



DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) AGENDA

7 JUNE 2022

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)

NOTICE OF MEETING

Notice is hereby given that the next meeting of the Development Assessment Special Committee (DASC) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 7 June 2022 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
2 June 2022



AGENDA

FOR THE DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE
STREET, SORELL ON TUESDAY 7 JUNE 2022

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1.0 ATTENDANCE

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Chairperson Mayor Vincent
Deputy Mayor N Reynolds
Councillor K Degrassi
Councillor V Gala
Councillor G Jackson
Councillor C Torenus
Councillor M Reed
Councillor D De Williams
Councillor B Nichols
Robert Higgins, General Manager

2.0 CONFIRMATION OF THE MINUTES OF 31 MAY 2022

RECOMMENDATION

“That the Minutes of the Development Assessment Special Committee (DASC) Meeting held on 31 May 2022 be confirmed.”

3.0 DECLARATIONS OF PECUNIARY INTEREST



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

4.0 LAND USE PLANNING

4.1 DEVELOPMENT APPLICATION NO. SA 2020 / 00011 - 2

APPLICANT: ROGERSON & BIRCH SURVEYORS

PROPOSAL: MINOR AMENDMENT TO SUBDIVISION

ADDRESS: 8 SIMMONDS LANE, PRIMROSE SANDS

RECOMMENDATION

"That pursuant to Section 56 of the *Land Use Planning and Approvals Act 1993*, Council resolve that Permit SA 2020 / 00011 - 1 for a 1 lot subdivision at 8 Simmonds Lane, Primrose Sands be approved and that condition 8 be modified to:

(8) - The existing drainage easement created by SP2726 shall remain in its current location and be widened towards the south west to a total width of 3 metres. Additionally, a new 3 metre wide drainage easement shall **be created to facilitate an extension of the existing Council stormwater main and outfall at the rear of 3 Carlton Bluff Road, Primrose Sands to the widened drainage easement created by SP2726.** A revised subdivision plan, updated to show these easements, shall be completed and submitted to the satisfaction of Council's ME&RS."

Introduction

A subdivision permit was approved at the 29 June 2021 DASC meeting for the one lot subdivision of 8 Simmonds Lane, Primrose Sands.

The permit required a new drainage easement to be created to allow an existing Council main to be extended to the foreshore. The as constructed subdivision works include the extension of the Council main but not in the position originally required by the permit. A minor amendment is sought to retrospectively match the permit with the as constructed works. In effect, this would provide a retrospective approval for the works undertaken.

Strategic plan

The proposal will not affect implementation of Council's Strategic Plan 2019 – 2029.

Annual plan

The proposal will not affect implementation of Council's Annual Plan 2021/2022.



Environmental implications

There are no significant environmental implications associated with this proposal. As noted in the report, one native tree was removed as part of the proposal.

Asset management implications

There are no major asset management implications. The as constructed stormwater line can be transferred to Council.

Risk management implications

There are no significant risk management implications associated with this proposal.

Community implications

There are no significant community implications associated with this proposal.

Statutory implications

Minor amendments are considered against section 56 of the Land Use Planning and Approvals Act 1993 (LUPAA) which provides:

- (1) *The owner of land, or a person with the consent of the owner, may request the planning authority in writing to amend a permit which applies to that land and which is a permit issued by the planning authority.*
- (1A) *A planning authority that receives a request under subsection (1) to amend a permit –*
 - (a) *must, within the 28-day period after the request was received, amend, or refuse to amend, the permit; and*
 - (b) *must, within 7 days –*
 - (i) *after amending the permit, comply with subsection (3) ; or*
 - (ii) *after refusing to amend the permit, give notice of the refusal to the person who made the request.*
- (2) *The planning authority may amend the permit if it is satisfied that the amendment –*
 - (aa) *is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
 - (a) *does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
 - (b) *will not cause an increase in detriment to any person; and*
 - (c) *does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.*

- (2A) *An amendment of a condition or restriction specified in a permit is not to be taken to contravene subsection (2)(a) by reason only that other conditions or restrictions have been specified in the permit, or amended, by the Appeal Tribunal.*
- (2B) *A condition or restriction (the fresh condition or restriction) specified by the planning authority in a permit is not to be taken, for the purposes of this section, to be required or imposed by the Appeal Tribunal if –*
- (a) the fresh condition or restriction is to the same effect as a condition or restriction that was specified in the permit by the Appeal Tribunal before the planning authority specified the fresh condition or restriction in the permit; and*
 - (b) the fresh condition or restriction is not referred to in the decision, in relation to the permit, of the Appeal Tribunal made under section 78 of the Tasmanian Civil and Administrative Tribunal Act 2020 .*
- (3) *If the planning authority amends a permit, it must, by notice in writing served on –*
- (a) the person who requested the permit to be amended; and*
 - (b) if that person is not the owner of the land, the owner; and*
 - (c) in the case of a permit granted under section 57 , the owner or occupier of any property which adjoins the land; and*
 - (d) any person who made a representation under section 57(5) in relation to the application for the permit –*
notify those persons of the amendments made to the permit.

Representations

The original application received two representations raising issues of vehicle traffic, stormwater and content of suitably qualified persons reports included in the application.

Referrals

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

Date of Receipt of Application

4 May 2022

Date by Which a Decision Must be Made

10 June 2022



Report

Condition 8 of the permit requires:

The existing drainage easement created by SP2726 shall remain in its current location and be widened towards the south west to a total width of 3 metres. Additionally, a new 3 metre wide drainage easement shall be created along the entire length of the north western boundaries (54.83 and 22.81 metres) of lot 1. A revised subdivision plan, updated to show these easements, shall be completed and submitted to the satisfaction of Council's ME&RS.

Figure 1 shows the various existing easements, the requirement of condition 8 and the as constructed works. The general location of the easement required by condition 8 is shown in green. The existing Council stormwater main, shown in red, manages runoff from Brown Hawk Road and Carlton Bluff Road. The revised drainage easement and as constructed stormwater main is shown in grey. Existing private easements are shown in black. These private easements could drain 1, 3 and 7-9 Carlton Bluff Road. 1 Carlton Bluff Road is vacant and could connect to the existing stormwater main. 3 Carlton Bluff Road has an existing dwelling connected to the stormwater main. 7-9 Carlton Bluff Road consists of three titles with one dwelling, with stormwater retained onsite.

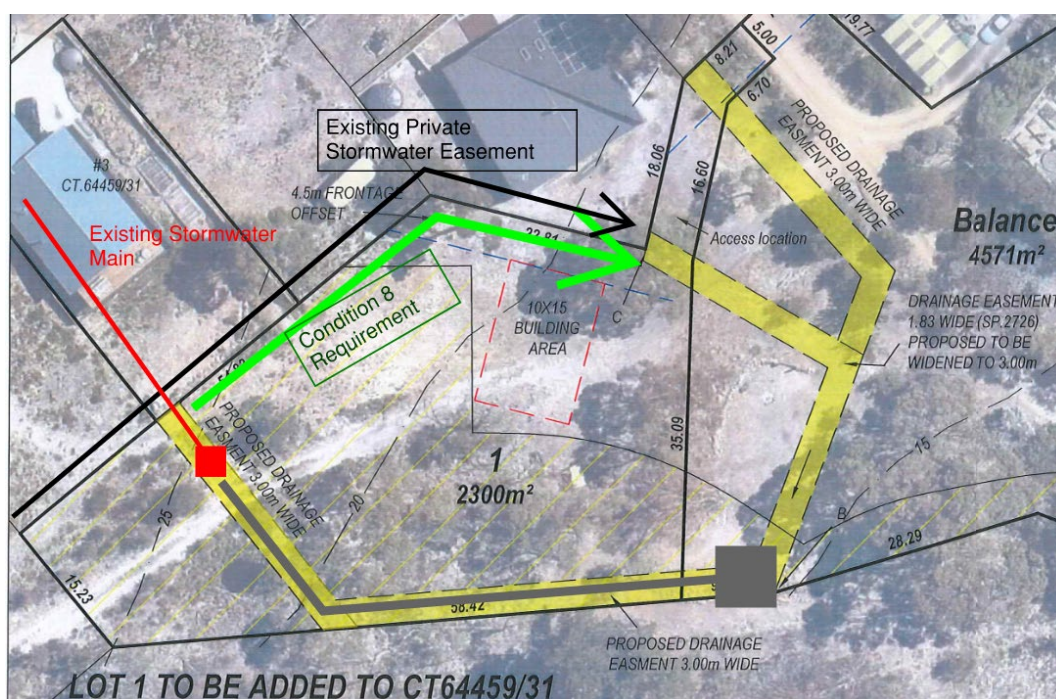


Figure 1. Comparison of stormwater services and requirements.

