



SORELL PLANNING AUTHORITY (SPA) AGENDA

10 DECEMBER 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, 10 December 2024 commencing at 4:30 pm.

CERTIFICATION

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

ROBERT HIGGINS
GENERAL MANAGER
5 December 2024



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON TUESDAY 10 DECEMBER 2024

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1.0 ATTENDANCE

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Chairperson Mayor Gatehouse
Deputy Mayor C Wooley
Councillor B Nichols
Councillor S Campbell
Councillor M Larkins
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 26 NOVEMBER 2024

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 26 November 2024 be confirmed.”

4.0 DECLARATIONS OF PECUNIARY INTEREST



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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 / 13 - 1

Applicant:	B F Hills
Proposal:	One Lot Subdivision
Site Address:	14 Knights Road, Connellys Marsh (CT 80986/8)
Planning Scheme:	<i>Tasmanian Planning Scheme - Sorell</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	More than one representation received.

Relevant Zone:	Low Density Residential												
Proposed Use:	Not Applicable												
Applicable Overlay(s):	<i>SAP SOR-S4.0 – Connellys Marsh Special Area Plan</i>												
Applicable Codes(s):	C7.0 Natural Assets Code – Priority Vegetation & Waterways C13.0 Bushfire Prone Areas Code												
Valid Application Date:	13 June 2024												
Decision Due:	13 December 2024												
Discretion(s):	<table border="1"> <tr> <td>1</td> <td>10.6.1 A1 – Lot Design (Setbacks)</td> </tr> <tr> <td>2</td> <td>10.6.1 A2 – Lot Design (Frontage)</td> </tr> <tr> <td>3</td> <td>10.6.3 A2 - Sewage</td> </tr> <tr> <td>4</td> <td>10.6.3 A3 - Stormwater</td> </tr> <tr> <td>5</td> <td>C7.7.2 A1 - Priority Vegetation Area</td> </tr> <tr> <td>6</td> <td>SOR 4.8 - Development Standards for Subdivision – Lot Design</td> </tr> </table>	1	10.6.1 A1 – Lot Design (Setbacks)	2	10.6.1 A2 – Lot Design (Frontage)	3	10.6.3 A2 - Sewage	4	10.6.3 A3 - Stormwater	5	C7.7.2 A1 - Priority Vegetation Area	6	SOR 4.8 - Development Standards for Subdivision – Lot Design
1	10.6.1 A1 – Lot Design (Setbacks)												
2	10.6.1 A2 – Lot Design (Frontage)												
3	10.6.3 A2 - Sewage												
4	10.6.3 A3 - Stormwater												
5	C7.7.2 A1 - Priority Vegetation Area												
6	SOR 4.8 - Development Standards for Subdivision – Lot Design												
Representation(s):	Nine (9)												

RECOMMENDATION –

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2024.13.1 for a One Lot Subdivision at 14 Knights Road, Connellys Marsh be approved, subject to the following conditions:



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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) P4 (Plan of Subdivision by JB Medbury dated 13 September 2024)
 - b) P1 (Natural Values Assessment by Enviro-Dynamics dated 5 June 2024)
 - c) P4 (Amended Geotechnical Assessment by Rock Solid Geotechnics Pty Ltd dated 10 September 2024)
2. As no provision has been made for Public Open Space or improvements thereto and, having formed the opinion that such a provision should be made, Council invokes the provisions of Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and requires security equivalent of 5% of the improved value of lot 1.

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.

3. 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.
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.

Development Engineering

5. Prior to sealing the final plan of survey, lot 1 must be provided with a 40mm thick DG10 asphalt vehicle crossover to the front boundary or a minimum length of 6m with minimum width of 4.0 metres.
6. The balance lot must be provided with a minimum 4.0m wide right of way to Fulham Road.

On-site wastewater

7. At least 400m² of land must be designated on the final plan of the balance lot that is specifically reserved on-site for wastewater treatment that is located on the northern portion of the lot. The final position must be to the satisfaction of the Manager Health & Compliance.

Environmental

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

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

8. 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.
9. 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 One Lot Subdivision at 14 Knights Road, Connellys Marsh. This property is zoned Low Density Residential and located in the village of Connellys Marsh between Fulham Road and the foreshore along Connellys Bay.

The proposal is for a subdivision of the land, to create two separate titles. The proposed 'balance lot' incorporates the existing dwelling, with the remainder of the land becoming 'Lot 1' for a future residential development.

