



SORELL PLANNING AUTHORITY (SPA) AGENDA

12 DECEMBER 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, 12 December 2023 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
7 DECEMBER 2023



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON TUESDAY 12 DECEMBER 2023

TABLE OF CONTENTS

1.0	ATTENDANCE	1
2.0	APOLOGIES	1
3.0	CONFIRMATION OF THE MINUTES OF 5 DECEMBER 2023	1
4.0	DECLARATIONS OF PECUNIARY INTEREST	1
5.0	LAND USE PLANNING	2
5.1	DRAFT AMENDMENT NO. DA 2022 / 354 – 1	2
5.2	DEVELOPMENT APPLICATION NO. DA 2023 / 284 – 1	38
5.3	SUBDIVISION APPLICATION NO. SA 2022 / 10 – 1	47

1.0 ATTENDANCE

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

2.0 APOLOGIES

3.0 CONFIRMATION OF THE MINUTES OF 5 DECEMBER 2023

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 5th December 2023 be confirmed.”

4.0 DECLARATIONS OF PECUNIARY INTEREST



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

5.0 LAND USE PLANNING

5.1 DRAFT AMENDMENT NO. DA 2022 / 354 – 1 – 2 PAWLEENA ROAD, SORELL

Applicant:	Ireneinc Planning And Urban Design
Proposal:	Section 40F – Rezone to Open Space to General Business and site specific qualifications
Site Address:	2 Pawleena Road, Sorell (CT 52621/1, 61/654 and 222468/1)
Planning Scheme:	<i>Tasmanian Planning Scheme Sorell (TPS-S)</i>
Relevant Legislation:	Part 3B of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	No delegated authority for a planning scheme amendment

Relevant Zone:	Low Density Residential and Open Space
Proposed Zone:	General Business and Open Space
Valid Application Date:	07 November 2022
Decision Due:	9 December 2023 (extension requested from the Tasmanian Planning Commission)
Representation(s):	N/A

RECOMMENDATION:

- (a) That pursuant to Section 40D(a) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority prepare Amendment AM-SOR-5.2022-354-1 to the Sorell Local Provisions Schedule for land at 2 Pawleena Road, Sorell (52621/1, 61/654 and 222468/1 to rezone to part General Business Zone and part Open Space Zone and include two site specific qualifications (as set out in attachment 1 to the report).
- (b) That pursuant to Section 40 and *Use Planning and Approvals Act 1993*, AM-SOR-5-2022.354.1 is certified as meeting the LPS criteria.
- (c) That in accordance with Section 40G of the *Land Use Planning and Approvals Act 1993*, the Planning Authority places the amendment on public exhibition for a period of 28 days.

Executive Summary

The purpose of the report is to consider whether to prepare and certify a request to amend the planning scheme. In considering the request and certification, a



range of matters must be considered including the Schedule 1 objectives of the *Land Use Planning and Approvals Act 1993* (LUPPA). The Schedule 1 objectives require community consultation and yet, strangely, the certification must occur prior to any public consultation.

The amendment seeks to rezone 2 Pawleena Road to the General Business Zone and to also introduce use qualifications that would require all uses in the General Retail and Hire and Bulky Goods Sales use classes to have a minimum gross floor area (GFA) of 300m² per tenancy and would prohibit a supermarket.

The amendment provisions in LUPAA differ between interim and State planning schemes. There is no longer an option to modify a request prior to certification. Rather, the request must be granted as is or declined.

The draft amendment appears capable of being in accordance with the requirements of LUPAA and it is recommended that it be prepared and certified in order to allow a full assessment based on community consultation.

The social, economic and environmental benefits of the proposal are:

- Increased diversity and choice in retail and other business or community services;
- Increase employment opportunities and employment self-sufficiency (i.e., residents working and living within the LGA);
- Substantial construction investment, and
- Increased viability of the activity centre, through additional zoned land and opportunity (including offsetting losses in recent years to the extent of the General Business Zone).

Potential consequences may include:

- Disincentivising land consolidation and redevelopment opportunities within the General Business Zone;
- Whether the activity would be better as part of a light industrial / commercial precinct in the Sorell East growth corridor;
- Increased flood risk (without careful design), and
- Reduction in residential opportunities.

The report provides details of the amendment and the site. The strategic outcomes of the proposal are outlined, having regard to matters of local, regional and then State importance. The report ends with a discussion of the degree of compliance with legislative requirements.

If prepared and certified, the following two outcomes must occur:

- The amendment is exhibited for 28 days, and
- The Tasmanian Planning Commission (the Commission) will decide whether to approve the amendment, approve the amendment with modifications or reject the amendment.

If not supported, the proponent may request that the Commission review the decision and the Commission could direct Council to reconsider its position.

Any representations to the exhibited amendment will be considered at a future Planning Authority meeting, where modifications can be recommended in response to the representations and for the consideration of the Commission.

The Commission will assess and decide on the amendment, based on the issues raised in the representations and the outcomes of any hearings it may hold.

Proposed Planning Scheme Amendment

The planning scheme amendment is for 2 Pawleena Road, Sorell (CT 52621/1, 61/654 and 222468/1) and is in two parts:

- (1) Rezone the land from part Low Density Residential Zone (LDRZ) and part Open Space Zone (OSZ) to part General Business Zone and part OSZ. In this, the current extent of OSZ would reduce to a ten metre wide strip.
- (2) Introduce site specific qualifications (SSQ) that:
 - a. Require all Bulky Good Sales use classes to have a minimum GFA of 300m² per tenancy,
 - b. Require all General Retail and Hire use classes to have a minimum GFA of 300m² per tenancy, and
 - c. Prohibit a supermarket use.

Figure 1 and 2 shows the current Open Space Zone and the zone in the 1993 planning scheme. Since the 1993 scheme, the open space has been reduced to



one side of the rivulet. The current zone boundary (i.e., the black line in Figure 1) for the Open Space Zone is described (incorrectly) as ‘historic rivulet boundary’.

A supermarket is not defined in the State Planning Provisions. A definition from a Queensland planning schemes is a “*single self-contained retailing outlet with fast service checkout facilities offering groceries and associated goods and services for sale*”.



Figure 1. Existing Zoning (LDRZ in pink, OSZ in green, GBZ in blue, General Residential Zone in red, Utilities in Yellow. Black line describes the zone boundary that is not aligned to a cadastral boundary).

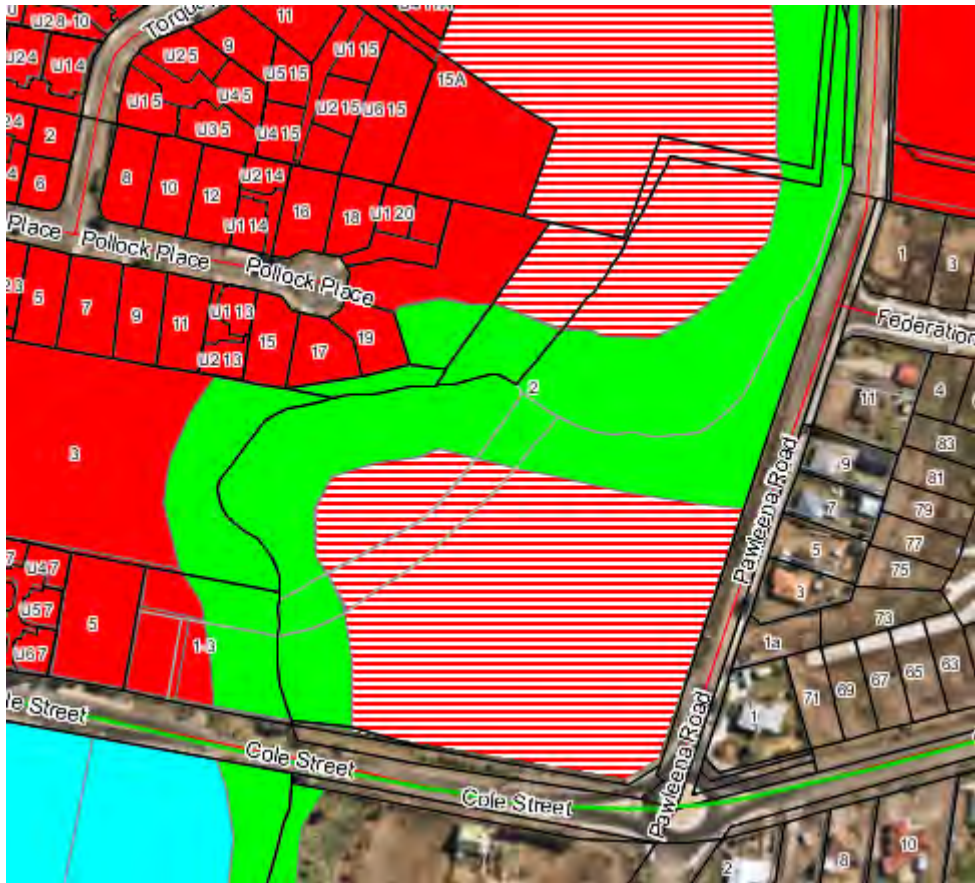


Figure 2. 1993 Sorell Planning Scheme shown Open Space Zone in Green.