Effectively, the Council stormwater main has been extended in a straight line to the foreshore boundary and directed along the foreshore boundary to an existing discharge point.

Planning Scheme Overlays

A number of overlays apply:



Figure 2. Landslide Hazard Area (low band).



Figure 3. Coastal Erosion Hazard Area (red= high band, yellow = low band)



Figure 4. Waterway and Coastal Protection Area

Coastal Erosion Hazard Area

The original application included a suitably qualified person report that noted:

With respect to the Coastal Erosion Hazard Code., the doleritic sea cliffs and rocky shorelines backed by dolerite bedrock around the proposed subdivision are regarded as a relatively “hard rock” material with limited vulnerability to coastal erosion. Moreover, the property is some 10 – 20mASLmASL (and at least 40m inland) and is not subject to wave activity, and proposed building areas, accesses and services are outside the coastal erosion hazard areas.

Notwithstanding the above, the original application did include stormwater services in the coastal erosion hazard area. The as constructed subdivision, with stormwater constructed parallel to the foreshore, has placed additional services within the coastal erosion hazard area. However, given the hard rock nature of the area, stability issues have not arisen.

Waterway and Coastal Protection Area

The original application largely avoided the waterway and coastal protection area. The as constructed subdivision has a stormwater main parallel with the foreshore which has required the removal of one native tree.

The extension of the Council stormwater main would be exempt under the Code and the planning scheme if the works were conducted by, or on behalf of, Council.

The relevant performance criteria for clause E11.8.1 P1 states:

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

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

The as constructed subdivision has had a greater impact on natural values than the original subdivision proposal. However, the provisions of the waterway code are somewhat confusing as there are exemptions for (1) clearing native vegetation in a private garden and (2) constructing stormwater infrastructure on behalf of a Council. In this case that developer may have mis-interpreted the clause as they have constructed infrastructure for Council but not as a contractor or under Council instructions, which is technically not exempt. It is considered that the subdivision has minimised impact on natural values and remains compliant with the above performance criteria.

Section 56 Requirements

Section 56 (2) (b) - will the change cause an increase in detriment to any person?

As approved, the subdivision would have placed a stormwater main along the boundary with 7-9 Carlton Bluff Road and negated the need for the existing private easements. The private easements remain in place and can be used for stormwater management. The minor amendment will result in a loss of a benefit but does not cause detriment and does not make this property worse off.

The construction of a stormwater main through 8 Simmonds Lane, rather than having an outfall in the middle of private property, is a better outcome and removes any risk of complaint and conflict and thus improves the securing of stormwater services for other adjoining owners. It is considered that the change does not cause an increase in detriment to any person.

Section 56 (2) (c) – is the change a minor change to the description of the use or development?

The change is a new alignment for stormwater easements. It does not affect the description of the subdivision and has no impact on future development of the new lot created.

Conclusion

The minor amendment is considered to comply with Section 56 of the *Land Use Planning and Approvals Act 1993* and is recommended for approval.

SHANE WELLS
SENIOR PLANNER

Attachments:

Minor Amendment Request and photos
Original Permit and Plan
Coastal Erosion Report





20 May 2022.

Re: SIMMONDS LANE STORMWATER

Attn: Senior Planner: Shane Wells.


Your Ref: SA 2020/11 Minor Amendment - 2 2123098

Dear Sir

In reply to your email of 18 May 2022 to Rogerson & Birch, I can confirm minimal disturbance to trees, shrubs & native grasses to enable the stormwater works to be completed.

One eucalypt tree was removed in direct line of the pipeline. All work was done after consultation and inspection with Council's Engineering Staff:

Leon Ashby & Denis Wall. I have enclosed photos confirming the minimal disturbance. I trust this satisfied your enquiry.

Yours Sincerely
















PO Box 126
47 Cole Street
SORELL TAS 7172
ABN 12 690 767 695

Telephone 03 6269 0000
Fax 03 6269 0014
sorell.council@sorell.tas.gov.au
www.sorell.tas.gov.au

29 June 2021

DEVELOPMENT / USE PERMIT

Sorell Interim Planning Scheme 2015

Application No: SA 2020 / 11 - 1
Submitted by: ROGERSON & BIRCH SURVEYORS
For: SUBDIVISION - 1 LOT & BALANCE
At: 8 SIMMONDS LANE, PRIMROSE SANDS
CT12392/1

This permit is granted, subject to the conditions set out below.

Conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 11/08/2020 except as may be amended by the conditions of this permit.
2. The Bushfire Hazard Report by James Rogerson of Rogerson & Birch Surveyors dated 03/02/2021 including the Bushfire Hazard Management Plan (BHMP) forms part of this Permit and the measures contained in the plan must be implemented relating to both the existing dwelling and any future development on the lots and the following recommendations are to be met including:
 - The Hazard Management Area (HMA) within the subdivision be applied in accordance with section 5.1 of this report and the BHMP (Appendix C) prior to the issue of titles. The future HMA for the balance lot if required be implemented prior to a dwelling built in the building area.
 - Requisite fuel removal for both lots in order to establish the BAL-19 HMA must be done prior to the issue of titles.
 - Require compliance with the Bushfire Hazard Management Plan
 - Static water supply, hardstand and turning head area for the Balance lot needs to be installed prior to sealing of titles.

Environmental Health Conditions:

3. Before sealing the final plan of the subdivision:
 - a. An area of 150m² must be designated on the final plan for wastewater land application that is consistent with the location shown in the Rock Solid Geotechnics report Geotechnical Assessment – Subdivision of Land at 8 Simmonds Lane, Primrose Sands, dated 2/10/2020; and



- b. 500mm deep of sandy loam soil must be spread across the whole of the wastewater land application area.

Engineering Conditions:

4. A vehicular crossing application shall be submitted to Council and an associated permit must be granted prior to any works commencing within the road reservation.
5. All works shall be constructed in accordance with Council's current Standard Drawings, and Specifications. All information, design plans and works shall be carried out to the satisfaction of Council's Manager Engineering and Regulatory Services (ME&RS).
6. A new sealed access road shall be constructed through the right of way over the balance to service Lot 1 in accordance with both Council's current standard drawings, TSD-R03-v3 and TSD-R02-v3, and as following:
 - The existing material shall be removed to a depth to suit a two coat (14/7) bitumen seal (as a minimum standard) over a minimum 200mm compacted FCR base material (no clay content);
 - The seal shall start at the edge of bitumen in Simmonds Lane and shall extend to the boundary of Lot 1, with a minimum width of 4.0 metres;
 - The connection to the road seal shall have a clean straight edge;
 - Drainage from the sealed access must not cause ponding within Council's road reserve;
 - The roadside table drain is to be reshaped and excavated as required to allow for installation of a DN300 RCP Class 4 concrete culvert plus headwalls;
 - As an alternative to the asphalt seal, 150mm thick reinforced concrete over a minimum of 100mm compacted base material may be used.
7. Council has no stormwater pipeline in the immediate area. Stormwater outfalls for the access shall be directed to roadside table drains or to absorption drains constructed on site.
8. The existing drainage easement created by SP2726 shall remain in its current location and be widened towards the south west to a total width of 3 metres. Additionally, a new 3 metre wide drainage easement shall be created along the entire length of the north western boundaries (54.83 and 22.81 metres) of lot 1. A revised subdivision plan, updated to show these easements, shall be completed and submitted to the satisfaction of Council's ME&RS.
9. A Start Works Notice shall be completed and submitted to Council's Engineering Manager – Projects & Development prior to commencement of works on site.
10. A Council engineering officer must inspect the completed base, for each access, prior to laying asphalt or pouring concrete. Please call Council on 6269 0000 to arrange a time giving at least 24 hours' notice.