The Parent Lot has 35 metres of frontage with Fulham Road. However, current access to the site is via Knights Road to the southeast of the lot.

The key planning consideration relates to coastal inundation. The site is subject to coastal inundation hazard band, however, the development is considered exempt from the application of the Coastal Inundation Hazard Code given the application includes evidence from a registered land surveyor (a suitably qualified person, by way of a land survey showing an AHD for the land in excess of the low hazard band level relevant for that land, as shown in the coastal inundation hazard bands AHD levels list in the relevant Local Provisions Schedule (identified as AHD 2.8m).

Additionally, representation was received from beneficiaries to the Estate of (late) Gail Vivienne Ann Lawler (registered owner of the subject property) with regards to the validity of the application, given that the applicant is not the sole owner of the subject property. Council's planning officers have confirmed that the application is deemed valid, given the applicant has provided evidence that Clause 52 (1) of the *Land Use Planning and Approvals Act 1993* has been satisfied.

Clause 52 (1) of the Land Use Planning and Approvals Act 1993 requires that "If the applicant is not the owner of the land in respect of which the application is required; the applicant must include in the application for the permit a declaration that the applicant has notified the owner of the intention to make the application."



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Considering the above, the concerns raised concerning the validity of the development application and the ability for it to be acted upon are regarded as a civil legal matter removed from the Council's legislative prerogative to consider.

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

Relevance to Council Plans & Policies

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



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with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

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

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

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

Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Yes	Nil
Environmental Health	Yes	Yes	Yes	Nil
Plumbing	Yes	Yes	Nil	



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NRM	Yes	Yes	Nil	
TasWater	No			
TasNetworks	No			
State Growth	Yes	Yes	Nil	Nil

Report

Description of Proposal

The proposal will create a 'balance lot' incorporates the existing dwelling, with the remainder of the land becoming 'Lot 1' for future residential development.

Proposed Lot 1 has 35 metres of frontage with Fulham Road with potential access. However, current access to the site is via Knights Road to the southeast of the parent Lot, which is to be retained for Lot 1 via a proposed 6-metre 'right of way' over the Balance Lot. This access is required to facilitate emergency vehicle access in accordance with the Bushfire Management Plan (BMP) given site constraints by way of the steep topography adjoining Fulham Road.



Figure 1. Proposed Subdivision Plan

The application is supported by:

- A planning assessment from PDA.
- A bushfire Hazard Report including Bushfire Management Plan from AVK Environmental Management dated 08/12/2023.
- A Natural Values Assessment from Enviro-dynamics dated 02/04/2024.
- A Geotechnical Report from Rock Solid Geotechnics Pty Ltd dated 10/09/2024.

Description of Site

The subject 7764m² site is located in the village of Connellys Marsh between Fulham Road and the foreshore along Connellys Bay. The land has a southerly aspect with a moderate upslope to the north towards Fulham Road.

Most of the lot has been cleared and is covered with grass and scattered trees and shrubs. An existing dwelling is in the southeast corner of the lot adjacent to the beach.

The overall slope on the proposed new Lot 1 is in the 5 to 10-degree range, and most of the Balance Lot is nearly flat.

An existing dwelling on the proposed balance lot (4170m²) is serviced with an onsite wastewater system consisting of a septic tank and absorption trench(es). The current onsite wastewater system is wholly contained on the proposed Balance Lot.

The existing dwelling lies on the highest portion of the block, on the top of the sand dune immediately to the north of Connellys Marsh Beach. The major portion of the proposed Balance Lot declines north, towards a natural drainage line with a seasonal creek running west to southeast adjacent to the proposed property boundary between Lot 1 and the Balance Lot. The Balance Lot extends up the slope (towards Fulham Road).