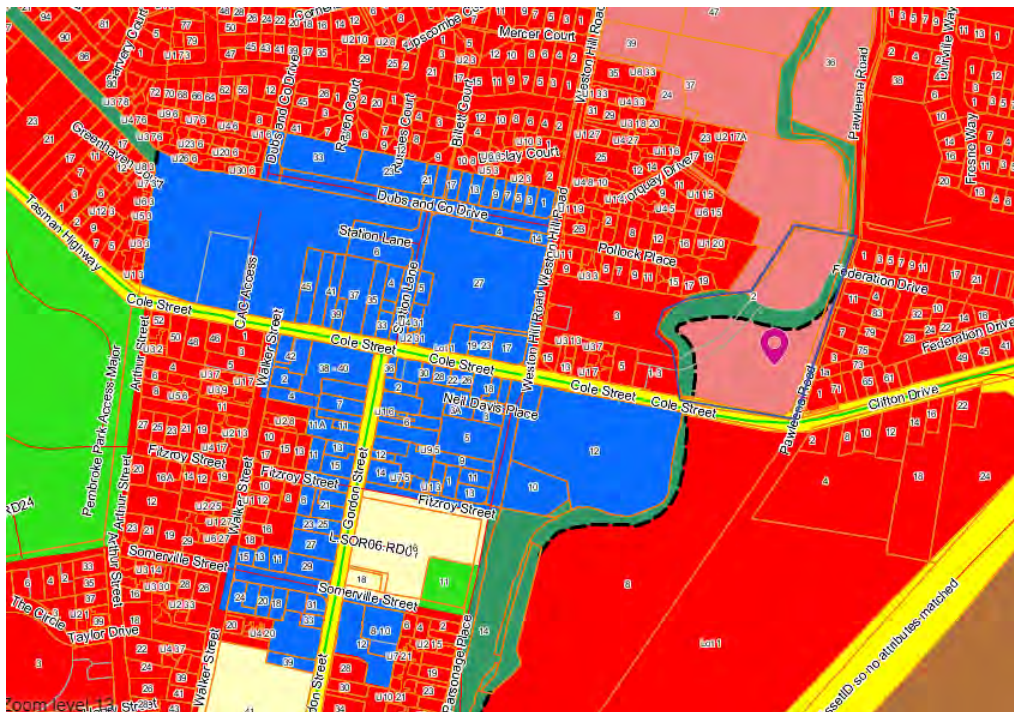


Figure 3 – Existing General Residential Zone.



Figure 4 – Proposed Zoning.



Figure 5 Proposed Zone with November 2023 aerial.

The draft amendment documents are included in **Attachment 1** – Amendment Documents.

An explanatory document which provides some more background information about the amendment, the current policy position and outlines the controls and why they have been included is in **Attachment 2** – Explanatory Document. This document provides a more ‘accessible’ overview of the PAC SAP beyond the statutory requirements that must be met under LUPAA.

Proposed Development

There is no associated use or development application for this request.

Documentation includes a conceptual layout of uses and buildings which is more fully described in section 1.2 of the Economic Impact Assessment by Locationiq. There is in excess of 12,000m² of floor space for large floor area retailing, food, service station and other uses. For comparison, the Sorell Mitre 10 has a floor area of approximately 3000m² while Sorell & Gateway Plazas have floor areas of approximately 6300m².

The conceptual layout is unlikely to be a realistic development scenario, as it does not reflect the Open Space Zone and much of the area is subject to flood risk and associated development costs. The conceptual layout, and the associated economic impact assessment which is based on the floor areas provided in that layout, depict a maximum development potential which is useful to fully assess the request.

FIGURE 1.2. SITE DEVELOPMENT PLAN – SOUTHERN COMPONENT



Figure 6. Extract of Locational report.

FIGURE 1.3. SITE DEVELOPMENT PLAN – NORTHERN COMPONENT



Figure 7. Extract of Locational report.

Site And Locality

Site Characteristics

The site consists of three lots with a total size of 3.5 hectares. One of the three titles is noted as the former alignment of the Sorell Rivulet. A comprehensive review of historic titles has not been undertaken, although the earliest land grant charts do show the rivulet in its present day alignment.

The site is relatively flat with a more elevated section in the south-east corner. The section north-west of the rivulet is a flood plain. Trees and shrubs are contained within a narrow corridor along the rivulet. There is an existing dwelling close to the Pawleena roundabout.



Figure 8 – Subject site (Council imagery November 2023).



Figure 9 – Land tenure (Council owned black hatching, open space in orange, Dept of Natural Resources and Environment in Blue).



Figure 10 – Site and surrounds.

Adjoining Land

The site is centrally located within the township and diagonally opposite the Sorell Plaza complex. Residential land use exists to the west and east and a further large-scale subdivision is proposed to the south. The Gateway Plaza is some 300m to the west.

The site is the southern-most section of a Low Density Residential Zone (LDRZ) running north between Weston Hill Road and the rivulet and then west along Gatehouse Drive. There is an active review of this LDRZ as the area is central, is only constrained by an absence of reticulated sewer and has significant subdivision potential under either LDRZ or GRZ. A key consideration of this review is how to extend the sewer services across multiple existing titles. As sewer services run to this site it has not been included in the review. It is clear that at least the southern lot is readily suitable for GRZ with the flood hazard code preventing residential development in the flood hazard area.

Nearby land uses including the Maddison Lyden Park (diagonally opposite to the north-east), the Coles complex diagonally opposite to the south-west, the Quinns transport business at 4 Clifton Drive and the residential subdivisions in Federation Drive, Torquay Drive and Pollock Place.

Infrastructure And Transport

The site is capable of being serviced by reticulated water and sewer. The recent Pawleena Park subdivision to the east has upgraded water reticulation in Cole Street and constructed a new sewer pump station. The existing (and poorly designed) Torquay Drive pump station could be directed to this new pump station.

The safety and efficiency of road access to the site has been improved through the Sorell Southern Bypass and the Pawleena roundabout.

Stormwater is discharged directly to Sorell Rivulet and any development would require appropriate conveyance and treatment. The RAMSAR wetland commences some 500m south of the site and a higher standard of water quality treatment would likely apply subject to the scale and form of development.

Environmental Values

Environmental values have not been investigated in detail. The Sorell Rivulet has a range of environmental values despite its degraded condition. Weeds are likely to be prevalent along the rivulet. Beyond the rivulet the site is cleared and regulated grazed and cropped on a small-scale.



Social and Economic Values

The site could be developed under the LDRZ for some 13 lots or around 20 lots if the GRZ applied. This potential housing development represents the sites only social or economic value at present. The site has one dwelling only, minimal agricultural output and little public amenity through scenic vista's or character.

The General Business Zone

The use table for the zone is summarized below.

No Permit Required		
Business and Professional Services	Food Services	General Retail and Hire
Natural and Cultural Values Management	Passive Recreation	Residential (home-based business)
Utilities (Minor)		
Permitted		
Bulky Goods Sales	Community Meeting and Entertainment	Education and Occasional Care
Emergency Services	Hotel Industry	Pleasure Boat Facility (boat ramp)
Research and Development	Residential (above ground floor or to rear)	Visitor accommodation (above ground floor or to rear)
Discretionary		
Custodial Facility	Equipment and Machinery Sales and Hire	Hospital Services
Manufacturing and Processing	Residential	Resource Processing (food and beverage)
Service Industry	Sports and Recreation	Storage
Transport Depot and Distribution (public transport)	Utilities	Vehicle Fuel Sales and Service
Vehicle Parking	Visitor Accommodation	

Use standards apply to hours of operation and lighting within 50m of a General Residential Zone (GRZ) (not Low Density Residential Zone) and to discretionary uses in order to consider effects on the activity centre hierarchy and larger-scale Bulky Goods Sales and General Retail and Hire uses. Development standards provide a height of 12m (8.5m if which 10m of GRZ), setback and building design.

Background

Nil

Assessment And Strategic Outcomes

Legislation

To be approved, a draft amendment must comply with the LPS criteria that are set out in LUPAA as follows:

(2) The LPS criteria to be met by a relevant planning instrument are that the instrument –

- (a) contains all the provisions that the SPPs specify must be contained in an LPS; and*
- (b) is in accordance with section 32 ; and*
- (c) furthers the objectives set out in Schedule 1 ; and*
- (d) is consistent with each State policy; and*
- (da) satisfies the relevant criteria in relation to the TPPs; and*
- (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*
- (f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993 , that applies in relation to the land to which the relevant planning instrument relates; and*
- (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*
- (h) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019 .*

Attachment 2 provides a detailed assessment against each relevant criteria.

LUPAA provides a two-step process for planning scheme amendments. The first step under section 40D outlines how and when a planning authority is to prepare a draft amendment. Section 40F is step 2 and provides that once a planning authority has determined to prepare a draft amendment it must either certify that as meeting

the LPS criteria or modify the draft amendment until it meets the LPA criteria and then certify.

Local Strategy, Policy and Impacts

Strategy

Council's strategic land use documents include the:

- Strategic Plan 2019-2029 (2023 update)
- Sorell Township Urban Master Plan 2015 (Aurecon)
- Sorell Land Supply Strategy 2019 (stages 1, 2 and 3) (Ethos)
- Sorell Open Space Strategy 2020 (ERA)
- Draft Car Parking Strategy
- Stormwater System Management Plan (Entura)
- Stormwater in New Developments Policy

The subject site has not been considered in detail in any of the above documents, beyond the development of open space land and assets along the Sorell Rivulet. Neither the urban master plan nor the land supply strategy have considered a need for additional business zoning. Rather, they have focused on residential and industrial zoning. A shortage of industrial zoned land has long plagued the township and is a significant impediment to local employment and self-sufficiency.

The stage 3 land supply strategy includes an indicative master plan for the Sorell East growth corridor with a mixture of residential, education, convenience retailing and light industrial use.

Large-floor area retailing can often take place within light industrial zoning or be incorporated into light industrial precincts (e.g., Fork in the Road Mitre 10 and various paint, homewares, furniture and car retailing businesses are zoned light industrial across Greater Hobart). As further strategic work occurs with the Sorell East growth corridor it may be deemed suitable for similar land uses to that proposed. There are, however, a range of strategic land use and infrastructure considerations to first resolve.

Policy

Council's Public Open Space Policy and related Public Open Space Strategy are relevant as the site contains (and the proposal retains) an area of Open Space Zone along the Sorell Rivulet. The strategy supports expanding the existing network of tracks and trails and such development within the Open Space Zone would be highly desirable.



Natural Hazards

The site is subject to the 1% AEP flood level identified in the Entura Stormwater System Management Plans. Flood depth, velocity and hazard ratings from this report are provided below.