11. For each inspection required, the developer shall pay the prescribed fee as set annually by Council. This inspection fee shall be indexed at the CPI rate for Hobart until paid. Where the works do not meet Council requirements and further inspections are required. Additional fees will be charged for subsequent inspections at the prescribed inspection rate. Council will not 'seal' final plan of survey until all fees are paid and all works are completed.
12. No debris/materials/waste is to be left behind within the road reservation once all works are completed. The road reserve shall not be used for storage of any materials.
13. Power and communication services (including NBN if available) are to be provided to the new lot in accordance with the relevant Authority's standards and specifications, with the developer to meet all costs.

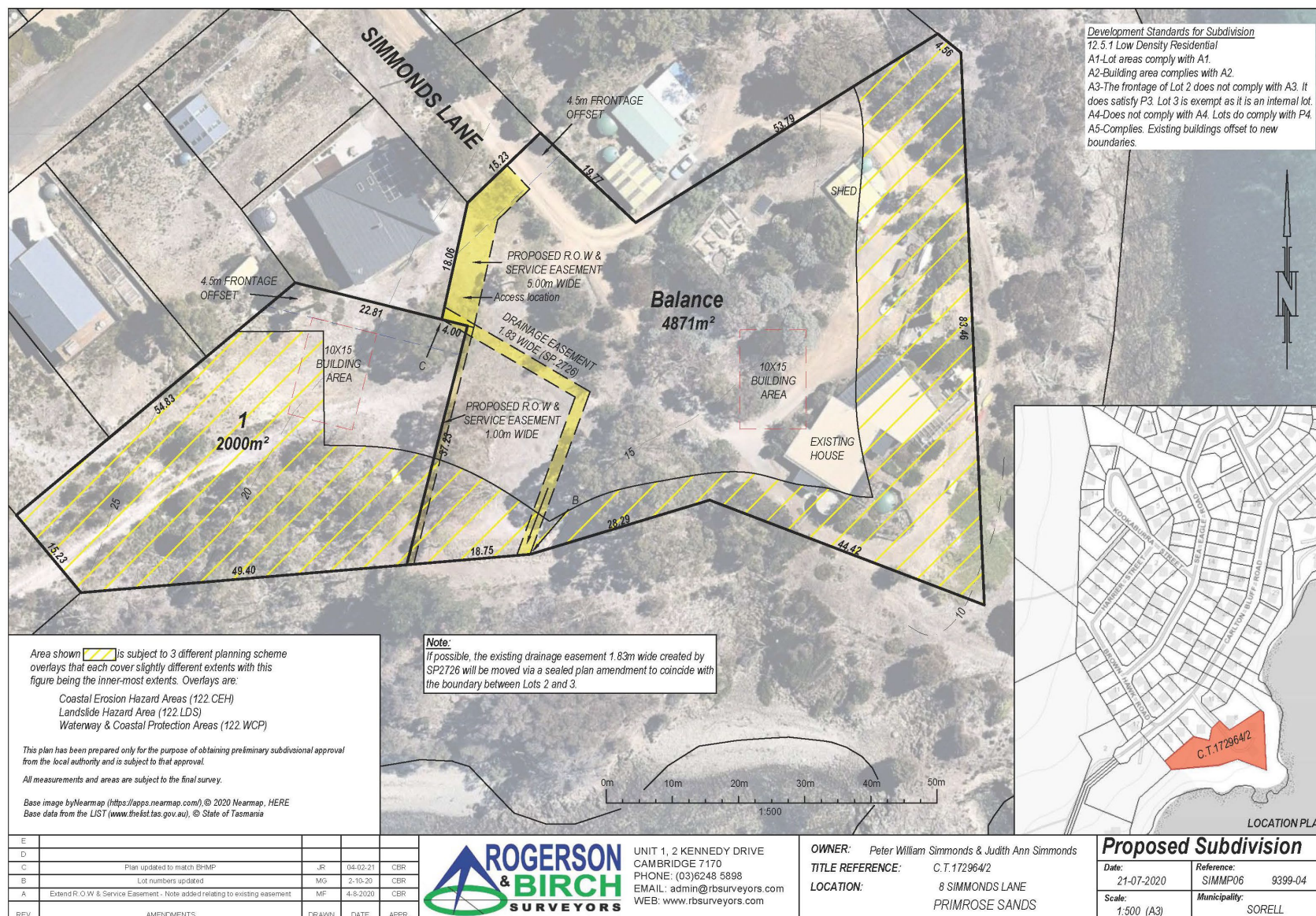
NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

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

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to the Resource Management and Planning Appeal Tribunal, Level 6, 144-148 Macquarie Street Hobart 7001 Ph ☎6165 6794 or email rmpat@justice.tas.gov.au



