



SORELL PLANNING AUTHORITY (SPA) AGENDA

2 MAY 2023

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, 2 May 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
27 APRIL 2023



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON
TUESDAY 2 MAY 2023

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1.0 ATTENDANCE

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

2.0 CONFIRMATION OF THE MINUTES OF 4 APRIL 2023

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 4th April 2023 be confirmed.”

3.0 DECLARATIONS OF PECUNIARY INTEREST



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

4.0 LAND USE PLANNING

4.1 DEVELOPMENT APPLICATION NO. 5.2023.45.1

Applicant:	D J Wiggins
Proposal:	Storage Facility
Site Address:	404 Shark Point Road, Penna (CT 137619/1)
Planning Scheme:	<i>Tasmanian Planning Scheme - Sorell</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	More than one representation received.

Relevant Zone:	20.0 Rural
Proposed Use:	Storage
Applicable Overlay(s):	Nil
Applicable Codes(s):	Parking and Sustainable Transport, Road and Railway Assets
Valid Application Date:	20 February 2023
Decision Due:	4 May 2023
Discretion(s):	1 Use
	2 Use
	3 Use
	4 Use
	5 Traffic generation
Representation(s):	Twenty-one

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application DA 2023 / 00045 - 1 for a Storage Facility at 404 Shark Point Road, Penna be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 5 September 2022 except as may be amended by the conditions of this permit.
2. Prior to first use, landscaping or other screening must be installed to minimise visibility of the use.

A plan outlining compliance with this requirement must be submitted to and approved by the Manager Planning prior to first use.



3. The minimum storage period for any caravan or boat onsite is 14 days.

This condition is necessary to limit traffic movements to and from the site in order to manage the road network.

4. Prior to first use, a weed management plan must be implemented. The weed management plan must be approved by the Manager Planning and must outline procedures for the regular monitoring and control of weeds.

Engineering conditions

5. Prior to any works commencing within the road reservation, a Vehicular Crossing and Associated Works Application (available on Council's website) must be submitted with an associated permit granted for the works.

6. Prior to first use, the existing vehicular access must be upgraded to compliant width, surface treatment, drainage, and sight distance as specified in a Vehicular Crossing Permit issued by Sorell Council.

7. The internal driveway including areas set aside for vehicle parking and manoeuvring must:

- a) be fully complete within six months of first use;
- b) be constructed with a durable all weather pavement;
- c) be drained to a legal point of discharge or retain runoff onsite such that stormwater is not concentrated onto adjoining properties;
- d) have a sealed or gravel surface that is designed, constructed and maintained to avoid sedimentation or erosion or excess dust; and
- e) be maintained through the life of the use in a condition that, at a minimum, is suitable for two wheel drive vehicles.

8. Any external car parking space must:

- a) be at least 5.4m long and 2.6m wide with an additional 0.3m clearance from any nearby wall, fence or other obstruction; and
- b) have a maximum gradient of 1 in 20 (5%) measured parallel to the angle of parking and 1 in 16 (6.25%) in any other direction.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- 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 permit does not imply that any other approval required under any other legislation or by-law has been granted.

- 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.
- Council recommends consulting Before You Dig Australia (BYDA) at www.byda.com.au before undertaking any works.
- A Vehicular Crossing Permit can be obtained by completing the Vehicular Crossing and Associated Works Application form available at www.sorell.tas.gov.au/services/engineering.

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 Storage Facility at 404 Shark Point Road, Penna. This property is zoned 20.0 Rural and is located midway along Shark Point Road.

The key planning consideration relates to the degree to which the proposed use satisfies the applicable use standards for discretionary uses in the rural zone.

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 proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

Legislation

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

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

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

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.

- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals

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

Report

Description of Proposal

Application is made for a storage facility consisting of outdoor storage of caravans and boats. The use is to operate seven days a week between 8am and 8pm with entry via a coded gate. Additional traffic movements are estimated at three vehicles per day. Development associated with the use consists of a gravel driveway for circulation of vehicles, a coded gate setback 20m from the frontage, one 1.5m x 1m sign and fencing. Fencing is exempt in the rural zone as set out at clause 4.6.6.

Description of Site

The site is a regular shaped 6.7 hectare lot on the northern side of Shark Point Road.

The site is largely cleared of native vegetation and rises in elevation by approximately 12 metres with a southerly aspect. A dwelling and outbuilding is located in the far north-east corner of the land. A large dam exists towards the centre of the lot and was previously used in association with the re-use scheme.

The land adjoins one rural lot to the west, east and north. Rural land in this area typically consists of 6ha to 10ha lots with existing dwellings with some instances of small to hobby scale agricultural use. Adjacent land on the southern side of Shark Point Road consists of small residential lots occupying a narrow band between the road and the coastline.

Shark Point Road is a sealed public road and the speed limit is set at 60 km/hr. The most recent traffic counts are from 2016 for the initial section of Shark Point Road. At this time, the average annual daily traffic was 523. A culvert under Shark Point

Road conveys runoff from the watercourse to public land on the southern side of the road.

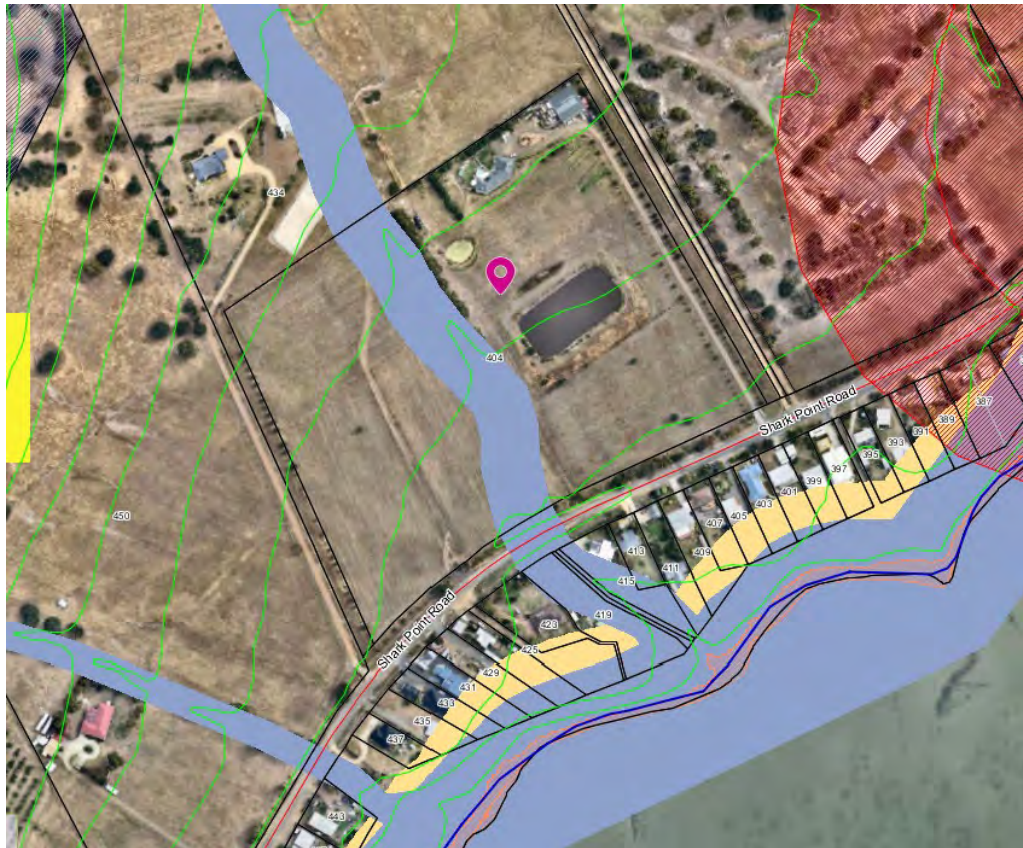


Figure 1. Subject site.

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
20.3.1 A1	Use	No, as the acceptable solution relates to extensions to an existing use.
20.3.1 A2	Use	No, as no acceptable solution is provided.
20.3.1 A3	Use	No, as no acceptable solution is provided.
20.3.1 A4	Use	No, as no acceptable solution is provided.
20.4.1 A1	Height	Not applicable, no buildings are proposed.
20.4.2 A1	Setback	Not applicable, no buildings are proposed.
20.4.2 A2	Setback	Not applicable, no buildings are proposed.
20.4.3 A3	Access	Not applicable, relates only to new dwellings.

The objective for the discretionary use standards (20.4.1 P1 to P4) is:

That the location, scale and intensity of a use listed as Discretionary:

- (a) is required for operational reasons;*
- (b) does not unreasonably confine or restrain the operation of uses on adjoining properties;*
- (c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and*
- (d) is appropriate for a rural location and does not compromise the function of surrounding settlements.*

Performance Criteria Assessment 1 – Clause 20.4.1 P1 Discretionary Use

A use listed as Discretionary, excluding Residential, must require a rural location for operational reasons, having regard to:

- (a) the nature, scale and intensity of the use;*
- (b) the importance or significance of the proposed use for the local community;*
- (c) whether the use supports an existing agricultural use;*
- (d) whether the use requires close proximity to infrastructure or natural resources; and*
- (e) whether the use requires separation from other uses to minimise impacts.*

The nature of the use requires a large area of land for the storage of the caravans and boats. The use does not require separation from other uses (e), does not support an existing agricultural use (c) and does not require close proximity to infrastructure or natural resources (d). The use will provide some benefits to the community although this is not considered particularly important or of significance (b). With respect to (a), there is considered a sufficient nexus between the operational nature of the use and the need for a rural location. This view is, in part, formed by the lack of available and suitable land in another zone, such as a light industrial zone.

Performance Criteria Assessment 2 – Clause 20.4.1 P2 Discretionary Use

A use listed as Discretionary must not confine or restrain existing use on adjoining properties, having regard to:

- (a) the location of the proposed use;*
- (b) the nature, scale and intensity of the use;*
- (c) the likelihood and nature of any adverse impacts on adjoining uses;*
- (d) whether the proposed use is required to support a use for security or operational reasons; and*
- (e) any off site impacts from adjoining uses.*

There is one adjoining property which is predominately to the north of the site but also wraps around the eastern and western boundaries. This property is approximately 7.5 hectares in size and contains an existing dwelling and pasture. The use of this adjoining property is considered residential in nature.

The term 'confine and restrain' is typically used as an alternative to fettering of agricultural land. The performance criteria, however, is not limited to agricultural use and applies to all uses. The impact to the residential use, particularly to the extent that the use is confined or restrained, is considered minimal based on the hours of operation, separation and the nature of rural activities that can occur under permitted uses such as agriculture. The use would be visible from the adjoining dwelling, however, this dwelling would also overlook the use towards more distant coastal views. Notwithstanding this, the use is unusual and will have a varied visual impact as vehicles change. It is considered reasonable to require sufficient landscaping or other screening to be installed prior to first use to minimise visibility. Whether or not the use may impact the amenity of the residential use is not relevant to this clause.

Performance Criteria Assessment 3 – Clause 20.4.1 P3 Discretionary Use

A use listed as Discretionary, located on agricultural land, must minimise conversion of agricultural land to non-agricultural use and be compatible with agricultural use, having regard to:

- (a) *the nature, scale and intensity of the use;*
- (b) *the local or regional significance of the agricultural land; and*
- (c) *whether agricultural use on adjoining properties will be confined or restrained.*

This use is located on agricultural land. This is based on the size of the land and the potential access to reuse water. Notwithstanding this, the site is constrained in terms of productive agricultural output due to soil, lot size and adjoining uses. The extent of the constraints has not been quantified.

The use will not convert agricultural land to a non-agricultural use on a permanent basis. The parking of vehicles and the construction of a gravel access are reversible.

The use is considered to be compatible with agriculture use given that it produces no emissions and is not of a sensitive nature. The use could introduce and spread weeds via the vehicles. Strong weed management requirements should be required by conditions on any permit granted.

Performance Criteria Assessment 4 – Clause 20.4.1 P4 Discretionary Use

A use listed as Discretionary, excluding Residential, must be appropriate for a rural location, having regard to:

- (a) *the nature, scale and intensity of the proposed use;*
- (b) *whether the use will compromise or distort the activity centre hierarchy;*
- (c) *whether the use could reasonably be located on land zoned for that purpose;*
- (d) *the capacity of the local road network to accommodate the traffic generated by the use; and*
- (e) *whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting*

The use will not compromise or distort the activity centre hierarchy as there is no other land within an activity centre or light industrial zone within the LGA that is suitable for the use or likely to be used for this type of use. Similarly, there is no available light industrial land within the LGA that the use could reasonably be located on.

The use does not require a rural location to minimise impacts, rather the rural location is required due to the area of land required for the use.

The additional traffic movements from the use, as proposed in the application, are accepted as a reliable estimate. The use does not involve short-term storage and any permit granted should include a condition to that effect. The road is used by a mix of residential, rural and industrial traffic and the proposal will not significantly alter the nature of traffic or intensify traffic numbers.

Code

Signs Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C1.6.1 A1	Design and siting	Yes, as the 1.5m x 1m ground sign is allowable in the Rural Zone and complies with the sign standards in terms of height and numbers.
C1.6.1 A2	Design and siting	Yes, as the sign is setback more than 2m from a residential zone.
C1.6.1 A3	Design and siting	Yes, as there is only one sign proposed.

Parking and Sustainable Transport Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Numbers	Yes, as the required number of spaces is provided.
C2.6.1 A1	Construction	Yes, as a gravel surface is acceptable in the Rural Zone.
C2.6.2 A1	Design	Yes, as each parking spaces complies with the gradient, dimension and design requirements.

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1.4	Traffic generation	Yes, as the number of traffic movements per day is less than 40 vehicles up to 5.5m in length and less than five vehicle greater than 5.5m in length per day.

Performance Criteria Assessment 5 – Clause C3.5.1 P1 Traffic Generation

Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:

- (a) any increase in traffic caused by the use;
- (b) the nature of the traffic generated by the use;
- (c) the nature of the road;
- (d) the speed limit and traffic flow of the road;
- (e) any alternative access to a road;
- (f) the need for the use;
- (g) any traffic impact assessment; and
- (h) any advice received from the rail or road authority.

It is considered that the performance criteria is satisfied having regard to:

- the small-scale increase in traffic relative to existing; and
- the speed environment.

Bushfire-Prone Areas Code

As the proposal is not a vulnerable or hazardous use (as defined by the Code), the provisions of the Code do not apply. Discussions with Work Safe Tasmania and the Tasmanian Fire Service have confirmed that the hazardous use provisions are not applicable 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’.

21 representations have been received, which are addressed in the following table.

Issue	Relevant Clause	Response
Use		
Support for the use and need for the facility (Rep 21)	Nil	Noted
Prior rezoning attempts have sought to protect residential amenity and views that rezoning is appropriate (Reps 1, 7)	Nil	Noted
Use is not associated with an agricultural use and is more industrial in nature and may expand into the future (Reps 4, 7, 8, 11, 16, 17)	20.3.1 P1 & P4 Future expansion is not relevant	The use can be considered in an industrial zone and has qualities of an industrial use. Nevertheless, the appropriateness of the use for the site has been established earlier in this report.
Use inappropriate for a residential area (Rep 12)	Nil	There are no provisions that consider impacts specific to the boundary between a residential and rural zone where properties are separated by a road.
Security and thefts onsite and adjoining area (Reps 1, 2, 4, 5, 8, 11, 12, 15)	20.3.1 P2 (c)	There is no direct link between the use and future thefts or other anti-social behaviour.
Operating hours and traffic noise, including that fisherman will arrive earlier than 8am (Reps 1, 2, 3, 11, 12)	Nil.	There are no standards related to hours in the Rural Zone. The application must be considered on the basis of the information presented which states that hours of operation are not before 8am.
Visual amenity, noise impacts, external lights, traffic lights, outlook and other residential amenity impacts (Reps 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 15, 19, 20)	20.3.1 P2 (c)	These issues can be considered with respect to adjoining, but not adjacent, properties. Having regard to the purposes of the rural zone, the provisions of clause 20.3.1 P2 (c) could consider impacts to residential use but should give greater weight to the impact to rural uses.
Privacy of security camera's (Rep 3)	Nil	Noted.
Security lighting (if necessary)	Nil	Lighting is not proposed.

(Reps 1, 11, 12)		
Precedent (Reps 7, 8)	Nil	Each application is assessed on its merits having regard to the applicable planning scheme standards and any characteristic that are specific to the site or the nature of the use and development.
Inadequate visual screening (Reps 7, 8, 18)	Nil	A condition requiring screening is considered reasonable, as noted elsewhere in this report.
Noise impacts to farm animals on adjoining land (Reps 2, 15)	20.3.1 P2 & P4	Noted.
Traffic		
Traffic movements including: <ul style="list-style-type: none"> • Tripling if the business expands; • Inadequate road widths for vehicles to enter and exit the land; • Significantly higher with boats returned same-day • Safety and lack of lighting at Shark Point Road intersection; • Queuing of multiple customers; • Steep drop-offs; • Difficult to drive road when bins are being collected, and • Road is not designed for vehicles of this weight. (Reps 1, 2, 3, 4, 5, 6, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20)	20.3.1 P4 & C3.0	Shark Point Road is a typical rural road with a mix of traffic generation. The use is unlikely to adversely impact traffic safety or efficiency as noted elsewhere in the report.
The vehicle crossing was widened – does it have Council approval? (Reps 2, 3, 12)	Nil	If approved, the access must be upgraded.
Vehicles will be bogged (Reps 3, 7)	C2.6.1	A gravel surface is proposed for all circulation areas which, subject to design and construction, will be adequate for the use proposed.

Existing significant impact of noise from existing heavy vehicle movements (Reps 9)	Nil	This is an existing condition.
Narrow road with no footpaths and numerous trucks and b-doubles using the road at present (Reps 1, 2, 4)	20.3.1 P4	Noted
No turning facilities if vehicles miss the driveway (Reps 2, 3, 4)	20.3.1 P4	This can be mitigated by ensure any signage is clearly visible to oncoming traffic
Environment		
Fuel, gas and chemical spills/leaks and associated environmental and fire risk (Reps 2, 3, 4, 8, 10, 14, 15, 17)	20.3.1 P4	These risks, while they do exist, are considered unlikely to arise given that vehicles must be registered and road worthy.
Potential road kill during winter months (Reps 2, 3, 4, 10, 14, 20)	Nil	The use generates a small increase in traffic.
Biosecurity and weed impacts, are vehicles washed-down? (Reps 2, 5, 12, 15, 20)	20.3.1 P2 & P4	Weed management protocols are considered a reasonable requirement for any permit issued. This may require ongoing monitoring of the site. Vehicle washdown should also be considered although this may not be effective given the distance that vehicles will need to traffic to the site.
There is no traffic management plan (Rep 2)	Nil	It is unclear what is meant by this. The planning scheme does not require a traffic management plan.
Existing watercourse has been filled in (Reps 2, 3, 4, 12, 17)	Nil	This statement will be investigated further. Prior work that may or may not have been undertaken is not relevant to the consideration of this application.
Increased run-off (Reps 7, 8, 11)	Nil	The proposal will not have a significant effect on runoff.
The rural zone is a buffer to nearby residences (Rep 2)	Nil	The purpose of the rural zone is not to buffer other zones.
There is no heritage study (Rep 3)	Nil	Noted.
Weed spraying under vehicles and environmental impact (Reps 3, 8, 11)	20.3.1 P2 & P4	Relative to no permit required rural zone uses such as agricultural that can occur on the land without approval, it is unlikely that the use will require either more or more hazardous herbicide use...
Inappropriate signage (Rep 8)	C1.0	The sign complies with the Signs Code.