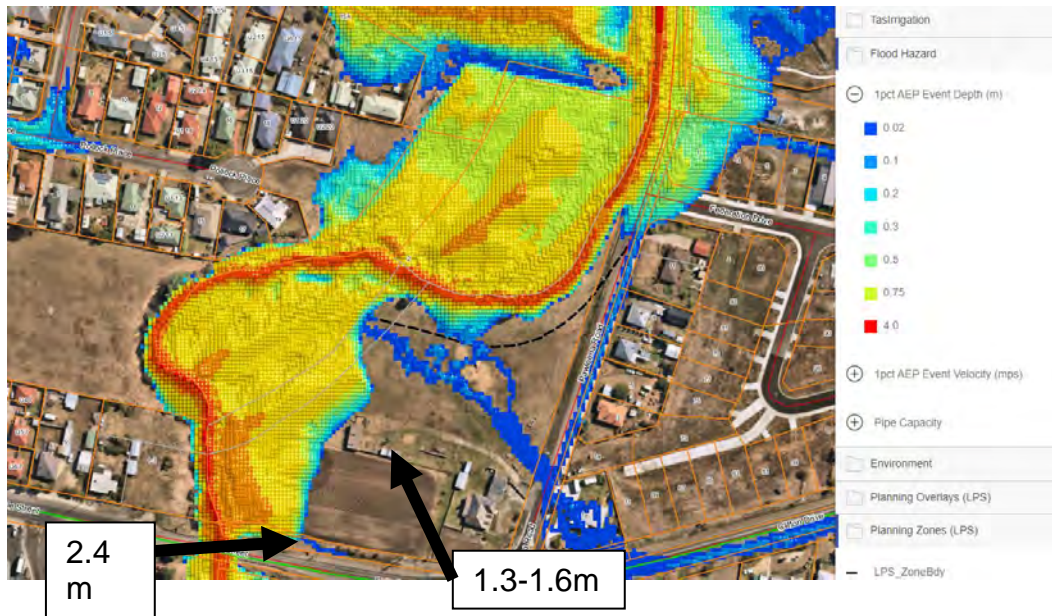


Figure 11. Flood depth (Entura SSMP)

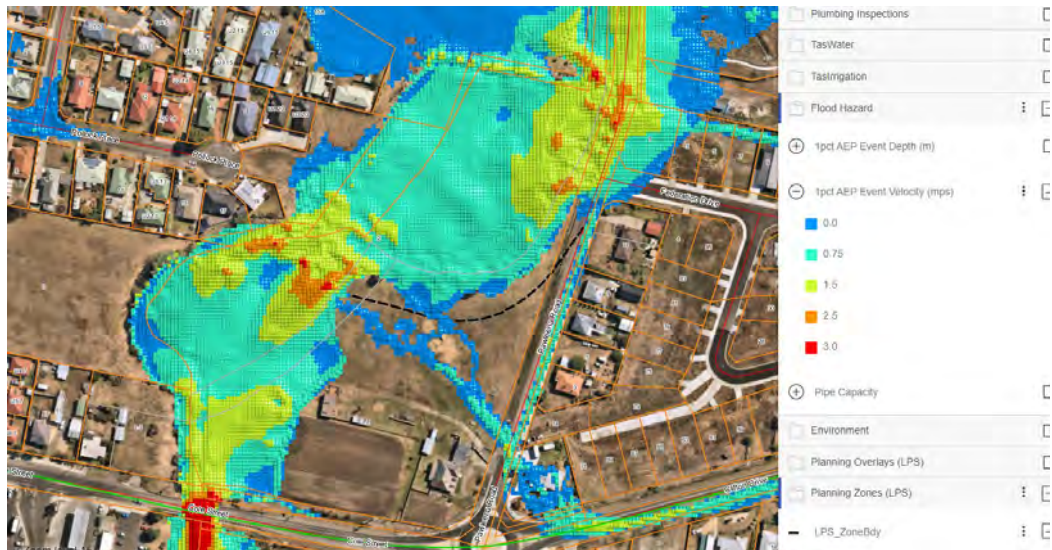


Figure 12. Flood velocity (Entura SSMP).

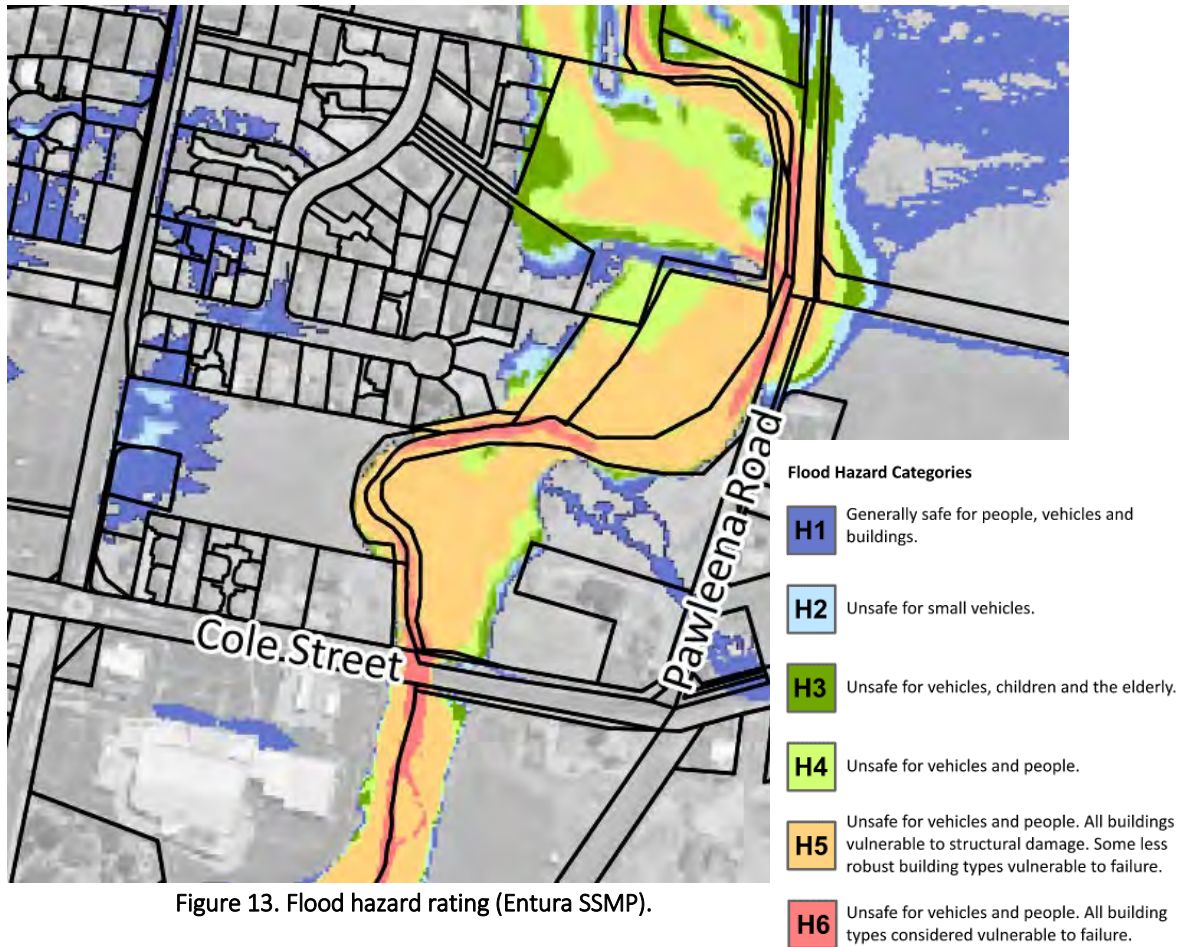


Figure 13. Flood hazard rating (Entura SSMP).

The Flood Hazard Report by AD Design and Drafting dated 31 March 2023 prepared modelling that is consistent with Entura. This report also considered the potential for site filling as a development scenario (as shown in Figure 14). This would have the effect of increasing the depth and severity of flooding on the balance of the site with minimal effect on upstream or downstream properties. Filling as modelled would narrow the flood path above the Cole Street bridge (which is a clear impediment to all flood events). The design scenario modelling in Figure 14 is a similar approach to the Sorell Plaza site whereby part of the land is filled. The Sorell Plaza site protected buildings and car parking from flood risk by elevating the land behind a 2m high (approx.) wall.



Figure 14. 1% AEP will fill (Flood Hazard Report, AD Design and Consulting 2023).

Recent modelling by Entura for Council considers the removal of two dam walls north of the site. The modelling shows that this would lower the 1% AEP flood height by up to 0.8m on land within the Pawleena Park and Torquay Drive subdivisions. The Entura model shows that the work would have no practical difference on the height of the 1% AEP event within the subject site but would affect the velocity of flood events. The effect on velocity would be to reduce the highest velocity areas that are between 2 and 4 metres per second while increasing the area subject to a velocity of between 1 and 2 metres per second.

The Flood Hazard Code requires all residential and commercial buildings to achieve and maintain a tolerable level of risk from a 1% AEP flood event, to not cause or contribute to flood on the site or adjacent land or public infrastructure and to not require any (public) flood protection measures.

Infrastructure Impacts

Development on the site will not exceed the capacity of existing water, sewer, stormwater, electrical or road infrastructure. Increased retail and other services

within Sorell reduces the need for specific trips outside the LGA to access services and, for some, reduced need to travel outside the LGA for employment.

The TasWater SPAN (Attachment 7) did not object to the request.

The Department of State Growth referral response states:

At this stage, the Department of State Growth has no comments on the rezoning, however we do have some comments in relation to any future development application.

State Growth notes that the site has frontage to the Arthur Highway which is a state road. At the time of any future development application, and particularly if direct access is proposed to the highway, the application is to be accompanied by a Traffic Impact Assessment and concept plan that demonstrates any access fits within the constraints of the bridge and the intersection of Pawleena Road and the highway, and does not adversely impact the satisfactory operation of the highway.

Consideration should also be made to whether pedestrian access would be provided to Arthur Highway. Any plans for pedestrian access should be discussed at an early stage with State Growth.

Environmental Impacts

The proposed amendment will have no negative environmental impacts.

Amenity Impacts

Commercial development may impact the amenity of adjoining residents or the broader town through issues such as traffic noise, external lighting, poor building design or overshadowing.

Traffic noise is unlikely to impact residential amenity as the site is on the corner of two major roads with high traffic volumes and heavy vehicle traffic such that future traffic growth will not fundamentally alter existing conditions.

There are no residential dwellings immediately adjoining the site and impacts through overshadowing or operational noise are unlikely.

The applicable development standards for the General Business Zone include:

- Height of 12m
- Frontage setback (nil)
- Screening of mechanical plant and equipment
- Requirements for glazing and limits on blank walls to frontages



- Fencing, and
- Outdoor storage areas.

There are no design standards regarding how buildings appear from the OSZ and no requirements for landscaping. Nevertheless, the development standards are consistent on a state-wide basis and are intended to facilitate well-presented commercial areas.