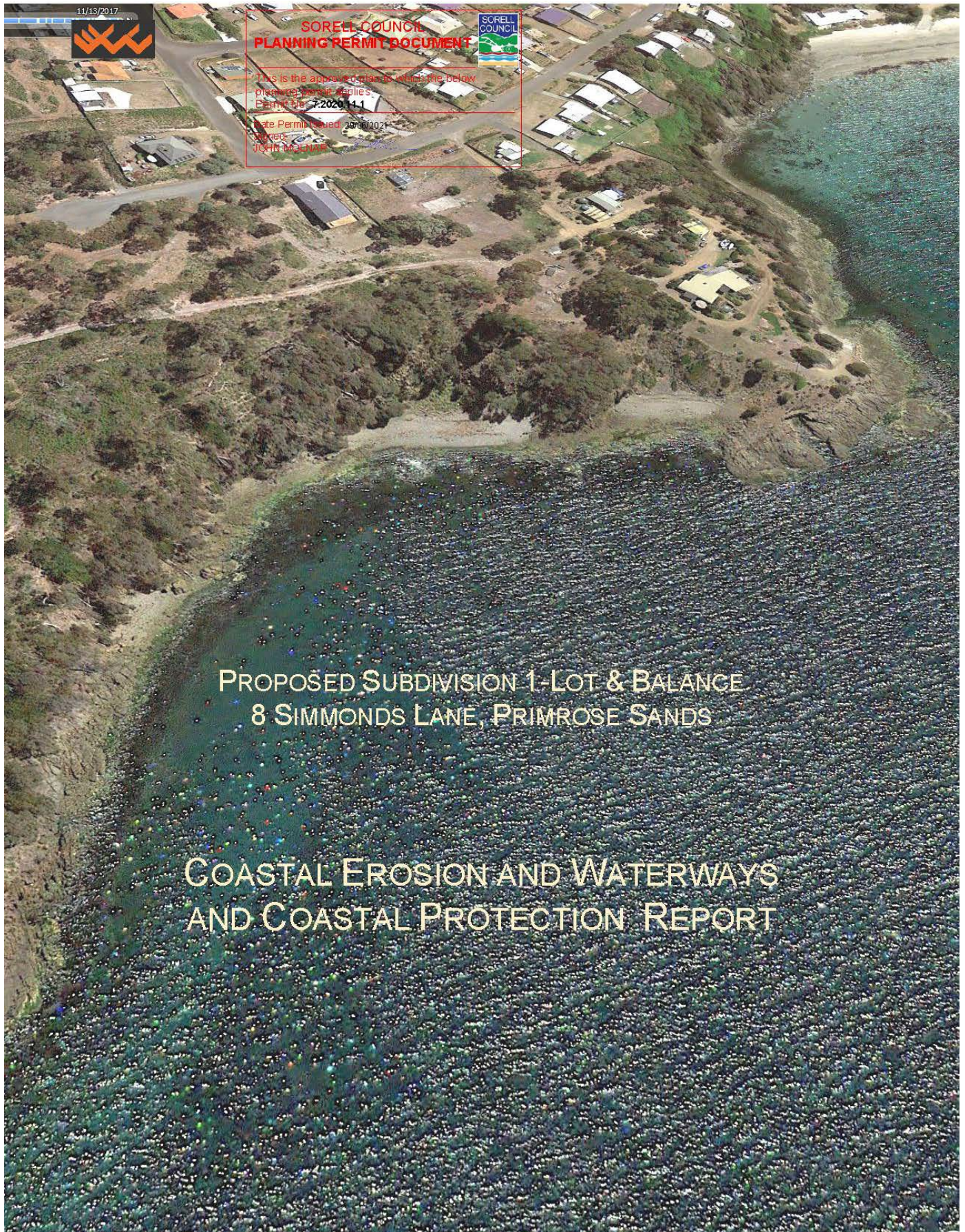
John Molnar
SENIOR PLANNER



AGENDA

DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING

7 JUNE 2022



PROPOSED SUBDIVISION 1-LOT & BALANCE
8 SIMMONDS LANE, PRIMROSE SANDS

COASTAL EROSION AND WATERWAYS AND COASTAL PROTECTION REPORT



SIMMONDS: 1 Loy & Balance, 8 Simmonds Lane
Coastal Erosion and Waterways and Coastal Protection Report

2
20 Sept 2020

Cover

Oblique view north over part of Primrose Sands showing bitumened Carlton Bluff Road ending in Tern Circle (upper left), and gravelled Simmonds Lane (upper centre of image) leading seawards from it.

Source: Google Earth November 2017

Refer to this report as

Cromer, W. C. (2020). *Coastal Erosion and Waterway and Coastal Protection Report, proposed subdivision (1-Lot & Balance*. Unpublished report for P. and J. Simmonds by William C. Cromer Pty. Ltd., 20 September 2020.

Important Notes

New geotechnical information may be contained in this report. The information may be useful to regulators and other geotechnical practitioners. Dissemination of such knowledge ought to be encouraged by practitioners and regulators.

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Hobart, Tasmania, Australia
M +61 408 122 127 E billcromer@bigpond.com W www.williamccromer.com





COASTAL EROSION AND WATERWAY PROTECTION REPORT

1. Background

P. and J. Simmonds propose a 1-Lot & Balance subdivision at 8 Simmonds Lane, Primrose Sands (Attachments 1 and 2).

In a letter to Rogerson & Birch Surveyors dated 2 September 2020, Sorell Council requested more information about the development, and among other things required demonstration that the proposal complied with:

- *E16 Coastal Erosion Hazard Code*, and specifically E16.8.1 P1 Building and Works, and
- *E11 Waterway and Coastal Protection Code* (E11.8.1.P1 Building and Works)

This report addresses both issues.

The scope of investigations included:

- a desk-top review of the on-site wastewater report for the property,
- a desk-top review of the topography, geology, and coastal erosion hazard and waterway coastal protection overlays, of the property and environs, and
- on-site inspection and photography of the coastline in March 2018 (for the purpose of coastal erosion and waterway protection investigations¹ for P. Simmonds for an adjoining property).

Documentation provided by Rogerson & Birch included:

- the Council letter of 2 September 2020, and
- a proposal plan for the subdivision

2. Results

2.1 Brief description of the property

The property covers about 6,800m², of irregular shape, facing and sloping towards the east, southeast and south behind coastal cliffs and rocky shorelines (Attachments 1 and 2). Relief is about 10m (10 – 20mASL)

The property is partly cleared and partly timbered with eucalypts.

2.2 Geology

Published geology

The published geology (Attachment 1) shows the bedrock of the area to be Jurassic-age dolerite, covered by aeolian (windblown) sand.

¹Cromer, W. C. (2018). Landslide Risk Management and Coastal Erosion Report, proposed 3-Lot Subdivision, 1 Tern Circle, Primrose Sands. Unpublished report for P. Simmonds by William C. Cromer Pty Ltd, 18 March 2018. 41 pages





Observed geology

Site observations support the published geology. Aeolian sands are up to 2-3m thick, and there are good exposures of dolerite in sea cliffs along the full length of shoreline south and east of the proposed subdivision. No soft coastline was observed.

2.3 Coastal erosion hazard bands

A small area (about 500m²) of the western part of the proposed subdivision is in the Low Coastal Erosion Hazard Band. An even smaller (about 50m²) portion is in the High Coastal Erosion Hazard Band.

2.4 Waterway and Coastal Protection Area

A north-south strip about 20m wide along the eastern property boundary is shown to be within the Waterway and Coastal Protection Guidance area. A smaller area (about 200m²) along the southwestern boundary is also within the same map.

3. Discussion

With respect to the *Coastal Erosion Hazard Code*, the doleritic sea cliffs and rocky shorelines backed by dolerite bedrock around the proposed subdivision are regarded as a relatively "hard rock" material with limited vulnerability to coastal erosion. Moreover, the property is some 10 – 20mASLmASL (and at least 40m inland) and is not subject to wave activity, and proposed building areas, accesses and services are outside the coastal erosion hazard areas.

With respect to the *Waterway and Coastal Protection Code*, there is no waterway or any other drainage line on the property, proposed building areas, accesses and services are outside the coastal erosion hazard areas, and the subdivision is not within a Potable Water Supply Area.

The projected sea level rise of up to about 0.8m by 2100 will have no unacceptable waterway or coastal erosion issues for the proposed subdivision.

- Table 1 addresses Performance Criteria P1 in Clause E16.8.1 of the *Coastal Erosion Hazard Code* for the proposed development, and
- Table 2 addresses Performance Criteria P1 in Clause E11.8.1 of the *Waterway and Coastal Protection Code* for the proposed development.

The Management Plan for the proposed subdivision is to do nothing with respect to either Code, because the site and development complies with Performance Criteria P1 in E16.8.1 and E11.8.1.





SIMMONDS: 1 Loy & Balance, 8 Simmonds Lane
Coastal Erosion and Waterways and Coastal Protection Report

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20 Sept 2020

A handwritten signature in black ink, appearing to read 'W. C. Cromer'.

W. C. Cromer
Principal

20 September 2020

This report is and must remain accompanied by the following Attachments

- Attachment 1. Location and satellite imagery, published geology, coastal erosion hazard bands and waterway and coastal protection guidance map (4 pages)
- Attachment 2. Proposed subdivision (1 page)

Hobart, Tasmania, Australia
M +61 408 122 127 E billcromer@bigpond.com W www.williamccromer.com



AGENDA
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
7 JUNE 2022



SIMMONDS: 1 Loy & Balance, 8 Simmonds Lane
Coastal Erosion and Waterways and Coastal Protection Report

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20 Sept 2020

Table 1. Coastal Erosion Management Plan for the proposed subdivision

Address

8 Simmonds Lane, Primrose Sands

Coastal Erosion Hazard Code

Clause E16.8.1. Subdivision in Coastal Erosion Hazard Areas

OBJECTIVE: To ensure subdivision does not create opportunity for development that will be unnecessarily exposed to unacceptable risk from erosion, recession or wave run up. Section E16.8.1 P1 states that for subdivision in a Coastal Hazard Zone, there is No Acceptable Solution, and Performance Criteria P1 must satisfy all of the following:

	Subdivision of a lot, all or part of which is within a Coastal Erosion Hazard Area must be for the purpose of one or more of the following must satisfy all of the following Performance Criteria E16.8.1 P1	Comment	Is management required?	Management Plan
(a)	separation of existing dwellings	Not applicable	No	The Management Plan is to do nothing with respect to E16.8.1 P1
(b)	creation of a lot for the purposes of public open space, public reserve or utilities;	Not applicable		
(c)	creation of a lot in which the building area, access and services are outside the Coastal Erosion Hazard Area	Building areas, accesses and services are outside the Coastal Erosion Hazard Area. See Attachment 2.		

