 2024).

2. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by the General Manager.

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 4% of the improved value of 1 to 8 (inclusive) and lots 10-15 (inclusive).

This should be in the form of a direct payment made before the sealing of the final plan or, alternatively, in the form of security provided under Section 117 of the Act.

The subdivider is to obtain a report from an Independent Registered Valuer for the purposes of determining the improved value of the gross area of the subdivision. The date to which the valuation is to be done must be within 3 months of the date of lodgement of the Final Plan of subdivision. Please refer to Council's Open Space Policy for valuation requirements.

4. Prior to sealing any final plan, all recommendations of the bushfire hazard management plan must be complete and be certified by a suitably qualified person.
5. All land noted as roadway, footway, open space, or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.



6. To the satisfaction of Council's General Manager, the final plan of survey must include easements over all drains, pipelines, wayleaves and services. The minimum easement width for stormwater is in accordance with the Tasmanian Subdivision Guidelines.
7. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.

TasNetworks

8. The existing power lines and associated easements must be relocated to an alignment agreed with TasNetworks, such that no dwellings or unapproved structures are contained within the new easement.

Development Engineering

Design

9. Prior to any works commencing for each approved stage of the subdivision, engineering design drawings showing all work required by this planning permit must be prepared in substantial accordance with the latest:
 - a) Tasmanian Subdivision Guidelines,
 - b) Tasmanian Municipal Standard Specifications,
 - c) Tasmanian Standard Drawings, and
 - d) Any other document standard, specification, guideline or policy advised as relevant by Council.

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

Advice:

- i. The Tasmanian Subdivision Guidelines, Municipal Standard Specifications, and Standard Drawings are available at www.lgat.tas.gov.au.
- ii. Variations from the above listed or subsequently advised documents may be approved at the discretion of Council's General Manager or their delegate where a clear justification exists and the alternative solution is of no lesser quality, in terms of infrastructure performance or maintenance costs over the life of the asset.
- iii. Where there exists conflicts between the above listed or subsequently advised documents, the requirements of this planning permit may be advised to take precedence.

10. Prior to any works commencing for each approved stage of the subdivision, the following Council Fees and Charges must be paid:

- a) Engineering Design Drawing Checking Fee at 1% of the construction costs or the minimum amount (whichever is higher), and
- b) Inspection Fee for the estimated minimum number of inspections.

In the event re-checking of engineering design drawings or additional inspections are required, the Council Fees and Charges may be applied accordingly.

Advice:

- i. The engineering design drawings checked and stamped by Council will expire on two (2) years from the date of issue.
- ii. Council Fees and Charges are updated each financial year and can be found in the Sorell Council Fees and Charges schedule, available from Council.

11. Prior to any works commencing, the Council's General Manager or their delegate must issue a Council stamped set of the engineering design drawings.

12. Prior to Council accepting a Notice of Intention to Carry Out Work, a Construction Management Plan (CMP) prepared by a suitably qualified person must be provided to Council. The CMP must include but is not limited to the following:

- a) A Traffic Management Plan,
- b) A Weed Management Plan,
- c) A Construction Environmental Management Plan,
- d) A Planting Maintenance Plan, and
- e) A Soil and Water Management Plan.

All requirements of the CMP provided must be fully implemented prior to commencement of works.

Advice: The Soil and Water Management Plan must be prepared in accordance with the Tasmanian Subdivision Guidelines' Clause 16 – Erosion and Sediment Control during Construction.

13. Prior to any works commencing, the developer must submit a Notice of Intention to Carry Out Work and be advised of its acceptance by the Council's General Manager or their delegate. The submission must include a Certificate of Currency for public liability insurance for the head contractor and any sub-contractor(s).

Works Required

14. Prior to Council sealing the Final Plan of Survey for each approved stage of the subdivision, the following works must be completed:
- a) Service connections for each lot provided to the;
 - I. Electricity network,
 - II. Telecommunication network (if available), and
 - III. Public Stormwater System (where available).

 - b) Vehicular access for each internal lot must;
 - I. Be constructed up to each lot proper with a durable all-weather pavement,
 - II. Have gradients, widths, and clearances that comply with AS 2890 – Parking facilities, Parts 1-6,
 - III. Have stormwater drainage provisions constructed to direct runoff appropriately, and
 - IV. Terminate with a standard arrangement turning head.

 - c) A fully constructed vehicular crossing for each lot constructed;
 - I. With 40mm thick DG10 asphalt from the edge of road seal up to the property boundary or 6.0m (whichever is greater),
 - II. With a sealed pavement carriageway width no less than 3.6m,
 - III. With a Class 4 Ring Rubber Jointed Reinforced Concrete Pipe culvert of a pipe size no less than the final design specification, with standard headwalls and guide posts,
 - IV. With stormwater drainage provisions that direct runoff appropriately, and
 - V. In a location which provides sufficient sight distance between road users and minimises potential user conflicts.

 - (d) Fencing for each lot;
 - I. Not located on the correct property boundary must be removed and replaced with new fencing installed along the correct property boundary, and
 - II. Must have property access gates installed and setback at a distance no less than 6.0m from the edge of road seal to allow vehicles to stand clear of traffic lanes.

 - (e) Roads constructed must;
 - I. Have a sealed traffic width no less than 5.5m (not including shoulders and verge),
 - II. Have a minimum road reservation width no less than 18m,
 - III. Drain stormwater from the road reservation into formed roadside table drains constructed as per the final design specifications,

- IV. Have Ring Rubber Jointed Reinforced Concrete Pipe culverts of pipe sizes and classes no less than the final design specifications, with standard headwalls and guideposts,
 - V. Have standard physical controls or other protective devices installed where required, such as roadside safety barriers or guardrails, and
 - VI. Have standard street signage, line marking and pavement markings installed at each road intersection.
- (f) Drainage system;
- I. For a Major Stormwater System which can achieve safe conveyance of stormwater runoff and appropriate flood mitigation for a 1% AEP event.
 - II. For a Minor Stormwater System for a 5% AEP event which has regard for convenience, safety and cost,
 - III. With its major drainage network aligned within the road and public reserves, unless otherwise approved by Council, and
 - IV. With sufficient receiving capacity to drain the road and all land draining onto the road without undue inundation of any properties.
- (g) Rehabilitation and Remediation;
- I. Appropriate stabilisation or protection measures shall be required within the road reservation for all works found to be loose (detachable) or insecure (unprotected), including embankment or batter structures constructed, ground surfaces disturbed, or earthworks performed such as excavation or filling.
15. Council Audit Inspections are mandated as per the Tasmanian Subdivision Guidelines. The developer must contact Council to organise each audit inspection required with a minimum of 48 hours' notice.
16. Works must be completed to a standard that is to the satisfaction of the Council's General Manager.
- Roads
17. 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.
18. Unless for a local road, service installation across an existing sealed road carriageway must be bored with a minimum cover of 1.2m. Bores for services greater than 100mm must have a pumped backfill.