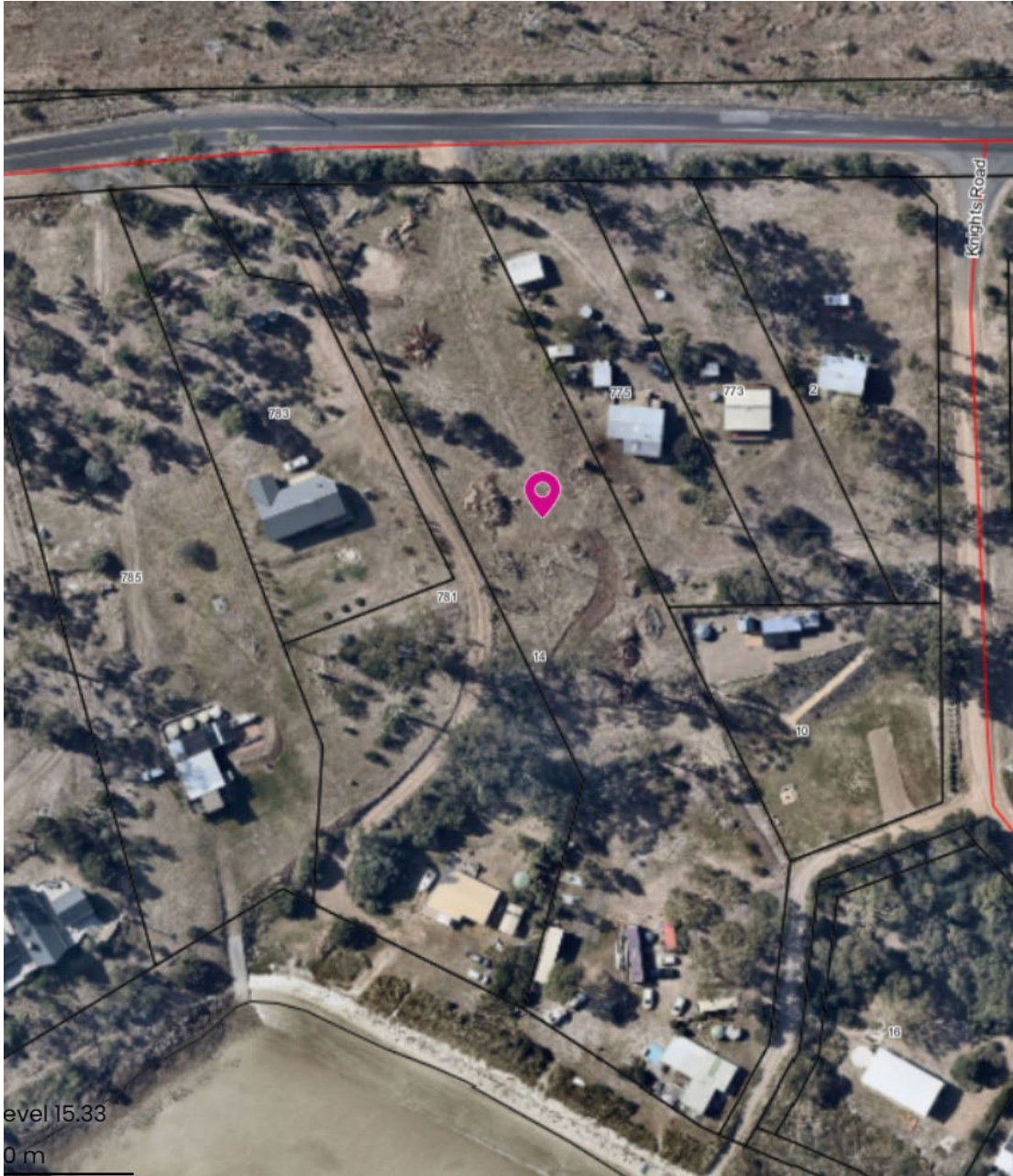


Figure 2. Subject Site

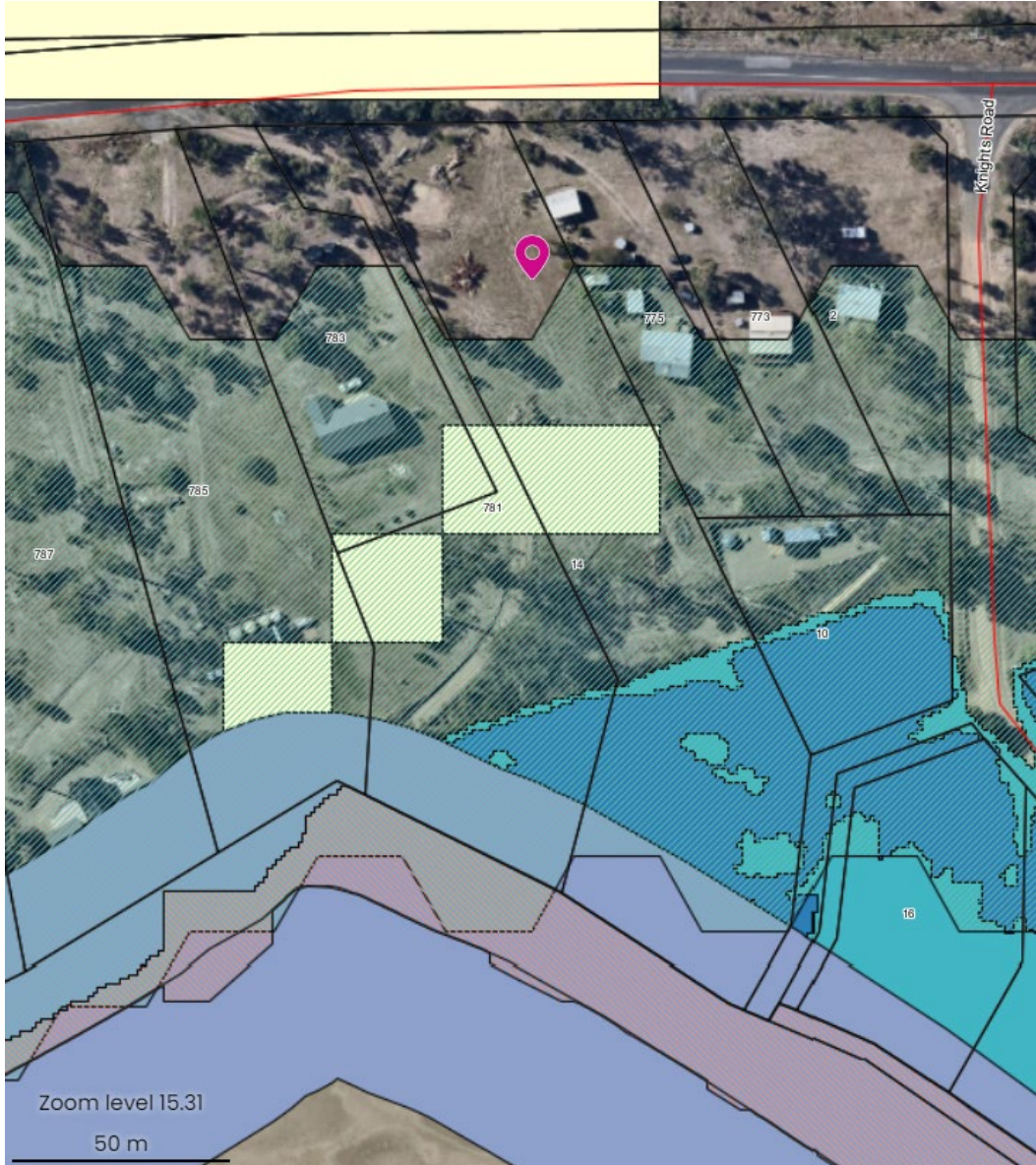


Figure 3. Overlays: Biodiversity (green hatched), Coastal Inundation (blue), Waterway, Landslip (Yellow).

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
10.6.1 A1	Lot Design - Setbacks	No, the balance lot has existing buildings that have rear and side boundary setbacks that are less than 5m.
10.6.1 A2	Lot Design - Frontage	No, as the Balance Lot has no frontage to Fulham Road. Refer to performance criteria assessment below.



10.6.1 A3	Vehicular Access	Yes, as is provided with reasonable vehicular access in accordance with the Council's requirements.
10.6.2 A1	Roads	Yes, no new road will be created as part of the subdivision proposal.
10.6.3 A1	Water Supply	Yes, as neither limited nor full water supply service is available within the area.
10.6.3 A2	Sewerage	No, no connection to reticulated systems is proposed. Refer to performance criteria assessment below.
10.6.3 A3	Stormwater	No, no connection to a public stormwater system is proposed. Refer to performance criteria assessment below.

Performance Criteria Assessment 1 – Clause 10.6.1.1 P1 – Lot Design (Setbacks)

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

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

The performance criteria is applicable as the balance lot has existing buildings that have rear and side boundary setbacks that are less than 5m. It is considered that the performance criteria is satisfied given:

- The pattern of development existing on established properties in the area has significantly reduced setbacks, given a lack of historical controls regarding siting.
- The existing provision of onsite wastewater and sewage has been demonstrated to be adequate.
- Each lot is greater than 1500m² in size, is able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5 compliant with the prescribed setback requirements.
- The siting of the existing buildings allows for existing



development to be located on land in excess of the low hazard band level relevant for the site, as shown in the coastal inundation hazard bands AHD levels listed in the relevant Local Provisions Schedule (identified as AHD 2.8m).