Hobart, Tasmania, Australia
M +61 408 122 127 E billcromer@bigpond.com W www.williamccromer.com





Table 2. Waterway and Coastal Protection Management Plan for the proposed subdivision

Address

8 Simmonds Lane, Primrose Sands

Waterway and Coastal Protection Code**Clause E11.8.1. Subdivision**

Low and High

OBJECTIVE: To ensure that:

(a) works associated with subdivision in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values;

(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural values.

	Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area, must satisfy all of the following Performance Criteria E11.8.1 P1	Comment	Is management required?	Management Plan
(a)	minimise impact on natural values;	Complies. Building areas, accesses and services are outside the Waterway and Coastal Protection area. See Attachment 2.	No	The Management Plan is to do nothing with respect to E11.8.1 P1
(b)	provide for any building area and any associated bushfire hazard management area to be either: (i) outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area; or (ii) able to accommodate development capable of satisfying this code	Complies with (b)(i). Proposed subdivision is not within a Potable Water Supply Area, and building areas, accesses and services are outside the Waterway and Coastal Protection area. See Attachment 2.		
(c)	if within a Potable Water Supply Area, be in accordance with the requirements of the water and sewer authority.	Complies. Proposed subdivision is not within a Potable Water Supply Area.		





SIMMONDS: 1 Loy & Balance, 8 Simmonds Lane
Coastal Erosion and Waterways and Coastal Protection Report

8
20 Sept 2020

Attachment 1

(4 pages)

Location and satellite imagery, published geology, coastal erosion hazard bands and waterway and coastal protection guidance map

Source: www.thelist.tas.gov.au and Mineral Resources Tasmania



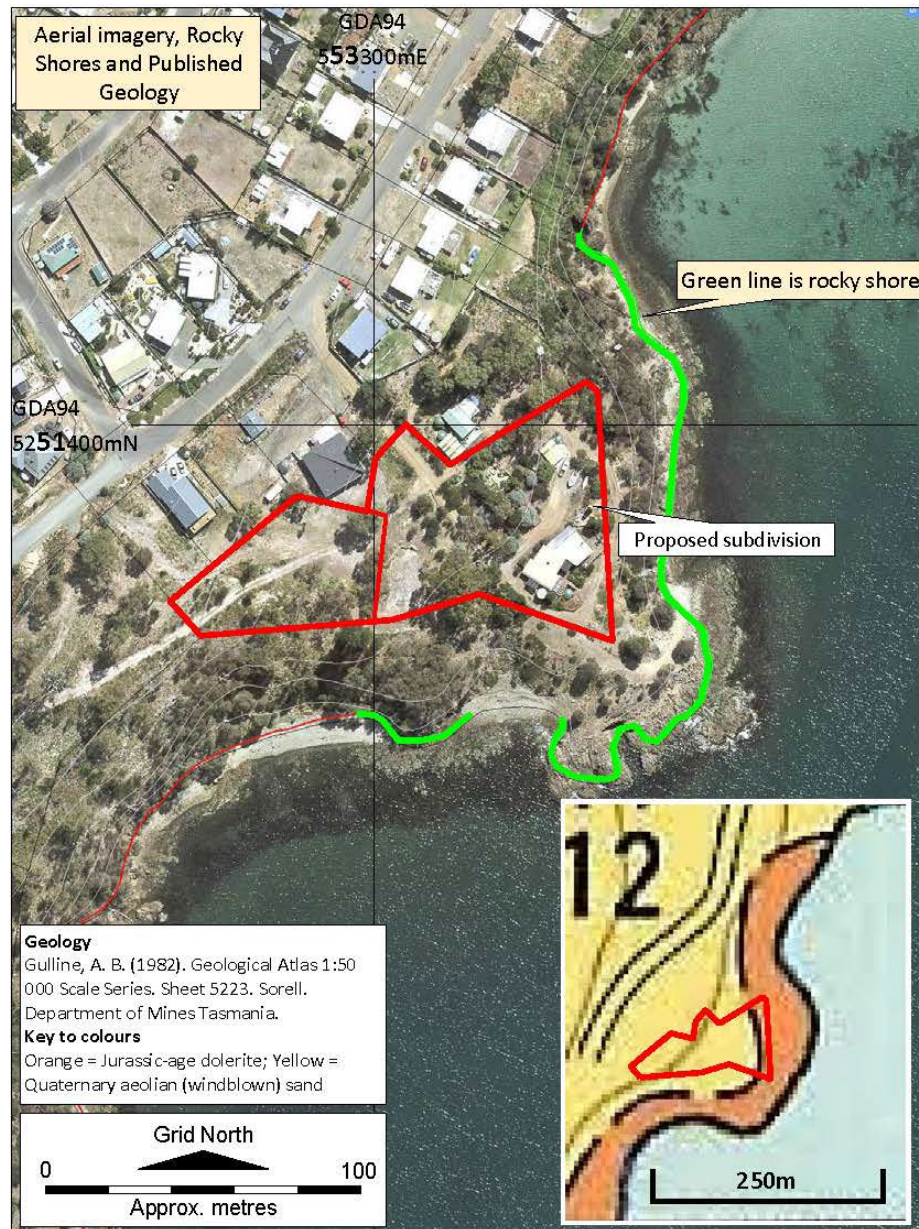
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SIMMONDS: 1 Loy & Balance, 8 Simmonds Lane
Coastal Erosion and Waterways and Coastal Protection Report

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20 Sept 2020



Hobart, Tasmania, Australia
M +61 408 122 127 E billcromer@bigpond.com W www.williamccromer.com





SIMMONDS: 1 Loy & Balance, 8 Simmonds Lane
Coastal Erosion and Waterways and Coastal Protection Report

10
20 Sept 2020



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4.2 DEVELOPMENT APPLICATION NO. DA 2022 / 00101 - 1

APPLICANT: ANTONI COSTA - OBO SORELL COUNCIL

PROPOSAL: EXTENSION OF HOURS OF OPERATION AT EXISTING SPORTS STADIUM

ADDRESS: 11 ARTHUR STREET, SORELL

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*, Council resolve to approve Development Application No. DA 2022 / 00101 - 1 for an Extension of hours of Operation at Existing Sports Stadium at 11 Arthur Street, Sorell for Antoni Costa - Obo Sorell Council, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 11/04/2022 except as may be amended by the conditions of this permit.
2. Signage is not approved as part of this application. Any proposed signage will require the separate approval of Council prior to installation.

Environmental Health Conditions

3. The hours of operation of events conducted in the stadium must comply with the following:
 - 6.00. a.m. to 10.00. p.m. from Monday to Friday;
 - 7.00 a.m. to 10.00 p.m. on Saturdays; Sundays or public holidays.

All patron vehicles associated with stadium activities must leave the site by 10.30 p.m.

Engineering Conditions

4. The access to site shall have a separate entrance and exit to Montagu Street. The access shall be located as shown on the advertised General Arrangement Plans completed by Jacobs Group Pty Ltd. The exit onto Montagu Street shall be angled at approximately 45 degrees to provide a left out only exit point. Landscaping shall be provided between the two access points to screen headlights from any vehicle exiting onto Montagu Street. A landscaping plan specifying the type and location of the proposed vegetation shall be submitted to Council for approval by the Manager Engineering & Regulatory Services prior to planting any vegetation.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- This permit shall lapse at the expiration of two (2) years from the date on which it is granted if the development and use is not substantially commenced within that period.
- This permit does not imply that any other approval required under any other by-law or legislation has been granted.

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

Introduction

Council received an application for the extension of the operating hours of the Pembroke Park Stadium on Sundays and Public holidays only. When the stadium was originally approved, the operating hours were approved from 9am until 6pm on Sundays and public holidays, however, the operator is now requesting an increase in the operating hours from 7am until 10pm on Sundays and Public Holidays.