Social and Economic Impacts

Economic Impact Assessment by locationiq.com.au dated August 2023

The Locationiq report considers a potential development comprised of:

- Large format retail, warehouses and showrooms up to 12,165m² of floor area;
- Two, 200m² fast food operations;
- One 400m² service station;
- 214 car parking spaces; and
- Net additional jobs of 248 persons.

The site is described as:

... 'a high-profile location along Arthur Highway that is easily-accessible for both local and surrounding region residents and works. The positioning of the site forms a natural extension to the established Sorell township that will mean prospective large format and other complementary uses would be connected and easily available for the region' (p8)

Existing retail and other services within the township are assessed in the report as:

- 43 traditional retail tenants with 10,492m² of floor area, which includes the supermarkets, 17 food businesses and 10 retail businesses;
- Five large format retail (Petstock, Mitre10, Marshall's Batteries, Kings Outdoor Living and Choice's flooring);
- 72 other business including health, childcare, medical, real estate and other; and
- Only two recorded vacancies.

A 10km radius retail catchment is defined in the report based on scale, accessibility, the pattern of urban development in the area and mobile ping data to identify the place of residence of customers (page 24). The socio-economic profile of the catchment consists of higher than Tasmanian average per capita



wages and slightly slower household income and high levels of home ownership. The report views that there is a strong demand for large format retail of home furnishings, building supplies and the like.

Within this catchment, expenditure by the residential population is determined by transaction data. Significantly higher average per capita expenditure exists for household goods, large form retail, entertainment and petrol stations. Lower average per capita expenditure is seen in department stores, discount department stores, gym sports and health, apparel and retail services.

It is considered that the high rates of residential growth in recent years, whereby Sorell has the fastest rate of population growth of any Tasmanian LGA, would generate high levels of expenditure in home and building categories.

The report considers the potential impact of additional floor space to existing markets in the following categories:

- *Large floor area retail*
- *Food services*
- *Service station*
- *Gyms*
- *Entertainment, and*
- *Medical.*

The report considers that there is a demand for additional large floor area retaining and that *“the level of demand for a range of uses generated by the residential population alone is likely to be understated, due to these additional customer segments”* (i.e., workers and tourists) (page 36). The report considers that *“the type of tenants that would be attracted to the site would be those that are unlikely to find appropriate floorspace or tenancies elsewhere within the Sorell Town Centre; prefer co-location and critical mass; and/or have network gaps across Hobart or the catchment area”* (page 39). The report, in turn, discusses a number of businesses that may locate on the site.

To determine impacts, the report uses an annual sales figure of \$3,350 per m² totaling \$40.8 million which equates to 32% of the catchment area spending in large format retailing. The report states that the vast majority of impact (to other business) would be outside the catchment area as there is minimal replication across existing buildings. Moreover, *“this figure corresponds to less than two years*

of projected retail expenditure growth across the catchment, which would mean any impacts were quickly ameliorated” (page 69).

On food services, the report considers that there is sufficient population and tourist traffic to support additional nationally-branded fast food restaurants.

On service station uses, the report notes that there are 23 services stations in the catchment area four within the Sorell township but with only one on the Arthur Highway. It projects that \$3.5 million sales would be generated which is 4.8% of the spend by catchment area residents.

On gyms, the report considers only traditional chain type enterprises but also finds capacity within the catchment to absorb additional gym businesses.

The entertainment category includes arcades, cinema, trampoline parks and the like. The sole existing facility identified in the report is the Southern Tasmanian Kart Club at Orielson. Given this, there is ‘substantial leakage’ of expenditure outside the catchment and substantial capacity to support multiple operators at the site.

Table 3.5 provides a comparison of actual health workers per 10,000 persons in various categories compared to Greater Hobart and Australian wide rates. The table shows an undersupply of workers in all categories, totally 71 professional as at 2021. The report considers that there is capacity to support additional GP, pharmacy, dental, optometry, podiatry and other uses in the catchment.

The report concludes (page 66):

- There are also several examples of this type of development throughout Tasmania, including at the similar satellite town of Kingston (on the southern outskirts of Hobart), where precincts such as Mertonvale Circuit and Westside Circle accommodate a broad range of uses in keeping with those proposed at 2 Pawleena Road (the majority of which are not represented at Sorell).
- The Sorell site therefore presents the opportunity to facilitate a modern integrated development that responds to existing and emerging trends in the category, as well as elevating the surrounding precinct.

Retail Impact Assessment for Pawleena Road by SGS dated 28 June 2023



This report provides a similar assessment to the economic impact statement but uses different retail catchment and modelling assumptions. The report finds that retail demand by 2032 would require an additional 5,811m² of retail floor space increasing to 10,776m² by 2042. As such, the proposal “would not result in an oversupply of retail floorspace in Sorell”. (page 13)

Council does not have any retail demand studies. For the draft car parking strategy, a ratio of 2.2m² of new floor area per additional resident was applied being a total of 13650m² by 2042 from an existing 2022 floor area of 41,800m².

In summary, the evidence presented indicates that the retail catchment could accommodate additional large floor area retail and other uses without affecting the existing activity centre hierarchy across the region or unreasonably effect existing retail precincts.

Regional Strategy and Policy

For the amendment to be approved, compliance with the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS) must be demonstrated. **Appendix 1** provides a detailed assessment of the amendment against the relevant STRLUS policies.

State Strategy and Policy

Appendix 1 provides a detailed assessment of the amendment against the relevant State policies.

Conclusions On The Amendment

For the above reasons, the amendment is consistent with the objectives and other requirements of the *Land Use Planning and Approvals Act 1993*.

Shane Wells Manager Planning

Attachments:

Draft Amendment

Detailed LPS Criteria Assessment

Separate Attachments:

Planning Report (IreneInc)

Economic Impact Assessment (Locational)

Retail Impact (SGS)

Flood Report (AD Design + Consulting)

TasWater SPAN



TASMANIAN PLANNING SCHEME - SORELL

PLANNING SCHEME AMENDMENT

AM-SOR-5-2022-354-1

*Pursuant to the Land Use Planning and Approvals Act 1993***Location**

2 Pawleena Road, Sorell (folio of the Register 52621/1; 61/654; 222468/1).

Description

In two parts

Part 1: Apply the General Business Zone and Open Space Zone as shown below.**Legend**

■ General Business Zone

■ Open Space Zone

Zone boundary for the Open Space Zone is a ten metre offset to the south and east from line of rivulet as described by folio of the Register 52621/1; 61/654; 222468/1

Part 2

Insert the following site specific qualifications.

Reference Number	Site Reference	Folio of the Register	Description	Relevant Clause in State Planning Provisions
SOR-15.2	2 Pawleena Road, Sorell	52621/1, 61/654 and 222468/1	An additional qualification for the No Permit Required Use Class of General Retail and Hire for this site is: "If for: (a) a minimum gross floor area (GFA) of 300m ² per tenancy; and (b) If not for a supermarket".	General Business Zone – clause 15.2 Use Table
SOR-15.2	2 Pawleena Road, Sorell	52621/1, 61/654 and 222468/1	An additional qualification for the Permitted Use Class of Bulky Goods Sales for this site is: "If for a minimum gross floor area (GFA) of 300m ² per tenancy".	General Business Zone – clause 15.2 Use Table

Attachment 2 Statutory Assessment – Response to criteria requirements for Local Provisions Schedule under LUPAA

Section 34(2) of LUPAA requires a relevant planning instrument to meet all of the following criteria.

(a) contains all the provisions that the SPPs specify must be contained in an LPS

The proposal complies with the SPP requirements for an LPS as set out in clause LP1.0 and Appendix A of the SPPs.

(b) is in accordance with section 32

This section identifies the technical aspects of a LPS such as inclusion of zone maps and overlays, and what additional local provisions can be included if permitted to do so under the SPPs, to add to, modify or override the SPPs. This proposed zone change and site specific qualification is consistent with this section.

(c) furthers the objectives set out in Schedule 1 of LUPAA

Assessment of the amendment against the Schedule 1 objectives is provided in the following table.

Part 1 Objectives	Comment
<i>(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i>	The amendment furthers this objective by maintaining suitable buffers to the Sorell Rivulet through the Open Space Zone and the existing waterway and coastal protection area overlay.

<p><i>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</i></p>	<p>The increase in the General Business Zone is in response to population growth and limitations in the existing zoned area to accommodate large floor area retailing and related uses. The amendment is based on there being a need for such uses and that these uses can be accommodated within the site at a scale that can be absorbed into the retail catchment without unreasonably reducing the viability of other centres.</p> <p>The sustainability considerations focus on the flood risk. How the site is developed in response to flood risk is not known and is not part of the current process. The scheme includes existing flood hazard provisions whereby development must “not cause or contribute to flood on the site, on adjacent land, or public infrastructure”.</p>
<p><i>(c) to encourage public involvement in resource management and planning</i></p>	<p>If certified, the draft amendment will be subject to public exhibition.</p>
<p><i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i></p>	<p>The proposal would facilitate economic activity during construction and ongoing through employment and trade, including associated rates and taxes collected by local, State and Federal governments.</p>
<p><i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State</i></p>	<p>This procedural objective has no bearing on the matter at hand.</p>

Part 2 Objectives	
<i>(a) to require sound strategic planning and co-ordinated action by State and local government</i>	This procedural objective has no bearing on the matter at hand.
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land</i>	This procedural objective has no bearing on the matter at hand.
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land</i>	Beyond the rivulet corridor, the site has minimal natural values and no native vegetation will be affected. Future stormwater will need to be in accordance with the Stormwater in New Development Policy. The proposal can add social and economic value through the diversification of retail and employment.
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels</i>	This procedural objective has no bearing on the matter at hand.
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co- ordinate planning approvals with related approvals</i>	This procedural objective has no bearing on the matter at hand.

<p><i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation</i></p>	<p>The site can facilitate a pleasant, efficient and safe working environment. Future development is subject to a number of construction codes and standards relating to accessibility and workplace standards among others. The separation from residential properties will protect residential amenity. The flood hazard on the property is a safety consideration that will need to be managed through any future development.</p>
<p><i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i></p>	<p>There are no items of scientific, aesthetic, architectural or historical value within the site.</p>
<p><i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community</i></p>	<p>The amendment will have no adverse impact on public infrastructure.</p>
<p><i>(i) to provide a planning framework which fully considers land capability.</i></p>	<p>This procedural objective has no bearing on the matter at hand.</p>

(e) is consistent with each State policy;

Assessment of the amendment against the current State policies is provided in the following table.