Conclusion

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

Shane Wells
MANAGER PLANNER

Attachments:

Application
Representations x 21

The planning department Sorell Council,

of 404 Shark Point Road, Penna are requesting discretionary permission to provide caravan and boat storage on our property CT 137619. The property is zoned Rural under the Sorell LPS and this type of use is listed as discretionary under the state planning provisions. The proposed site has an existing roadway crossover and the addition of internal gravel roadways, automated security gate, fencing and signage are the only developments required. A site plan and area map are attached with the application which details the proposal.

The operational hours for access will be 8:00am until 8:00pm 7 days per week via an automated coded security gate, expected average traffic movements based on similar sites is 3 vehicles per day for a 100 space facility. The site entrance is level and has long line of sight in both directions. The coded auto gate will be set back 20m from the roadway to allow for the maximum length of tow vehicle and van / boat. A streetlight is located directly opposite the site entrance.

Existing screen trees with reticulated drippers are established around all boundaries to the site so as to provide for buffers. The site is to be operated under licence with a national franchise company and will have approximately 80 spaces available initially to determine demand with potential to expand as required if necessary. The site layout as shown in the site plan will be neat and orderly and all vehicles (vans, boats) to be stored are required to be registered, insured and roadworthy.

We trust the information provided is sufficient to assist with a positive outcome however, if additional information is required we are happy to assist.

Kind regards,

9/2/23

FURTHER INFORMATION AS REQUESTED FOR STORAGE FACILITY AT 404 SHARK POINT ROAD PENNA

Planning:

1. Wayleave easement shown on revised site plan
2. Works relocated 12m to the west of waterway & coastal protection area shown on revised site plan.
3. Signage site shown on revised site plan at the western side of site entrance, facing east for visibility to traffic travelling from the east. Sign to comply with C1.6 of the Signs Code. "Ground based sign" as per C1.3 Sign type definitions, sign dimensions to be 1.5m x 1.0m not higher than 2.4m.

Example of proposed signage



Engineering:

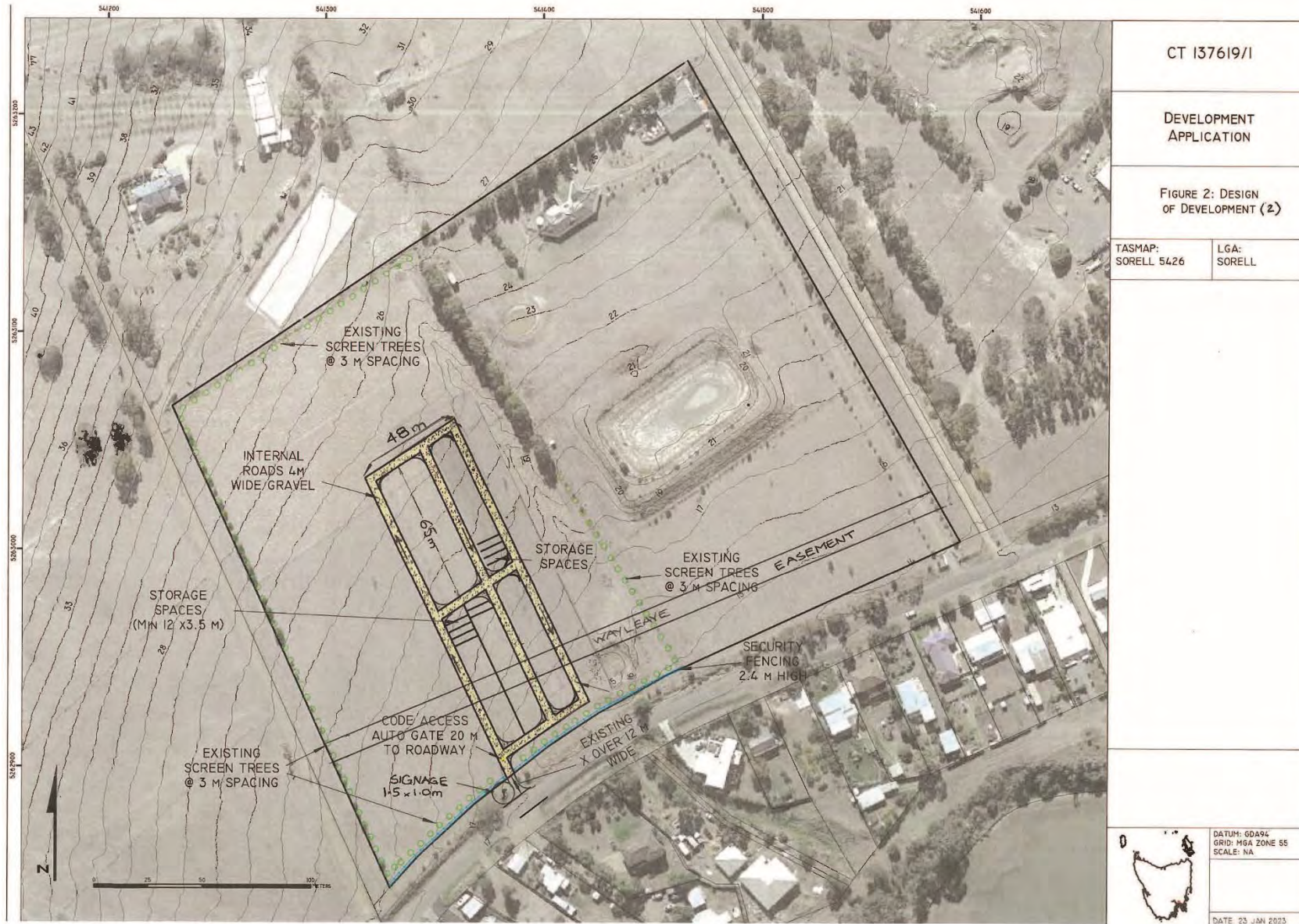
4. No proposed drainage works as internal roadways of 20mm sub base on existing ground levels excluded in Rural under C2.6.1 A1- c. The site has an approximate 2 degree slope to the existing waterway area and culvert.
5. Amended driveway layout showing a radius not less than 4m at each corner to allow for vehicle manoeuvring shown on revised site plan as per C2.6.2. All traffic to manoeuvre within site in a clockwise direction (one way). Road width minimum of 5.5m from Shark Point road to access gate (20m) to allow for traffic in both directions.
6. The information used to calculate 3 traffic movements per day is provided by the National Franchise owner (Store my van) under which the proposed site is to be operated. This company has been operating 13 van storage sites over 15 years with currently over 2500 customers and uses a fully integrated booking system which enables all data to be collated. They provided me with the average of 1 movement per day per 30 items, so based on this I provided the figure of 3 movements if the proposed site was to reach 100 items. The demand for a new site in Tasmania yet to be established, so my estimate is perhaps generous. If further information is required in writing from the franchise owner, they will be happy to assist.

I hope this addresses the additional information as requested and if I can be of any more assistance, please feel free to contact me.

Kind regards,

2/3/23





From:
To: [Sorell Council](#)
Subject: Representation against DA 2023 / 45-1 proposed Storage facility
Date: Sunday, 26 March 2023 11:27:28 AM

To the General Manager,

Sorell Council.

We

hereby make a representation against APPLICATION NO: DA 2023 / 45 – 1

SITE: 404 Shark Point Road, Penna PROPOSED DEVELOPMENT: STORAGE FACILITY

Our home is directly adjacent to the proposed storage facility development and strongly object to this proposal going ahead.

Our quality of life will be directly negatively impacted by this development going ahead. Our outlook will be ruined as our house directly looks out over the proposed development. This will change from a view of rural paddocks looking out onto Pitt Water and Barilla Bay to looking out at rows of caravans and boats and whatever else ends up being stored. The commercial facility will be less than 150 metres from our house and will be operating a minimum 12 hours per day, 7 days per week disrupting our privacy and the noise generated will cause issues with our livestock on our property. Headlights from vehicles entering the Storage facility will directly impact our home coming into our kitchen living and bedrooms.

Please see below a bullet point list of all our concerns/objections to this proposed development

- We have an Olympic sized horse riding arena that is used daily for training horses and riders that is less than 30 metres from the planned storage facility and runs directly alongside. With vehicles coming and going this will lead to sudden loud noises such as car doors being slammed shut and caravans and boats being unhooked from vehicles that can lead to the Horses getting spooked and the possibility of riders being thrown from the horses. Horses are nervous by nature and a commercial facility directly beside a riding arena becomes a dangerous situation. This may cause injuries to both Riders and Horses.
- We have security concerns that this facility will increase the risk of break-ins and burglaries into the area due to the high value of goods being stored.
- Increased Bio security issues with possible introduction of weeds and pests that will impact our property and livestock
- Each individual has an access code to gain entrance into the Storage Facility. Access is stated between 8.00am to 8.00pm (however if you look more closely the Franchise states on their website- that they would allow more convenient times for users if required)
- Who monitors access? As we know most fishermen want to have a boat on the water by 4.00 or 5.00am and could access the Storage Unit at their convenience. This will definitely impact our ability to sleep and maintain our normal lives.

- This brings about a whole lot of other issues such as Noise & Lights pollution as well as Privacy issues for us with Cameras.
- We have concerns that the lighting on the site is going to affect us by intruding onto our property (house) and causing issues with our sleep and privacy and mental wellbeing. Lights coming on and off at all hours of the night.
- The Proposed Storage area does not meet intent in a low residential area. One side of the road being residential and the other side of the road Rural
- Shark Point Road is not designed for caravan or boat access that have the need for larger turning circles.
- The road is a shared road between pedestrians, school children and residents walking to and from bus stops or the dog park and there is no footpath to avoid possible collisions between pedestrians and increased traffic.
- The road is also a dead end so vehicles missing the turn off cannot turn around without obstructing driveways and or other road users
- There does not appear to have been a Traffic Management plan put in Place
- Entering and Exiting the Site may not be adequate and they will have a greater turning circle and will impede other people's driveways opposite the main entrance as well as impeding the traffic flow
- Line of sight for the driveway is on a slight bend and could be impeded
- Who police the security system once the proposal has been approved
- DOES the existing Culvert (that was put in prior to the Proposal) meet Engineering Standards and was it ever approved by Council. The drive-way was enlarged to 8+m wide
- The Rivulet that flows through 404 near the proposed 80 Caravan/Boat site has been filled in and no longer can flow naturally under the road and down to Barilla bay between houses 417 and 419 on Shark Point Road. This could be Catastrophic for neighbours on the low residential side of the road
- There could be an Increase in runoff and drainage issues once the site is covered with Gravel.
- Chemical spillage from caravans and boats oil / fuel etc could run off the site eventually into Barilla Bay that is a Shark Sanctuary or may even affect oyster leases
- "Dusk to Dawn" may result in more native wildlife being killed or injured
- The Intersection at Penna and Shark Point road is not well lit and the turn off easily missed for non-local residents
- Land Fragmentation between low residential land and what appears to be a Rural Industrial Proposal
- Increased Fire Hazard issues with many additional gas bottles and fuel in boats stored at site
- The Proposed Caravan/ Boat storage is very lean on details is does not mention fence type used, Minimum Buffer zones, shows a basic outline of some gravelled

roads that would be insufficient to prevent grass etc growing under Caravans, who monitors security, initially 80 site proposal and forecasts of 200 if economical to a total of 300 sites (this will increase traffic flows particularly on weekends)

- The zoning “Rural resource” I thought it implied any business or enterprise had to support primary industry and not that of pleasure craft owners and holiday makers.
- Movement of Caravans? Boats particularly in the winter months would be undertaken in the dark, and would be a difficult undertaking without any lighting on the facility. There is an Envisage Container storage, to be added down the track for household goods etc increasing traffic even more dramatically
- The development is not appropriate for an area for all practical purposes is residential and is discretionary use under the State Planning Provisions, should be rejected.
- The Tasmania Planning Commission in considering the Sorell Council LPS concluded that to leave the zoning of the land North of Shark Point Road zoned as Rural Resource would be sufficient buffer zone for the Residential Zoned land across the road. The development proposal if approved would show that the Commissions belief was inappropriate, misplaced and mis-use of Rural Resource zoning for a purpose for which it was never intended.

Kind regards

From:
To: [Sorell Council](#)
Subject: DA 2023/45-1-Proposed Storage Facility at 404 Shark Point Road, Penna
Date: Tuesday, 28 March 2023 5:04:26 PM

Dear Mr Higgins, General Manager of Sorell Council,

I am writing to express my concerns about the above named proposal for a caravan and boat trailer storage facility in Shark Point Road.

This kind of facility would be better placed in an industrial area such as what has become of Cambridge Park, or Sorell or the northern suburbs. We have a zoned low residential area along the waterfront and a rural enterprises area on the other side of the road. This facility would impact badly on all existing residents and viticulture, horticultural and agricultural enterprises. It is also likely to impact badly on the wildlife with the potential of increased dusk to dawn traffic.

The impacts to the residents and rural enterprises would include:

- traffic hazards to pedestrians, school children and cyclists as this is a shared use road. Children and adults ride their bikes and walk to catch buses to school and work and for recreation. People walk to and from the beach and dog park.
- traffic hazards to residential drivers.
- The extra noise of constant heavy vehicle movement, the likely light pollution and flow of non residents would be detrimental to the residents peace and privacy.
- Storm water runoff that naturally flows through that area into the Coal River estuary would be increased with the site being covered with gravel or bitumen and the filling in of the rivulet that runs through that property. This would be detrimental to those living on the low residential side of the road.
- Any chemical spills or use of chemical sprays would adversely affect the Organic wine grower that is adjacent to this site.
- Chemical run off into the Coal River estuary would affect the Oyster farm health and viability.

The impacts to the environment:

- Increase in the deaths of wildlife on the road.
- potential runoff from fuel and oil and chemical spillage into Pitt Water causing toxicity to marine life and shore birds. The shores and waters of Pitt Water are recognised at the international level for their value as wetlands for both residential and migratory birds. The estuary is also recognised as a shark nursery sanctuary. Gummy sharks, School sharks, Elephant sharks, Banded Stingarees and Eagle Rays are inhabitants of the waters here along with many other species of fish. The marine life that would be affected also includes a rare and vulnerable starfish that bears live young.

We residents did not choose to live in an industrial area. This is not zoned as one. Please ensure that this kind of development does not happen here. It is better suited to the industrial zones of Derwent Park.

Yours Sincerely,



27 March 2023

Mr Higgins
General Manager
Sorell Council

Dear Mr Higgins,

**Application No DA2023 / 45-1 - Storage Facility
404 Shark Point Road, Penna.**

We wish to make representation in relation to this proposed development. We have lived in this area for the past 36 years and have enjoyed the quiet and peaceful location, which has been a relatively safe place to live and raise our family.

We are grateful to the Sorell Council for making us and other residents aware of this application by letter, however disappointed that the resident making application, does not have appreciation of the area and what it offers residents and their families. This application shows no consideration to neighbours and residents of Shark Point Road and the potential impact it would have on their lives.

We are against the application for the following reasons:

- Disturbance to neighbours/residents:
 - The application states an average of 3 boats/caravans per day, however to be realistic this data needs to be broken down into weekends and seasons, as the movement is likely to be a lot higher in warmer months and weekends compared to week days.
 - Noise and light pollution/disturbance from traffic entering and leaving facility.
 - Noise and light pollution/disturbance as gates open/close.
 - Noise pollution/disturbance from boats/caravans being washed/detailed and maintained.
 - Light pollution, due to security lighting.
 - No provision for parking when 2 or more vehicles arrive at same time, causing safety issues for road users.
 - No provision for vehicles turning on a **NoThrough Road**, if drivers miss the destination and go past, there is an increased safety risk to road users.
- Road suitability:
 - The additional traffic towing wide caravans and boats poses greater safety risk to residents and their families when riding bicycles/scooters, walking alone, with prams, dogs, walking frames.
 - The road is relatively narrow and there's an absence of footpaths makes it unsuitable for this type and quantity of traffic for safety reasons

- The Shark Point/Penna Road intersection is dangerous for vehicles towing boats/caravan, with many cars speeding along Penna Road
 - There is an ongoing issue with potholes and road break down with the current traffic, with ongoing road maintenance. Additional boat/caravan traffic would increase this issue dramatically.
- Zoning
 - We are aware that the north side of Shark Point Road is zoned Rural and the south side is Special Residential. There are a number of successful orchards and vineyards in this area, due to the suitability of the soil and conditions. This land would be better suited for this use, as the property already has a large dam to support this.
- Additional safety risk to wildlife
 - The **Wildlife Dawn to Dusk** signage is considered by many residents of the street who slow down, although there are still a number of marsupials and birds injured and killed. The additional number of non-residents driving in the street, will increase the safety risk of our wildlife.
- Management of water drainage
 - The application has not included drainage and currently stormwater flows through open roadside gutters, through an open watercourse between the properties at 415 and 419 Shark Point Road and past the edge of our property. Because of the lack on drainage infrastructure, water from the proposed area could potentially flood these neighbours and cause additional erosion to these properties.
- Environmental impact
 - The **StoreMyVan** franchise offers detailing/washing of caravans and boats, we are concerned that cleaning products will flow with stormwater through roadside gutters/water course and into Barilla Bay.
 - Use of herbicides and other toxins, will also flow with stormwater through roadside gutters/water course and into Barilla Bay.

We appreciate you taking the time to consider our concerns and hope the **StoreMyVan** franchise looks for a more suitable location in a commercial/light industrial area.

Warm regards

Attention: General Manager, Sorell Council

Proposed development – Storage facility 404 Shark Point Road Penna

Representation from the property owners of _____ regarding the above proposed development.