In addition, the operator is requesting the approval for a commercial canteen and bar facility at the sports centre, to be operated by external providers. While the application specifies that any future operators of the canteen will have operating hours that are no longer than those approved for the stadium use, it is likely that the opening hours will be less. The application indicates that there is a preference for the operators to be open:

- 7am – 1pm, 7 days a week, focussed on morning gym users and other informal users of Pembroke Park;
- 5pm -9pm, 7 days a week, focussed on serving afternoon gym users, stadium club members and spectators and other informal users of Pembroke Park;
- Specific events such as rostered sports club games, functions or galas;
- Private and corporate functions and meetings;
- Exhibitions.

The extension of operating hours does not change the fundamental use of the site as a recreational facility, however, the use of the café for functions, galas, corporate meetings and exhibitions, which may be separate to the recreational use of the stadium, introduces a community meeting and entertainment use class (function centre, public hall and theatre) which is a discretionary use.

Strategic plan

The consideration of this application will not impact upon Council's strategic plan.

Annual plan

The consideration of this application will not impact upon Council annual plan.

Policy

This application does not contravene any specific policies.

Environmental implications

There are no environmental implications through the approval of this application.

Asset management implications

There are no asset management implications through the approval of this application as the asset (the Stadium) has already been constructed.

Risk management implications

There are no risk management implications through the approval of this application.

Community implications

The broader community implications will be improved recreational facilities for the Sorell community both in terms of access to facilities but also the types of facilities provided.

Statutory implications

Zone: Recreation

Use Classification: Sports and Recreation use is permitted, Community meeting and entertainment is discretionary.

Representations

The application was advertised on 12 May 2022 and representations closed on 30 May 2022.

At the time of preparing this report, no representations were received.



Referrals

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

Environmental Health provided comments and conditions.

Engineering provided conditions

Plumbing had no comments or conditions.

Date of Receipt of Application

The application was received on 11 April 2022.

Date by Which a Decision Must be Made

15th June 2022

Report

This is an application for Extension of hours of Operation at Existing Sports Stadium at 11 Arthur Street, Sorell and the use of the canteen by external providers for functions.

The property is a single title, approximately 21.17ha in area. It currently accommodates two football/cricket ovals, a number of netball courts, a dog walking area, soccer pitches, a bmx track, walking trails, and the facilities within the stadium itself. The site is the most significant recreational facility within the Sorell municipality and has seen substantial investment in recent years.



Figure 1: Subject site with stadium and new access under construction.

The application seeks to increase the operating hours, particularly on Sundays and public holidays, and to provide for greater flexibility for the operation of the canteen and function room facilities.

The application highlights that the site will not be used for the full extent of the operating hours every Sunday or public holiday, but that this application aims to provide for greater flexibility, which will enable the broader sports facility to be utilised in a range of sporting competitions, including statewide Netball competitions.

Furthermore, the increase in operating hours in the morning, will provide greater flexibility for a future gym operator, to be open at earlier times.

The canteen was always provided for in previous designs, however, it was anticipated that this may be operated by Council staff, or by an external provider but generally only when games were being played.

The request to provide for broader canteen/function facilities results in a change of use from being ancillary to the Sports and Recreation use, to now being a Community meeting and entertainment use in its own right. This will mean that functions, or exhibitions, that are not related to the recreational use of the site, will be able to occur. Any use of the function rooms or canteen facilities will be limited to the same operating hours as the recreational facility however.

Recreation Zone

There are no physical changes to the building so the standards requiring consideration are limited to Hours of operation, Noise, External Lighting, and Commercial and Patron vehicle movements. In addition, as the application proposes a discretionary use (Community meeting and entertainment), this clause will require consideration.

Acceptable Solution	Performance Criteria
18.3.1 – Hours of Operation	
<p><i>A1</i> Hours of operation of a use within 50 m of a residential zone must be within:</p> <p>(a) 7.00 am to 8.00 pm Mondays to Fridays inclusive;</p> <p>(b) 8.00 am to 6.00 pm Saturdays;</p> <p>(c) 10.00 am to 5.00 pm Sundays and Public Holidays;</p> <p><i>except for office and administrative tasks.</i></p>	<p><i>P1</i> Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>

The use of the stadium will be more than 50m from residential zones, however, for vehicles exiting the stadium, they will be within 50m of a residential zone, with the operating hours outside of those in the acceptable solution.

In considering the application and the anticipated impact, increasing the operating hours in the morning is of less concern as patrons may arrive early but won't be having light spill to residential properties from exiting vehicles onto Montagu Street in particular. However, later in the day and into the evening, increasing operating hours may result in vehicles exiting the site outside of the permitted hours resulting in impacts from light spill and vehicle noise during departure.

This was raised during the previous planning application for the stadium, which required that the exit from the site was angled to 45 degrees as vehicles exit onto Montagu Street, to minimise the light spill. Landscaping was also required. This access design and landscaping will still be implemented and has been shown on plans submitted for this application. It is noted that while the operating hours will be longer, it will be sporadic in terms of how frequently games will be played in the evenings or other events will be held that late. The majority of the use of the stadium will continue to be between 8am and 6pm for most activities.

The operation of the canteen and function facilities will again be sporadic in nature, and will be most likely dominated by being open when sporting fixtures are being played. Therefore the majority of patrons to the canteen and function facilities are likely to be associated with playing sport. There may be occasions where other events are held but again, with the road design, the frequency of these events being held, and the separation from the actual stadium from the residential uses, it is considered that the impacts are reasonable.

18.3.2 - Noise

<p><i>A1</i></p> <p><i>Noise emissions measured at the boundary of a residential zone must not exceed the following:</i></p> <p><i>(a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</i></p> <p><i>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm and 7.00 am;</i></p> <p><i>(c) 65dB(A) (LAmax) at any time.</i></p> <p><i>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of</i></p>	<p><i>P1</i></p> <p><i>Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</i></p>
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<p><i>noise levels for tonality and impulsiveness.</i></p> <p><i>Noise levels are to be averaged over a 15 minute time interval.</i></p>	
<p>Given the separation of the stadium from residential areas of close to 200m (at the closest) it is considered unlikely that noise emissions measured at the boundary will exceed those specified by EMPCA.</p>	
<p>A2</p> <p><i>External amplified loud speakers or music must not be used within 50 m of a residential zone.</i></p>	<p>P2</p> <p><i>Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</i></p>
<p>There will be no loud speakers or music within 50m of residential zones. Complies.</p>	
<p>18.3.3 – External Lighting</p>	
<p>A1</p> <p><i>External lighting, other than flood lighting of sport and recreation facilities, within 50 m of a residential zone must comply with all of the following:</i></p> <p><i>(a) be turned off between 9:00 pm and 6:00 am, except for security lighting;</i></p> <p><i>(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.</i></p>	<p>P1</p> <p><i>External lighting, other than flood lighting of sport and recreation facilities, within 50 m of a residential zone must not adversely affect the amenity of adjoining residential areas R1, having regard to all of the following:</i></p> <p><i>(a) level of illumination and duration of lighting;</i></p> <p><i>(b) distance to habitable rooms in an adjacent dwelling.</i></p>
<p>There will be no external lighting as part of the facilities within 50m of residential zones. Complies.</p>	
<p>A2</p> <p><i>Flood lighting of sport and recreation facilities within 200 m of a residential zone must not subject nearby residential lots to obtrusive light, as defined in AS 4282-1997-1.4.7.R1</i></p>	<p>P2</p> <p><i>Flood lighting of sport and recreation facilities within 200 m of a residential zone must satisfy all of the following:</i></p> <p><i>(a) be necessary for sport or recreational use;</i></p> <p><i>(b) not operate after 9.00 pm unless spill light does not unreasonably impact residential amenity of nearby land.</i></p>
<p>This application does not propose flood lighting of sport or recreational facilities. Not applicable.</p>	

18.3.4 – Commercial Vehicle Movements.