Road Widening

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

Sight Distance

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

Stormwater

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

General Fill

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

Supervision

23. A suitably qualified and experienced civil engineer must supervise and certify all works in accordance with Clause 21, 22, 23 and 24 of the Tasmanian Subdivision Guidelines.
24. The developer must engage Council to organise a Practical Completion inspection when works for each stage have reached practical completion. Upon successful completion of the audit inspection, in accordance with Clause 21 and Appendix 6 of the Tasmanian Subdivision Guidelines, Council will issue a Certificate of Practical Completion listing any minor defects and outstanding works identified.
25. Works certified as practically completed are subject to a Twelve (12) month Defects Liability Period commencing from the date which a Defects Liability Bond is lodged with Council for the applicable stage. During the Defects Liability Period, all maintenance costs and works shall be the responsibility of the developer.
26. A Defect Liability Bond equal to 5% of the construction costs, and no less than \$10,000.00, without expiry, must be lodged a financial security with Council prior to commencement of the Defects Liability Period.

27. Upon conclusion of the Defects Liability Period, the developer must engage Council to organise a Final Inspection & Hand-over audit, in accordance with Clause 24 of the Tasmanian Subdivision Guidelines. When all items listed in the Certificate of Practical Completion, and any subsequent defects identified, have all been attended to satisfactorily, Council will issue a Certificate of Final Completion and assume maintenance of the works, and arrange the return of any remaining financial security in due course.

As Constructed

28. Prior to Council sealing the Final Plan of Survey for any approved stage of the subdivision, accurate As Constructed drawings of all works completed must be submitted in .pdf and .dwg formats and:
- a) Be completed and certified by a suitably qualified land surveyor or civil engineer,
 - b) Include the data spreadsheet available from Council completed in accordance with the 'Guidelines for As Constructed Drawings and Asset Data Collection' (available from Council),
 - c) Include photos of all newly constructed assets,
 - d) Be accurate to AHD and GDA94,
 - e) Be drawn to scale and dimensioned,
 - f) Include the top, inlet and outlet levels for assets,
 - g) Include compaction and soil test results (if required), and
 - h) Include certification from a suitably qualified and experienced civil engineer, stating that the works have been completed in accordance with the engineering design drawings stamped by Council.

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

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

Existing Services

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

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

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

Telecommunications & Power

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

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

33. Prior to sealing the final plan of survey, the developer must submit written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.
34. Street lights must include LED lamps at the developers cost. The developer shall reimburse Council at a rate of \$625 (indexed with CPI) per LED lamp required.

Environmental Health

35. All civil and building construction work associated with the development must be within the following hours:
- a) 7.00. a.m. to 7.00. p.m. from Monday to Friday;
 - b) 8.00 a.m. to 6.00 p.m on Saturdays; and
 - c) No works are permitted on Sundays or public holidays.
36. Approval must be obtained from the Manager Health & Compliance for any works outside of these hours.
37. Airborne dust from construction works, roads, disturbed areas, storage heaps, or machinery operating on the land must not create an environmental nuisance. Areas must be dampened, covered, compacted or otherwise treated to reduce dust emissions.
38. Any soil disturbed or spread onto the land resulting from civil construction works must be compacted, revegetated and watered to allow the soil to stabilise and prevent dust being generated.



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

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

Legal

- The permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the Land Use Planning and Approvals Act 1993.
- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.
- Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.

Asset Protection

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

Other Approvals

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

Generally

- Requirements for works or other outcomes to the satisfaction of the General Manager will be delegated to the appropriate officer for determination.



- All engineering related queries should be directed to the Development Engineer. The Council General Manager has delegated functions relevant to the permit to the Development Engineer.
- Sealing of a final plan of survey is subject to a prescribed Council fee at the date of lodgement of the final plan or survey. Land Title Office fees must be paid directly to the Recorder of Titles.
- The final plan of survey is inclusive of any schedule of easement and Part 5 Agreement.
- The final plan of survey will not be sealed until all works required by this permit are complete. On lodgement of the final plan of survey, inspections will be undertaken, unless otherwise advised by the developer, and additional inspection fees will apply to incomplete or substandard works.

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

Executive Summary

Application is made for a Sixteen Lot Subdivision including works within the road reserve at 9 Valleyfield Road, Sorell, 123 Rosendale Road, Sorell & including Valleyfield Road Reserve. The property is zoned Rural Living and is located towards and along Iron Creek, approximately 2.5km from Sorell's centre.

The proposal triggers discretion with respect to the following clauses:

- General Provision 7.10 Development Not Required to be Categorised
- Rural Living Zone 11.5.1 Lot design - P1 & P2
- C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area - P1 & P3.
- C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area - P1
- C16.7.1 Subdivision Safeguarding of Airports Code area - P1

The key planning considerations relate to lot design, road access and land hazards.

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

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal includes new road and stormwater assets to be transferred to Council. Design and construction standards for these assets are considered in this report.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposed subdivision is assessed in accordance with the Public Open Space Policy.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	Environmental considerations are assessed against the relevant planning scheme provisions.

Legislation

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

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



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

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

Referrals

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

Report

Description of Proposal

Application is made for a Sixteen Lot Subdivision including works within the road reserve at 9 Valleyfield Road, 123 Rosendale Road (including Valleyfield Road Reserve).

The proposal results in the creation of 14 additional lots, 2 balance lots and a road lot.