State Policy	Comment
<i>State Policy on the Protection of Agricultural Land 2000 (PAL)</i>	Not applicable based on the existing Low Density Residential Zone.
<i>State Policy on Water Quality Management 1997 (SPWQM)</i>	The proposed amendment per se would not result in an increase in sediment transport to surface waters. Any future planning permits issued for developments in the subject area will require that appropriate water quality management measures are put in place at the time of works.
<i>State Coastal Policy 1996 (SCP).</i>	The site is within 1000m of the coast and is subject to the policy. As the site is within an urban area the proposal would not conflict with the many and varied policy statements in the SCP.

National Environmental Protection Measures

National Environment Protection Measures (NEPM) are automatically adopted as State Policies under section 12A of the *State Policies and Projects Act 1993* and are administered by the Environment Protection Authority.

The NEPMs relate to:

- ambient air quality
- ambient marine, estuarine and fresh water quality
- the protection of amenity in relation to noise (but only if differences in markets for goods and services)



- general guidelines for the assessment of site contamination
- environmental impacts associated with hazardous wastes
- the re-use and recycling of used materials.

Principle 5 of the NEPMs states that planning authorities *'that consent to developments, or changes in land use, should ensure a site that is being considered for development or a change in land use, and that the authorities ought reasonably know if it has a history of use that is indicative of potential contamination, is suitable for its intended use.*

There are no known issues on the property.

(da) satisfies the relevant criteria in relation to the TPPs;

The Tasmanian Planning Polices have not been implemented.

(a) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;

The following considers the key elements of the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS)

Relevant STRLUS strategies	Comment
<p>Managing Risks and Hazards</p> <p>MRH 2.1: Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas.</p> <p>MRH 2.2: Include provisions in the planning scheme for use and development in flood prone areas based upon best practice in order to</p>	<p>Much of the site is within the flood-prone hazard area overlay, and the more recent Entura flood study. Irrespective of the zone, future development must satisfy the Flood-Prone Areas Hazard Code. The more recent study considers the effect of residential development in the catchment (inclusive of design failings with that development) and the removing of the existing dam wall that is immediately north of the site.</p>

<p>manage residual risk.</p>	<p>Development scenarios for commercial purposes would include filling the site and construction of barriers (similar to the Sorell Plaza site), car parking in flood prone areas, suspended slab construction or some combination thereof.</p> <p>Development scenarios with a residential zone would be limited to the section of the site above the 1% AEP flood level (some 1.4 hectares).</p>
<p>Recreation & Open Space</p> <p>ROS 1 Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and wellbeing, amenity, environmental sustainability and the economy.</p> <p>ROS 1.5 Ensure residential areas, open spaces and other community destinations are well connected with a network of high-quality walking and cycling routes.</p>	<p>The proposal retains the Open Space Zone, consistent with the Sorell Township Urban Master Plan 2015 (STUMP). Public access and shared trails along the Sorell Rivulet has a growing importance with recent subdivision activity. There is much to be gained by a rivulet trail linking key open space at Pioneer Park, St George's Square and Pawleena Road.</p>
<p>Physical Infrastructure</p> <p>PI 1 Maximise the efficiency of existing physical infrastructure.</p> <p>P1 1.1 Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.</p>	<p>The recent Pawleena Road subdivision required significant infrastructure upgrades including increased capacity water reticulation, new sewer pump station and the Cole / Pawleena / Clifton roundabout. The site can utilise this infrastructure.</p>

<p>Land Use and Transport Integration</p> <p>LUTI 1 Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.</p> <p>LUTI 1.1 Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.</p> <p>LUTI 1.2 Allow higher density residential and mixed use developments within 400, and possibly up to 800 metres (subject topographic and heritage constraints) of integrated transit corridors.</p> <p>LUTI 1.9 Ensure car parking requirements in planning schemes and provision of public car parking is consistent with achieving increased usage of public transport.</p> <p>LUTI 1.11 Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.</p>	<p>Council is supportive of reducing the reliance on private vehicle transport within settlements through investment in footpath infrastructure and increasing pedestrian connectivity and amenity (see streetscape upgrade and Inspiring Place plan, draft Car Parking Strategy and STUMP). Park and ride is also key with investments at Sorell and Midway Point.</p> <p>The type of development presented is car dependent through prioritising larger floor area retailing and uses and its location.</p> <p>Notwithstanding this, the site is close to existing transport corridors, park and ride facilities and existing GBZ. Development would not detract from a more pedestrian friendly commercial area centred on Cole and Gordon Street.</p>
<p>Activity Centres</p> <p>AC 1 Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.</p> <p>AC 1.2 Utilise the Central Business, General Business, Local Business Zones to deliver the activity centre network through planning schemes, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.</p> <p>AC 1.3 Discourage out-of-centre development by only providing for in-</p>	<p>AC 1.3 the site is not out-of-centre, rather it is an extension of an existing centre.</p> <p>AC1.8. The proposal can complement the existing General Business Zone through accommodating large floor area retailing which along with the two existing plazas are car dependent land uses. Traditional, more pedestrian centred development will continue within the existing General Business Zone.</p> <p>AC 1.11 The spatial extent of the General Business Zone has been reduced, as has the amount of vacant or under-utilised land</p>

centre development within planning schemes.

AC 1.4 Promote a greater emphasis on the role of activity centres, particularly neighbourhood and local activity centres, in revitalising and strengthening the local community.

AC 1.6 Encourage an appropriate mix of uses in activity centres to create multi-functional activity in those centres.

AC 1.7 Improve the integration of public transport with Activity Centre planning, particularly where it relates to higher order activity centres.

AC 1.8 Ensure that new development and redevelopment in established urban areas reinforce the strengths and individual character of the urban area in which the development occurs.

AC 1.9 Require active street frontage layouts instead of parking lot dominant retailing, with the exception of Specialist Activity Centres if the defined character or purpose requires otherwise.

AC 1.11 Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within planning schemes.

AC 3.1 Actively encourage people to walk, cycle and use public transport to access Activity Centres.

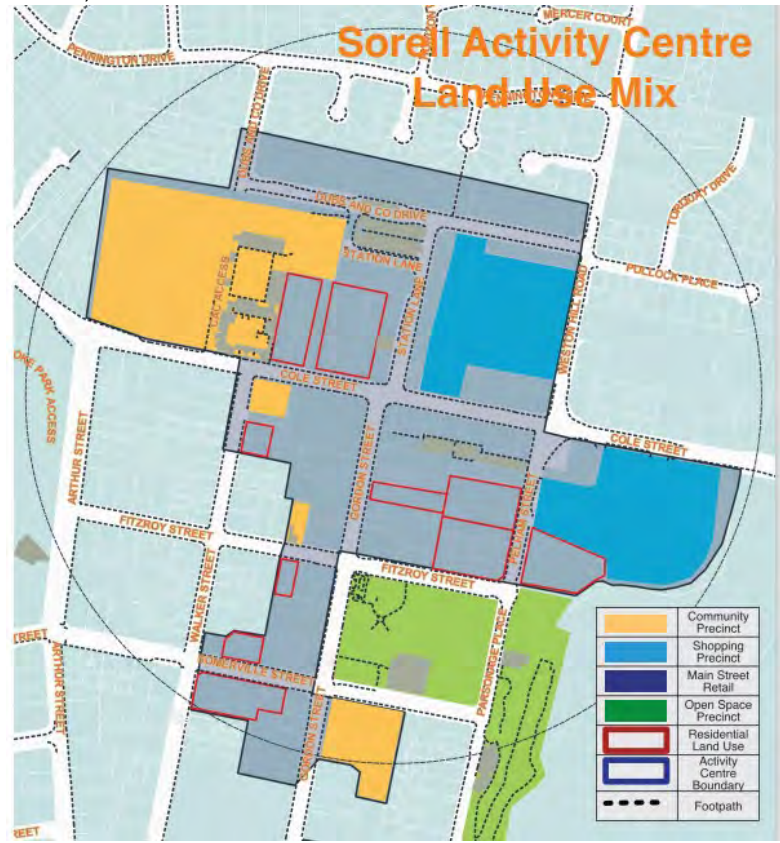
available for retail and other services. A one hectare area of General Business Zone along Dubs and Co Drive was developed for units and subsequently rezoned to residential. The new emergency services hub occupies some 1.3 hectares of General Business Zone. This hub has also further established a community services precinct in the western part of the activity centre inclusive of the Council CAC, memorial hall, health centre (and future area), approved jobs hub and the intended plaza and cultural precinct (see Inspiring Place landscape plan and cultural precinct business case).

The Gateway Plaza is the major commercial facility in the activity centre and has significant redevelopment potential as an aging asset with large ground level car parking. Beyond this, the (now residential) section between the Council CAC and Station Lane has redevelopment potential but first requires either consolidation or secondary road access to open up the narrow lots that now exist (as flagged in the draft Car Parking Strategy).

Other vacant land exists along the poorly designed Dubs and Co Drive lots (which have an increasing number of approvals in place) can only provide smaller scale uses given the small lot pattern. The two larger Dubs and Co Drive lots consist of the new child care centre (4100m²) and the mixed use development at 33 Dubs and Co (5000m²)

Other areas of the General Business Zone have a residential focus that will remain (see draft Car Parking Strategy extract below) with heritage buildings at 5-7 and 10 Pelham and 8-8A Gordon. Other heritage sites are St George's Square, the Gordon Highlander and

the Pembroke, the former Council Chambers with an adjoining heritage dwelling at 28 Gordon Street, 23-25 Gordon Street. Local heritage sites include 9 Gordon Street, 11 Gordon Street, 30 Cole Street, 39 Cole Street.



A reasonable view is that the planning scheme does not provide for a 10-15 year supply of developable land consistent with AC 1.11.