Performance Criteria Assessment 2 – Clause 10.6.1.1 P2 – Lot Design (Frontage)

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

- (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 Lot 1 has no frontage to Knights Road and is accessed via a 6m 'right of way'. It is considered that the performance criteria is satisfied given Lot 1 has 35m frontage to Fulham Road that is able to provide access in accordance with the Acceptable Solution. Considering, if approved, the permit is to include the provision of compliant access from Fulham Road by way of conditional approval.

Performance Criteria Assessment 3 – Clause 10.6.3 P2 – Sewerage

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

The performance criteria is applicable as Lots will not be connected to a reticulated sewerage system. It is considered that the performance criteria is satisfied given an onsite wastewater suitability report undertaken by Rock Solid Geotechnics Pty Ltd has been provided outlining the site and soil conditions of each lot with suitability and recommendations as per the following:



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The onsite wastewater system that services the current residence is wholly located within the boundaries of the Balance Lot. The land on the upper, northern portion of the Balance Lot will need to be used for any future wastewater disposal area (reserve LAA).

Proposed Lot 1 can sustain an onsite wastewater system for a single, three-bedroom dwelling, in compliance with the Land Use Planning and Approvals Act 1993 and the Tasmanian Planning Scheme - Sorell Council

Performance Criteria Assessment 4 – Clause 10.6.3 P3 – Stormwater

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

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

The performance criteria is applicable as Lots will not be connected to a public stormwater system. It is considered that the performance criteria is satisfied given each lot on the proposed subdivision plan has sufficient area for proposed residential development and associated onsite stormwater. As no water services are available within the area, onsite stormwater management by way of water storage tanks will be required for collection of water from roofed areas for re-use onsite.

Code

C7.0 Natural Assets Code

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
7.7.1	Subdivision (including building and works) within a waterway and	Yes, as the proposed development does not include any works, building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.



	coastal protection area or a future coastal refugia area.	
7.7.2	Subdivision within a priority vegetation area.	No, future development including building areas are proposed within a priority vegetation area. In addition, a Natural Values assessment confirms that no significant priority vegetation is located with the scope of the development.

Performance Criteria Assessment 5 – Clause C7.7.2 P1.1 and P1.2 – Priority Vegetation

P1.1

Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:

- (a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;*
- (b) subdivision for the construction of a single dwelling or an associated outbuilding;*
- (c) subdivision in the General Residential Zone or Low Density Residential Zone;*
- (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;*
- (e) subdivision involving clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or*
- (f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.*

P1.2

Works associated with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:



- a) *the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;*
- b) *any particular requirements for the works and future development likely to be facilitated by the subdivision;*
- c) *the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;*
- d) *any mitigation measures implemented to minimise the residual impacts on priority vegetation;*
- e) *any on-site biodiversity offsets; and*
- f) *any existing cleared areas on the site.*

The performance criteria is considered to be satisfied given:

- the subdivision is located in the low density residential zone as required by P1.1
- the findings of the natural values assessment submitted with the application which demonstrates that the proposal will have minimal impact on vegetation and determines the site to not support priority vegetation as defined in the planning scheme. This is consistent with the requirements of P1.2.

C10.0 Coastal Erosion Hazard Code

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
C10.7.1 1	Subdivision	Yes, as the balance lot contains an existing building and lot 1 is outside the coastal erosion hazard area.

C11.0 Coastal Inundation Hazard Code

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
C11.7.1	Subdivision	Yes, as the balance lot contains an existing building and lot 1 is outside the coastal inundation hazard area.

C13.0 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.



C15.0 Landslip Hazard Code

The subdivision is exempt under clause C15.4.1 (d) (i) as it is located in a low hazard band and does not involve significant works as defined in code.

SOR-S4.8 – Connellys Marsh Specific Area Plan

Note: The SAP applies a minimum lot size of 3,000m² rather than the 1,500m² that applies generally in the low density residential zone. The standard in the SAP is otherwise similar to the standard previously considered in the zone.

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
SOR 4.8.1	Development Standards for Subdivision – Lot Design	No, the balance lot has existing buildings that have rear and side boundary setbacks that are less than 5m and do not satisfy Clause 10.4.3 A2.