- Shark Point Road is interestingly zoned low density residential on the water side and rural on the upper side. As per the Tasmanian Planning Scheme, “The Rural Zone provides for a range of other uses, in addition to agricultural uses, that may require a rural location for operation purposes. These include Domestic Animal Breeding, Boarding and Training, Extractive Industry, Resource Processing and a limited range of Manufacturing and Processing, Storage and other uses that are associated with agricultural uses or Resource Processing”.
- I draw your attention to that final point “that are associated with agricultural uses”. The proposed development at 404 Shark Point Road to operate a franchise facility to store caravans and boats has no link to agricultural use and therefore is not in line with current zoning of the area and applying discretion to allow a large commercial operation in a rural/residential zoned area is not appropriate.
- It also appears that the DA is for the entirety of the property at 404 Shark Point Road which is significantly larger than the approximately 80 sites currently proposed. This raises concerns that (if the development is discretionarily approved) there will be further yield onsite and/or broader storage scope over time (lock up containers/ self-storage for example) and introduction of other related commercial service industries to operate onsite (cleaning of caravans and boats, general maintenance, outboard motor servicing are some examples).
- Many locals walk and cycle along Shark Point Road including several children walking from school buses and cycling to Sorell. The proposal would be introducing several drivers, potentially with limited experience in towing and managing large vehicles; with no knowledge of the local road use by adults and children alike creating significant safety concerns given the lack of a footpath and in several places no option to even move off the road.
- Given this lack of knowledge of the local landscape if a customer of the proposed business was to miss the turnoff; there is no safe place further along the road to safely turn such large vehicles without blocking other road users /local access causing further safety concerns both for the drivers trying to attempt such manoeuvres and local road users.
- Further to this neither Shark Point Road nor the driveway into the proposed facility are designed for use by vehicles with increased weight and the need for large turning circles.
- There is also already significant local fauna death along this stretch of road, a significant proportion that could be attributed to the heavy vehicles that already utilise the road. This proposal is likely to significantly increase the number of native animals and birds killed on Shark Point Road.
- It also does not align with the general character and vision for the Penna/ Orielton area which includes a nature reserve, bird sanctuary; agricultural properties and industries including orchards and vineyards as well as residential properties.
- If the proposal was approved, utilising discretion, it could impact water usage and runoff; as well as potentially adding pollutants to the soil and/or waterways.
- We have also been informed that the applicant has filled in the rivulet that naturally flows through the property, near the proposed 80 Caravan/Boat site, down into Barilla Bay between 417 and 419 Shark Point Road.
- This rivulet is clearly shown in figure 1 of the DA and is fed from several dams further north. If it true this natural waterway has been filled in and can no longer flow under the road and down to Barilla

bay, it could be catastrophic for properties on the low side of the road, when we next get large rainfalls causing those dams to overflow. I understand they are currently close to capacity.

- We respectfully request that this be investigated regardless of the outcome of this DA.
- The addition of internal gravel roadways is likely to result in increased runoff and drainage issues and will potentially cause a flood risk to the residential properties on the low side of the road as well as potentially adding pollutants to the waterways.
- Allowing a commercial operation in a rural / residential area is also likely to result in unacceptable increases in noise and light pollution for local residents; especially those in the immediate vicinity.
- Another concern is the likely storage of gas cylinders and fuel onsite presenting issues in terms of higher fire risk which would need a well-considered risk mitigation strategy in relation to fire management and hazard reduction practices. Other commercial entities operating on the site could present broader environmental concerns.
- Another is the potential for increased crime with such a facility directly across the road. Storage facilities are often seen as easy targets for theft inviting those elements into a quiet rural / residential area. Ways utilised to combat this in a commercial/ industrial zoned area including cameras, lighting, alarms, guard dogs etc are not appropriate for ensuring right to quiet enjoyment of privately owned residential properties.
- Development at the site will have a direct negative impact on vehicle access for the three privately owned residences located at 423, 425 and 427 Shark Point Road. These all share a common driveway located directly opposite to the driveway access for 404 Shark Point Road.
- Given there is not sufficient clearance and turning into the driveway of the proposed facility it is highly likely drivers will pull over across our shared driveway, blocking our access to enable them to turn sufficiently to access the facility.
- In summary, our objection to the proposed development is that it is not in line with current rural / low density residential zoning of Shark Point Road. It will result in significant safety risks in several areas including safe road usage for pedestrians and cyclists including children. It will increase fire risk on site and to neighbouring properties and flood risk to properties on the low side of the road. It will cause noise and light pollution for surrounding properties to an unacceptable level; and it will have negative environmental impacts in terms of soil and water contamination as well as the increase in deaths of local fauna.

We thank you for taking the time to consider our objections to the DA for 404 Shark Point Road and hope you agree this proposal is not in line with the intent of discretionary approval for properties in rural zones.

Kind Regards

From:
To:
Cc:
Subject: 404 Shark Point Road Proposal
Date: Saturday, 1 April 2023 8:20:09 PM

Hi,

we are writing in regards to the proposed development for 404 Shark Point Road Penna.

As local residents of shark point road we wish to protest against this proposed development.

To whom it may concern,

Shark Point Road Penna is a beautiful coastal/rural living environment that's enjoyed by all locals as it brings a natural, relaxed and feel good vibe.

Being that we live on a no through road, this accommodates us and other families/local residents to walk safely down to Penna Beach which is very popular for us locals and other people from surrounding communities.

If the proposed works are approved for 404, this will have negative effects on our community environment and for the locals well being.

As there are already large trucks that use the road to its full capacity, having an increase in traffic would be a risk to local homeowners and also takes its relaxed living environment away. By having a business as such, this increases risk to our native wildlife and habitats.

A storage facility is best suited for an industrial area that can allow trading hours up to 8pm which would be more accepting of noise pollution.

Shark Point Road is not an industrial area it is a suburban area.

Thanks for your time,

From:
 To: [Sorell Council](#)
 Subject: Development Application DA 2023 / 45 - 1 - 404 Shark Point Road, Penna, Tasmania
 Date: Sunday, 2 April 2023 1:02:53 PM

Attention to The General Manager, Sorell Council, The Mayor and Councillors

Dear Mr Higgins and Councillors,

As residents of the western end of Shark Point Road, we would like to register our opposition to the Development Application DA 2023 /45-1, by D.J. Wiggins, for the proposed storage of caravans and boats at 404 Shark Point Road, Penna for the following reasons –

1. The development application is scant on detail and therefore raises many questions. A search of the franchise owner website **www.storemyvan.com.au** states the full range of operational activities that may take place at the proposal site. The majority of these activities are not mentioned in the development application.
 - a. The development application states **80 sites initially with capacity to expand. Expand how and to what extent?**
 - b. According to the franchise owner website **www.storemyvan.com.au**, it currently operates at 13 locations only in Victoria, not nationally.
 - c. **Storemyvan.com.au** offers the following storage options – **Outdoor, Under Shade, Under Cover and Enclosed storage options.**
 - d. It also offers **Park & Fly (airport pick-up and drop-off), Cleaning, Van & Boat Tow to Your Home, and Mobile Mechanical services.**
 - e. **The booking request function on storemyvan.com.au offers storage options not just for caravans and boats, but also for trucks, buses, motorhomes, small and large trailers, and other - what does other mean – shipping containers, portable buildings, earth moving machinery, etc, etc ???**
 - f. **As a storemyvan franchisee complying with the franchisor, the DA proponent would most likely be required to offer storage for these additional items, but the DA only states storage of caravans and boats!**
 - g. **The storemyvan website also offers overnight stays!!! Does this mean a caravan park???**

Such expansion of operation would lead to construction of permanent buildings and structures, as well as further increase in traffic and environmental concerns of the type listed below in 3 and 4.

2. The type of land use is not appropriate to the area, as the area is zoned rural and residential –
 - a. A commercial/Industrial facility would degrade the current accepted zoning of approximately 100 peaceful residential dwellings on the southern side of Shark Point Road and approximately 26 rural properties on the northern side, all located at the western end of Shark Point Road.
 - b. Maintaining the Rural zoning on the northern side of the road would protect the integrity of the area as per the **Tasmanian Planning Scheme – State Planning Provisions -**
“The purpose of the Rural Zone is –
20.1.1(d) minimises adverse impacts on surrounding uses,

20.1.2 To minimise conversion of agricultural land for non-agricultural use,

20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements”.

- c. Having a commercial/industrial type of development of this scale, right in the middle of what is currently a mix of rural, but mostly residential properties, will significantly alter the function, appearance and character of the area.
 - d. Such a proposed development is at odds with the requirement of the planning scheme (see 2b above).
 - e. The Council itself states that “Land use planning achieves fair, orderly and sustainable outcomes”.
 - f. Currently, there are more appropriate locations for such a development to be located in existing or potential future commercial/industrial hubs in the Sorell municipality.
3. Traffic congestion, restrictions, road maintenance and safety –
- a. The western end of Shark Point Road already experiences on-going road degradation caused by 10-20 movements per day of sand trucks accessing the sand mine at the end of the road. Additional heavy vehicles such as vans and boat trailers would put further pressure on capacity for the council to maintain future road repairs. The current condition of the road is evidence to the fact the council is already having difficulty keeping up with road repairs.
 - b. The western end of Shark Point Road is already an unsafe area for pedestrians, **school children** and cyclists, who despite continual requests to Council for a footpath, are forced to walk on the road. Dark conditions during winter, will create additional hazardous conditions for pedestrians trying to avoid towed vehicles, like vans/boats requiring large turning circles.
 - c. Road congestion could cause delay in traffic flow for residents further west of the proposed site, particularly when sand trucks, towed caravans/boats and residents’ vehicles, all meet at the entrance to the proposal.
 - d. The intersection of Shark Point Road and Penna Road is already extremely dangerous. Additional over-length traffic would further exacerbate the dangers particularly as this intersection is a **school bus pick-up and drop-off zone**.
4. Environmental issues –
- a. A further blocking or filling in of the existing waterway could cause a build-up or redirection of underground water flow, that may impact residents on the southern (waterside) of the road with possible inundation and further soil instability.
 - b. Also changing an existing waterway, under the EPBC is contrary to the protection of the Ramsar Site which follows the foreshore from Orierton Lagoon almost to Richmond (a Ramsar site jurisdiction exists up to 2km inland).

- c. Multiple vehicle movements the size of which would be required to tow boats/vans etc have the potential for fumes and accidental spillage of contaminants that could be harmful to the environment.
 - d. If indeed overnight stays (see 1g above) occur as suggested on the franchise owner website, this leads to other concerns such as human waste, greywater, and storm water issues.
 - e. A commercial project such as the proposal would also have the affect of altering the integrity, character and appearance of the riparian zone.
5. All members of our community have the right to enjoy living and lifestyle in the current rural/residential environment in which they live. It is also conditional upon us to have fair and reasonable expectations on how the land should be used in our area, in order to maintain its sustainable integrity, and be consistent with Council's own ideals.

We believe granting discretionary use for the proposal is not only inappropriate, but would also degrade the benefits of living in what is accepted as a desirable rural/residential community.

Yours Sincerely

From:
To: [Sorell Council](#)
Date: Sunday, 2 April 2023 6:11:42 PM

On behalf of _____ we wish to officially oppose the proposed Storage Facility at 404 Shark Point Road Penna
 Penna is a rural area not a business area
 Shark Point Road is not a suitable road for caravans to travel on
 Supposed trees planted on boundaries of said area will take years to grow enough so as not to be able to see caravans stored in the "paddock"
 How you have come to the reasoning of so few extra vehicles on the road we can not understand eg Christmas time, school holidays, Easter and long weekends will be busy with so much more traffic
 Sand Trucks on Shark Point Road already SPEED up and down the road.
 New subdivision on Penna Road will also add to traffic problems
 Where are caravans going to turn if they miss said turn off to storage area as there is nowhere for them to turn up the road
 Security of the area for said caravans is a worry as we are sure it will be targeted by unlikely people once they know they are there.
 And what business comes next after you approve this storage area as you take Rural area away from us.
 When the property was purchased we informed by council that crops were to be grown in that area
 Our letter of disagreement may arrive late as we are out of the state at the moment and have only just been informed of this situation.

From:
To: [Sorell Council](#)
Subject: Proposed Boat and Leisure Craft Storage Facility at 404 Shark Point Road, Penna
Date: Monday, 3 April 2023 2:45:38 AM

Dear Mr Higgins,
 (General Manager Sorell Council)
 and Shane Wells Manager Planner

I write this email to you to express my Absolute Rejection to the DJ Wiggins proposal of the Storage Facility at 404 Shark Point Road, Penna.
 Your reference DA2023 / 45 - 1 -

I appose this profusely for so many reasons of which I will list below.

Our property is on the lower side of the road of which we continually have trouble with constant road noise due to speeding cars and trucks. We don't want or need more traffic noise and interruption in our lives in an already Dangerous Street.

Its ok for Mr Wiggins as he is well set back from the Road and would not understand what we entail on a daily basis.

Trying to get up and down this road on days when the waste is being collected with wheelie bins that constantly blow over due to the wind is just another bone of contention. Surely the council has given this some serious thought as this storage facility would be an absolute disaster for our street and would be better suited for an industrial area like Cambridge.

Shark Point Road is always so busy with people walking, bike riding, dog walkers going back and forth to the dog park and young children both walking and riding their bikes to and from the bus stop for school as well as people commuting on bikes and scooters to Sorell for school and work.

Outside our property you will see a particularly steep drop off from the road, we have been subjected to a few car accidents now outside our residence one resulting with a car ending up through our front fence and wiping out a rather large tree that had taken over ten years to grow as tall as it had.

Thank God it was not a truck which is something we have feared for years and is only a matter of time before this happens in our opinion.

This part of the road has proven to be dangerous over and over again as there is a slight bend and its a skinny part of the road with not much room for error due to the creek running under the road and onto our property. We cannot access our driveway when there are trucks coming down let alone when you meet with kids on bikes and people walking at the same time its a complete nightmare and so very dangerous. We have to pull off to the side of the road until they have passed to enter our driveway and ensure the safety of pedestrians and other motorists.

Add Caravans, 4wds, Boats, Campers and personal water craft and its going to be an absolute shit show to say the least!

Shark Point Road is just simply not capable of handling it.

After the last accident where the car went through our fence I was so angry I phoned to have guard rails installed but this was denied as they said they had already had someone assess Shark Point Road and there were no steep drop offs. I challenge you to come have another look!! Why would you even consider such a proposal of a storage facility in such a rural residential area!! Plenty of room for this type of thing in Cambridge where it would be more appropriate.

The last thing I need to be hearing and smelling are diesel filled noisy SUV's towing boats, caravans and other water craft up past my home at all hours making it harder for me to be able to sleep or rest peacefully, be able to get in and out of my driveway without obstructions, intrusive headlights, security lights going off at all hours, cameras etc imposing on my privacy and lets not forget the added risk of burglaries etc that it will attract to our area.

And where is all the petrol, oil, fish guts and saltwater going to drain away to? Yep that's right through the so called natural water course (that is not natural due to the Pipe that is directing it through my property and eroding the bank away) and straight out into Pitt Water and Penna Beach to kill and Mame or harm the marine life, shark sanctuary and destroy the Oyster Farms.

In winter that creek is like the wild rapids so badly I could ride my kayak down it. I have spoken to council about it numerous times and it NEVER has been addressed. Always gets put in the two hard basket.

We had to build our fence when we built our home where it is now, which isn't actually on our boundary to be able to keep our 3 children and 2 Dogs safe and unable of accessing the water front and potentially drowning because you failed to address it at the time. Yet now you are still doing nothing about it and considering sending not only more water towards us by the way of the "natural water course" from this proposed facility, but now we are expected to take it with added petrol, grease, oil dirt and other crap our way! Disgusting!

Now lets talk about the environmental impact this facility will have on the wildlife that calls Shark Point Road home due to its beautiful picturesque rural area. Why consider adding something so out of character for a residential area? Has there been a change in zoning to allow an industrial site to be built in what is considered to be a residential area? And what about traffic management? What has been planned around this considering Shark Pont Road is a No through Road? The Noise Pollution in this area is already too much! We don't need more added. There are no foot paths! insufficient drains and in my opinion this part of the road already needs speed humps to slow traffic speeds. What about our abundance of wildlife? They are feeding and drinking from the water holes and creeks which will become poisonous from the pollutants from this proposed site.

We also have a so called natural water course running through the side of our property which we have mentioned before and it takes all the water from the hills especially during the winter months with it running at rapid rates and eroding the bank where our house is closely situated, I have major concerns about that. Prior to building our home we had a meeting with council and proposed a five year plan for this to be addressed something that council refused at the time so we then asked for a ten year plan trying to be considerate and we were still denied.

We then had no choice but to proceed with our property and fence it where it is today to not have the worry of our 3 children finding their way to the waterfront and to stop our 2

dogs from getting out.

To finish I want to say, why would we ever support such a facility that is going to have such a catastrophic impact personally on my property and the environment not to mention our peace of mind and that of our neighbours, we live in an amazing rural area we chose to call home, the abundance of beautiful wildlife that lives in our area, the frogs that live in the ponds, the ducks the native hens the quolls the possums the wallabies the potoroos echidnas blue tongue lizards wombats and rabbits. You are putting them all at risk including the waterways and sea life.

This is so Clearly not an industrial area, its Rural Agriculture and should always remain that way. More traffic noise, lights intruding in on our privacy, security lights and the added extra security we would have to undertake, the pollution, safety aspects for pedestrians and an unsafe road makes it a no brainer...

Terrible idea that is not supported in any way shape or form by my family.

Sincerely

From:
To: [Sorell Council](#)
Subject: Submission for 404 Shark Point Rd, Penna DA 2023/ 45-1
Date: Monday, 3 April 2023 3:17:55 PM

The general manager Sorell Council.

Dear Sir,

I am writing to express my support for the development of caravan storage facilities in our community. As a frequent traveller and caravan owner myself, I believe that these facilities will greatly benefit our community by providing a safe and secure space for caravan owners to store their vehicles.

Caravan storage facilities are essential for those who enjoy travelling by caravan. They offer a convenient and secure location for caravan owners to store their vehicles when not in use. This not only reduces the risk of theft and vandalism, but it also frees up valuable space in residential streets, driveways and garages.

Furthermore, caravan storage facilities can also have positive economic benefits for our community. They can create new jobs and generate revenue for local businesses, such as caravan dealerships and local repair shops. Additionally, the development of these facilities can increase tourism to our area and boost the local economy.

In conclusion, I strongly support the development of a caravan storage facility in Penna as it will provide a valuable service for caravan owners and can have positive economic impacts on our community. I hope that you will consider this application and support the development of these facilities.

Thank you for your time and consideration.

Kind Regards,

I am writing with regards to the Application DA 2023/45-1 for the Storage Facility at 404 Shark Point Road Penna for D J Wiggins.

We strongly oppose the approval of this development application for the reasons outlined below.

We reside directly opposite the intended driveway to the proposed Storage Facility.

There is likely to be a lot of extra traffic on the road and there is no footpath. People walk for recreation and there are a lot of cyclists on the road at all sorts of different hours and days as well as the fact that children walk home from school.

If the people who are wanting to turn into the property miss the entrance, where do they turn around? It is a dead-end road and there isn't a suitable location for longer towing vehicles to turn around.

I'm very concerned about security issues. If they can't break into the property and the caravans/boats etc., will they try to break into my property?

I sincerely think that there is a fire hazard with the storage of the caravans as a lot will have gas bottles, chemicals etc. Boats are likely to have fuel tanks with fuel ready for their next trip. Both are likely fire hazards.

Maintaining the area where the items are to be stored is a concern.

It has a natural watercourse that appears to have been filled in.

Was the culvert which leads to the gates engineered correctly? Was an application put in and was it signed off properly?

According to the application the operational hours for access will be 8:00 am to 8:00 pm 7 days per week. Is it likely that a person wanting to gain access to their boat to go fishing will want to wait until after 8:00 am to get their boat prior to going out? The people waiting to use the entrance will need to have their vehicles running whilst they access the gates.