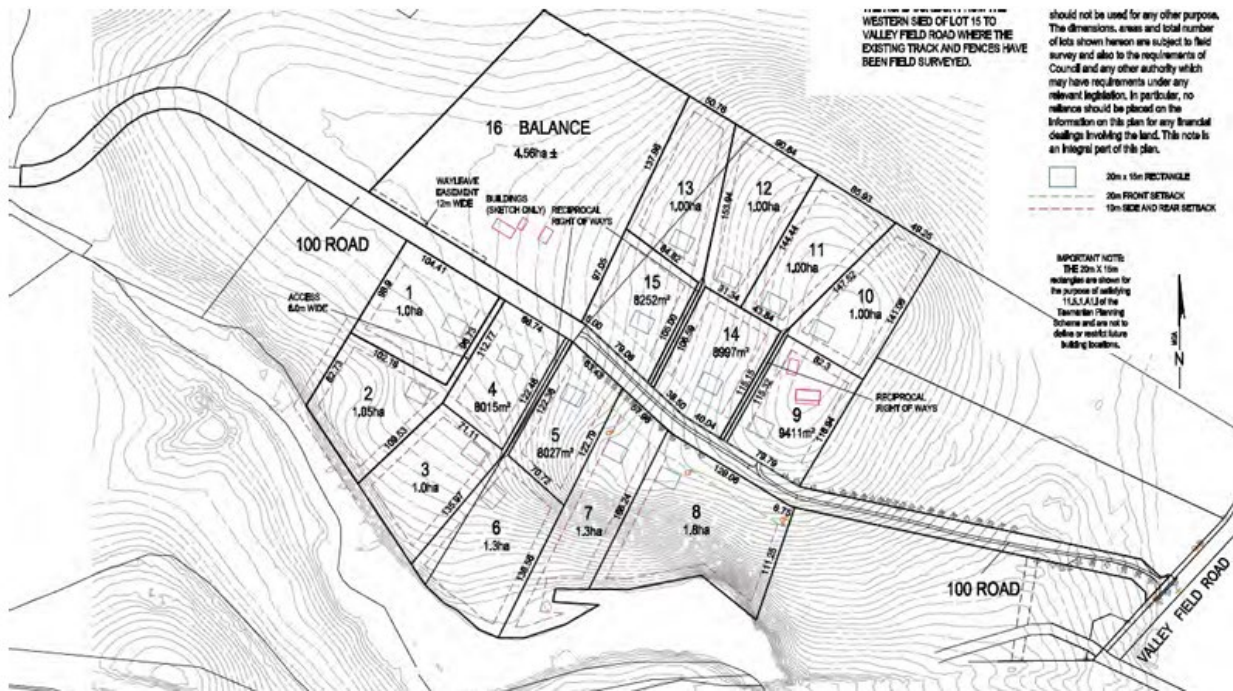


Figure 1. – Subdivision Plan

Lot No.	Size
1	1 Ha
2	1.05 Ha
3	1 ha
4	8015m2
5	8027m2
6	1.3 Ha
7	1.3 Ha
8	1.8 Ha
9 (balance)	9411m2
10	1ha
11	1ha
12	1 ha
13	1ha
14	8997 m2
15	8252m2
16 (balance)	4.56ha
100 (Road)	

Figure 2. Lot Sizes

The subdivision proposal includes the follow additional works:

- Sealing of new road between Valleyfield Road and the northwestern edge of proposed lot 1, with a carriage width of 6.5m. No changes are required to the finish of the new road lot between lot 1 and Rosendale Road.
- Sealing of Valleyfield Road between Arthur Highway and the site entry.

- A new drainage culvert (piped) on the western boundary of Lot 1 and 2 directing stormwater from the new road lot to Iron Creek with appropriate treatment at the outlet to minimise erosion or spread of pollutants, to be detailed at detailed engineer design through condition.
- The upgrade of existing drainage pipe located within new road lot approximately 110m west of Valleyfield Road.
- The relocation of powerlines to within the proposed road lot. Please note that the relocation of electricity infrastructure does not constitute development under Land Use and Planning Approvals Act, as per the Electricity Supply Industry Act 1995.

The application is supported by:

- a planning assessment from Ireneinc Planning dated 8 February 2024;
- a subdivision plan from Leary & Cox dated 18 April 2024;
- engineering plans from Integral Consulting Engineers dated 9 April 2024;
- a traffic impact assessment from SALT dated 04 December 2023;
- an onsite wastewater assessment from Integral Consulting Engineers dated 01 February 2024;
- a stormwater assessment report from Stephen Cole dated 10 April 2024;
- a noise assessment report dated 27 November 2023;
- a bushfire hazard management report, and management plan, from GES dated 12 April 2024.

Description of Site

The subject lots, 9 Valleyfield Road and 123 Rosendale Road are located along Iron Creek, approximately 2.5km from Sorell's centre. The total area of the properties is 22.8 Ha.

9 Valleyfield Rd accesses the road network via a 350m long gravel driveway which connects to Valleyfield Road, also a gravel road that extends off the Arthur Highway.

123 Rosendale also has a long gravel access of approximately 480m that connects to Rosendale Road via a bridge over Iron Creek.



Figure 3. Subject site.

The land has a steep embankment adjoining Iron Creek, particularly in the south-eastern corner with a sloping low-lying area in the south-western corner. A portion of the site is documented to have salt marsh and wetland (Succulent saline herbland).

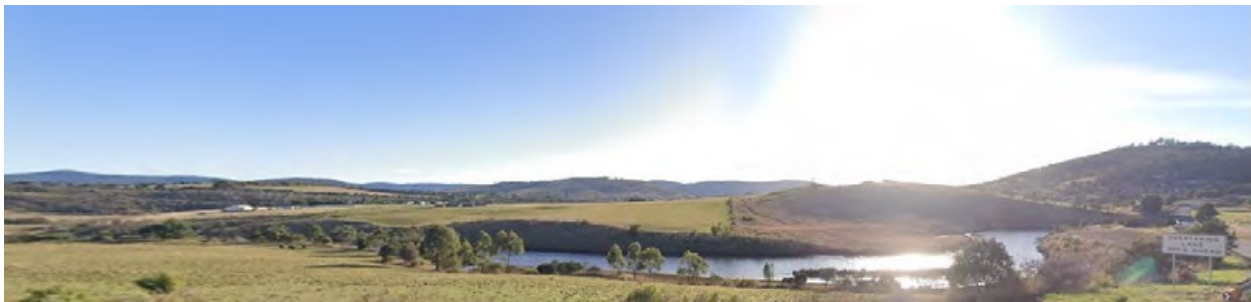


Figure 4. Landscape Photo

9 Valleyfield Road has an existing dwelling and shed located 25m from the nearest boundary, with a partially formed gravel access through the property which stops at the edge of 123 Rosendale Road. The site and surrounding lots are located on a hill, which has a high point at the 50m contour. Surrounding lots vary between 1ha-10ha. 123 Rosendale Road has an existing dwelling and two sheds located on it, and an area for livestock. The land at 123 is gently sloping, with the house site located on a small ridgeline.