Performance Criteria Assessment 6 – Clause SOR-4.8.1 P1 – Lot design

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

- a) the plan purpose statement;
- b) the relevant requirements for development of buildings on the lots;
- c) the intended location of buildings on the lots by the provision of a building area;
the topography of the site;
- d) adequate provision of private open space;
- e) adequate provision of drainage and sewerage;
- f) any constraints to development; and
- g) the pattern of development existing on established properties in the area; and must be not less than 3,000m².

The performance criteria is applicable as the balance lot has existing buildings that have rear and side boundary setbacks that are less than 5m and do not satisfy Clause 10.4.3 A2. It is considered that the performance criteria is satisfied given:

- The pattern of development existing on established properties in the area has significantly reduced setbacks, given a lack of historical controls regarding siting.



- The existing provision of onsite wastewater and sewage has been demonstrated to be adequate.
- Each lot is greater than 1500m² in size, is able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5 compliant with the prescribed setback requirements.
- The siting of the existing buildings allows for existing development to be located on land in excess of the low hazard band level relevant for the site, as shown in the coastal inundation hazard bands AHD levels listed in the relevant Local Provisions Schedule (identified as AHD 2.8m).

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

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

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

- (a) *the existing provision of POS in the vicinity of the subject area;*

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

The isolation of the larger coastal lots along the relatively small coastal area zoned low-density residential and surrounded by agricultural land does not warrant the development of public open space within the locality. A considerable cash-in-lieu contribution to improve existing POS within the greater locality would provide a more significant community benefit.

It is considered reasonable that a 5% contribution 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’.

Nine (9) representations have been received, which are addressed in the following table.

Issue	Relevant Clause	Response
Loss of Natural Values, specifically further destruction of the threatened species habitat (E. Globulus).		No development is proposed or identified building envelopes or access required for the removal of within a priority vegetation area. In addition, a Natural Values assessment confirms that no significant priority vegetation is located with the scope of the development.
The density of development is not appropriate for the area and will negatively affect the amenity of the community.	10.6.1 Lot design	The proposed lot sizes comply Clause 10.6.1 - Lot Design with regards to a minimum lot size.



		The performance criteria for setbacks is applicable with the assessment contained in the body of this report.
The access to the block appears to be limited with dangerous access direct onto Fulham Road additional access via Knights Road.		Proposed Lot 1 has 35 metres of frontage with Fulham Road with potential access. However, current access to the site is via Knights Road to the southeast of the Parent Lot, which is to be retained for Lot 1 via a proposed 6-metre 'right of way' over the Balance Lot. This access is required to facilitate emergency vehicle access in accordance with the Bushfire Management Plan (BMP). Access from both Fulham Road and Knights Road is to be conditioned to comply with the Council's requirements (if approved) in accordance with the relevant legislation, Australian Standards and Policy.
No request for any associated reports from the estate of G. Lawler was sought or given. Executors party the estate ownership are not in agreeance with any part of the estate, and nobody has been contacted	No relevant Clause under the Scheme. Relevant to Clause 52 (1) of the Land Use Planning and Approvals Act 1993	Representation was received from beneficiaries to the Estate of (late) Gail Vivienne Ann Lawler (registered owner of the subject property) with regards to the validity of the application, given that the applicant is not the sole owner of the subject property. Council's planning officers have confirmed that the application is deemed valid, given the applicant has provided evidence that Clause 52 (1) of the Land Use Planning and Approvals Act 1993 has been satisfied. The concerns raised concerning the validity of the development application and the ability for it to be acted upon are regarded as a civil legal matter removed from the Council's legislative prerogative to consider.
The person who has lodged the application has commenced ground works on	Not Applicable	A matter for planning compliance to investigate, establish and act upon if necessary. Not relevant to this specific application with regards to assessment or decision.



the upper block that appear to be too close to a neighboring boundary.		
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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