The website says that they will make access available outside these times to be convenient to their clients. This means that at 4 am some people may want to come and get their boats to be able to go fishing – outside the stated hours.

The fences and security necessary for the property will be an eyesore, as will the lights which will be needed to keep the property safe. The noise of the vehicles will also be an issue.

Our privacy will be invaded due to the cameras which will be needed to keep the property safe.

This is less than 50 metres from my boundary and this will greatly impact on our way of life in a rural situation.

Over 100 residents will be affected by this.

I find it amazing that _____ could be so disrespectful to the surrounding neighbours by not contacting us in any way to discuss it prior to him putting the application in. _____ was our neighbour prior to him moving out, and _____ built shelving for us over 20 year

Issues...

The Proposed Storage area does not meet intent in a low residential area. One side of the road being residential and the other side of the road Rural / (Industrial);

The Road and driveway are not designed to access caravans or boats with large turning circles.

The road is a shared road between pedestrians, school children and residents walking to and from bus stops.

The road is also a dead end so vehicles missing the turn off cannot turn around without obstructing driveways and/or other road users. There does not appear to be a Traffic Management plan.

Each individual has an access code to gain entrance into the Storage Facility. Access is stated between 8.00am to 8.00pm. Who monitors access? As we all are aware most fishermen want to have a boat on the water by 4 or 5.00am and could access the Storage Unit at their convenience

This brings about a whole lot of other issues such as Noise, Lights, and Privacy issues.

Entering and Exiting the Site may not be adequate as the line of sight is on a slight bend and could be impeded

Who polices the security system once the proposal has been approved

Does the existing Culvert (that was put in prior to the Proposal) meet Engineering Standards and was it ever approved by Council? The drive-way was enlarged to 8+m wide

Drainage...

The Rivulet that flows through 404 near the proposed 80 Caravan/Boat site has been filled in and no longer can flow naturally under the road and down to Barilla Bay between houses 417 and 419 on Shark Point Road. This could be Catastrophic for neighbours on the low residential side of the road

Increased runoff and drainage issues once the site is covered with Gravel

Weed control on site could have an adverse effect on the adjacent neighbour - Organic Wine Grower

Chemical spillage from caravans and boats oil / fuel etc could run off the site eventually into Barilla Bay that is a Shark Sanctuary or may even affect oyster leases.

"Dusk to Dawn" may result in more native wildlife being killed or injured.

Land Fragmentation between low residential land and what appears to be a Rural Industrial Proposal

Increase in theft and crime into the area with the addition of expensive Caravans and boats

Fire Hazard issues with many additional gas bottles and fuel in boats stored at site

Lighting Pollution for additional security

The Proposed Caravan/ Boat storage is very sketchy on details it does not mention fence type used, Minimum Buffer zones, shows a basic outline of some gravelled roads that would be insufficient to prevent grass etc growing under Caravans, who monitors security, initially 80 site proposal and forecasts of 200 if economical to a total of 300 sites (increasing traffic flows particularly on weekends)

Movement of Caravans and Boats particularly in the winter months would be undertaken in the dark, and would be a difficult undertaking without any lighting on the facility. There is an Envisage Container storage, to be added down the track for household goods etc increasing traffic even more dramatically

The development is not appropriate for an area for all practical purposes is residential and is discretionary use under the State Planning Provisions, and should be rejected.

The Tasmania Planning Commission in considering the Sorell Council LPS concluded that to leave the zoning of the land North of Shark Point Road zoned as Rural Resource would be sufficient buffer zone for the Residential Zoned land across the road. The development proposal if approved would show that the Commissions belief was inappropriate, misplaced and mis-use of Rural Resource zoning for a purpose for which it was never intended

The Intersection at Penna and Shark Point Road is not well lit and the turn off easily missed for non local residents

From:
To: [Sorell Council](#)
Subject: DA 2023 / 45 - 1 - Storage Facility at 404 Shark Point Road, Penna,
Date: Sunday, 26 March 2023 5:21:46 PM

General Manager

Sorell Council

Subject;

Proposed Storage facility of Boats and Caravans at 404 Shark Point Road by landowner D.J. Wiggins and franchisee Storemyvan.

As a local landowner and resident adjacent to 404 Shark Point Road, I wish to Strongly Oppose such a Commercial development, which appears detrimental to the reality of Rural use, which in my view, relates to open land used for cropping, farming and raising animals, and orcharding. Not to present a large "cage" in paddock and fill it with Caravans and Boats,

and therefore Polluting our, Tranquillity, Visual Trauma, Noise pollution day and night, causing excess Traffic movement along a non-footpath road used regularly by pedestrians and their animals, and being that I reside directly in the path of the very strong N.W. Winds, I will be receiving excessive sound and odours from vessels and caravans and their respective towing vehicles.

Residential Security risk will be elevated tenfold if the stored units, being quite valuable, will attract undesirables to visit the area for quick gain and if unable to make "entry" to the "cage", will no doubt place emphasis on our residential properties nearby.

The Application appears lacking in detail on the type or style fencing; Lighting used or capability ; Fire Fighting Structures or plan; reduction and maintenance of grasses and weeds etc.;

and collection or trapping of Undesirable Fluids from entering the natural gravity fed watercourse into the nearby bay.

Storemyvan on their website offers three styles of covered sites at different rates. The application does not state any "cover" materials. IF "discretionary" approval is given will this allow

further structures and "roofing" to be added, and also, being a national franchise, it will grow and the site be enlarged and rows of storage units to be added.

The Storemyvan sign to be erected, in itself will be a visual eyesore to all residents. It would be a first along our road.

This proposed application has caused an uproar in my community and I hope with wisdom, it can be amicably resolved.

Mr Robert Higgins
General Manager
Mayor and Councillors
Sorell Council
Sorell TAS 7172

3 April 2023

Dear Mr. Higgins, Mayor and Councillors,

OBJECTION TO DEVELOPMENT APPLICATION DA 2023/ 45-1, 404 SHARK POINT ROAD PENNA

Inappropriate zoning on the northern side of Shark Point Road to the west of Penna Road, has led us to object to the above application that has been recently put into the planning section of Sorell Council by the applicant

In council's news letter dated July of 2022, the Mayor Kerry Vincent spoke in detail regarding future development in the Sorell Township and the infrastructure that it will need in the future. The mayor has on other occasions spoke about Sorell having its own industrial site, much the same as Cambridge. They mayor voiced opinions that suitable sites could be on the eastern side of Sorell or possibly enlarge the existing industrial site in the Sorell Township. Looking at a bigger picture for Sorell, an industrial site development is a sensible approach. However, increasing the existing industrial site in the heart of Sorell Township would not be a good move. The other suggestion on the eastern side of Sorell sounds like the right approach, especially for people coming from Port Arthur, Nubeena, Copping, Forcett, Dodges Ferry, Lewisham and Dunally. This would also ease traffic congestion in the Sorell Township.

For the above reasons we believe that Shark Point Road, in particular has already done its bit for the Sorell Community by having:

- . Sewage treatment ponds
- . Water station
- .Earth moving business
- .Sand pit business
- .Dog walking area
- .Vintage Machinery Society of which its members don't even live in Sorell

ENOUGH IS ENOUGH.

Sorell Council over many years has approved low density residential houses on the waterfront up to a number of around 100 houses. These residential houses, plus rural houses on the northern side of Shark Point Road have already had their properties devalued because of the sewage treatment ponds and the trucks that continually use the road at excessive speeds, therefore endangering our elderly who have to walk the road and also school children who walk home from where their school buses drop them at the corner of Shark Point Road and Penna Road. In recent times a petition was signed by majority of the residents in Shark Point Road asking for a footpath along the southern side



of the road for the protection of their children, elderly, women with prams and anybody else that chooses to go for a walk.

We request that the Sorell Planning Committee seriously look at the website of Storemyvan that Daimon Wiggins intends to become a franchisee. In their advertising they promote also the storage of buses and trucks, plus offer several other services as well, which seems to make the application limited in information.

Please consider the **already existing dwellings** in Shark Point Road and the closeness of Penna to the township of Sorell and Hobart city.

- .Wolstenholme Drive ----small acreage, some (54 in number)
- .Rural living classification on the eastern part of Shark Point Road (11)
- . Midway Point recent expansion of residential housing that now abuts Penna
- . Houses with the Low Density Residential classification (100)
- .Rural Living at the western end of Shark Point Road (7?) Sorell Council Generic Map 2015

THE SCENE IS ALREADY SET

Please read the following quotation from Planning Scheme, Rural Living, fact sheet 6, Department of Justice

"Tasmanians have always valued the ability to live in a rural setting and is an attractive lifestyle choice for many in our community, including hobby farms. Under the Tasmanian Planning Scheme, there will be greater certainty and consistency for these areas."

From the minister for Planning Michael Ferguson

"Michael entered political life determined to make a real difference and improve the lives of Tasmanians. His vision is "for Tasmanians to be the happiest people, enjoying the best quality of life in Australia". Everything he has done in public life whether in local, state or federal levels of government is so local families can get ahead and plan their future with confidence."

We and the people of Penna, in particular Shark Point Road, do not want any more light industrial or industrial businesses in our area. We consider that this area is for living in a beautiful place that has a community vibe and that we have the right as citizens to enjoy and maintain its already existing scene that has been set, without any further industrial additions.

Any further industrial development should be as the Mayor has suggested in a specific area, not scattered all over the Sorell Community.

We ask the Sorell Planning Committee not to recommend this application for approval and also seriously consider the rezoning of the northern side of Shark Point Road from Penna Road to the end of Shark Point Road to a Rural Living zone as based upon the majority of existing dwellings.

Yours sincerely,

From:
To: [Sorell Council](#)
Subject: Objection to Development Application 404 Shark Point Road DA 2023 / 45-1
Date: Monday, 27 March 2023 3:00:52 PM

27/03/2023

Att Mr Higgins

General Manager Sorell Council

47 Cole Street

Sorell 7172

Dear Mr Higgins,

As a resident of Shark Point Road, I wish to raise my objections to the proposed caravan/boat storage facility at 404 Shark Point Road on the following grounds:

Our family have lived here for 10 years, and have endured gravel trucks and other large vehicles driving to and fro past our house most days of the week. These trucks contribute a significant quantity of noise pollution to a neighbourhood that should be a peaceful country haven. This road is a no through road with a quarry at the end and I have accepted that we had to allow there would be heavy vehicles while it was in operation but thought an increase in traffic was unlikely.

Large vehicles pose a significant safety hazard, as the road is a shared road between pedestrians, school children and residents walking to and from the school bus stop or the dog park. Adding additional traffic, in the form of a commercial enterprise, is not in the best interests of residents and their families, especially if the drivers of the vehicles are inexperienced in handling large vehicle combinations (unlike the professional drivers who operate the quarry trucks).

This new facility will increase the number of large vehicles and vehicle combinations using the road, and no matter what has been stated by the proponent, it will be at all hours of the day and all days of the week, often starting at 4 or 5 am. As a fisherman myself, I like to get on the water on the east coast at dawn in the summer, but cause little disturbance moving just my vehicle on my property.

This area already experiences traffic chaos during long weekends and across the Christmas break, with travel times from Hobart increased by up to 50%, adding additional recreational vehicles, will decrease the tranquillity even further. In addition, the intersection at Penna and Shark Point Road is not well designed or well-lit and the turn off easily missed by those who don't use it often. Finding a safe place to turn around in Penna Rd is not possible without driving to Brinktop Road and then back along the Tasman Highway with a boat or caravan attached. Similarly, there is no suitable turning point in Shark Point Rd at all unless the proponent plans to negotiate the installation of one.

I hope that Sorell Council will take the concerns of its residents seriously and suggest to the proponent that they consider siting this development in an appropriate commercial location such as Cambridge or closer to Sorell township in an appropriately zoned area.

Yours Sincerely

From:
To: [Sorell Council](#)
Subject: 404 Shark Point Road
Date: Monday, 17 April 2023 6:06:36 PM

Planning Officer

Sorell Council

Dear Sir/Madam,

RE: Storage Facility at 404 Shark Point Road

I am writing to raise concerns regarding the proposed storage facility at 404 Shark Point road.

1. The proposed land use change is not compatible with agricultural use. This use of land is more compatible in an industrial area, particularly regarding concerns around chemical spillage from caravans and boats and the flow on effect this will have.
2. The proposed land use is not appropriate for an area which is also residential.
3. Shark Point road is a dead end, and it is likely vehicles missing the entrance to the storage facility will try and turn on the road or in driveways increasing risk to residents.
4. If the facility operates from 'dusk to dawn' it is likely to increase the numbers of wildlife injured or killed.

My partner and I recently purchased in this area. We are planning on renovating our existing property. However, if this storage facility is approved, we will not be undertaking the improvements as this is not the environment, we want to live in.

Regards,

Dear Mr Higgins,

Our home at _____ is located directly across the proposed Caravan/Boat storage facility (development application no: DA 2023/45-1) and my husband and I strongly object to this proposal going ahead with respect to the intended land use as well as other considerations outlined below.

Traffic Management

- Shark Point Road is a no-through road with no footpaths, soft edges and some drop-offs along the sides of the road. Residents (including children) often walk or ride their bikes along the road (us included), walk to the bus stop on Penna Road or walk their dogs down to the dog park. Caravans, motor homes and boat trailers as well as the vehicles required to tow them are generally wider than your average vehicle, increasing the risk to pedestrians and bike riders as well as the risk to other motorists as they will have to move out of the way of vehicles towing. Additionally there is a risk to drivers, who are unfamiliar with our road, driving off the edge of the road and in some instances this could lead to the vehicle and caravan/boat rolling.
- There are no turning circles. There are no doubt going to be instances of drivers who are towing caravans/boats who will overshoot the entrance to the proposed storage area. There are no appropriate turning circles along Shark Point Road which may then lead to road and driveway obstruction due to vehicles attempting turns along a narrow road.
- The intersection of Shark Point Road and Penna Road is an off-set intersection with a history of accidents due to poor line of sight and poor lighting. Drivers may also miss the intersection.
- Although the proposal suggests on average 3 cars per day, this will increase on weekends (particularly long weekends) and holiday seasons. While it also suggests the driveway access is long enough for both a vehicle and caravan so it is off the road while entering through the gate, during busy times it is not unreasonable to assume there may be more than one vehicle at a time waiting to enter the facility. In which case the road/driveways could be blocked.
- Shark Point Road has a "Dawn to Dusk" warning to protect local wildlife. With additional traffic and vehicles towing often heavy boats or caravans there will be greater difficulty in swerving or stopping before hitting native wildlife resulting in more road kill. Quockers, Echidnas, Bush Hens, Wallabies and Possums are often seen on Shark Point Road.

Monitoring and Access

- The access for patrons via the Key gate is stated to be from 8.00am to 8.00pm. However on the Stow My Van website they state that they will make access outside these times convenient to their clients and as I am sure you are aware most Fishermen would want to be on the water by 4.00 or 5.00am in the morning, of necessity operating outside the stated hours. Holiday makers will also generally return later than 8pm to make the most of their holidays. There doesn't appear to be any monitoring of the comings and goings or a proposal on how this would be managed.
- Vehicles entering before dawn or after dusk will have their headlights on which will disturb neighbours, particularly those in 423,425 and 427 but we will also be aware of it as will houses

located on the hill behind the proposed site.

- There is no mention of security lighting which, one would think, would be a public liability requirement. Lighting going on and off constantly due to storage traffic as well as wildlife will create light pollution.
- There will also be additional vehicle noise due to increased traffic, movement within the facility and idling while waiting to enter the facility. This is directly outside of and opposite our residence.
- There is no mention of security cameras but to claim a safe space to store your van, one assumes they will have security cameras fitted. Who monitors these and what about our privacy?
- Due to the high value of caravans, boats and their contents, there is an increased risk of crime. If those seeking to gain access unlawfully are unable to do so, they may seek other opportunities within our neighbourhood.
- What is the proposed safety fencing? There is no mention of this in the proposal however Store my Van suggests security fencing in place. This would be more in keeping with an industrial site, not a general rural/residential area.

Environmental Impact

No apparent environmental impact statement in regard to the following:

- Drainage for the proposed site. There are no details provided regarding the nature of the surface the vans and boats will be stored on or what drainage will be provided. The soil is reactive clay which cracks when dry and becomes water logged in heavy rains. Vehicles can easily become bogged in these conditions and the area turn into a mud pit.
- The natural rivulet running from dams above the property along the edge of the property has been filled in by the owner of 404. This appears to have been done over a period of time without approval. The natural flow of this rivulet, particularly when capturing dam overflow, is via a culvert under Shark Point Road, then running between _____ and 415 Shark Point Road. During high rain falls a considerable volume of water runs through this culvert. If the Dams above the property overflow, the disruption to the natural water flow caused by filling in this rivulet will not only affect the area proposed for the storage site, but potentially impact on our property and our immediate neighbour's property. It may also undermine the substructure of the road itself.
- As the suggested substrate may be gravel, it will be necessary to spray herbicides on a regular basis to maintain the area under caravans etc. There is no mention of how this will be appropriately managed considering an adjoining neighbour has an organically certified Vineyard. We are very mindful not to spray weeds ourselves (we cut and paste instead) to limit potential run-off into Pittwater Bay which is a protected Shark Sanctuary and Ramsar site as well as the location of a commercial Oyster farm.
- There is a risk of fuel spillage (and other pollutants such as oils and chemicals) particularly with boats. There is no mention of how this will be managed on the site. Gas bottles are often stored with caravans and boats as well, adding to the fire risk. We have grasslands and bush land behind and around the proposed site and the area is rated at BAL-19. There is no mention of a bushfire plan or Fire plan should a caravan or boat catch on fire and if the area is threatened by a bushfire, all stored vehicles will contribute to the fire fuel load.
- We had a requirement to conduct a heritage survey for our property. Has this been done for the proposed site?

This is all very unsatisfactory in considering any such a proposal in a low density residential and rural setting. It would be better suited to a Light Industrial Zone such as that found at Cambridge Park.

There is no mention of any Engineering Specifications, Line of Sight Visibility, Setbacks and whether it is suitable for Long Haulage vehicles to move in and out of the proposed Storage Facility.

There needs to be clarity as to the management of the natural water course which appears to have been filled in prior to this Boat/Van Facility Proposal being put forward. The proposed Storage Facility appears from the plan provided to be placed in part across the natural watercourse, which as stated earlier could become catastrophic in a flood event for residents on the southern side of Shark Point Road.

The current Storage Facility proposal is for 80 units, but the number would likely increase as has been demonstrated at other similar sites across Australia. The size of the property could conceivably allow for up to 400 spaces in total. The additional estimated 3 cars per day will become 12 or more based on a 7 day 52 days week average. However, the reality is more of that traffic will be on weekends and holiday periods as mentioned before. There has been further suggestion that an additional storage facility for household goods etc. is also being considered into the future.

The proposal previously put forward and unanimously supported by Council some years ago to zone the land north of Shark Point Road as Rural Living, with the resulting gardens and tree planting would maintain the residential amenity of the Shark Point area. It would also preclude the potential for inappropriate development such as the proposed Storage Facility and provide a proper buffer between the Residential Zone along the foreshore and Agricultural land to the north.