<p><i>A1</i></p> <p><i>Commercial and patron vehicle movements, (including loading and unloading and garbage removal), to or from a site within 50 m of a residential zone must be within the hours of:</i></p> <p><i>(a) 7.00 am to 9.00 pm Mondays to Fridays inclusive;</i></p> <p><i>(b) 8.00 am to 7.00 pm Saturdays;</i></p> <p><i>(c) 10.00 am to 6.00 pm Sundays and Public Holidays.</i></p>	<p><i>P1</i></p> <p><i>Commercial and patron vehicle movements, (including loading and unloading and garbage removal), to or from a site within 50 m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</i></p> <p><i>(a) the time and duration of commercial vehicle movements;</i></p> <p><i>(b) the number and frequency of commercial vehicle movements;</i></p> <p><i>(c) the size of commercial vehicles involved;</i></p> <p><i>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</i></p> <p><i>(e) noise reducing structures between vehicle movement areas and dwellings;</i></p> <p><i>(f) the level of traffic on the road;</i></p> <p><i>(g) the potential for conflicts with other traffic.</i></p>
<p>It is unlikely that commercial vehicle movements will change, however, patron vehicle movements may be outside of the permitted hours as outlined above.</p> <p>As previously considered, the majority of vehicle movements will be between the hours of 8am and 6pm, with occasional evening games or functions. All commercial and patron vehicle movements will be able to turn on site, close to the stadium which is some 200m from residential areas. The extent of the noise and light spill will be associated with leaving the site at Montagu Street. As indicated, the angled nature of this exit minimises the light spill impact, as does the landscaping in this area. There is minimal potential for conflict with other traffic as the vehicle numbers in this area are relatively low, and the access is double width. It is considered that there will not be an unreasonable impact upon amenity from the increase in the operating hours.</p>	

18.3.5 – Discretionary Use

<p><i>A1</i></p> <p><i>No Acceptable Solution</i></p>	<p><i>P1</i></p> <p><i>Discretionary use must complement and enhance the use of the land for recreational purposes by providing for facilities and services that augment and support Permitted use or No Permit Required use.</i></p>
<p>The proposed discretionary use is the canteen/function centre use. Primarily the use of this space will complement the recreational use of the site, providing refreshments to players and spectators to the various sporting fixtures at Pembroke Park. Furthermore, it is anticipated that some of the functions are likely to be associated with the local</p>	

community sporting teams such as end of year events or awards nights, which again complement the recreational use of the site.

The use of the function centre for other events, or for things like exhibitions, will support the recreational use of the site, providing opportunities for further community interaction in the facilities at the site more broadly, and more efficient use of a Council asset. The application meets the performance criteria.

Referrals

Council Environmental Health Officer provided the following comments in relation to the application:

The application is to extend the operating hours of the sports stadium at **11 Arthur Street, Sorell**.

The stadium is constructed over 150m from residential land; this distance should be sufficient to attenuate noise from the stadium of an evening. However, even if it is audible events later in the evening are not likely to be common.



The use is more than 50m from a residential zone, therefore satisfies A1.

- Noise
 - No evidence that 18.3.2 A1 will be satisfied, however given the fact that activities are indoor and vehicle movements are >170m from residence then noise limits unlikely to be exceeded.

- Hours of use are outside of acceptable solution hours, therefore must satisfy P1. No evidence provided but noise is unlikely to cause a nuisance due to significant separation distance and vehicles in a car park will generally travelling at low speeds.
- No external speakers within 50m, satisfies 18.3.2 A2
- The Attenuation Code doesn't apply, sports stadium are not included.

Conclusion

In considering this application and requirements of the Sorell Planning Scheme, this application has been presented to Council and recommended for approval with conditions. The application proposes a potential increase in the operating hours of the stadium, which sits some distance from nearby residential properties. The use of the stadium until later in the day on Sundays and public holidays will be sporadic and therefore the impact is not considered unreasonable.

The use of the canteen and function space will continue to be used primarily to support the broader use of the site for recreational activities, being open when sporting fixtures are being played or when the site is in use. This application provides for some community meeting uses such as exhibitions and functions. It is noteworthy that the function space is not expansive, and to that end, limits the scale of events that can be held there. However given the stadium is a substantial investment in community infrastructure, utilising it for the broader benefit of the community is considered to be an appropriate use of the site.

It is noted that a sign was included on the engineering plans submitted, but that this has not been formally applied for. A condition in relation to this needing to be the subject of another application has been applied.

CAROLINE LINDUS
CONSULTANT SENIOR PLANNER

Attachments:
Covering letter from Applicant
Supporting plans



4th April 2022

To whom it may concern

**RE: PEMBROKE PARK STADIUM: EXTENSION IN HOURS OF OPERATION AND CANTEEN
COMMERCIAL USE**

Sorell Council would like to lodge a new planning application for the new stadium at Pembroke Park; to extend the hours of operation during Sundays and Public Holidays, and to propose a commercial operation of the canteen and bar amenities.

A. EXTENSION IN HOURS OF OPERATION

Council would like to request an extension in the hours of operation of the stadium at Pembroke Park Sports Complex, during Sundays and Public Holidays.

The currently approved hours are from 09:00 am to 06:00 pm, with all vehicles leaving the site at 06:30 pm. Council wishes to extend the hours of operation for Sundays and Public holidays **from 07:00 am to 10:00 pm**, with all vehicles leaving the site by 10:30 pm.

With the increase in recreational activities at Pembroke Park and sporting clubs based at the new stadium, it is envisaged that the stadium could potentially be used during Sundays and Public Holidays.

The predicted use of the facility during these days, especially during evening hours until 10:00 pm, is only on an occasional basis when specific events might take place. These types of events would mainly involve basketball or netball competitions that could finish later than usual on some occasions. During morning hours, Council is requesting an earlier allowance to operate from 07:00 am because of the potential need from the private gym operator to run activities during that timeframe.

This does not mean that the stadium will always be open during Sundays and Public Holidays. The request for extension is intended to allow sporting clubs and other groups to organize these types of events when the sporadic need arises.

Mitigation measures are already being considered to reduce the impact of vehicle movements and night lights glaring towards residential areas, especially during evening hours. A landscaping and access plan has been designed to build a split exit lane between the stadium and the main access road Montagu Street; as well as the incorporation of trees and vegetation in the main entrance area. With this design, vehicle lights glare towards residential areas will be reduced substantially.

B. CANTEEN AND BAR COMMERCIAL USE

Council would like to request approval for a proposal to use the canteen and bar premises at Pembroke Park stadium for a commercial purpose.

The intention of Council with this proposal is to increase the hospitality offer and services in Sorell town by providing a new opportunity for local businesses to expand or new businesses to start; and establish a commercially operated canteen catering for all Pembroke Park users.

Council is intending to publish an Expression of Interest to identify suitable operators interested to operate the canteen and bar premises at the stadium. Candidates will present Council with a proposal that shall be aligned with Council requirements and conditions.

These basic requirements proposed by Council will include conditions such as:

- I. Canteen/Bar hours of operation to be limited to the stadium approved hours of operation.
- II. Requirement to operate during sports club events and matches, as well as private functions and catering events.
- III. Requirement to obtain approval from Council to operate on a regular basis outside the above types of events.
- IV. Requirement to obtain and hold in effect appropriate licensing and premise registration for serving food and alcohol.

The final successful proposal will determine the specific hours of operation, in conjunction with negotiations with Council, and will depend on the regular usage volume of the stadium and greater Pembroke Park.

It is envisaged and estimated that the canteen will be offering services during the following timeframes and events:

- I. Daily from Monday to Friday:
 - From 07:00 am to 01:00 pm: Focused on servicing morning gym users, stadium community user groups and other informal users of Pembroke Park.
 - From 05:00 pm to 09:00 pm: Focused on servicing afternoon gym users, stadium club members and spectators, and other informal users of Pembroke Park.

Note: The timeframe above is only an estimation, pending approval and confirmation of proposal.