There is no reticulated water or sewer to the site.

The site is located within the Rural Living Zone (Pink) and adjoins the Agricultural (brown), Rural (light brown) and Environmental Management (Green) Zones.



Figure 5. Zoning Map

The site is subject to the following overlays and codes:

- Bushfire-prone areas;
- Airport obstacle limitation area (proposed development exempt);
- Airport noise exposure area;
- Landslip hazard (proposed development exempt);
- Coastal inundation hazard;
- Priority vegetation;
- Future coastal refugia area; and
- Waterway and coastal protection area.

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
11.5.1 A1	Lot size	No - Lots 1, 2, 3, 6, 7, 8, 10, 11, 12, 13 and 16 meet the minimum lot size requirement, however, Lots 4, 5, 9 and 14 -16 are less than 1 ha and require assessment against the performance criteria. Refer to performance criteria assessment below.
11.5.1 A2		No – Lots 1, 4, 5, 7, 8, 9, 15, 15 and 16 all have frontages in excess of 40m, however, Lots 2, 3, 6, 10, 11, 12 and 13 are internal lots with frontages of 3.6m for all except lot 2 which has a frontage of 6m. Refer to performance criteria assessment below.
11.5.1 A2		Yes - The access from a boundary of a lot to a road can be designed in accordance with the requirements of the road authority as detailed engineering design through condition.

Performance Criteria Assessment 1 – Clause 11.5.1 Lot Size

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

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

The performance criteria is applicable as Lots 4, 5, 9, 14 and 15 do not comply with the minimum lot size of 1 ha and require assessment under the performance criteria. It is considered that the performance criteria is satisfied given each lot can accommodate a residential building envelope of 20x15m, is greater than 8000m² which is 20 per cent of the minimum requirements of Table 11.1, and has sufficient useable area and dimensions, having regard to:

- a) The existing buildings in Lot 9 comply with the permitted setbacks.
- b) All lots provide a building area that can comply with 11.4.2 A2 (frontage setback of not less than 20m) and A3 (setback from side rear boundaries of not less than 10m), and the existing buildings also meet the permitted frontage and side boundary setbacks whilst providing a BHMP of Bal 12.5.

Lot 2, whilst complying with 11.4.2 A2 and A3 does not comply with A4 (setback from the Agricultural Zone) due to the requirements for bushfire based on a Bal 12.5 assessment. It is possible that a building area could satisfy the setback from the Agricultural Zone with a higher BAL rating. Notwithstanding this, due to the presence of Iron Creek between Lot 2 and the opposite agricultural zone, this is considered sufficient to buffer any sensitive use and minimise any unreasonable impact on the adjoining agricultural zone.

The proposed building areas have been sited in areas free of spatially specific hazards such as flooding, erosion and landslip and the lots have been designed to ensure compliance with bushfire standards.

- c) The building areas for the discretionary lots are on gently sloping areas within the site with slopes less than 20 per cent (maximum of 8 degrees).

- d) The lots are not in areas within any known natural values, with the land being former rural/agricultural land. There are no identified landscape values, and the building areas are not located on a ridgeline.
- e) Sufficient useable space for open space with a minimum of 50x50m areas is located behind the each identified building area for potential use for private open space.
- f) The area has undergone a transition over the last decade from rural to smaller rural living lots which has resulted in a variety of lot sizes ranging from 0.86 to 62ha in size. The proposed lot sizes therefore will not result fracture the existing pattern of development within the locality.

Performance Criteria Assessment 2 – Clause 11.5.1 P2 Frontage

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

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

The performance criteria is applicable as Lots 2, 3, 6, 10, 11, 12 and 13 are internal lots with frontages of 3.6m for all except lot 2 which has a frontage of 6m. It is considered that the performance criteria is satisfied given:


- a) The frontage width for these lots is 3.6m for all except lot 2 which has a frontage width of 6m.
- b) Each lot, excluding lot 2, has frontage with two accesses side by side with reciprocal rights of way benefiting and burdening both lots.
- c) Each frontage and access is not constrained or negatively impacted by topography.
- d) The frontage is sufficient for the intended purpose of providing access to the road and satisfies the relevant bushfire requirements with regards to access.
- e) Each frontage and access provides for sufficient ability to manoeuvre vehicles on site. Each internal lot has frontage with two accesses side by

side with reciprocal rights of way benefiting and burdening both lots. This provides the ability for shared driveway facilities.

- f) Lots within the locality are irregular in shape and frontages vary. Therefore, reduced frontages do not fracture an established pattern of development within the locality.

Code(s)

Natural Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C7.6.1 A1	Buildings and works within a waterway and coastal protection area.	<p>No - This standard relates to the construction of the proposed road in two locations as below:</p>  <p>Refer to performance criteria assessment below.</p>
C7.6.1 A2	Buildings and works within a future coastal refugia area.	Not Applicable.
C7.6.1 A3	Stormwater point discharge	No – Proposal requires directing the stormwater to the creek.
C7.6.1 A4	Dredging or reclamation	Not Applicable.
C7.6.1 A5	Coastal protection/ erosion works	Not Applicable.
C7.6.2 A1	Clearance of Priority Vegetation	Not Applicable.
C7.7.1 A1	Subdivision within a waterway	No – Lots 2,3,6,7 and 8 are within the waterway and coastal protection area.

	and coastal protection area.	
C7.7.2 A1	Subdivision within a Priority Vegetation area.	Yes - Lots 6, 7, 8 and the road lot are within the priority vegetation area. Lots 6, 7 and 8 have the building area, including the indicative wastewater area, accesses and bushfire hazard management outside of the priority vegetation overlay. The road lot, within the priority vegetation overlay, is required to facilitate the subdivision and is for Utilities (road connecting into the existing transport network) and complies with the acceptable solution.