The Tasmanian Planning Commission considered Rural Resource zoning on the high side of Shark Point Road a sufficient buffer zone for Residential Land below the road. The development proposal would now show that the Commissions belief was misplaced and inappropriate. The mis-use of Rural Resource Land to provide a buffer to protect the amenity of Residential land is a use for which it was never intended. The proposed Storage Facility would have a hugely negative impact on the Shark Point area and should be rejected.

Kindest Regards

Mr Robert Higgins
General Manager
Sorell Council
PO Box 126
Sorell
TASMANIA 7172

Dear Mr Higgins

We are writing to object to the proposal for the development of a Storage Facility at 404 Shark Point Road, Penna.

As you are aware over many years we have attempted to correct the inappropriate zoning of land across the road from the Residential Zoning in Shark Point Road from Rural Resource to Rural Living in order to provide a proper buffer to preserve that residential amenity.

The proposal for the Storage Facility proposes 100 sites initially, and forecasts the potential expansion to a further 200 sites if it proves economical, a total of 300 sites. This would take up virtually all the available land at 404 Shark Point Road, effectively making it a commercial development which should properly be located in a Light Industrial Zone such as Cambridge Park.

The proposal does not make any mention of security arrangements beyond an electronic gate at the entrance. The balance of the fencing around the allotment is a simple wire farm fence which provides no barrier to trespassers. The presence of extensive unsecured valuable property such as boats and caravans would readily attract inappropriate attention from those with dishonest intention. There would also be a consequent flow-on increased risk to other properties in the area.

The application refers to possible traffic of 3 movements per day. In the event that the envisaged expansion should occur, that would increase to 9 per day on the applicants figures. It may of course be much greater than that, with many clients taking boats out on Saturday and returning the same day or Sunday on a weekly basis.

The opening hours from 8am to 8pm 7 days per week are also of concern regarding the impact on local residents, with movements able to be undertaken well into the evening, creating potential disturbance to nearby residents. It is not clear how the access would be controlled to ensure

compliance with opening times, as clearly fishermen would seek to set out early for off-shore fishing.

In the winter months movements in the late afternoon or evening would be undertaken in the dark, a difficult undertaking without any lighting being proposed for the facility. However, if lighting was proposed to facilitate movements after dark or to provide security and oversight this would in turn have a negative impact on nearby residents.

The presence of 100 boats and caravans, let alone the possible 300 and possible storage units would have significant impact on the visual amenity of surrounding residents, whether they be in the residential zone across the road or in the houses on the larger allotments north of Shark Point Road.

Should the Storage Facility envisage the provision of shipping containers for rent to people for general storage of household goods, then the movement of traffic would no doubt increase dramatically.

Shark Point Road is a no through road, with very limited capacity for large vehicles to turn around should they miss the entrance to any Storage Facility. In addition, it is a country road without footpaths meaning pedestrians, including children on their way to school and the bus stops on Penna Road must traverse the road itself.

Pedestrians already must be aware of the use of Shark Point Road as the only access road to Allsands Sandpit site and numerous large trucks including B Doubles and trailers already use the road

The Tasmanian Planning Commission in considering the Sorell Council LPS concluded that to leave the zoning of the land north of Shark Point Road zone as Rural Resource would provide a sufficient buffer zone for the Residential Zoned land across the road. This development proposal if approved would show that the Commissions belief was inappropriate, misplaced and the mis-use of Rural Resource zoning for a purpose for which it was never intended.

This development is not appropriate for an area which for all practical purposes is residential, and as it is a discretionary use under the state planning provisions, should be rejected.

Mr Robert Higgins

General Manager

Sorell Council

PO Box 126 Sorell TAS, 7172

RE: DA 2023 / 45 – 1 – STORAGE FACILITY AT 404 SHARK POINT ROAD, PENNA FOR – D J WIGGINS

We of _____ reside on adjoining land and directly opposite the intended drive way to the proposed Caravan / Boat and Storage Facility

We strongly object to this proposal going ahead. The land use is deemed Rural Resource and as such allows “only for services or support to agricultural use”. (Tasmanian Planning Scheme Rural and Agricultural.P3) The proposed DA is Commercial/Industrial. It is purely to supply storage for Holiday makers and Pleasure Craft owners, most of whom, do not reside in Tasmania.

The Tasmania Planning Commission, Sept 2017 deems; the setback for Rural Zone to be 5m: 200m setback from Agricultural Zone and a minimum lot size of 40ha. This plot is 20ha and adjoins an Agricultural Zone (Parallax Vineyard)

DA2023/45 -1- Storage Facility should not directly “conflict with other uses such as housing” (Tasmanian Planning Scheme Rural Agriculture. P4) and; or residential zones. However, the storage facility will directly affect the residential zone on Shark Point Road.

All residents along Shark Point Road will experience; increased vehicle traffic flows, from towed boats / caravans, increased noise, light pollution, security issues, dangerous shared road access, drainage problems, potential contamination and wildlife issues.

Increase of activity is of particular concern. Shark Point Road is a “No through Road”, currently servicing some 100 dwellings in the residential zone on the Southern side. There is no room for towed vehicles to turn at the end of the road, missing the turnoff; and increased traffic will severely affect the surface of the residential street.

The Proposed access Drive to the Storage Facility was widened to 10m, but has failed to consider Headlights shining directly into Houses at 419, 421, 425 and 427 as well as Engines running when accessing the Key Security Gate.



The access time is stated as being 8.00am – 8.00pm. However on “Stow My Van” website the Franchise States they will make, “Access your van anytime - wherever around you! I am sure you are well aware most fishermen would want to be on the water by 4.00am or 5.00am or earlier to catch fish well out of stated times.

Plans for the Proposed Storage Facility viewed at Council and on the Web page, are sketchy and make no mention of considerations such as:

- Drainage Plans
- Traffic Management Plans
- Monitoring of access times (individuals have their own Key code)
- Security Monitoring (cameras, which have privacy issues)
- The type of fencing other than being 2.4 metres tall (currently post and wire)
- That the 10m wide Entrance has already been installed without consideration of lights and noise to adjoining residents
- The natural Rivulet (Nelsons Creek) where the intended site illustrated has been filled in, obstructing the natural flows between 417 and 419 Shark Point Road, good be catastrophic in a flood
- Heritage Surveys
- Composition of material on which vehicles drive or park, is only going to be 20mm thick, on Black Cracking Duplex Clay is total inadequate for stability and traction
- Provision for catchment or containment of pollutants (Oil / Fuel / Chemicals etc) that could was down into Barilla Bay, a Wildlife and Shark sanctuary
- Suitable Buffer Zones, between residential and Rural zones
- Fire Plans; boats and caravans carry gas bottles and fuels, as well as other combustible liquids and materials
- Engineering Specifications, Line of Sight Visibility, Setbacks and whether it is suitable for long haul vehicles to move in and out of the Proposed Storage Facility
- Waste disposal

The other 13 Storage Sites of Stow My Van on the Mainland are not adjacent residential zonings

It is very unsatisfactory in considering such a proposal of a Storage Facility in a low density residential and rural setting. It would be better suited to a Light Industrial Zone as that found at Cambridge Park.

There needs to be clarity as to the management of the natural water course, Nelsons Creek, which appears to have been filled in, prior to this Boat/Van facility Proposal. The Caravans / Boats parked in the Facility from the plan provided are placed, in part, across the natural watercourse. This could become catastrophic in a flood event for residents on the Southern side of the Shark Point road

The Current Storage Facility proposal is for 80 units, but this number would increase and due to the size of the property to 400+ parking lots. The 3 cars per day will become 12 or more based on a 7 day, 52 week average. The reality is that the number of vehicles per day is much more likely to be in excess of this number.

Drainage from site (including contaminants) from towing vehicles, boats and Caravans would end up in the Shark Sanctuary of Barilla Bay. This could decimate a natural breeding ground for sharks.

In addition weedicide will need to be used on site to prevent grass growing under stored van/boats, another pollutant entering the waterway

The use of weedicide(s) to control grass will also have a negative impact on nearby Parallax Vineyard, which presently enjoys a hard won and enviable organic status

Shark Point Road has, "Dawn to Dusk" warning to protect native wildlife. Additional traffic and vehicles towing heavy Boats or Caravans will ensure greater loss of wildlife. There will be greater difficulty swerving or stopping to avoid hitting these animals resulting in more road kill. Quokkas, Echidnas, Bush Hens, Wallabies and Possums are often seen on Shark Point Road

The Tasmanian planning Commission considered Rural Resource Zoning on the high side of Shark Point Road a sufficient buffer zone for Residential Land below the road. The development proposal would now show that the Commissions belief was misplaced and inappropriate. The use of Rural Resource Land providing a buffer to protect the amenity of Residential Land is being compromised and will be used for a purpose for which it was never intended. The proposed Storage facility will have a hugely negative impact on the Shark Point area. The areas fauna and flora and local residents should be protected against such a potentially detrimental facility

This DA should be rejected

From:
To: [Sorell Council](#)
Subject: General Manager of Sorell Council. Mr. Higgins
Date: Monday, 27 March 2023 9:13:56 PM

Re proposed Development. Storage Facility Caravan/Boat Storage.
404 SharkPoint Road Penna. Mr. Wiggins.

Dear Sir,

I would like to express my concern to the proposed Development of a Storage Facility for a Caravan/Boats.

SharkPoint Road has no footpaths for safe walking School Children Mother's with prams people walking dogs, bus stops where children get of the bus making it very dangerous for them.

There will be an issue with lighting, noise and privacy issues with camera

Fire hazard issues with Gas Bottles and Fuel in Boats is a concern.

Also there is a threat to wild life being injured and killed.

Caravans and Boats being moved in winter in the dark if not well lit.

SharkPoint Road is a dead end road where there is no place to turn around if you overshoot your entrance which will make it very dangerous for Caravans and Cars towing a boat to turn.

As a resident I feel very concerned about this proposal going ahead.

The General Manager
Sorell Council
SORELL TAS 7172

Via email: sorell.council@sorell.tas.gov.au

Dear Sir

APPLICATION NO: DA 2023 / 45 – 1
SITE: 404 Shark Point Road, Penna
PROPOSED DEVELOPMENT: STORAGE FACILITY

The above proposed development has been brought to our attention by concerned neighbours although we live almost opposite the driveway to 404 Shark Point Rd we didn't receive a letter from Council as did some other residents who live close by.

We have lived in our home for a relatively short time, 3+ years and bought this home because of its unique location in a residential area which has both seaside and rural outlooks. We object to the proposed development of a storage facility for vans, boats, trailers, etc on the rural side of Shark Point Road because it is way out of balance with the environment in which we and many other residents on both sides of the road live.

The **main reasons we object** are:

1. **Increased traffic of long vehicles with trailers** on Shark Point Road would make the road less safe on the relatively narrow road for **pedestrians and cyclists**, young and old. Does the current road width meet standards required for such a development?
2. We have **fears that drivers, who are unfamiliar with the road and the many residential driveways** leading up to the new entrance recently built at the eastern end of the property of 404, may give scant regard to local road users.
3. There is currently **no safe pedestrian or cycle zone** between 404 Shark Pt Rd and the area called the "Dog Park". We walk and cycle most days, as do many residents, with some people walking further along Shark Point Road to join the pedestrian/cycle path which starts on the western side of Shark Point Road, from Penna Road. We have grandchildren whom we sometimes take walking along to the dog park, and we always need to take extra care to stay safe. Increased traffic could negatively affect current residential amenity.
4. The **zoning of the Rural side of Shark Point Road is misleading**, as most people would understand it to mean the land can be used for rural enterprises. In our view a franchised company marketed as providing storage for boats, vans, also in some places shed storage for

clients' property, is not a rural enterprise. If Council were to approve this commercial development application, it would potentially open the door to other commercial enterprises on that side of Shark Point Rd.

5. We therefore **support the view of other residents in this community that the land on the northern side of Shark Point Road be zoned for Rural Living.**
6. We **hold a grave concern** that if this proposed development is approved, that there could be approvals given for other random businesses, which would be totally out of balance with the environment.
7. In relation to the parcel of land where the boats and vans, etc. will park, it **is not screened by trees or any screening vegetation** and will be an eyesore in the neighbourhood.
8. There could be **drainage issues** and in severe weather events such as has occurred over recent years with excessive rainfall, and very dry seasons, the natural ground may be very unsuitable for parking expensive wheels and the owner of the land may need to put road base on the land with compaction of the land then leading to drainage problems in proximity to the site.

We thank you and the Planning Officers for reading our submission and hope that it is helpful in rejecting this development proposal and we look forward to receiving a response from you.

Yours truly

SORELL COUNCIL

General Manager

Sorell Council

27 MAR 2023

RECEIVED

Dear Sir/Madam

We the undersigned oppose the proposal for caravan and boat storage at 404 Shark Point Road Penna on the following grounds (in no particular order of importance)

1. Penna is a Residential / Rural area. Rural industry in our minds = orchards , crops , farm animals
2. "There is a far more suitable area for this proposal close by at Cambridge Park!"
3. Increased heavy/long traffic on the road, with no turning points for these vehicles if they miss the entry.
4. Entry is on a bend, increasing the chance of accidents.
5. Increased damage to recently upgraded road, extra costs to ratepayers for repairs!
6. Self-service! No management! "Who polices the entry/exit times??? Who upkeepes the grounds?"
7. Increased chance of robberies in the area
8. Increased chance of pollution/dangers – Gas bottles, petrol, sewerage, oil spills etc.
9. Increased fire hazard- the vehicles themselves and long grass around vehicles
10. Increased run off from rains into already limited stormwater drains. There has been past issues after heavy rain from driveways on upper side of road disintegrating and waters running/flooding into residences on the lower side of road. Look at past issues of the driveway above this proposal. These risks are only going to increase with climate change.
11. Unsightly view for neighbours and passing traffic.
12. 'Existing tree screen and articulated drippers established around all boundaries' are non-existent, with only the occasional metre? high shrub in amongst a lot of dead ones! Not a sign of regular watering!
13. Lighting will be required particularly in winter, not conducive to rural living!
14. Large ugly signage
15. If this proposal were to be passed It gives precedence for more similar proposals, which in turn would turn Penna into a residential industrial park! reducing property values (homes), a loss of the current peace and quiet of our close knit community, and a loss of the natural and native environment.

From:
To: [Sorell Council](#)
Subject: Storage facility 404 Shark point Rd Penna
Date: Tuesday, 28 March 2023 3:31:29 PM

I strongly reject the proposal of the above address, as it is such a beautiful area it will be ruined by this industrial space.

For a start the road is not wide enough for turning if they miss the entrance, no lighting or enough lighting for vision of the entranceway. The run off from the facility would run into the bay and eventually cause damage.

As this is a protected area, I don't see how this can eventuate.

People walk along the road, which is not wide enough, to the dog park and beyond which is very dangerous. There are lots of reasons which other people have submitted to you.

Kind regards

4.2 SUBDIVISION APPLICATION NO. 7.2022.32.1

Applicant:	Brooks Lark & Carrick Surveyors
Proposal:	8 Lot Subdivision Including Works Within Bally Park Road & Eastaugh Street Road Reserve
Site Address:	116A Bally Park Road, Dodges Ferry (CT 51501/1)
Planning Scheme:	<i>Tasmanian Planning Scheme - Sorell</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i> and Part 3 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>
Reason for SPA meeting:	Subdivision creates more than one lot.

Relevant Zone:	Low Density Residential Zone
Proposed Use:	Nil
Applicable Overlay(s):	Nil
Applicable Codes(s):	Road and Railway Assets Code
Valid Application Date:	16/03/2023
Decision Due:	4 May 2023
Discretion(s):	1 Lot size
	2 Frontage
	3 Roads
	4 Wastewater
	5 Traffic generation
Representation(s):	One

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2022.32.1 for a 8 Lot Subdivision Including Works Within Bally Park Road & Eastaugh Street Road Reserve at 116A Bally Park Road, Dodges Ferry be approved, subject to the following conditions:

1. Development shall generally be in accordance with the plan of subdivision dated 27 February 2023 except as may be amended by the conditions of this permit.
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 the gross area of the subdivision.

This should be in the form of a direct payment made before the sealing of the final plan or, alternatively, in the form of security provided under Section 117 of the Act. The subdivider is to obtain a report from a Registered Valuer for the purposes of determining the improved value of the gross area of the subdivision.



Development engineering:

3. Prior to the commencement of works, engineering design drawings showing all work required by this planning permit, and any additional work proposed, must be prepared in accordance with the current:

- (a) Tasmanian Subdivision Guidelines
- (b) Tasmanian Municipal Standard - Specifications
- (c) Tasmanian Municipal Standard - Drawings
- (d) Any relevant council policy

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

Advice:

- i. The Tasmanian Subdivision Guidelines, Specification, and Drawings are available at www.lgat.tas.gov.au.*
- ii. Variations from the Tasmanian Subdivision Guidelines, Specifications, or Drawings may be approved at the discretion on Council's General Manager or their delegate where a clear justification exists and the alternative solution is to a no lesser quality in terms of infrastructure performance or maintenance costs over the life of the asset.*
- iii. Where there exists any conflict(s) between the Tasmanian Subdivision Guidelines, Specifications, or Drawings and this permit, any requirements of this permit shall take precedence.*
- iv. Engineering design drawings will expire two years after their approval and will be endorsed as such.*

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

- (a) Engineering design drawing assessment fee;
- (b) Inspection fees for minimum estimated number of inspections

Where reassessment of engineering drawings or subsequent inspections are required, additional fees may be required.

Advice: Where appropriate, Council fees are updated each financial year and can be found in the Sorell Council Fees and Charges schedule, available from Council.

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

6. A Construction Management Plan (CMP) must be provided including, but not limited to, the following:

- (a) Traffic Management Plan
- (b) Soil and Stormwater Management Plan

All requirements of the CMP must be implemented prior to any works commencing on site.

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

8. Prior to sealing the final plan the following works must be completed in accordance with the endorsed engineering design drawings:

- (a) Lot connections for each lot:

- I. Connection to the electricity network;
- II. Connection to the telecommunication network (if available);
- III. DN150 connection to stormwater network.

- (b) Vehicle access for each lot:

- I. 40mm thick DG10 asphalt vehicle crossover to front boundary (6.0m minimum);
- II. Appropriate drainage must be provided for each access and driveway to prevent runoff from leaving the property or to direct runoff into Council's roadside drains;
- III. Minimum width of 3.6m or existing width (whichever is greater);
- IV. Each property access must be located to minimise potential conflicts with other vehicles.

- (c) Fencing:

- I. Any existing frontage fencing not located on the correct boundary must be removed with new rural type fence installed in the correct location.

- (d) Road construction:

- I. Eastaugh Street – sealed and drained road carriageway with a width of 6.5m (including shoulders) and 15m road reservation;
- II. Bally Park Road – sealed and drained road carriageway with a width of 7.0m (including shoulders) and 15m road reservation;
- III. Cul-de-sac heads must be finished with 40mm thick DG10 asphalt with 9m radius and 25m road reservation;
- IV. Street lighting with LED lamps. Developer to reimburse Council at a rate of \$625 (indexed with CPI) per LED lamp required;
- V. Street signage and standard line marking to each intersection.