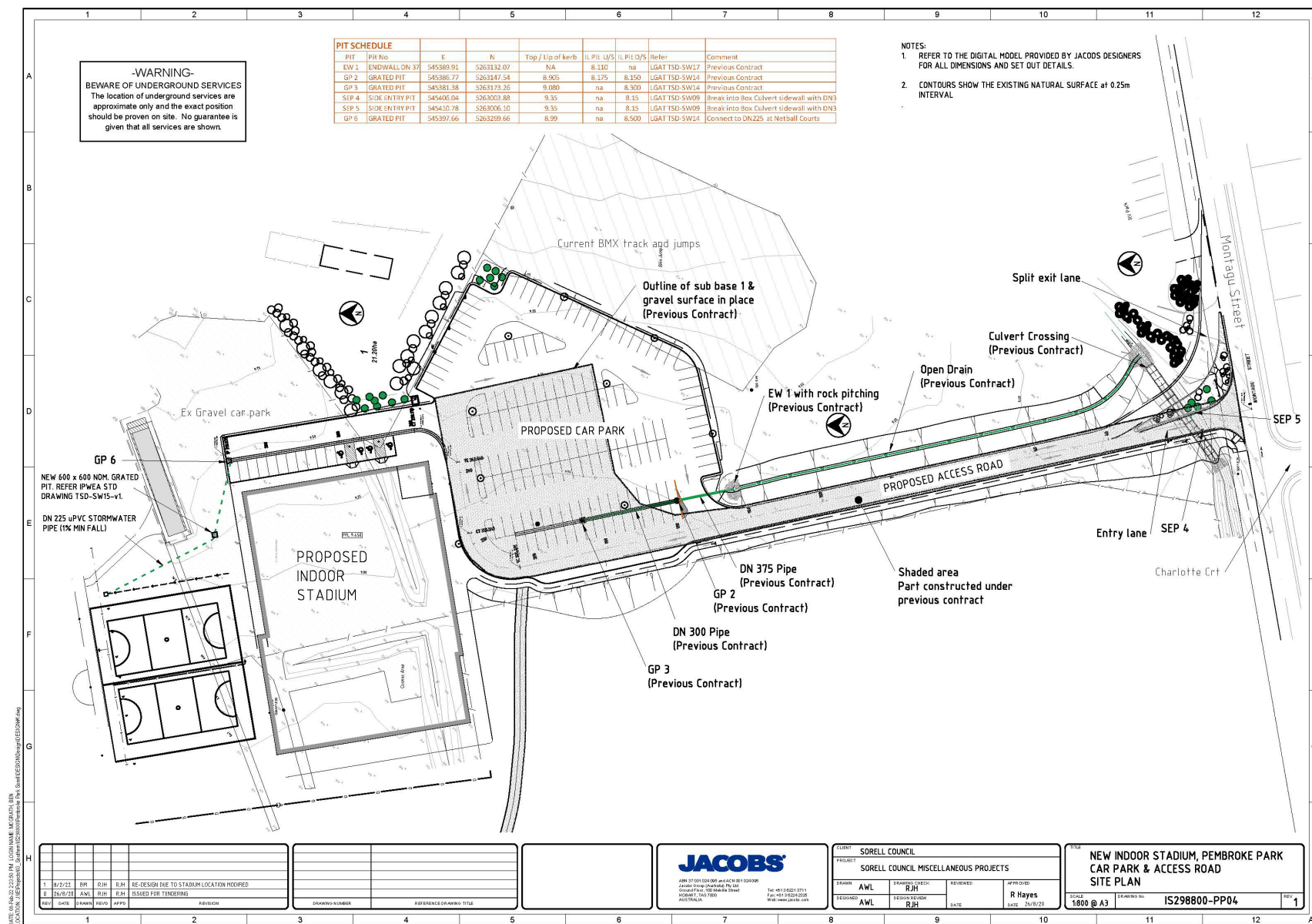
- II. Specific events:
 - Sport Clubs rostered games.
 - Sport Clubs events, functions and galas.
 - Private and corporate functions and meetings held at the stadium.
 - Exhibitions.

Yours faithfully,

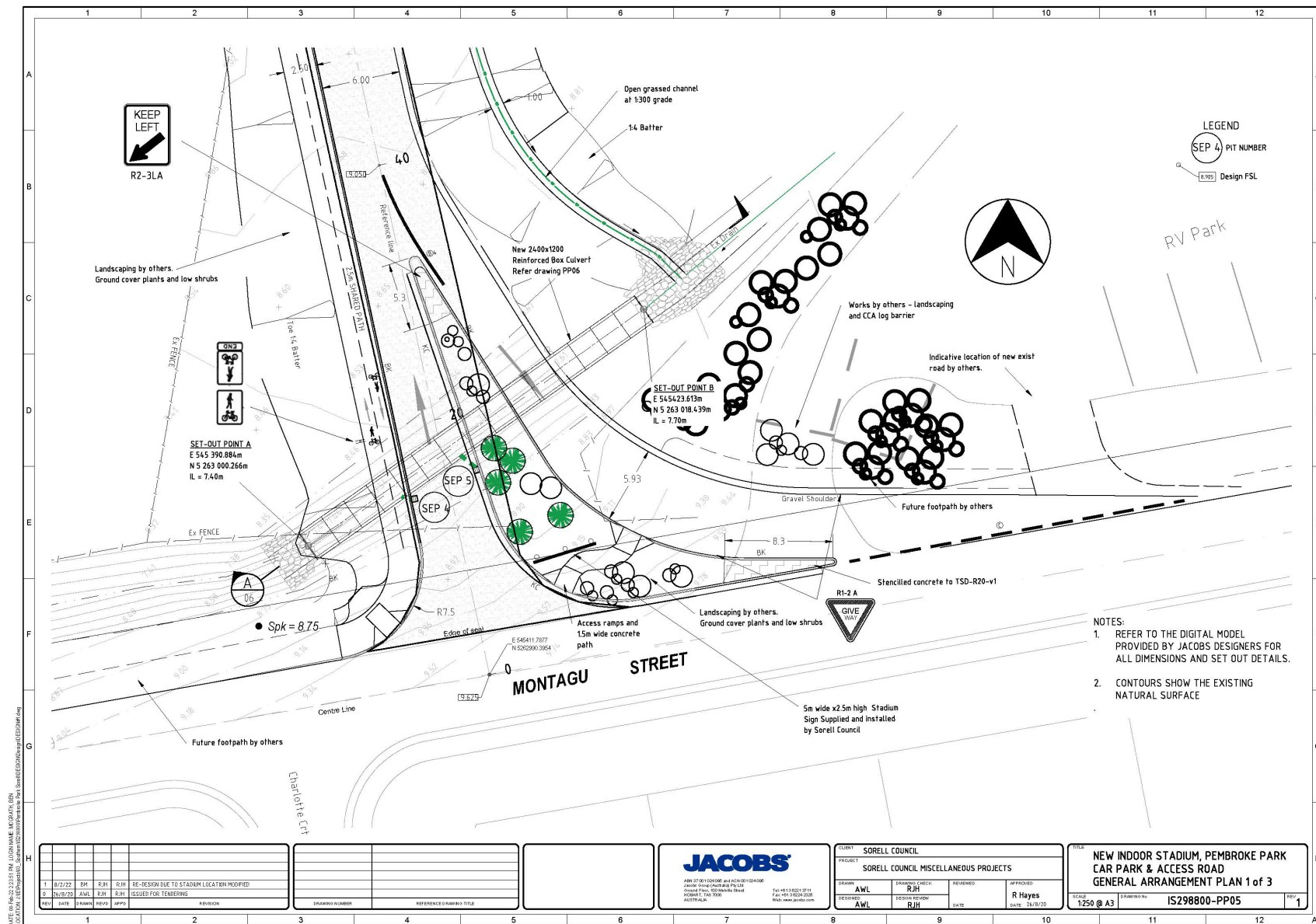


Antoni Costa

Operations Manager – Pembroke Park & Community recreation facilities



AGENDA
DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
7 JUNE 2022



DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) MEETING
7 JUNE 2022