Performance Criteria Assessment 3 – Clause 7.6.1 Building and Works within a Waterway and Coastal Protection Area P1.1 & P1.2

P1.1 Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:

- a) impacts caused by erosion, siltation, sedimentation and runoff;*
- b) impacts on riparian or littoral vegetation;*
- c) maintaining natural streambank and streambed condition, where it exists;*
- d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;*
- e) the need to avoid significantly impeding natural flow and drainage;*
- f) the need to maintain fish passage, where known to exist;*
- g) the need to avoid land filling of wetlands;*
- h) the need to group new facilities with existing facilities, where reasonably practical;*
- i) minimising cut and fill;*
- j) building design that responds to the particular size, shape, contours or slope of the land;*
- k) minimising impacts on coastal processes, including sand movement and wave action;*
- l) minimising the need for future works for the protection of natural assets, infrastructure and property;*
- m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and*
- n) the guidelines in the Tasmanian Coastal Works Manual.*

P1.2 Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:

- a) the need to access a specific resource in a coastal location;*
- b) the need to operate a marine farming shore facility;*
- c) the need to access infrastructure available in a coastal location;*

- d) *the need to service a marine or coastal related activity;*
- e) *provision of essential utility or marine infrastructure; or*
- f) *provisions of open space or for marine-related educational, research, or recreational facilities.*

The performance criteria P1.1 is applicable (P1.2 is N/A) as the construction of the proposed road is in the waterway and coastal protection area.

It is considered that the performance criteria P1.1 is satisfied given:

- a) The road is proposed to be sealed and drained in accordance with Tasmanian Standard Drawings. This will minimise erosion through the use of the land for vehicles. Runoff will be captured by the proposed stormwater system.
- b) No riparian or litoral vegetation is mapped in these locations and the land is former rural/agricultural land that has been used as an access to date.
- c) No impact on streambank condition as a result of the works.
- d) No impacts on the stream natural habitat due to the distance of the works from the Creek and the presence of development (single dwelling) within this setback.
- e) This is already a modified drainage course as a result of the existing development and construction of dams in the area.
- f) n/a
- g) No landfilling proposed.
- h) This is an existing access within a developed area for rural residential use.
- i) Cut and fill will be minimised to that necessary to secure the required levels for the road.
- j) A road does not constitute a building.
- k) The new road is not anticipated to impact coastal processes, including sand movement and wave action. The road will utilise existing drainage paths.
- l) As the road is over 90m away, this is considered sufficient to minimise the need for future protection works.
- m) Any permit issued is recommended to be conditioned for a construction management plan to be developed in to Council's s
- n) 'As above'

Performance Criteria Assessment 4 – Clause 7.6.3 Stormwater Discharge in a Waterway P3

Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:

- a) the need to minimise impacts on water quality; and*
- b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff.*

The performance criteria is applicable as the proposal requires directing the stormwater to the creek. It is considered that the performance criteria is satisfied given:

- Due to the rural nature of the area, there is no public stormwater system to direct flows from the north-western portion of the road.
- Council have requested that the road be sealed in accordance with Tasmanian Standard drawings which necessitates the capture and management of runoff from the road.
- The stormwater engineer has confirmed that soakage is not a viable option, and therefore directing the stormwater to the Creek cannot be avoided.
- A gross pollutant trap to Council standards to minimise impacts on water quality can be constructed by condition, along with a soil and water management plan which has regard to the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and the guidelines in the Tasmanian Coastal Works Manual.
- A piped system with stone pitched outfall is proposed to prevent erosion and dissipate flows.

Performance Criteria Assessment 5 – Clause 7.7.1 Subdivision in Waterway and Coastal Protection Area P1

Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:

- a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and*
- b) future development likely to be facilitated by the subdivision.*

The performance criteria is applicable as Lots 2,3,6,7 and 8 are within the waterway and coastal protection area. It is considered that the performance criteria is satisfied given:



- a) This Lot 5 and 7's HMAs and the indicative lot 6 wastewater area are over 50m (between 50-100m) from the creek edge, noting Table C7.3 states that the waterway and coastal protection area extends 40m from the high tide mark, and are located within former agricultural land. The HMAs and the wastewater area will not impact the vegetation community of the Succulent saline herbland. It's not anticipated that the HMA and indicative wastewater area will have an adverse impact on the natural asset. Lot 2 and 3 have been allocated generous bushfire building areas, with option for the waterway area to be avoided in any future development application for a building. Notwithstanding this, the HMAs for these two lots are already within modified pasture and management of this area will have no new impacts on the waterway. The discharge point for stormwater cannot be avoided, and appropriate design and appropriate treatment at the outlet to minimise erosion or spread of pollutants can be finalised at detailed engineer design through condition.
- b) The subdivision potential of the lots affected by the overlays is low as they are either the permitted lot size or a minimum size required to respond to the values and hazards mapped within them including bushfire requirements. Future development potential is low.

Each lot, or a lot proposed in a plan of subdivision minimises adverse impacts on natural assets and the P1 is satisfied.

Bushfire-Prone Areas Code

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


Landslip Hazard Code

The Landslip Hazard Overlay applies to part of the site as shown below. The application has demonstrated that no works are required within the overlay and that each lot can accommodate future buildings, access, car parking and onsite services outside of the overlay. Therefore, the Code does not apply to the subdivision.



Figure 5. Landslip Hazard Area

Safe Guarding Airports Code - Airport Noise Exposure Area

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C16.6.1 A1	Subdivision in an airport noise exposure area	<p>No – Some lots are within the overlay (west of the orange line below)</p>  <p>Refer to performance criteria assessment below.</p>

Performance Criteria Assessment 6 – Clause 16.7.1 Subdivision

Each lot, or a lot proposed in a plan of subdivision, within an airport noise exposure area must not create an opportunity for a sensitive use to be exposed to excessive aircraft noise, having regard to:

- a) the location, orientation and elevation of the site relative to aircraft flight paths;*
- b) the current and future type and frequency of aircraft operating from the airport;*
- c) the type of use and the operational requirements for the use;*
- d) the layout and construction of buildings associated with the use;*
- e) the need to not compromise the future operation of the airport;*
- f) the requirements of any relevant airport master plan; and*
- g) any advice from the airport operator or Airservices Australia*

An ANEF Assessment has been prepared by NVC and the following response has been extracted from page 4 of the assessment.