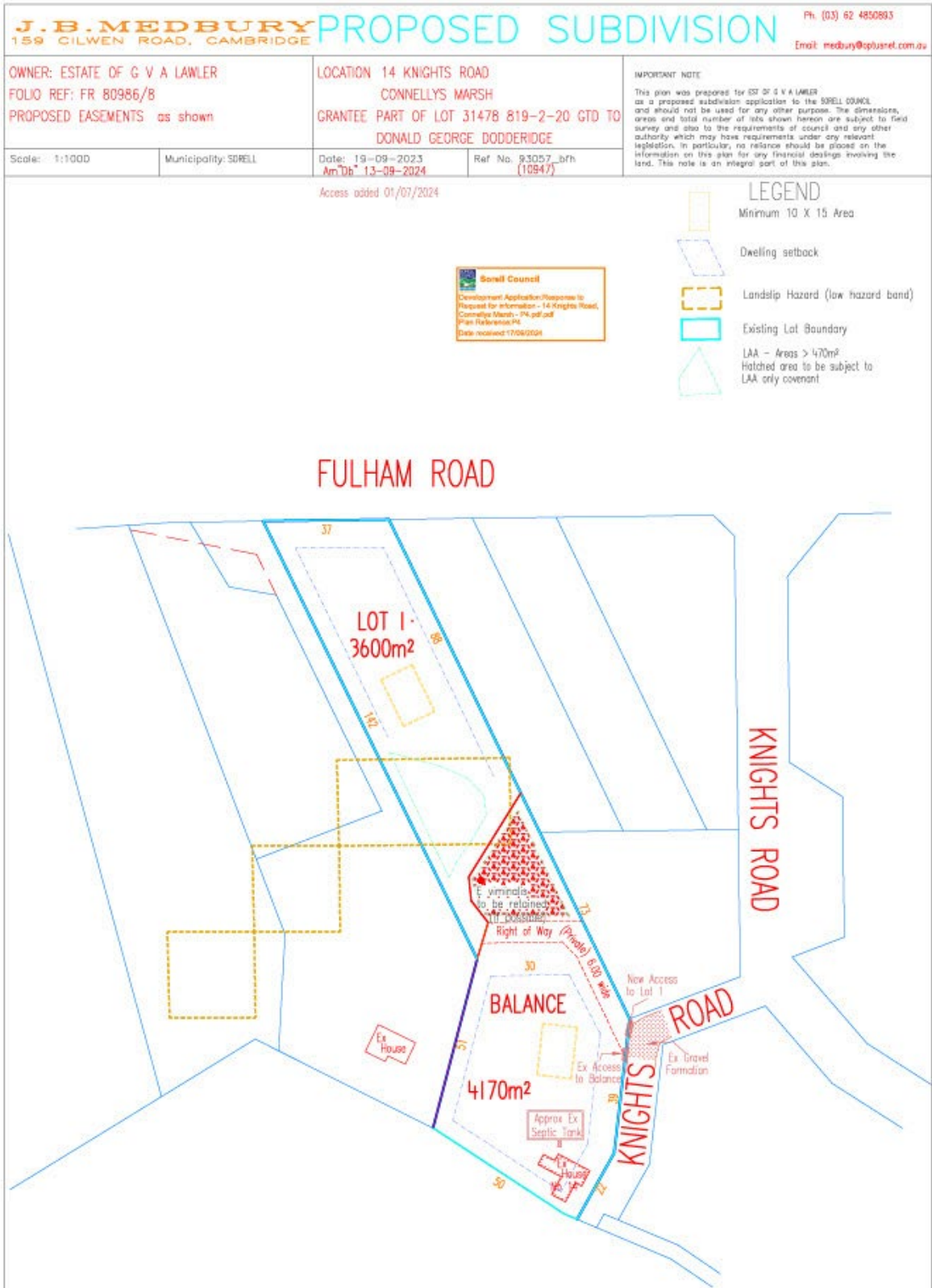
Attachments:

Proposal Plans
Representations x 9

Separate Attachments:

Geotechnical Assessment
Natural Values Assessment
Bushfire Risk Assessment & Management Measures







Dear Sir/Madam,

I am writing in relation to the proposed sub-division at **14 Knights Road, Connellys Marsh**.

The proposed sub-division is inappropriate for the area. The person who has submitted the application **SA 2024 / 13 – 1** has destroyed threatened species habitat (E. Globulus). The destroyed trees have not been removed but have been left to dry resulting in a fire risk for neighbouring properties. This action has had a negative impact on the environment both from a destruction of habitat point of view and aesthetics.

The access to the block appears to be limited with an apparent inappropriate, and dangerous, access direct onto Fullam Road with another access later being constructed via Knights Road.

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The density of development is not appropriate for the area and will negatively affect the amenity of the community.

Although the person who lodged the application is not required by law to undertake any community consultation, the lack of respect or courtesy for the community further indicates the person's disrespect for the community.

In the application an existing dwelling is also indicated. I question if this is still on the title?