<p>Settlement and Residential Development</p> <p>SRD 1 Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.</p>	<p>The proposal would convert some 1.3 hectares of developable land to non-residential use. Under the LDRZ, this could be 13 lots. Under a GRZ this could be 20 lots.</p>
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(f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates

The current municipal strategic plan is the *Strategic Plan 2019-2029 (March 2023 update)*. The amendment is consistent with the following objectives:

The Strategic Plan has four key objectives with success measures and delivery actions. Those relevant to the proposal are as follows:

- Objective 1: To Facilitate Regional Growth
 - Grow and measure business investment in agriculture, aquaculture, retail, service industry and social service sectors.
 - Support the revision of the Southern Tasmania Regional Land Use Strategy
- Objective 2: Responsible Stewardship and a Sustainable Organization
 - Strategic increase in the supply of commercial and industrial rated land consistent with Sorell Land Supply Strategy.
 - Support sustainable environmental performance through responsible corporate behaviour, appropriate and achievable climate change mitigation and adaptation practices and continuing to meet our statutory obligations.
- Objective 3: To Ensure a Liveable and Inclusive Community
 - Develop and implement a social infrastructure and community growth strategy.
 - Create an integrated network of shared pathways, within and between townships, and to recreational facilities and services.
 - Encourage the use of the public transport system and establishment of suitable park and ride facilities.
 - Support the development of appropriate public access to coastal assets and the natural environment



- Objective 4: Increased Community Confidence in Council
 - Ensure decision making is consistent and based on relevant and complete information, and is in the best interest of sustainability and whole of community interest.
 - Engage effectively with the community and other stakeholders, ensuring communication is timely, involving and consistent.

The proposal is broadly consistent with Council's Strategic Plan, in that the proposal will expand retail and other services in the town and future walking trails along the rivulet.

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;

The Economic Impact Assessment has regard to the effect across the region, including to areas within Clarence City Council, Tasman Council and Glamorgan Spring Bay Council.

(h) has regard to the safety requirements set out in the standards prescribed under the.

Not applicable.

5.2 DEVELOPMENT APPLICATION NO. DA 2023 / 284 – 1

Applicant:	J Stuart-Smith on behalf of University of Tasmania, IMAS
Proposal:	Signage
Site Address:	25 Tiger Head Road, Dodges Ferry (CT 103608/2)
Planning Scheme:	<i>Tasmanian Planning Scheme (Sorell LPS)</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Council land

Relevant Zone:	29.0 Open Space
Proposed Use:	Signage
Applicable Overlay(s):	N/A
Applicable Codes(s):	C1.0 Signs Code
Valid Application Date:	12/10/2023
Decision Due:	22/12/2023
Discretion(s):	1 C1.6.3 Third party sign
Representation(s):	None received

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2023.284.1 for Signage at 25 Tiger Head Road, Dodges Ferry be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 3/10/2023 & 30/10/2023 except as may be amended by the conditions of this permit.
 - a) P1 Signage diagram, size and dimensions; and
 - b) P2 Map identifying the location of signage - adjacent to Tiger Head Boat Ramp.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT*Legal*

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



Asset Protection

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

Other Approvals

- This permit does not imply that any other approval required under any other by-law or legislation has been granted.
- Separate building and plumbing approval may be required prior to the commencement of the development/use.

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 Signage to be placed at 25 Tiger Head Road, Dodges Ferry. This property is zoned Open Space and is located adjacent to the foreshore reserve and Tiger Head boat ramp and parking area.

The key planning consideration relates to the property being owned by the Sorell Council.

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell LPS)* 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	No	Nil
Environmental Health	Yes	Yes	No	Nil
Plumbing	Yes	Yes	No	Nil
NRM	Yes	Yes	No	Nil
TasWater	No	-	-	-
TasNetworks	No	-	-	-
State Growth	No	-	-	-

Report

Description of Proposal

Application is made for the placement of a sign board (Lectern) at an area adjacent to the boat ramp at Tiger Head. The sign is for the purpose of providing the community with awareness and information regarding the red handfish. The sign panel (Lectern) measures 1m wide x .300m deep and approximately 1m in height to the underside of the panel.

The application is supported by:

- Planning application Form
- Request for Landowners consent
- Title
- Indicative map showing location of signage
- Signage dimensions and diagram

Description of Site

The site is an area zoned open space adjacent to the Tiger Head foreshore reserve which currently contains the Tiger Head boat ramp and associated vehicle parking area. The area where the sign will be located contains various other community information signage for the public. The site is popular within the community accessing the area to Tiger Head bay. The location of the signage will provide pedestrians with information and awareness of the red handfish.



Figure 1. Subject site.



Figure 2 – Location of proposed signage

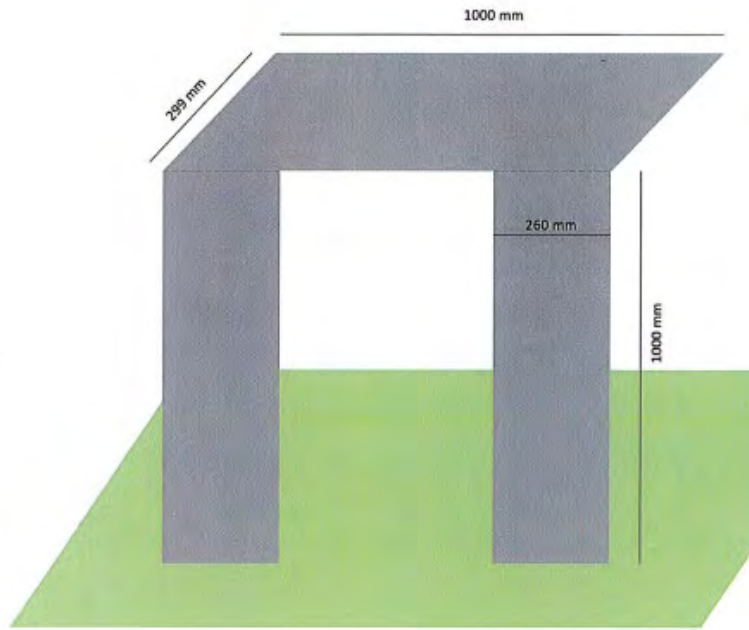


Figure 3 – Diagram of the proposed sign.

Planning Assessment

Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C1.3.2	Sign Type	Yes, community information sign – has no specific size/design requirement.
C1.6.1 A1	Location	Yes, a community information sign is permitted within the open space zone.
C1.6.1 A2	Location	Yes, the sign is not located within 2m of an adjoining zone
C1.6.1 A3	Number	Yes, the number of signs comply
C1.6.2 A1 & A2	Illuminated	Yes, the sign will not be illuminated
C1.6.3 P1	Third Party Sign	No, the sign is not a sign required by Council or the Crown. The sign will be constructed by the applicant.

Performance Criteria Assessment 1 – Clause 1.6.3 P1

A third party sign must be compatible with the natural and built environment of the surrounding area, having regard to:

- (a) the content of the sign;*
- (b) the necessity for the advertisement to be in the location;*
- (c) opportunities for alternative locations or other methods to*

achieve the intended purpose (e.g. eligibility for Tasmanian Visitor Information System (TVIS) signs); and

- (d) the likely impact on the operation and safety of a railway, road, footpath, or navigable water; and*
- (e) any advice from a State authority*

The performance criteria is applicable as the sign contains information and awareness to the community regarding the red handfish. The location is a popular area for both boating public and pedestrians accessing the foreshore reserve. The area is adjacent to the walkway down to the foreshore reserve area and will have no impact with regards to safety to users of the area. The boat ramp area is also adjacent and the signage will have no safety impact to the users of the boat ramp. The area was considered the most appropriate location being adjacent to the waterway and foreshore area where the red handfish may be present within the waterways of Frederick Henry Bay. No advice was required from the State Authority.

Code

Natural Assets Code

The property is subject to Code C7.0 Natural Assets in particular the Waterway & Coastal Protection Areas. There will be no vegetation removal or impact on the Waterway as a result of the signage.

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'.

No representations have been received following the advertising period.

Conclusion

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

Jenny Richmond
Planning Officer

Attachments:
Proposal Plans



Re: 5.2023.284.1 AT 25 TIGER HEAD ROAD, DODGES FERRY FOR - J STUART-SMITH

Under Section 54 of the *Land Use Planning & Approvals Act of 1993 (LUPPA)*, the following additional information is requested to enable a full assessment of the application:

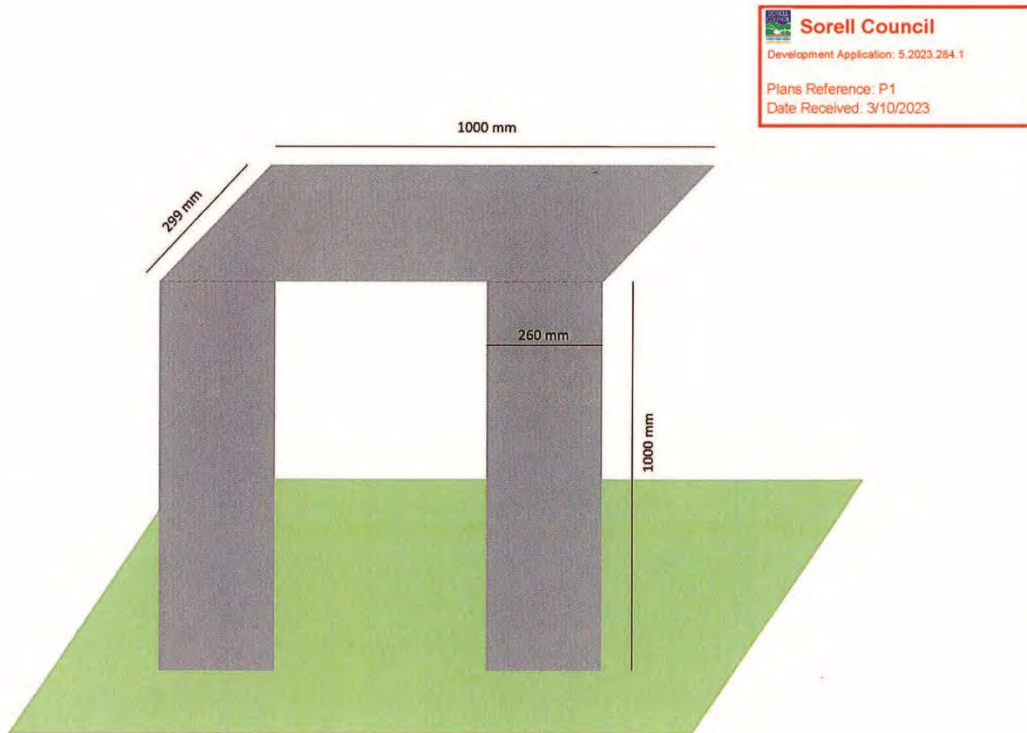
Planning: updated site plan showing the sign in the location below (Figure 1).