- (e) Stormwater network:
 - I. Unimpeded major stormwater network for a 1% AEP event;
 - II. Minor stormwater network for a 5% AEP event, including provision of any required detention to prevent downstream flooding.
- (f) Natural values:
 - I. Construction soil and water management plan.
- (g) Rehabilitation
 - I. Provision of top soil and grass or vegetation on all disturbed surfaces along with weed management measures.
- 9. Mandatory audit inspections are required in accordance with the Tasmanian Subdivision Guidelines. The developer must provide a minimum 48 hours' notice.
- 10. Works must be completed to a standard that is to the satisfaction of the Council General Manager.
- 11. A qualified and experienced civil engineer must supervise and certify all works in accordance with clause 21, 22, 23 and 24 of the Tasmanian Subdivision Guidelines.
- 12. The developer must engage Council to organise a Practical Completion inspection when practical completion of works for each stage has been reached. Upon successful completion of the inspection in accordance with clause 21 and Appendix 6 of the Tasmanian Subdivision Guidelines, Council will issue a Certificate of practical Completion, listing any minor defects identified.
- 13. Works are subject to a twelve (12) month Defect Liability Period commencing from the day the final plan of survey was sealed (for the applicable stage, if any) during which time all maintenance and repair of work required by this permit is the responsibility of the developer.
- 14. A Defect Liability Bond equal to 5% of the total construction value, and no less than \$10,000.00, must be submitted for the duration of the defect liability period.
- 15. Upon completion of the Defect Liability Period, the developer must engage Council to organise a Final Completion inspection in accordance with clause 24 of the Tasmanian Subdivision Guidelines. When all outstanding items listed in the Certificate of Practical Completion and subsequent defects are satisfactorily completed, Council will issue a Certificate of Final Completion. Any remaining financial security in relation to the works will be returned and Council will assume maintenance of the works.

16. Prior to sealing the final plan of survey, accurate as constructed drawings of all works undertaken must be submitted in .pdf and .dwg formats and:
- (a) be completed, and certified, by a land surveyor or civil engineer;
 - (b) include the data spreadsheet available from Council completed in accordance with the 'Guidelines for As Constructed Drawings and Asset Data Collection' available from Council;
 - (c) photos of all new assets;
 - (d) be accurate to AHD and GDA94;
 - (e) be drawn to scale and dimensioned;
 - (f) include top, inlet, and outlet invert levels;
 - (g) include compaction and soil test results; and
 - (h) include an engineer's certificate stating that each component of the works complies with the approved engineering plans and Council standards.

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

General

- 17. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by Council's General Manager.
- 18. 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.
- 19. 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.
- 20. To the satisfaction of Council's General Manager, the final plan of survey must include easements over all drains, pipelines, wayleaves and services. The minimum easement width for stormwater is in accordance with the Tasmanian Subdivision Guidelines.
- 21. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.
- 22. Prior to practical completion, survey pegs are to be certified correct post construction.

Roads

23. All roads in the subdivision must be conveyed to the Council upon the issue of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1982*. All costs involved in this procedure must be met by the person responsible.
24. Unless for a local road, service installation across an existing sealed road carriageway must be bored with a minimum cover of 1.2m. Bores for services greater than 100mm must have a pumped backfill.

Stormwater

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

General Fill

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

Sight distance

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

Existing Services

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

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

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

Telecommunications & Power

30. Prior to sealing the final plan of survey, the developer must submit to Council either:

- (a) Demonstration that the exemption from the installation of fibre ready pit and pipe notice has been completed, or
- (b) An Exemption from the installation of fibre ready pit and pipe, a “Provisioning of Telecommunications Infrastructure – Confirmation of final payment” or “Certificate of Practical Completion of Developer’s Activities” from Telstra or NBN Co.

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

- 31. Prior to sealing the final plan of survey, the developer must submit written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.
- 32. Street lights must include LED lamps at the developers cost.

Road Widening

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

Natural Environment & Hazards

- 34. No top soil is to be removed from the site.

Advice: this condition is to minimise the spread of weeds from the site.

On-site wastewater

- 35. A new on-site wastewater management system (OWMS) must be installed for the existing residence on lot 6. The final position of the OWMS must be to the satisfaction of the Manager of Health & Environment. All works are to be completed before the final plan of the subdivision is sealed.

Environmental

- 36. 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 & Environment for any works outside of these hours.

37. Airborne dust from construction works, roads, disturbed areas, storage heaps, or machinery operating on the land must not create an environmental nuisance. Areas must be dampened, covered, compacted or otherwise treated to reduce dust emissions.
38. Any soil disturbed or spread onto the land resulting from civil construction works must be compacted, revegetated and watered to allow the soil to stabilise and prevent dust being generated.
39. Any vegetation removed as part of the subdivision construction works, must not be burnt unless approval has been obtained from Councils Environmental Health Officer.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- 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 will not be sealed until all works required by this permit are complete.
- The final plan of survey is inclusive of any schedule of easement and Part 5 Agreement.
- The developer may suggest street names. Suggestions should be received three months prior to sealing the final plan of survey and be made in writing to the General Manager. Street names must be consistent with Tasmanian Place Naming Guidelines, May 2021. Please refer to <https://nre.tas.gov.au/land-tasmania/place-naming-in-tasmania>
- 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 permit does not imply that any other approval required under any other legislation or by-law has been granted.
- 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.

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 an eight lot subdivision including works within Bally Park Road & Eastaugh Street Road Reserves at 116A Bally Park Road, Dodges Ferry. This property is zoned Low Density Residential and is located within the Dodges Ferry township some 400m east of Red Ochre Beach.

The key planning considerations relate to the design of the subdivision and the management of stormwater.

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

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal includes new road and stormwater assets to be transferred to Council. Design and construction standards for these assets are considered in this report.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and	The proposed subdivision is assessed in accordance with the Public Open Space Policy.



Public Open Space Policy	
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	The proposal requires the removal of native vegetation. Environmental considerations are assessed against the relevant planning scheme provisions.

Legislation

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

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

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

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

Referrals

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

Report

Description of Proposal

The proposal seeks to create eight lots in three stages. Lots 1, 2 and 3 are to be accessed from Eastaugh Street which is currently a narrow gravel road servicing one house and one vacant lot. Lots 4, 5, 6, 7, and 8 are to be accessed from Bally Park Road with a new cul-de-sac proposed. Lot 6 contains an existing dwelling and is proposed to be created as stage 1 with the Bally Park Road lots in stage 2 and Eastaugh Street in stage 3.

Proposed infrastructure works are shown in the Gandy and Roberts drawings and sheet 3 of the subdivision plan which indicates the area of vegetation to be impacted. A typical cul-de-sac is proposed from Bally Park Road with a 6m wide sealed carriageway, 18m diameter turning head and mountable kerb. Eastaugh Street is to be upgraded to a sealed 5.5m wide carriageway with a Y shaped turning facility and standard kerb.

A new stormwater main is proposed from the end of Eastaugh Street along the western boundary of the site and through to Bally Park Road. Table drains are proposed for the majority of Eastaugh Street. Three existing lot accesses for adjoining properties are to be upgraded.

The application is supported by:

- a planning assessment from Gray Planning dated 21 December 2023;
- preliminary engineering designs by Gandy and Roberts dated 3 March 2023;
- a stormwater management report by Gandy and Roberts dated 1 March 2023; and
- a geotechnical assessment by Rock Solid Geotechnics Pty Ltd dated 24 February 2023.

Description of Site

The site is a 1.34 hectare lot located between Bally Park Road and Eastaugh Street and between Signal Hill Road and North Street. The site falls in elevation by approximately 10m with a north-westerly aspect. The site is largely cleared with a scattering of trees. All adjoining land is zoned Low Density Residential and consists of single dwellings on lots ranging from less than 600m² to more than 2000m² in size.

The site is unserviced. Bally Park Road is a sealed public road and the speed limit is set at 50 km/hr. Eastaugh Street is a narrow gravel road. There is minimal stormwater infrastructure in the area.



Figure 1. Subject site.

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
10.6.1 A1	Lot design	No, as lots 1, 2, 3, 4, and 8 are less than 1500m ² in size.
10.6.1 A2	Frontage	No, as lots 2, 5, 6 and 7 have a frontage less than 20m in width.
10.6.1 A3	Access	Yes, as each lot has vehicle access to a road that is considered to be in accordance with the road authorities requirements.
10.6.2 A1	Roads	No, as there is no acceptable solution where a new road is proposed.
10.6.3 A1	Water	Yes, as there are no water services to connection to.
10.6.3 A2	Sewer	No, as there is no acceptable solution where onsite wastewater management is required.
10.6.3 A3	Stormwater	Yes, as each lot is capable of connecting to a public stormwater system.

Performance Criteria Assessment 1 – Clause 10.6.1 P1 Lot Design

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 proposal plans include a 10m x 15m area (as required by the acceptable solution) along with the 5m side boundary setbacks for the zone. This shows that each proposed lot has sufficient area to accommodate a future residential dwelling. The wastewater report also demonstrates that each lot is sufficient in size and dimension to provide for onsite wastewater management for the soil type.

It is considered that the performance criteria is satisfied as:

- each lot can accommodate future dwellings with compliant setbacks and private open space;
- the topography of the site does not constrain development;
- the lot sizes are consistent with the overall pattern of development in the area, which consists of a mix of lot sizes and dimensions from regular to irregular shapes, such as those along North Street;

- there are no significant constraints to future development; and
- the minimum 1200m² is achieved.

Performance Criteria Assessment 2 – Clause 10.6.1 P2 Frontage

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

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

Each lot has a frontage of at least 6.5m in width which is practical for a residential use.

Performance Criteria Assessment 3 – Clause 10.6.2 P1 Roads

The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, pedestrians and cyclists, having regard to:

- any relevant road network plan adopted by council;*
- the existing and proposed road hierarchy;*
- the need for connecting roads and pedestrian paths, to common boundaries with adjoining land, to facilitate future subdivision potential;*
- maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;*
- minimising the travel distance between key destinations such as shops and services and public transport routes;*
- access to public transport;*
- the efficient and safe movement of pedestrians, cyclists and public transport;*
- the need to provide for bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016;*
- the topography of the site; and*
- the future subdivision potential of any balance lots on adjoining or adjacent land.*

The consideration with respect to the proposed road network is whether a through road should be constructed or not. In this case, a through road is not desirable as it would serve a minimal number of lots (the subdivision plus North Street) and have little effect on travel distance or time. The cul-de-sac retains the primacy of Bally Park Road as the connector road in the area and which is already characterised by a number of short cul-de-sac roads.

With respect to the performance criteria;

- (a) and (b) are not relevant;
- (c) and (j) are not considerations as there is no subdivision potential among the adjoining lots;
- (d) and (e) is satisfied for the reasons above;
- there is no public transport along Bally Park Road (f);
- the provision of roads is safe and efficient in the context of the site;
- there is no arterial or collector roads (h); and
- the topography is not a constraint to any road design option.

Performance Criteria Assessment 4 – Clause 10.6.3 P2 Wastewater

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 Rock Solid report details test holes and a series of recommendations for each lot. Each lot will require a 120m² land application area for a 3-bedroom residence which can be accommodated on each together with the side, lower and upper slope boundaries. Based on this report, each lot is capable of accommodating onsite wastewater management.

Code

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1.4	Traffic	No, as traffic generation will increase by more than 40 vehicles per day to Bally Park Road

Performance Criteria Assessment 5 – C3.5.1 P1 Traffic generation

Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:

- (a) any increase in traffic caused by the use;

- (b) *the nature of the traffic generated by the use;*
- (c) *the nature of the road;*
- (d) *the speed limit and traffic flow of the road;*
- (e) *any alternative access to a road;*
- (f) *the need for the use;*
- (g) *any traffic impact assessment; and*
- (h) *any advice received from the rail or road authority.*

It is considered that the performance criteria is satisfied having regard to:

- the small-scale of the subdivision and the proportion of additional traffic relative to existing;
- the design of Bally Park Road with a collector function inclusive of a footpath; and
- the lack of alternatives.

Public Open Space Policy

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

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

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

In this case, it is considered that taking land for open space would not further the Council policy. Any land would sit behind existing residential use and would be constrained in future opportunities while also creating safety considerations. The site could provide a minor improvement in connectivity through reducing the walking distance to retail and beach areas. However, the beneficiaries of this are limited to the lots of Eastaugh Street and North Street only (ten lots in total). As shown in figure 2, the site sits to the west of a high point with a series of cul-de-sac roads leading up this high point. Connectivity within the site would have minimal effect on improving connectivity through Dodges Ferry as a whole.

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

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

- (a) *the existing provision of POS in the vicinity of the subject area;*
- (b) *the extent to which the newly created lots will impact upon demand for POS; and*
- (c) *the size of the newly created lots and the extent to which the lots can provide for their own recreational opportunities.*

Public open space in the vicinity consists of Blue Lagoon which is approximately 450m from the site, Red Ochre Beach and Carlton Beach. Council also owns Lot 103 North Street which surrounds a small circular shaped lot owned by TasWater. Lot 103 has no current use other than informal passive recreation. The proposal will increase demand for public open space which cannot be met onsite. Council's open space strategy includes a number of recommendations for Dodges Ferry with respect to regional assets such as Shark Park and surrounding land. It is considered reasonable that the maximum 5% contribution apply in this instance.



Figure 2. Context.

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'.

Two representations have been received, which are addressed in the following table.

Issue	Relevant Clause	Response
Requesting Eastaugh Street be as far from existing dwelling as possible	Nil	The Eastaugh Street reservation is 14m wide with little flexibility to site infrastructure. The carriageway is central and is straight.

Conclusion

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

Shane Wells
MANAGER PLANNER

Attachments:

Plans

Representation x1

Separate Attachments:

Planning assessment from Gray Planning dated 21 December 2023
Preliminary engineering designs by Gandy and Roberts dated 3 March 2023
Stormwater management report by Gandy and Roberts dated 1 March 2023
Geotechnical assessment by Rock Solid Geotechnics Pty Ltd dated 24 February 2023

From:
To: [Sorell Council](#)
Subject: 116 Bally Park Road subdivision, Eastaugh Street extension
Date: Thursday, 30 March 2023 3:45:05 PM
Attachments: [IMG_20230330_105426.jpg](#)

[IMG_20230330_105426.jpg](#)
 (13.288K) To whom it may concern.

I am aware of the new subdivision of 116 Bally Park Road, Dodges Ferry. And have viewed the plans. Please note, I am not opposing the development.

I did visit Sorell council in person today, 30 March 2023. On the chance of speaking to someone, as it may have made things clearer about my only concern. I did speak to a young lady from the planning area and if my question is unclear maybe it could be clarified with her also.

My concern is how close the Eastaugh street, once extended to the fence line, will be to my house. I am hoping the current path of Eastaugh Street will continue as close as possible to the fenceline as it does now to the Bally Park land. I am hoping it continues dead straight until it meets the fence line boundary of Bally park property before then veering left and right. Which is of no concern to me. If Eastaugh street starts to bend to the left as it approaches the fence line boundary of Bally Park property it will then become closer to my lounge room and house. I am hoping Eastaugh street continues straight before hitting the other property, ideally keeping as far from my property as possible. I can't see why this would be an issue and am hoping. If Eastaugh street bends left before entering the other property then lights from incoming traffic will be shining much more in the direction of my dining room, house etc. And people will be looking straight in that direction upon passing. Please if consideration for maximum distance from my house or just keeping Eastaugh street hugging the fence line as it currently does and when extending that bit further to then go into the other property can stay straight without veering closer to my house i would be grateful. This would also allow more space to potentially plant a few trees within guidelines of council approval, to provide some privacy from the road also.

Please find attached two photos. The first comming down Eastagh Street nearing the bottom. Bit hard to get proper perspective distance. from this unfortunately. You can see my fence over to the left. If when extending to meet the fence line of the Bally park property it could continue straight without veering to the left beforehand if possible. The second photo is of the corner of my deck just inside is my dining area. You can see if Eastaugh street starts to angle to the left, or change direction at anytime before meeting the end fenceline of the other property traffic will closer and pointing towards me much more. Please note this photo makes the road seem so much further away than it actualy is. But it is actually currently hugging the fencline to left which legally just measures the legal distance from my boundary. The reason it could possibly start veering to the left, is that my front boundy is on an angle.

I really hope this makes sense and can be taken into consideration.

 [IMG_20230330_151559.jpg](#)

Sincerely,





**Brooks, Lark
and Carrick
SURVEYORS**

UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 5898
EMAIL: admin@blosurveyors.com.au
WEB: www.blosurveyors.com



Denotes 10m x 15m Compliance Area
under TPS Clause 10.6.1 A1

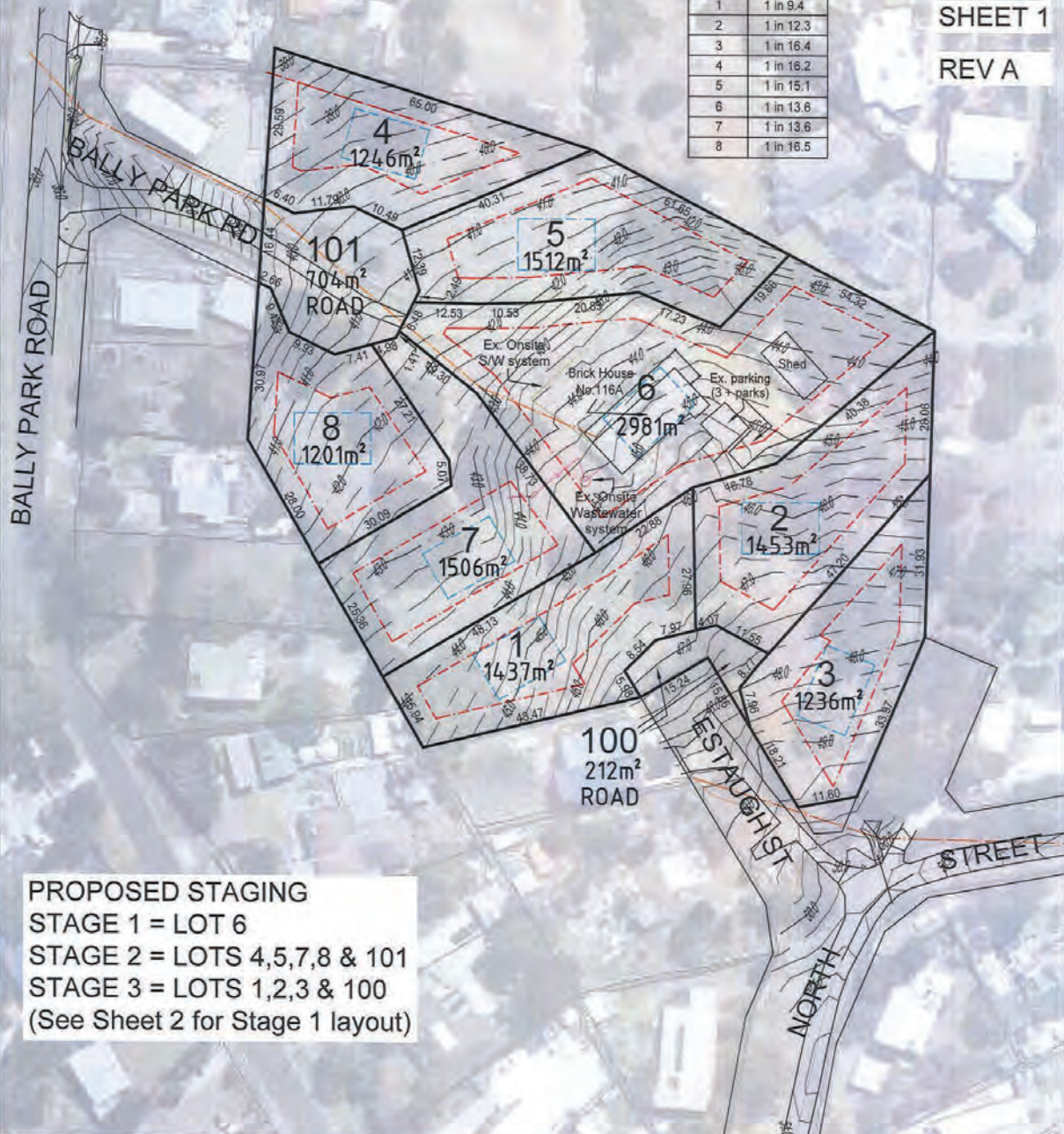
Denotes Setbacks under TPS Clause 10.4.3

Table of Grades for Compliance Areas

Lot No.	Grade
1	1 in 9.4
2	1 in 12.3
3	1 in 16.4
4	1 in 16.2
5	1 in 15.1
6	1 in 13.6
7	1 in 13.6
8	1 in 16.5

SHEET 1

REV A



PROPOSED STAGING
STAGE 1 = LOT 6
STAGE 2 = LOTS 4,5,7,8 & 101
STAGE 3 = LOTS 1,2,3 & 100
(See Sheet 2 for Stage 1 layout)

This plan has been prepared only for the purpose of obtaining preliminary
subdivisional approval from the local authority and is subject to that approval.
All measurements and areas are subject to the final survey.

Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania

OWNER: DDC Operations Pty Ltd
TITLE REFERENCE: C.T.51501/1
LOCATION: 116A BALLY PARK ROAD,
DODGES FERRY

Proposed Subdivision

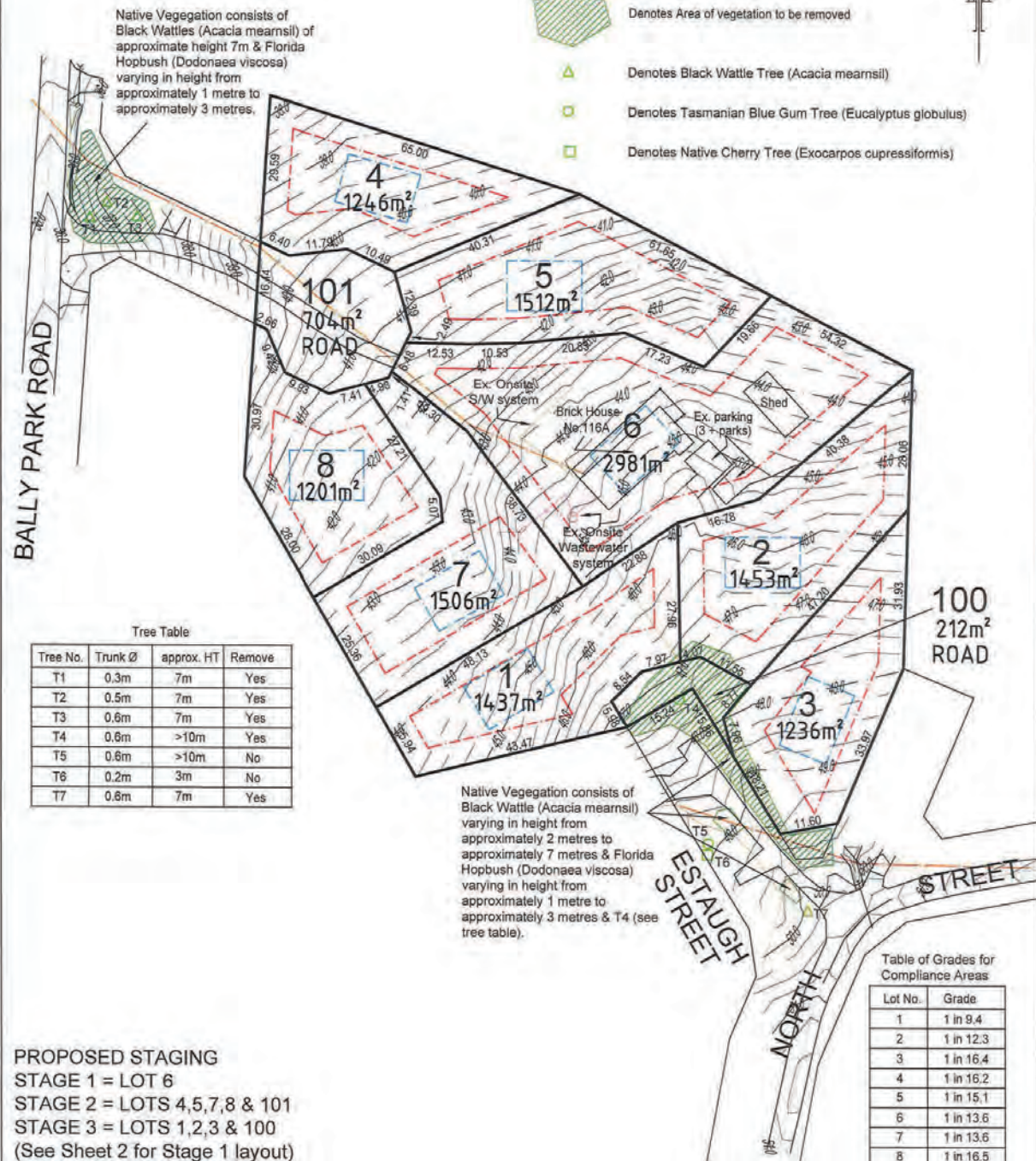
Date: 27-02-2023	Reference: DDC003 9999-99
Scale: 1:750 (A3)	Municipality: SORELL



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and Carrick
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**SHEET 3
REV A**



This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval.
All measurements and areas are subject to the final survey.

Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania
Base data from the LIST (www.theisl.tas.gov.au), © State of Tasmania

OWNER: DDC Operations Pty Ltd
TITLE REFERENCE: C.T.51501/1
LOCATION: 116A BALLY PARK ROAD,
DODGES FERRY

Proposed Subdivision

Date: 27-02-2023
Reference: DDC003 9999-99
Scale: 1:750 (A3)
Municipality: SORELL



4.3 SORELL COUNCIL BOND POLICY REVIEW

RECOMMENDATION

“That Council, acting as a Planning Authority, resolves to replace the Sorell Council Bond Policy with the attached revised version.”

Introduction

The Sorell Council Bond Policy was adopted in August 2014 and amended on three separate occasions. The policy is due for review.

The scope of the review is minor and addresses several operational issues.

The policy applies where subdivision or development works are not yet fully complete but the developer wishes to obtain title. The developer submits a bond for the outstanding works and completes the works. When complete the bond is returned. The principal purpose of the bond is to ensure the incomplete works are completed.

The policy also applies to a standard defect liability period. In this instance, bonds are taken to ensure the developer satisfies their requirements during the defect liability period.

Strategic plan

Key objectives:

Objective 1 – To Facilitate Regional Growth

Objective 2 – Responsible Stewardship and a Sustainable Organisation

The bond policy is one part of the development process and assists developers to manage the supply and timing of new lots. The taking of bonds is not without financial risk as the bond must be utilised if the developer does not uphold the agreement.

Annual plan

The proposal will not affect implementation of Council’s Annual Plan 2022/2023.

Environmental implications

There are no significant environmental implications.

Asset management implications

The bond policy can assist in ensuring subdivision work are completed to an adequate standard, particularly during the defects liability period.



Risk management implications

Financial risk associated with the bonding of works arise if the developer does not complete the required works. Council is obliged to utilise the bond to complete the works. For this reason, the bonds are set at an amount higher than the cost of works.

The revised policy seeks to increase the minimum bond amount due to the lesser reliability of cost estimation for small-scale works.

Community implications

There are no significant community implications.

Report

Changes are proposed to:

- Increase the minimum bond from \$5,000 to \$10,000;
- Restrict bonds for incomplete works to assets that are to be owned by Council;
- Prevent building works commencing whilst a bond for incomplete works is in place;
- Increase contingency from 1.5 to 2.0 for bonds less than \$30,000;
- Remove the administration fee from the policy; and
- Remove the agreement from the policy.

Increase the minimum bond from \$5,000 to \$10,000

With small bond amounts, there is a higher risk that the bond will not cover the cost of works as one relatively small issue during construction may add to costs. An amount of \$10,000 is preferable. This amount aligns with Brighton Council but is much less than Kingborough Council who require \$50,000.

Restrict bonds to assets that are to be owned by Council

The current policy could see bonds taken for assets to be owned by other infrastructure providers as well as private assets. Bonding private assets is complex as ownership may change and our powers of entry are more limited.

The most common type of private asset that is bonded are internal driveways. An alternative to a bond is a Part 5 Agreement that outlines that the subdivider is responsible for the works and that the works have not been completed prior to title. This would ensure that future owners are aware and enable the issue to be managed via contract.

Prevent building works commencing whilst a bond for incomplete works is in place

If builders access a subdivision site whilst a bond is in place, they may damage or cause wear and tear to road or stormwater assets. Should this occur, determining who is responsible for repair is difficult. This change removes some risks to Council.

The current policy requires all works to be completed within six months. Typically, there is three months from signing a bond to future owners obtaining title given Land Title Office processes and standard settlement timeframes. This change retains the six month window whilst removing the potential for contractors not engaged by the subdivider to access the site.

Increase contingency from 1.5 to 2.0 for bonds less than \$30,000

This change reflects the greater variability and uncertainty in cost estimation for small value works.

Remove the administration fee from the policy

The policy specifies an administration fee of \$150 to enter into or vary a bond. Council's fees and charges have subsequently increased this to \$173.50 for the current financial year. It is appropriate that the fee is set solely through the annual fees and charges process.

The current fee is quite low given the staff time involved in administering the bond, particularly where additional inspections are usually required. An administrative fee of \$250 is a reasonable reflection of the administrative time involved. A bond inspection fee should also be required where the bond requires additional inspections. This can be considered during the next fees and charges review ahead of the 2023-2024 financial year.

Remove the agreement from the policy

The final page of the current policy includes an agreement for the developer to sign.

This is to be replaced with the following agreement as an attachment to the policy.

Attachment: Bond Agreement for incomplete works

To enter into a bond with Council for incomplete works, the developer must complete the form and submit the following attachments:

- a) Approved engineering drawings.
- b) A full schedule of costs.
- c) A list of Estimated cost of works provided by the Developer's engineer.
- d) Payment of the bond administration fee.
- e) This form completed and signed by the developer.

Council staff may undertake a site visit to verify the accuracy of C).

If agreed, Council staff will invoice the developer for the bond amount and for any necessary bond inspection fee. Upon payment, the acceptance of both parties will be achieved.

I,, the developer have read and agreed to the Sorell Council Bond Policy and request that Council enter into a bond as specified on the attachments to this form.

Note: if the developer is a company, the form must be signed by all Directors.

Conclusion

The Sorell Council Bond Policy is due for review. A number of operational changes are proposed in the revised policy attached to this report.

Shane Wells
MANAGER PLANNING

Attachment:

Revised Policy

**POLICY NAME:*****SORELL COUNCIL BOND POLICY***

Development - Defect Liability Bonds;

Subdivisions - Early Title Release Bonds.

POLICY NO:

Council Policy Number XX

PURPOSE OF POLICY:

The objective of this policy is to provide for the adequate provision of services and public infrastructure.

SCOPE:

This policy relates to all applications for development and subdivision determined by or on behalf of the Sorell Council.

POLICY

DEFINITIONS:

In this Policy, the following terms have the following meanings:

"Council" means the Sorell Council;

~~**"Defects Liability/Early Title Bond Agreement"** means an agreement in the terms annexed hereto and marked 'A';~~

"Defects Liability Period" means the period of time during which a developer shall be responsible for the rectification of defects associated with civil works that will become assets owned and maintainable by Council;

"Developer" means the holder of a permit for use and/or development issued by Council pursuant to the *Land Use Planning and Approvals Act 1993* (Tas);

"Early Title" means the early endorsement of the Final Plan of Survey prior to all relevant works being completed on site by the developer/contractor, assuming *substantial commencement* has occurred.

"Final Plan of Survey" means the final plan submitted to Council for sealing and lodgement with the Recorder of Titles pursuant to s. 89 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas);

"General Manager" means the person occupying the position of General Manager of the Sorell Council appointed in accordance with the *Local Government Act 1993* (Tas);

~~**"Outstanding Works Bond Agreement"** means an agreement in the terms annexed hereto and marked 'B';~~

"Policy" is a reference to this policy; and

~~**"Protection of Council Infrastructure Bond Agreement"** means an agreement in the terms annexed hereto and marked 'C'.~~ **"Total Value"** means the value of road, stormwater, public open space, footpath, vehicular crossing, fencing, landscaping, soil and water management set out in a contract or estimated by a suitably qualified person associated with a particular development or subdivision.

1. Civil Works - Defects Liability Period

- 1.1. Where private civil works become Council assets, the Developer will be responsible for the rectification of any defects in those works which become apparent within a Defects Liability Period of twelve (12) months commencing on the date that all relevant civil works are certified by Council's General Manager as being complete. Council may require an extension of the Defects Liability Period if defects with the works are identified during the initial Defects Liability Period. If there is a delay between completion and title, the twelve (12) month period may be varied to commence from the date that titles were issued.
- 1.2. Where private civil works become Council assets, the Developer will be wholly responsible for:
 - (a) maintaining those assets for the duration of the Defects Liability Period or as otherwise conditioned;
 - (b) the costs of such maintenance; and
 - (c) documenting the required ongoing maintenance schedule and requirements as required.
- 1.3. Where private civil works become Council assets, Council will require the Developer to provide security to Council for the duration of the Defects Liability Period. Such security may be in the form of either:
 - (a) a cash bond; or
 - (b) an unconditional bank guarantee from a reputable financial institution carrying on business in Australia.
- ~~1.4. The value of the security provided by the Developer pursuant to paragraph 1.4.3 must be equal to ten percent (10%) of the Total Value of the relevant works. The Total Value of the relevant works is equal to:~~
 - ~~1.4. the agreed value of the relevant works (referred to in this clause 1.4 as the "Agreed Value"); plus a contingency sum of ten percent (10%).~~
 - ~~(a) _____~~
 - ~~(b) a contingency sum equal to ten percent (10%) of the Agreed Value.~~
- 1.5. Council will not pay interest to a Developer with respect to any security held in the form of a cash bond.
- 1.6. Where a Defects Liability Period applies, the developer must enter into a Defects Liability Bond Agreement with Council to ensure compliance with the requirements of this Policy.

- 1.7. Notwithstanding clause 1.4 of this Policy, the minimum value of any security provided pursuant to paragraph 1.4 of this Policy will be equal to the amount of ~~FIVE-TEN~~ THOUSAND DOLLARS (\$~~5000~~10,000.00).

2. Early Endorsement of Final Plan of Survey

- 2.1. Council may permit the endorsement of a Final Plan of Survey prior to the completion of all relevant works on the following basis:

- (a) subdivision works must be substantially completed, with only minor works outstanding (e.g. final course of road surfacing, street signs and footpaths);
- (b) drainage and access works must be operational;
- ~~(c) ordinarily,~~ deferred completion of subdivision works will only be permitted for works that subsequently become owned by the Council;
- ~~(c) For works that subsequently become owned by an authority other than Council the developer must submit a letter of release to Council from the relevant authority;~~
- (d) as-constructed plans for completed works must be submitted to Council prior to endorsement of the final plan;
- ~~(e)~~ all outstanding works must be completed within six (6) months of the endorsement of the Final Plan of Survey;
- ~~(e)(f) no building works are to be commenced on any lot prior to the release of the bond;~~
- ~~(f)(g)~~ a schedule of costs of works completed and not completed prepared by the Developer's engineer must be provided to Council;
- ~~(g)(h)~~ security for outstanding works must be provided to Council prior to endorsement of the Final Plan of Survey in the form of:
 - i. a cash bond; or
 - ii. an unconditional bank guarantee from a reputable financial institution carrying on business in Australia;
- ~~(i)~~ the amount of the security referred to in paragraph 2.1(g) of this Policy shall be not less than;

- 2.0 times the agreed total value of outstanding works where that value is less than \$30,000;
 - 1.5 times the agreed total value of outstanding the relevant outstanding works where than value is between \$30,000 and \$100,000;
 - 1.25 times the agreed total value of . This amount may be reduced to 1.25 times the agreed Total Value of the relevant outstanding works if this where the value is greater than \$100,000, and is approved subject to approval by Council's General Manager.
- (h) ~~The Total Value of the relevant outstanding works is equal to:~~
- i. ~~the agreed value of the relevant outstanding works (referred to in this clause 2.1 as the "Agreed Value"); plus~~
 - ii. ~~a contingency fee equal to fifty percent (50%) of the Agreed Value, or this may be reduced to twenty five percent (25%) where the Agreed Value is greater than \$100,000 if approved by the General Manager.~~
- 2.2. Where Council permits the endorsement of a Final Plan of Survey prior to the completion of all relevant works, the developer must enter into an Outstanding Works Bond Agreement with Council to ensure compliance with the requirements of this Policy.
- 2.3. Notwithstanding clause 2.1(h) of this Policy, the minimum value of any security provided pursuant to paragraph 2.1(g) of this Policy will be equal to the amount of ~~FIVE-TEN~~ THOUSAND DOLLARS (\$~~510~~,000.00).
- 3. Protection of Council Services and Infrastructure ~~(not including Building Application bonds)~~**
- 3.1. Where the General Manager reasonably believes that any subdivision or development works pose a risk of causing injury or damage to any existing council services or infrastructure (e.g. kerb, guttering, footpaths, grass verges, service lines and the like), Council may require payment by the Developer of a security bond against any such damage.
- 3.2. If required by Council, the security bond may be in the form of either:
- (a) a cash bond in an amount to be determined by the General Manager; or
 - (b) an unconditional bank guarantee from a reputable financial institution carrying on business in Australia in an amount to be determined by the General Manager;
- 3.3. The security bond will not be released by Council until:

- (a) the General Manager is satisfied that the relevant works have been completed and no damage has been caused to any Council services or infrastructure; or
 - (b) any damage occasioned to Council services or infrastructure has been remedied to the satisfaction of the General Manager.
- 3.4. In the event that Council services or infrastructure are damaged and not repaired within a reasonable timeframe (but not exceeding sixty (60) days) the General Manager may, without giving notice to the Developer, apply the security bond towards repairing the relevant damage.
- 3.5. Where Council requires a security bond pursuant to clause 3.1 of this Policy, the developer must enter into a Protection of Council Infrastructure Bond Agreement with Council to ensure compliance with the requirements of this Policy.