9 Valleyfield Road & 123 Rosendale Road - ANEF Assessment

4. ASSESSMENT

Relevant each section of the Performance Criteria under clause C16.7.1-P1 of the Scheme, the following is noted:

- (a) The location of site is approximately 8.4 km from the ANEF 20 contour, and perpendicular to the flight path of the airport. This places the proposed site well outside of the flight path, and thus orientation and elevation will have minimal effect on the noise levels within the building.
- (b) The type of aircraft operating from the airport in the future are not expected to change markedly, and thus instantaneous noise levels are not expected to change. Long term noise levels may increase in the area in the future due to frequency of aircraft pass-by, but given the current and expected volumes of air traffic, the change is expected to be negligible. This is quantified in the ANEF contours for 2042 (see Figure 3.1).
- (c) The type of use is proposed residential subdivision but is a significant distance from ANEF 20 contour, approximately 8.4 km.
- (d) The layout of the buildings has a negligible effect regarding noise. The proposed construction is to utilise double glazing, and as the glazing is the weakest point, will reduce aircraft noise levels internally.
- (e) The proposal is not deemed to compromise the future operation of the airport regarding noise.
- (f) As noted from Figure 3.1, the proposed site is entirely outside the ANEF 20 contours, and thus the site does not require any specific building construction to protect from airport noise intrusion. The proposal is thus deemed to be in accordance with AS 2021:2015.
- (g) No requirements relevant to noise, due to the proposed residence being outside the ANEF 20 contour.

In summary, the proposal is deemed to comply with all requirements relevant to noise, specifically AS 2021:2015, and thus, residential amenity is unlikely to be compromised due to the operation of the airport.

The proposal is therefore deemed to comply with clause C16.7.1-P1 of the Tasmanian Planning Scheme.

It is considered that the performance criteria is satisfied based on the above assessment.



Public Open Space Policy

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

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

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

In this case, it is considered that taking land for open space would not further the Council policy. Public open space land is not typically taken in a rural living area due to the low density of residential development and capacity for each lot to provide for recreational needs.

A riparian strip could be considered however the topography of the site precludes any practical use and would be very challenging to access for maintenance purposes.

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

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

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

There is no public open space within walking distance of the site and a reduction below the 5% rate is reasonable. The site is in close proximity to key facilities in Sorell and future residents will increase demand on such facilities. It is considered reasonable that the 4% contribution rate apply in this instance.



Representations

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

One (1) representation has been received, which is addressed in the following table.

Issue	Relevant Clause	Response
<p>Subdivision will increase runoff to the watercourse that runs directly through our property causing:</p> <ul style="list-style-type: none"> • restricting or washing away property access • sediment and contamination of stock dam • existing issues of gravel wash from Valleyfield 	<p>6.11</p>	<p>Drainage from the new road will be contained in table drains to Council standards. Drainage will be conveyed to outlets. Only in very large rain events can runoff be expected into the property. Large rain events will exceed the standard design specifications for roadside drains and natural overland flow conditions will arise. As the property is on the low side, this cannot be avoid.</p> <p>The existing conditions relate to the private driveway that now serves 9 Valleyfield Drive.</p>
<p>Safety of existing property access with realignment of road closer to the access</p>	<p>C3.0</p>	<p>The property has a long driveway access parallel to what is now part of the access strip for 9 Valleyfield but will become a public road.</p> <p>The new road will intersect with the existing public section of 9 Valleyfield approximately five metres closer to the owners driveway. This will place the new road in the midpoint of the land and provide separation from the driveway that serves 11 Valleyfield</p> <div data-bbox="900 1536 1378 1939" data-label="Image"> </div> <p>Approximately new alignment in relation to existing driveways to 7, 9 and 11 Valleyfield</p>

		The property owner could construct a new crossover onto this new road close to the existing house. If they do not, the existing access has good sight lines and is considered safe. It should also be noted that the sealed section of Valleyfield will be extended to the new road.
Spread of box thorns and briar bushes seeds during weed removal.	6.11	Standard weed management practices apply.

Conclusion

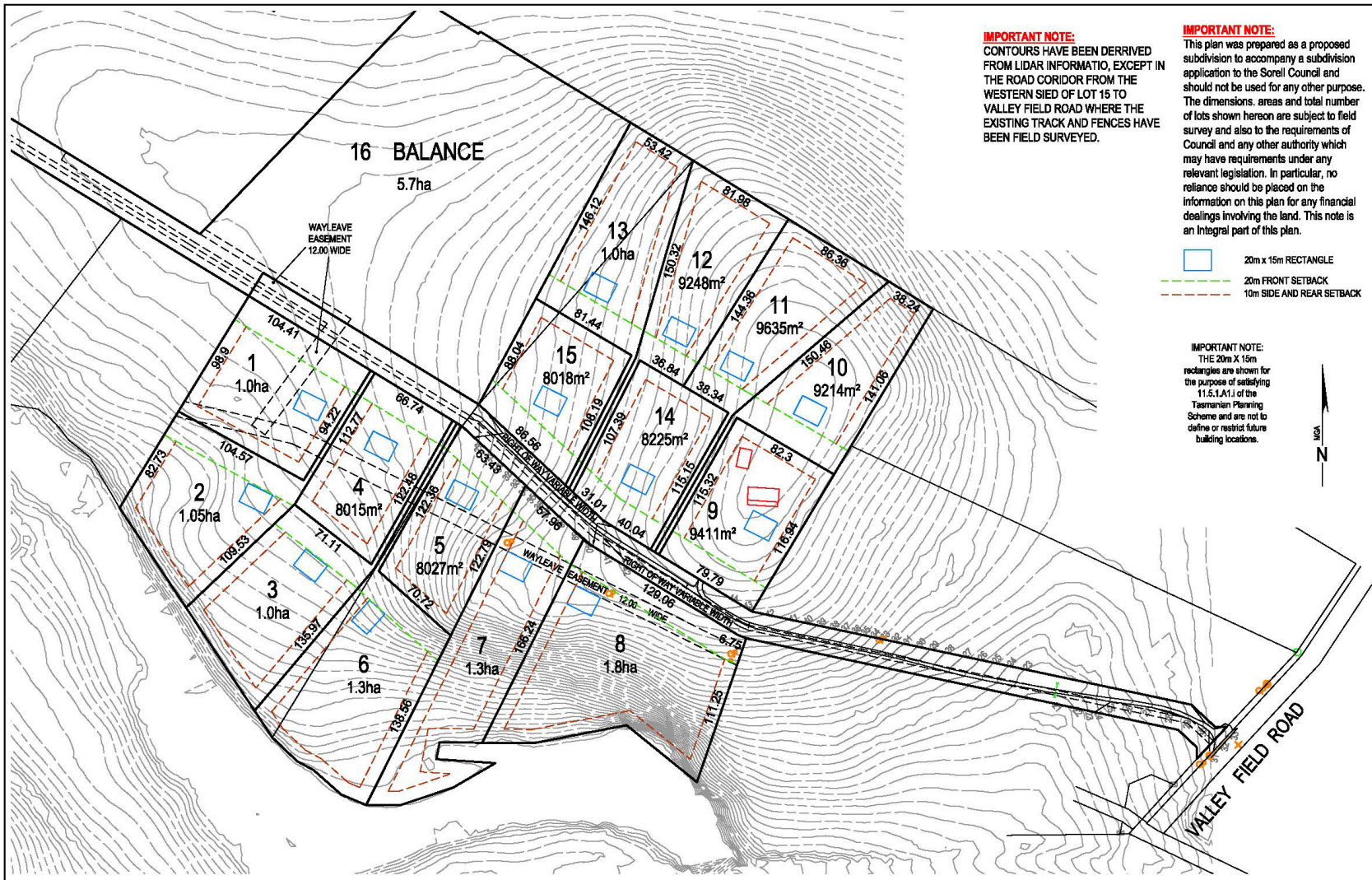
The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme - Sorell* and is recommended for conditional approval.