Figure 1. 25 Tiger Head Rd, Dodges ferry – yellow box indicates sign location (i.e. on Council land)



Proposed community information sign (red handfish awareness): 1000mm x 300mm sign as per below. Lectern in 3mm corten with an 8mm base plate. Sign panel in high res PVC with UV resistant matt laminate.



5.3 SUBDIVISION APPLICATION NO. SA 2022 / 10 – 1

Applicant:	Ireneinc Planning And Urban Design
Proposal:	199 lot subdivision plus public open space
Site Address:	8 Cole Street, Sorell and adjoining land to the east (CT 181114/1) (previously known as 5 Arthur Highway) with access from Clifton Drive and Cole Street and with works to adjoining Council land
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:	Subdivision creates more than one lot.

Relevant Zone:	General Residential Zone & Open Space Zone														
Proposed Use:	Not relevant														
Applicable Overlay(s):	Bushfire-Prone Areas, Flood-Prone Areas, Airport noise exposure area														
Applicable Codes(s):	Road and Railway Assets Code														
Valid Application Date:	1 November 2023														
Decision Due:	19 December 2023														
Discretion(s):	<table border="1"> <tr> <td>1</td> <td>Clause 8.6.1 P2 Lot Design (frontage)</td> </tr> <tr> <td>2</td> <td>Clause 8.6.1 P4 Lot Design (orientation)</td> </tr> <tr> <td>3</td> <td>Clause 8.6.2 P1 Roads</td> </tr> <tr> <td>4</td> <td>Clause C3.7.1 P1 Subdivision for sensitive use within a road attenuation area</td> </tr> <tr> <td>5</td> <td>C9.6.1 P1 Lot design (attenuation)</td> </tr> <tr> <td>6</td> <td>C12.7.1 P1 Subdivision (flood)</td> </tr> <tr> <td>7</td> <td>Clause C16.7.1 P1 Subdivision (airport noise exposure)</td> </tr> </table>	1	Clause 8.6.1 P2 Lot Design (frontage)	2	Clause 8.6.1 P4 Lot Design (orientation)	3	Clause 8.6.2 P1 Roads	4	Clause C3.7.1 P1 Subdivision for sensitive use within a road attenuation area	5	C9.6.1 P1 Lot design (attenuation)	6	C12.7.1 P1 Subdivision (flood)	7	Clause C16.7.1 P1 Subdivision (airport noise exposure)
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5	C9.6.1 P1 Lot design (attenuation)														
6	C12.7.1 P1 Subdivision (flood)														
7	Clause C16.7.1 P1 Subdivision (airport noise exposure)														
Representation(s):	Nil														

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2022.10.1 for a 199 lot subdivision plus public open space at 8 Cole Street, Sorell and adjoining land to the east (CT 181114/1) (previously known as 5 Arthur Highway) with access from Clifton Drive and Cole Street and with works to adjoining Council land be approved, subject to the following conditions:

General

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. Subject to condition 3, staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by the General Manager.
3. Infrastructure associated with lots 44, 45, 46, 47, 65, 66, 67, 68, 69, 70, 71, 72:
 - a) Shall not commence construction until a detailed design of an overpass across the Sorell Southern Bypass is prepared to the satisfaction of Council's General Manager; and
 - b) Shall be modified to the extent necessary to match into such detailed design including any changes to the alignment or design levels of infrastructure and the number or dimension of lots.

Advice: This condition is imposed in response to referral comments from the Department of State Growth. The General Manager will consult with the Department of State Growth prior to accepting the detailed design required by part (a) of the condition.

Transfers and Easements

4. 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.
5. 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.

Infrastructure Contributions

6. An infrastructure contribution of \$4,522.61 per lot, indexed at the CPI rate for Hobart, is required for the construction of a pedestrian bridge over the Sorell Rivulet.

Unless otherwise agreed to by the General Manager and set out in a Part 5 Agreement, deed or other contract with the developer, the contribution is payable prior to the sealing of the final plan of survey for each stage and shall total the number of lots in each stage multiplied by \$4,522.61 plus CPI indexation from the date of approval to the date of each payment.

Advice: The final project scope and timing is at the discretion of Council.

Flood-prone areas

7. Prior to sealing the final plan of survey for stage 2, 3, 5, 6 or 7, or as otherwise approved in writing, an ex-post flood hazard report is required. Among other matters, this flood hazard report must identify any residual flood risk after the installation of the minor and major stormwater systems within the subdivision site and any material changes to the catchment since the permit was granted. Where necessary, this flood hazard report must identify:
 - a) minimum floor levels for dwellings (if required);
 - b) flood hazard rating;
 - c) risk mitigation measures for future stages of the subdivision (if required); and
 - d) lot specific risk mitigation measures such as for bulk earthworks, driveways, construction material or building design (if required).

Noise Management

8. Prior to the issue of titles for stage 8, the noise barrier identified in the *Arthur Highway Subdivision – Traffic Noise Assessment* by NVC Noise Vibration Consulting dated 9 September 2022 must be constructed.
9. Prior to the issue of titles for stage 1, 4, 5 or 11, the noise barrier identified in the *Arthur Highway Subdivision – Noise Assessment* by NVC Noise Vibration Consulting dated 12 July 2022 must be constructed.
10. Prior to constructing the noise barrier required by condition 8 and condition 9, a detailed construction plan must be submitted to and approved by the Council's General Manager demonstrating that the barrier will:
 - a) achieve the required mitigation;
 - b) is of a reasonable standard and appearance; and
 - c) incorporates anti graffiti design measure;

additionally, any necessary maintenance measures must be specified.
11. A covenant within the schedule of easements and/or Part 5 agreement must:
 - a) bring to the attention of future owners any lots subject to the airport noise exposure area overlay at the time the final plan of survey is lodged the effect of the overlay and the application requirements for future sensitive use;
 - b) bring to the attention of future owners on lots 4 to 8, 21 to 29 and 31 the existence of a transport and logistics facility at 4 Clifton Drive, Sorell;

- c) require any dwelling on lots 4 to 8, 21 to 29 and 31 with bedrooms facing 4 Clifton Drive, Sorell to have acoustic double glazing in all windows and glazed external doors;
- d) require any two storey dwelling on lots 4 to 8, 21 to 29 and 31 to submit an independent noise assessment prepared by a suitably qualified and experienced specialist in accordance with any relevant Australian Standard demonstrating that the siting, design or construction of that dwelling includes appropriate noise attenuation measures to avoid future residents being exposed to environmental nuisance or environmental harm from the operations of the transport and logistics facility at 4 Clifton Drive, Sorell.

Public open space

- 12. Lot 401 must form part of stage 1, stage 2 or stage 3.
- 13. Lot 402 must form part of Stage 8.
- 14. A landscape plan for the proposed road reserves and public open space areas within the subdivision must be submitted to and approved by Council's General Manager. The plans must be developed in association with the engineering plans to ensure suitable locations and planting types. Where appropriate, the plan must include construction details for footways and other public links within both road reserves and public open space areas.
- 15. Prior to sealing the final plan or survey for the relevant stage, at least the following work within lot 401 and 402 must be completed:
 - a) shared paths as required by this permit;
 - b) weed management as required by this permit;
 - c) restoration of existing pasture that is not otherwise disturbed by subdivision works to achieve a smooth and even grassed surface;
 - d) establishment of a smooth grass surface over all areas disturbed by subdivision works (unless finished in a hard surface);
 - e) unless retained, all batters are to be a maximum of 1 in 5;
 - f) all plantings of grass, shrubs or trees.
- 16. Landscaping, excluding hard form infrastructure, is to be completed and maintained for a period of 3 years. Alternatively, a bond of 1.5 times the estimated cost of landscape works must be submitted with the landscape plan and/or prior to sealing the final plan of survey for any stage involving the transfer of public open space lots to Council. The bond will be held as security to ensure both development and maintenance of the landscape work for a period of 3 years is undertaken in accordance with the approved plan. The bond is to be a cash deposit or a bank guarantee.

17. Play equipment (if any), seating, lighting, fencing or other infrastructure to be installed in the public open space lots must be detailed in the engineering design drawings inclusive of specifications.
18. The design and installation of any play equipment must be independently certified as compliant with all appropriate Australian Standard's and to the satisfaction of Council's General Manager.

Shared / Multi-Purpose Trail Plan

19. The '2.50m wide multi user path' shown on drawing 19275/P1 Revision H by Hutchins Spurr Pty Ltd dated Aug' 22 must:
 - a) be constructed in concrete to a width no less than 2.5 metres;
 - b) connect Cole Street (ex Arthur Highway) from the Cole Street bridge through to both the future flyover over the Sorell Southern Bypass and to the existing public walkway at a point south of the proposed elevated sewer line;
 - c) have a minimum clearance of 2.4m above finish ground level at all points; and
 - d) for public open space lot 401. be constructed prior to the sealing of titles for Stage 3.

Weed Management & Natural Values

20. Prior to any ground disturbance, a silt fence must be installed along the perimeter of all downslope lot boundaries and must be retained until all ground cover is re-established.
21. Prior to commencement of works, a weed management plan must be prepared to the satisfaction of Council's Manager Planning to eradicate or control all weeds within the property. For at least the following species, eradication is required:
 - a) Cracked willow (*Salix x fragilis nothovar. Fragilis*)
 - b) Boneseed (*Chrysanthemoides monilifera subsp. Monilifera*);
 - c) Gorse (*Ulex europaeus*);
 - d) Canary Broom (*Genista monspessulana*);
 - e) Hairy Fiddleneck (*Amsinckia calycina*);
 - f) White Horehound (*Marrubium vulgare*);
 - g) African boxthorn (*Lycium ferocissimum*);
 - h) Fennel (*Foeniculum vulgare*)
22. Prior to sealing the final plan of survey for a stage that includes public open space, all weeds must be eradicated or under effective control.

23. Prior to works commencing, a Weed Hygiene Plan identifying methods to prevent the possible spread of weeds and soil based pathogens to and from your property during construction must be submitted. At a minimum, the plan must provide for:
- a) the retention of any topsoil on the property,
 - b) detail the source of any fill, rock or other material to be imported to the property, and
 - c) the clean-down of all machinery before entering or exiting the property.

The plan must be implemented prior to any works occurring on the land and be maintained throughout the construction period.