~~4. Administration Fee~~

~~4.1. Council may charge administration fees for the establishment and/or variation of any of the security bonds and/or guarantee set out in this Policy. The fee shall be as follows:~~

- ~~(a) ONE HUNDRED & SIXTY SEVEN DOLLARS & 50 CENTS (\$167.50) for any initial security bonds and/or guarantees;~~
- ~~(b) ONE HUNDRED & SIXTY SEVEN DOLLARS & 50 CENTS (\$167.50) for any subsequent security bonds and/or guarantees; and~~
- ~~(c) ONE HUNDRED & SIXTY SEVEN DOLLARS & 50 CENTS (\$167.50) for any variation to existing security bonds and/or guarantees.~~

~~4.2. Council may reduce or waive the requirements of paragraph 4.1 of this Policy where deemed appropriate by the General Manager or where works are deemed by the General Manager to be minor in nature.~~

5.4. Other Matters

5.1.4.1. All conditions of approval for subdivisions must be satisfied prior to the endorsement and sealing of the Final Plan of Survey by Council.

5.2.4.2. The General Manager (or their duly authorised nominee) is authorised to determine the amount of security deposits for outstanding works and to release security upon satisfactory completion and to vary the time periods for completion of works as deemed necessary.

5.3.4.3. The General Manager (or their duly authorised nominee) is authorised to decline to allow bonding of outstanding works where the deferred completion of works would not be in the best interests of Council or the community.

5.4.4.4. All requests for security (e.g. a bond or a bank guarantee) must be made to the General Manager in writing by the Developer or their duly authorised representative and must be accompanied by a schedule of costs of works completed by the Developer's engineer.

5.5.4.5. All requests for reduction of a guarantee are to be in writing and are to include the value of all outstanding work prepared by the Developer's engineer.

ROLES & RESPONSIBILITIES:

Compliance with this policy is the responsibility of the General Manager.

REFERENCES:

This policy is developed in association with:

- ~~Tasmanian Planning Scheme - Sorell~~Sorell Interim Planning Scheme 2015;
- Tasmanian Subdivision Guidelines (LGAT)
- *Local Government (Building and Miscellaneous Provisions) Act 1993 (Tas)*
- *Land Use Planning and Approvals Act 1993 (Tas); and*
- Other prescribed legislation, as ~~required~~relevant.

ROBERT HIGGINS

GENERAL MANAGER ~~—SORELL COUNCIL~~

I, _____, the Developer, have read and agreed to the policy as printed above.

Signed: _____ Dated: _____

Attachment: Bond Agreement for Early Endorsement of Final Plan of Survey

Introduction

To enter into a bond with Council for incomplete works, the developer must complete the form and submit the following attachments:

- (a) A full schedule of the total value of works completed and incomplete.
- (b) Payment of the bond administration fee.
- (c) This form completed and signed by the developer.

Council staff may undertake a site visit to verify the accuracy of (b).

If agreed, Council staff will invoice the developer for the bond amount and for any necessary bond inspection fee. Upon payment, the acceptance of both parties will be achieved.

Form

I,, the developer of permit have read and agreed to the Sorell Council Bond Policy and request that Council enter into a bond as specified in the attachments to this form.

Note: if the developer is a company, the form must be signed by all Directors.

Attachment: Bond Agreement for Defect Liability**Introduction**

At the commencement of a defect liability period, the developer must complete this form and submit the following attachments:

- a) A full schedule of the total value of works,
- b) A list of Estimated cost of works provided by the Developer's engineer,
- c) Payment of the bond administration fee,
- d) This form completed and signed by the developer.

If agreed, Council staff will invoice the developer for the bond amount and for any necessary bond inspection fee. Upon payment, the acceptance of both parties will be achieved.

I,, the developer of permithave read and agreed to the Sorell Council Bond Policy and request that Council enter into a bond as specified in the attachments to this form.

Note: if the developer is a company, the form must be signed by all Directors.

4.4 SORELL COUNCIL PUBLIC OPEN SPACE POLICY REVIEW

RECOMMENDATION

“That Council, acting as a Planning Authority, resolves to replace the Public Open Space Policy with the attached updated version.”

Introduction

The Public Open Space Policy was adopted on 17 September 2019 and amended on 18 August 2020.

With the change in planning scheme, a minor review of the policy has been undertaken.

Strategic plan

Key objectives:

Objective 1 – To Facilitate Regional Growth

Objective 2 – Responsible Stewardship and a Sustainable Organisation

Public open space, whether local, district or regional in purpose, is important to the growth of settlements. The policy assists Council in making decisions regarding the taking of public open space land, cash-in-lieu of public open space and investment in playgrounds, paths and sporting assets.

Annual plan

The proposal will not affect implementation of Council’s Annual Plan 2022/2023.

Environmental implications

There are no significant environmental implications.

Asset management implications

Public open space assets are managed under the Land Improvements Asset Management Plan.

Risk management implications

There are no major risk management implications.

Community implications

There are no significant community implications.

Report

Changes are proposed to:

- Delete clause 2.2 which refers to the interim planning scheme;
- Minor change to clause 4.3 (d) which refers to use of contributions;
- Amend clause 6.3 to clarify the timing of public open space valuations;
- Amend clause 6.4 to clarify the percentage of cash-in-lieu contribution.

Delete clause 2.2 which refers to the interim planning scheme

Clause 2.2 states:

It is a requirement of the Sorell Interim Planning Scheme 2015 (Planning Scheme) that on the subdivision of land POS is provided as land or as cash in lieu, in accordance with this Policy.

The interim scheme has been replaced with the Tasmanian Planning Scheme – Sorell. The Tasmanian Planning Scheme – Sorell does not include any Standards related to public open space due to provisions in the State Planning Provisions set by the Minister for Planning.

The regulatory head of power to consider public open space in subdivisions now lies with *the Local Government (Building and Miscellaneous Provisions) Act 1994*, which states:

85. Refusal of application for subdivision

The council may refuse to approve a plan of subdivision if it is of the opinion

- (d) that the layout should be altered to include or omit –*
- (i) blind roads; or*
 - (ii) alleys or rights of way to give access to the rear of lots; or*
 - (iii) public open space; or*
 - (iv) littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake; or*
 - (v) private roads, ways or open spaces; or*
 -*

Clause 2.2 does not need to be replaced as the above provision applies through legislation.

Minor change to clause 4.3 (d) which refers to use of contributions

It is proposed to amend clause 4.3 (d) by the addition of text (in bold) to clarify use of funds.

Where there is no clear benefit in acquiring new land areas of POS, or POS less than 5% of the area of new lots, a cash contribution will be required. Accumulated monies will be used for related new or renewed facilities and amenities, **including paths and connectivity, and any acquisition of land for these purposes**, within the local area in accordance with priorities established by Council's asset management plan. Monies will not be used for asset maintenance purposes.

Amend clause 6.3 to clarify the timing of public open space valuations

Clause 6.3 requires land valuations to be based on the improved value of the land in the subdivision. Relevant improvements include roads and services.

Clause 7.2 (c) requires the valuation to be done within 3 months of lodgement of final plan. This timing captures changes in land value from approval to construction and the improvements undertaken.

Some Councils will engage the Valuer General for a valuation (at developers cost) when the final plan is lodged, which can delay the process. Sorell Council accepts valuations that are submitted with the final plan of survey, and therefore prepared in advance of the actual date. There is the potential that not all improvements will be constructed when the actual valuation is undertaken.

It is proposed to amend clause 6.3 by the addition of text (in bold) to explicitly clarify improvements and timing of valuations.

In recognising the objectives and principles of this policy, a cash contribution in lieu of POS (or part thereof) not exceeding 5% of the *improved* value of the area being subdivided shall be required as part of any subdivision in the following circumstances:

- (a) the subdivision proposal does not provide any POS; or
- (b) less than 5% of the total area being subdivided is proposed as POS; or
- (c) the proposed POS land (or part thereof) is not acceptable to Council; or
- (d) it is not desirable to secure POS land from the subject land.

If a valuation is undertaken prior to the construction or completion of all infrastructure required by the subdivision permit, the valuation must be derived on the basis that all subdivision works are complete.

Amend clause 6.4 to clarify the percentage of cash in lieu contribution

The following changes are proposed to clause 6.4 with new text (bold) and deleted text struck-out:

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

The changes clarify that contributions are appropriate where there are planned POS assets as well as existing assets. For instance, if new tracks and trails are proposed in a rural living area then a full contribution may be appropriate notwithstanding the fact that larger lots can provide for a greater range of private recreational opportunities.

Conclusion

A number of operational changes are proposed in the revised policy attached to this report.

Shane Wells
MANAGER PLANNING

Attachment:

Revised Policy



PUBLIC OPEN SPACE POLICY

TITLE:	PUBLIC OPEN SPACE POLICY
RESPONSIBLE OFFICER:	MANAGER PLANNING
APPROVED BY COUNCIL:	17 SEPTEMBER 2019
RESOLUTION NO	125/2019
AMENDED ON	18 AUGUST 2020
RESOLUTION NUMBER:	98/2020
REVIEW DATE	2023

POLICY

1. POLICY AIM

- 1.1 To provide guidance on Council's decisions regarding the provision of a diverse, integrated and sustainable open space network. This network will provide for a range of active and passive sport and recreational opportunities, as well as protect and enhance natural and cultural values, through accessible, safe, and well-designed open spaces and supported by high quality facilities and amenities.

2. POLICY BASIS

- 2.1 This policy gives recognition of the Council's powers and obligations in respect to Public Open Space (POS) applicable to the subdivision of land under the provisions of the *Local Government (Buildings and Miscellaneous Provisions) Act 1993* (LGBMP). These provisions enable the Council to:
- (a) require a subdivider to provide to Council up to 5% of the land (for example as a park or reserve) being subdivided as POS; or
 - (b) require POS in excess of the 5% contribution as a part of any subdivision proposal subject to appropriate compensation to the owner; or
 - (c) require a subdivider to provide up to 5% cash in lieu contribution of the *improved* value of the land being subdivided (less any area provided as POS where applicable); or
 - (d) refuse a subdivision if it is of the opinion that the proposal should be altered to include (or omit) POS.

3. OBJECTIVES

- 3.1 The objectives of this Policy are to:
- (a) provide a consistent approach to the taking of land as POS by the Council, or alternatively the payment of cash in lieu of POS;
 - (b) articulate the basis and justification upon which the Council draws its requirements to take POS, or a cash contribution in lieu of it, in any and specific subdivision developments;
 - (c) guide and inform the acquisition of POS having regard to supply, demand, location and suitability of existing POS and to ensure new areas are safe, accessible and fit for purpose;
 - (d) guide when to take a cash contribution in lieu of POS, and the use of accumulated contributions;
 - (e) guide the nature and standard of improvements to POS required to be completed prior to transfer of the land to the Council; and
 - (f) assist agencies, community groups, clubs, developers and residents to understand Council's POS policy.

4. SUBDIVISION CONSIDERATIONS

- 4.1. The contribution of POS, either as land or as cash in lieu, occurs most commonly at the approval of a subdivision.
- 4.2. In general, the creation of new lots increases the need for POS. The extent to which the new lots increase the need for POS will determine whether POS is required by Council and the amount of POS required.
- 4.3. The following considerations will guide the exercise of the discretion to impose a requirement that POS be provided and the amount of POS required:
 - (a) Sufficient POS land is to be secured through the subdivision process to provide social and passive recreational opportunities and facilitate multiuser connectivity through land within the community.
 - (b) At the local level, new areas of open space should be secured in developing urban areas to serve the future population.
 - (c) In established areas, priority should be towards improving the connectivity to and between existing POS and improving the quality of related facilities and amenities.
 - (d) Where there is no clear benefit in acquiring new land areas of POS, or POS less than 5% of the area of new lots, a cash contribution will be required¹. Accumulated monies will be used for related new or renewed facilities and amenities, including paths and connectivity, and any acquisition of land for these purposes, within the local area in accordance with priorities established by Council's asset management plan. Monies will not be used for asset maintenance purposes.
 - (e) In areas where POS has been previously acquired or has been identified as being required in the future, subdivisions benefiting from that POS ought to contribute financially towards its acquisition and subsequent development.
 - (f) POS to be transferred to Council must be developed to an appropriate standard prior to transfer. In order to achieve this principle, applicable subdivision permits may include conditions relating, but not limited to, landscaping, playground equipment, shelters and seating, weed management, fencing, vehicular accesses and/or installation of vehicle barriers, installation of services and lighting and construction of paths.
 - (g) Any developed areas of POS must meet the relevant Australian Standards with an agreement between the developer and Council to have a 12 month defect period which is the responsibility of the developer upon transfer to Council.

¹ Note that the percentage to which a POS contribution should be made is to be determined through consideration of Section 5.

- 4.4. Land to be provided to Council for the purposes of POS is to be transferred at the time of the sealing of the final plan by Council. If a permit provides for staged development, POS as land must be transferred as part of the first stage, unless otherwise determined by the General Manager of Council. Where land is to be dedicated, the final plan of subdivision must be accompanied by a Memorandum of Transfer to the Council. This transfer is to be executed by the vendor, identifying the land to be transferred and accompanied by the required Lands Titles Office and stamp duty fees and charges.
- 4.5. Land used for the following purposes shall not be transferred to Council as POS:
- (a) stormwater detention basins or drainage swales and natural water courses that would otherwise form part of the overall drainage infrastructure within the subdivided area;
 - (b) above ground infrastructure such as utility stations;
 - (c) below ground infrastructure that would limit the use of the land above it and/or would limit landscaping treatments;
 - (d) pedestrian access ways;
 - (e) inaccessible coastal areas; and
 - (f) land burdened by easements or rights of way.
- 4.6. Where land is required for any of the purposes identified above at 4.5, it should be provided to the relevant authority for the intended purpose as necessary and will not be accepted by Council as POS.
- 4.7. Where land for the purposes identified at 4.5 is attempted to be transferred to Council, an additional contribution must be provided being either additional land for POS, or alternatively a cash contribution to the percentage equivalent of the outstanding land contribution or a cash contribution provided in lieu of it.
- 4.8. Consultation with the Crown is necessary in circumstances when POS in the form of littoral and riparian reserves is proposed to be transferred to it. The LGBMP Act provides that such land can be transferred to the Crown.

5. ASSESSMENT OF PUBLIC OPEN SPACE LAND

- 5.1 The provision of POS needs to be considered in the context of the neighbourhood, local and municipal recreational needs.
- 5.2 Land may be taken for the purposes of POS provided that:
- (a) a Council policy specifically identifies it as being required; or
 - (b) securing the land would be consistent with one or more the following principles:
 - (i) it would further the objectives of any adopted Council policy;
 - (ii) the land is the best location for POS in the wider area where the subdivision is located and there is low likelihood of alternative sites;
 - (iii) the land is convenient, accessible and fit for purpose (i.e. useable and not overly constrained by topography, shape, natural hazards or infrastructure) and does not duplicate nearby POS;
 - (iv) the land would provide or improve accessibility through the site or surrounding area;
 - (v) the land would provide or improve connectivity to and between existing POS;
 - (vi) the land would provide or improve connectivity to and between existing and prospective POS environments/requirements/plans;
 - (vii) the land would enhance the general amenity and urban character of the area; and
 - (viii) securing the land would protect areas of locally significant natural/environmental or cultural value.
 - (c) the land can be developed and maintained within Council's resources having regard to Council's asset management plan;
 - (d) the size, shape and location of land is consistent with established Crime Prevention through Environmental Design (CPTED) Principles;
 - (e) the land is not unreasonably constrained by land hazards; and
 - (f) an assessment is undertaken by Council in relation to the need for POS in accordance with the following considerations:
 - (i) the existing provision of POS in the vicinity of the subject area;
 - (ii) the demand for land created by the subdivision;
 - (iii) whether the land is conveniently located to service existing or future users;
 - (iv) the biodiversity value, extent and condition of existing vegetation/habitat;
 - (v) whether the land is fit for propose in terms of size, shape, topography, gradient, infrastructure, conservation covenants or other encumbrances;
 - (vi) the extent to which the land contributes to Council's ability to support a diversity of recreational activities;
 - (vii) the best location for POS in the wider area where the subdivision is located and the likelihood of alternative sites;
 - (viii) the land's vulnerability to natural hazards; and
 - (ix) anticipated service life/longevity due to sea level rise.

6. ASSESSMENT FOR CASH IN LIEU OF PUBLIC OPEN SPACE LAND

- 6.1 Where it is determined that land should not be taken as a POS contribution through part 5 of this Policy, a cash contribution must be considered.
- 6.2 This cash in lieu contribution should be made in compliance with the following assessment criteria:
- (a) the land is located in one of the following zones:
 - (i) General Residential Zone;
 - (ii) Low Density Residential Zone;
 - (iii) Rural Living Zone;
 - (iv) Village Zone;
 - (v) Local Business Zone; or
 - (vi) General Business Zone; or
 - (b) a cash contribution in lieu of POS may be required in all other zones when:
 - (i) other land within the estate/suburb has been zoned in the Planning Scheme as being required for POS; or
 - (ii) other land within the estate/suburb has been identified in any Council policy as being required for POS.
- 6.3 In recognising the objectives and principles of this policy, a cash contribution in lieu of POS (or part thereof) not exceeding 5% of the *improved* value of the area being subdivided shall be required as part of any subdivision in the following circumstances:
- (a) the subdivision proposal does not provide any POS; or
 - (b) less than 5% of the total area being subdivided is proposed as POS; or
 - (c) the proposed POS land (or part thereof) is not acceptable to Council; or
 - (d) it is not desirable to secure POS land from the subject land.

If a valuation is undertaken prior to the construction or completion of all infrastructure required by the subdivision permit, the valuation must be derived on the basis that all subdivision works are complete.

- 6.4 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.

7. POS VALUATIONS AND PAYMENT OF POS CONTRIBUTIONS

- 7.1 The valuation used to determine the cash in lieu contribution amount is taken as at the date of lodgement of the Final Plan of subdivision.
- 7.2 It is a requirement of this policy that:
- (a) valuations are to be provided through a valuation report undertaken by an independent registered valuer at the subdividers cost and provided to Council;
 - (b) upon the lodgement of the final plan for sealing by Council, the subdivider is to provide the abovementioned valuation report;
 - (c) the date to which the valuation is to be done must be within 3 months of the date of lodgement of the final plan;
 - (d) payment of the POS contribution by the subdivider will constitute deemed agreement by the subdivider of the valuer's assessment and the calculation of the POS contribution (unless the contrary is indicated);
 - (e) cash contributions in lieu of POS are to be paid prior to the sealing of the Final Plan of Subdivision; and
 - (f) in the case of staged subdivisions, POS contributions are to be paid and be received prior to the sealing of the first stage. Alternatively, a separate valuation must be obtained from an independent valuer of each respective stage at the subdividers cost.