Shannon McCaughey
Senior Planner

Attachments:
Proposal Plan
Representation x 1

Separate attachments:
Planning Report
Bushfire Hazard Report
Stormwater Assessment Report
Onsite Wastewater Assessment
Traffic Impact Assessment





IMPORTANT NOTE:
 CONTOURS HAVE BEEN DERRIVED FROM LIDAR INFORMATION, EXCEPT IN THE ROAD CORRIDOR FROM THE WESTERN SIDE OF LOT 15 TO VALLEY FIELD ROAD WHERE THE EXISTING TRACK AND FENCES HAVE BEEN FIELD SURVEYED.

IMPORTANT NOTE:
 This plan was prepared as a proposed subdivision to accompany a subdivision application to the Sorrell Council and should not be used for any other purpose. The dimensions, areas and total number of lots shown hereon are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land. This note is an integral part of this plan.

- 20m x 15m RECTANGLE
- 20m FRONT SETBACK
- 10m SIDE AND REAR SETBACK

IMPORTANT NOTE:
 THE 20m X 15m rectangles are shown for the purpose of satisfying 11.5.1A1.1 of the Tasmanian Planning Scheme and are not to define or restrict future building locations.



<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3">AMENDMENTS</th> </tr> <tr> <th>No.</th> <th>Reason/Date</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	AMENDMENTS			No.	Reason/Date	Date										<p>LEARY COX & CRIPPS LAND & ENGINEERING SURVEYORS</p>	<p>Unit G04 40 Mollie Street, HOBART TAS 7000 P 03 6118 2030 E admin@lccsurvey.com</p>	<p>Project Name and Address 9 VALLEYFIELD ROAD SORELL TAS 7172</p>	<p>Drawing Title SUBDIVISION PLAN CONTOURS</p> <p>Client TOM MCCLELLAND</p>	<p>SCALE 0 20 40 100 1:2500 at A3</p>	<p>Customer Interval 1.00m</p> <p>Date 3-11-2023</p>	<p>FILE REF: 13620</p>
AMENDMENTS																						
No.	Reason/Date	Date																				
<p>SHEET 3 of 4</p>		<p>DESIGNER: MC</p>		<p>DATE: GDA2020</p>		<p>SCALE: AHD83</p>																



AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
11 JUNE 2024

From:
To: [Sorell Council](#)
Subject: Fwd: Re Development application 7.2024.4.1
Date: Monday, 27 May 2024 7:37:21 AM

Hello,

Re Development application 7.2024.4.1

We own the property at _____ which adjoins the proposed subdivision, and would like to raise some concerns after reviewing the application.

Our concerns are not directly related to the actual subdivision, but rather the proposed changes to the Valleyfield Road reserve, and are outlined below.

As outlined in the application "the new road lot requires stormwater management, and upgrade to the existing drainage pipe located approximately 110m west of Valleyfield Road". The application also outlines "the new road will intercept some of the existing surface water flows that flow towards the landslide hazard area and drain via the roadside swale drain". The report states that the catchment that flows into the culvert on the access road is not part of the subject property, and we feel therefore has not been appropriately assessed.

The application report (Traffic) outlines the available site distance on Valleyfield Road from the road reserve is less than the SISD, and this can be overcome with the re-alignment of the access road.

Our concerns are as follows:

- The development of the road reserve and installation of swale drains, will increase the catchment area and direct the concentrated water flow the to water course directly through our property.
- The increased catchment area and resulting concentrated flow through upgraded culverts directly impacts our driveway access, and the potential to restrict or even inhibit our property access and egress. The upgraded larger culverts will not address the water management post the culvert, the resulting impact on our property is increased water volume against our driveway potentially "washing away" or flooding our property access.
- The potential impact of contaminants including sediment, rubbish, land management sprays (box thorn treatment), and oils and greases from the roadway will all wash into our existing dam which is used for stock water, and distribute the contamination across our land post the dam. We have already seen a significant increase in rubbish across our property particularly on the southern end where the turning circle was installed. We have also experienced a "wash" off Valleyfield road during periods of heavy rain resulting in gravel being distributed across our paddocks, we expect without consideration or management we will see further instances of this type of event.
- The current road reserve has a significant number of box thorns and briar bushes, whilst these may be removed the potential for seeds or sprays to be



washed across our property is also of concern.

- The safety impact regarding the egress from our property with the upgrade of the road reserve (and traffic) do not appear to have not been considered. The proximity of the access road to our driveway is close already, and the re-alignment moving the road 15m increases the risk. There are currently four active vehicles residing at our residence, we also have a caravan and therefore a total vehicle length of approximately 15m, and at times heavy vehicles (water trucks etc), exiting our property. We are genuinely concerned about safely exiting our driveway with it being so close the the "re-aligned" road reserve.

We are available to discuss our concerns further either by phone, or in person onsite at a suitable time.

Regards



5.2 REPORT ON REPRESENTATIONS RECEIVED FOR DRAFT PLANNING SCHEME AMENDMENT AM-SOR-5.2024.1.1 – WATERWAY OVERLAY

Applicant:	Sorell Council
Proposal:	Update Waterway and Coastal Protection Area Overlay
Site Address:	Whole of LGA
Planning Scheme:	<i>Tasmanian Planning Scheme Sorell (TPS-S)</i>
Relevant Legislation:	Section 40K of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Representations received for a planning scheme amendment
Decision Due:	35 days after public exhibition ends
Representation(s):	Two

RECOMMENDATION

- a) That pursuant to Section 40K of the *Land Use Planning and Approvals Act 1993*, the Planning Authority provides the Tasmanian Planning Commission with the following report in relation to the public exhibition of draft amendment AM-SOR-2024.1.1 to the Sorell Local Provisions Schedule.