Please consider my objection to the proposed subdivision **SA 2024 / 13 - 1**.



AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
10 DECEMBER 2024

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AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
10 DECEMBER 2024

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The proposed sub-division is inappropriate for the area and has already had a negative impact with the removal of threatened species habitat (E. Globulus).

The access to the block appears to be limited with an apparent inappropriate access direct onto Fullam road with another access later being constructed via Knights road.

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Please consider my objection to the proposed subdivision **SA 2024 / 13 - 1.**

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Regards,



AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
10 DECEMBER 2024

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AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
10 DECEMBER 2024

Good morning,

I have been informed that my name has been utilised on documentation submitted to Sorell Council. I believe these are fraudulent.

No one has ever contacted Karen Lawler to obtain instructions, as one of the four executors of the estate of Gail Vivienne Ann Lawler.

No documentation has ever been received by the executors from any of the parties involved in this Proposal.

Document refers to CLIENT: Karen Lawler

- Karen Lawler has had no contact from any of the parties
- Has not been privy to any of the documentation prior to this submission
- I note documents are dated 10/09/2024, April 2024 and 08/12/2024
- Karen Lawler is one of four executors and cannot act on her own, so these documents are incorrect and not reflective of executor input and decisions.

Paragraph states, "Mrs Karen Lawler (Executor of the estate) has proposed a two-lot subdivision of the property."

- There is NO Mrs Karen Lawler
- No contact has been made with the executors
- No instructions had been sought or provided
- No documentation has been cleared for submission

I do note the surveyor had requested permission for access to the property in 2023 and this was given. No other contact has been made.

The Executors of the estate as Primary Owners have not been asked, nor have they provided instructions for any works.

The documentation has details which are not agreeable with the executors.

Should these parties wish to continue with any further action with Sorell Council, then contact should be made with the executors and instructions sought. That the documentation be received and cleared with the executors and if required seek legal advice.

Kind regards,



AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
10 DECEMBER 2024

I am submitting an OBJECTION to the application;

Application No: SA 2024/13-1

Date: 19 September 2024

That the documents be re-called as Karen Lawler was NOT a client and had not been contacted for any discussion, documentation or approvals.

OBJECTION:

Firstly, this application was signed by Brendan Hills on 04/06/2024

Secondary, document dated 10/09/2024

Thirdly, Attn: Mrs Karen Lawler – Executor (there is NO Mrs Karen Lawler)

Fourth, First paragraph refers to Mrs Karen Lawler has proposed a two-lot subdivision of the property.

Fifth, The Natural Values Assessment dated April 2024, has Client: Karen Lawler, no permission has been sought and this is NOT authorized or sanctioned by Karen Lawler

This documentation has never been presented to Ms Karen Lawler and she has never proposed a sub-division.

The Estate of the late Mrs Gail Vivienne Ann Lawler is governed by several executors:

- Terrence Lawler
- Stephen Lawler
- Karen Lawler
- Michael Lawler

All executors have to be in agreeance with any part of the estate, and nobody has been contacted.

The first time we became aware of this document was on Saturday 05/10/2024 attached to the gate at Connelly's Marsh property.

OBJECTION, is also on the grounds:

- that in every figure the boundaries are varied and different.
- there is no landslip area, never has been, never will
- no right of way has been given for access to lot 1 via bottom block (lot 1 can have access off Fulham Road as per neighbouring properties)
- Natural Values Assessment has incorrect boundaries
- Proposed Subdivision Document – Title Reference: 80986/8 dated 08/12/2023 advises New Lot1 will be 4754m sq and the balance lot will be 3000m sq. This is INCORRECT, Primary Lot is 4270m sq and Lot 1 is 3600m sq.
No request for a report from the estate of GVA Lawler was sought or given.
- Proposed Subdivision document – 1.1 Proposed development to subdivide Lot 80986/8 is INCORRECT. Existing residential area (balance lot) is 4270m sq and the new Lot 1 will be 3600m sq.
- Proposed Subdivision document – 6.2 Vehicle access – Lot 1 will have access off Fulham Road as per neighbouring properties to the proposed shed and turning area.
- Proposed Subdivision document – 6.3 Water Supply – Any future changes to water supply will have to be met by BF Hills for the existing residential area.



AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
10 DECEMBER 2024

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Please consider my objection to the proposed subdivision SA 2024 / 13 - 1.

Yours sincerely,



AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
10 DECEMBER 2024