Executive summary

At the end of public exhibition of a planning scheme amendment, a report must be provided to the Tasmanian Planning Commission (“the Commission”) that includes:

- a copy of each representation;
- a statement of the Planning Authorities opinion as to the merit of each representation;
- a statement as to whether the draft amendment satisfies the criteria for approval; and
- any other recommendation on the draft amendment.

The amendment seeks to replace the waterway and coastal protection area overlay with a revised overlay that reflects the current and best available information on the alignment of waterways and the coastline through the LGA.

Two representations were received, with one objection and one statement of support.

Summary of Representations

Representor	Issue	Comment
Bosworth	Statement of support with particular reference to the State Coastal Policy.	Noted
Guidotti	Objection with respect to the overlay applying to 763 Primrose Sands Road, Primrose Sands.	<p>The proposed overlay is almost identical to the current. There is slight variation along the boundary due only to intricacies in how the overlay is processed in the geographic information system.</p> <p>There are numerous properties adjoining coastal reserves that are subject to the overlay whereby established gardens, outbuildings or dwellings are within the overlay. Generally, any natural values have been lost entirely or severely impacted within private properties as lot sizes are far too small to retain native vegetation and provide onsite services.</p> <p>As there is no exemption for works in the overlay, nor any relevant acceptable solution, discretionary applications are generally required for outbuildings, dwelling addition or significant landscaping works notwithstanding the prior loss of natural values. These applications will be conditioned with a requirement for soil and water management and in some instances with a requirement to protect vegetation on coastal reserves through protecting the tree root zone.</p> <p>There is no means under the State Planning Provisions (SPPs) to not apply the overlay to this property. The overlay is only the spatial depiction of Table C7.3 in the SPPs, which specifies the distance from certain waterways. The regulation and policy that is embedded in the SPPs is a matter for the Minister and outside the scope of the amendment.</p>





Figure 1. Overlay at 763 Primrose Sands Road, Primrose Sands

Section 40k Assessment

Section 40K	Required Statement
(2) The report by a planning authority in relation to the draft amendment of an LPS is to contain–	
(a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and	Each representation is attached.
(b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and	Not relevant.

<p>(c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to—</p> <p style="padding-left: 40px;">(i) whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and</p> <p style="padding-left: 40px;">(ii) the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and</p>	<p>No modification to the amendment is necessary in response to the representations and there is no effect on the amendment as a whole.</p>
<p>(d) a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and</p>	<p>The amendment is considered to satisfy the LPS for the reasons identified in the certification report previously considered by Council.</p>
<p>(e) any recommendations in relation to the draft amendment that the planning authority thinks fit.</p>	<p>Nil.</p>
<p>(3) Without limiting the generality of subsection (2)(e) (<i>above</i>), the recommendations in relation to a draft amendment of an LPS may include recommendations as to whether—</p> <p>(a) a provision of the draft amendment of an LPS is inconsistent with a provision of the SPPs; or</p> <p>(b) the draft amendment of an LPS should, or should not, apply a provision of the SPPs to an area of land; or</p> <p>(c) the draft amendment of an LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.</p>	<p>The draft amendment is not inconsistent with a provision of the SPPs. Rather, the draft amendment seeks to spatially apply the SPPs as close as possible to how they intend to apply noting inherent difficulties in mapping physical objects that are subject to change and for which only partial spatial information can ever be reasonable expected to exist. The draft amendment includes a permitted provision.</p>
<p>(4) A planning authority must not include in a recommendation in relation to a draft amendment of an LPS a recommendation to the effect that the content of a provision of the SPPs should be altered.</p>	<p>No such recommendation is made.</p>

Conclusion

This report on representations received on the draft amendment is required to be provided to the Tasmanian Planning Commission. The two representations received do not require modification to the draft amendment for the reasons noted.

Attachments:

Representations received x 2
TasWater SPAN

Separate Attachments:

Exhibition documents & draft amendment

From:
To: [Sorell Council](#)
Subject: AM-SOR-5.2024.1.1 Draft Planning Scheme Amendment-Representation Close Tuesday 14th May 2024
Date: Wednesday, 8 May 2024 3:04:59 PM

To whom it may concern.

Please accept the information below as our representation commenting on:

**AM-SOR-5.2024.1.1 Draft Planning Scheme Amendment –
Representation Close Tuesday 14th May 2024**

We support the Council proposal to replace the existing Waterway and Coastal Protection Area with a new Waterway and Coastal Protection Area Overlay that applies across the whole of the Local Government Area of Sorell.

The Council and staff are to be congratulated for the significant work involved in developing the amendment.

The proposal will ensure and enable more accurate, meaningful, up to date and sensible application of the Tasmanian Coastal Policy.

Regards

From:
To: [Sorell Council](#)
Subject: Application 5.2024.1.1
Date: Tuesday, 14 May 2024 9:21:54 AM

Dear General Manager

I would formally like to object to the above application as it applies to the property 763 Primrose Sands Road, Primrose Sands.

Regards

Sent from my Samsung Mobile on the Telstra Mobile Network





Submission to Planning Authority Notice

Council Planning Permit No.	AM-SOR-5.2024.1.1	Council notice date	11/04/2024
TasWater details			
TasWater Reference No.	TWDA 2024/00420-SOR	Date of response	09/05/2024
TasWater Contact	Al Cole	Phone No.	0439605108
Response issued to			
Council name	SORELL COUNCIL		
Contact details	sorell.council@sorell.tas.gov.au		
Development details			
Address	47 COLE STREET, SORELL	Property ID (PID)	3218371
Description of development	Draft Planning Scheme Amendment - Replace Existing Waterway and Coastal Protection Area with New Overlay that applies to whole Sorell Area		
Schedule of drawings/documents			
	Prepared by	Drawing/document No.	Revision No.
	Sorell Council	AM-SOR-5-2024-1.1	N/A
			Date of Issue
			11/04/2024
Conditions			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater makes the following submission(s):			
1. TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.			
Advice			
General			
For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards			
For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form			
Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