24. Suitable barriers must be erected during the construction of the development to ensure native vegetation that must be retained is not damaged during construction works.
25. Each lot must be connected to stormwater quality treatment consistent with '5 Arthur Highway Stormwater Treatment Report V1 by A Wilson dated 20 July 2023'.
26. Prior to sealing the final plan of survey for stage 1, the developer must prepare educational material to be provided to purchasers and occupiers of residential lots to ensure awareness of the natural values and risks to the Sorell Rivulet and RAMSAR site including:
- a) from domestic animals and non-native garden plants by providing information on riparian and coastal weed species to avoid planting;
 - b) responsible cat ownership and use cat containment structures consistent with the *Cat Management Regulation 2022*;
 - c) calendar and maps to identify migratory and resident shorebirds feeding, roosting, nesting and breeding periods; and
 - d) maps of areas where dogs are permitted in the local area.

Covenant

27. A restrictive covenant must be placed on the title for each newly created residential lot with a frontage to the Arthur Highway 'Highway Corridor' stating "Vehicular access to the Arthur Highway 'Highway Corridor' is NOT permitted".

Asset Protection

28. In accordance with the *Local Highway Bylaw 2 of 2015*, the owner is required to repair any damage to any Council infrastructure caused during construction.

Design and Construction

29. 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) Sorell Council Stormwater in New Development Policy; and
- e) Any relevant Council policy.

Advice:

- i. *The Tasmanian Subdivision Guidelines, Specification and Drawings are available at www.lgat.tas.gov.au.*
- ii. *Justifiable variations from the Tasmanian Subdivision Guidelines, Specifications or Drawings may be approved where 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.*

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

- a) Engineering design drawing assessment fee; and
- 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: Council fees are set each financial year and can be found in the Sorell Council Fees and Charges schedule, available from Council. An official Tax Invoice and Council Letter is typically provided to the developer or the appropriate representative with a written request for payment for fees for the minimum number of inspections required together with the fees for consideration of detailed engineering design drawings.

31. For each inspection required and carried out, the developer (i.e., principal) or the appropriate representative (i.e., superintendent, superintendent representative, consultant, or contractor – including head contractor or relevant sub-contractor) shall pay the prescribed fee as set annually by Council. This inspection fee shall be indexed at the CPI rate for Hobart until

paid. Where works fail to meet Council requirements or a further inspection is required, additional fees will be charged at the prescribed inspection rate.

32. Prior to Council granting stamped endorsement for detailed engineering design drawings (for construction) for any stage of this subdivision, a Scheduled Civil Works Cost Estimate is required to be submitted to Council for calculation of the '1% construction estimate' (to be based on either the total contract value or contract price) for the design and construction of public infrastructure including stormwater, roads and lighting for each stage.
33. Works must not commence on site prior to the approval of engineering design drawings by the General Manager.
34. A Construction Management Plan (CMP) must be provided including, but not limited to, the following:
 - a) Traffic Management Plan in accordance with AS 1742;
 - b) Soil and Stormwater Management Plan; and
 - c) Dust Suppression Plan

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

35. 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.

Works Required

36. Prior to sealing the final plan, the following works must be completed for each stage in accordance with the endorsed engineering design drawings:
 - a) Lot connections for each lot:
 - I. connection to reticulated stormwater located at the lowest point of each lot and capable of draining the entire lot;
 - II. connection to the electricity network;
 - III. connection to the telecommunication network (if available).
 - b) Vehicle access for each lot:
 - i. 40mm thick DG10 asphalt vehicle crossover to the front boundary or a minimum length of 6m with minimum width of 3.6m or 4.0 where bushfire-prone;
 - ii. Each access is located to minimise potential conflicts with other vehicles;
 - iii. Concrete vehicle crossover to front boundary; and
 - iv. Concrete vehicle driveway over the access strip for all shared accesses and / or rights of way.

- c) Road construction:
- I. fully paved, sealed and drained road carriageway with roundabout at intersection of Road 1, 2 and 4 and any modifications required to Cole Street / Arthur Highway to match Road 1 into the existing;
 - II. concrete kerb and channel both sides;
 - III. concrete footpaths with kerb ramps;
 - IV. shared paths in accordance with condition 19;
 - V. underground electrical and telecommunications reticulated infrastructure;
 - VI. street lighting with LED lamps;
 - VII. street trees including shade trees and irrigation if necessary; and
 - VIII. street sign and standard to each intersection.
- d) Stormwater network:
- I. unimpeded major stormwater network for a 1% AEP event;
 - II. minor stormwater network for a 5% AEP event via underground reticulation;
 - III. quality and quantity treatment consistent with '5 Arthur Highway Stormwater Treatment Report V1 by A Wilson dated 20 July 2023';
 - IV. extension of stormwater main for lot 30 and 31 to provide a connection to the south-east corner of 4 Clifton Drive, Sorell and the provision of a lot connection for 4 Clifton Drive, Sorell at lot 22;
 - V. surface and/or subsurface measures to control runoff from 4 Clifton Drive, Sorell to be installed prior to any noise barrier or noise attenuating fence; and
 - VI. all design parameters must be in accordance with the *Stormwater in New Development Policy* and *Tasmanian Standard Drawing Guidelines*.
- e) Public open space:
- I. land shaped to be fit for purpose in accordance with condition 15;
 - II. landscaping in accordance with condition 14; and
 - III. electrical and water lot connections fit for purpose.
- f) Shared path
- I. the '2.50m wide multi user path' shown on drawing 19275/P1 Revision H by Hutchins Spurr Pty Ltd dated Aug' 22, as modified by conditions of this permit, including long sections and cross fall.

- g) Rehabilitation
 - i. provision of top soil and grass or vegetation on all disturbed surfaces along with weed management measures.
 - h) Waste collection
 - i. each lot without footpath on their frontage must be provided with a minimum 1.5m x 3m concrete area constructed in accordance with the footpath specification adjacent the driveway and kerb to store bins on collection days.
37. 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.
38. Designs for a signage and line marking plan in the road reservation must be included within the Council stamped detailed engineering design drawings, and must feature directional, informative, regulatory or warning signposting, pavement marking, line marking, and traffic control devices where required (or other Council specified).
- Advice: As a guide, please refer to the Australian Standard AS 1742.2: Traffic Control Devices for General Use – Part 2: Traffic Control Devices for Urban Roads.*
39. Upon construction of a temporary turning head at the termination of a new roadway, a D4 type hazard sign (or other Council specified) must be installed at the end of the new road by the developer (i.e., principal) or the appropriate representative (i.e., superintendent, superintendent representative, consultant, or contractor – including head contractor or relevant sub-contractor), at no cost or expense to Council.

Footpath & Ways Construction

40. Footpaths must be constructed with a minimum 100mm deep reinforced concrete and in accordance with the *Tasmanian Standard Drawing - Specifications*.
41. Where mountable kerb and channel is used (Type KCM), the footpath must have a minimum depth of 150mm with F82 mesh.

Internal lots

42. Where an internal lot is connected to reticulated sewer, water, stormwater, NBN and/or electricity supplies, the subdivider must extend the service from the connection point and through the access strip to the lot proper.

Telecommunications & Power

43. Prior to sealing the final plan of survey, the developer must submit to Council either:
- a) a completed exemption from the installation of fibre ready pit and pipe notice, or
 - b) a “Provisioning of Telecommunications Infrastructure – Confirmation of final payment”, or
 - c) “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>

44. Prior to sealing the final plan of survey, the developer must submit written advice from TasNetworks confirming that either:
- a) all conditions of the Agreement between the Owner and authority have been complied with; or
 - b) 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.

Inspection and Certification

45. 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.
46. Mandatory audit inspections are required in accordance with the *Tasmanian Subdivision Guidelines*. The developer must provide a minimum 48 hours notice.
47. Works must be completed to a standard that is to the satisfaction of the Council General Manager.
48. 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.

49. 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.
50. 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.
51. 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.
52. 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.
53. 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 scale and dimensioned;
 - f) include top, inlet and outlet invest levels;
 - g) include compaction and soil test results; and
 - h) include 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.

State Road Indemnity (Cole St / Arthur Highway)

54. Unless Cole Street (Arthur Highway) is transferred to Council prior to the commencement of stage 1 works, the developer must obtain the consent of the Minister administering the Roads and Jetties Act 1935 in accordance with Section 84 (1) (c) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*. This must include an indemnity for the Crown against

any claim which may arise from an increase in the water flowing away from or under the State Road, or its rate of flow, by reason of the works approved by this permit.

Advice: Please contact Transport Services within the Department of State Growth.

TasWater

55. The development must comply with all requirements of the TasWater SPAN 2022/00642-SOR dated 31 October 2022.

Environmental Health

56. Unless otherwise approved in writing by the General Manager, environmentally hazardous material held on a construction site, including chemicals, fuels and oils, must be located within impervious bunded areas or spill trays which are designed and maintained to contain at least 110% of the total volume of material.
57. Spill kits appropriate for the types and volumes of materials handled on the construction site must be kept in appropriate locations to assist with the containment of spilt environmentally hazardous materials.
58. Any construction lighting used must be designed and located to minimise light spillage and not create a nuisance to neighbouring residential properties.
59. Any vegetation removed as part of the construction works, must not be burnt on-site.
60. Construction activities must be managed using such measures as are necessary to prevent dust emissions causing environmental nuisance. Such measures may include but are not limited to:
- a) using a dust suppression method such as watering dust generating surfaces; and
 - b) ceasing construction activities in windy weather when dust may be blown in the direction of residences.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

General

- Cranes and other construction equipment may require approval under the *Airports (Protection of Airspace) Regulations*. Please contact Hobart International Airport for further advice.

- 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.

Land Titles Office

- 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.

Street Naming

- 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>

Legislation

- 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 a 199 lot subdivision plus public open space at 8 Cole Street, Sorell and adjoining land to the east (CT 181114/1) (previously known as 5 Arthur Highway) with access from Clifton Drive and Cole Street and with works to adjoining Council land. This property is zoned General Residential and situated between the Sorell Rivulet and the Sorell Southern Bypass.

The key planning considerations relate to the design of roads, infrastructure and pedestrian connectivity.

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 / stormwater / footpath assets to be transferred to Council. Design and construction standards for these assets are considered in this report.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposed subdivision is assessed in accordance with the Public Open Space Policy.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	Environmental considerations are assessed against the relevant planning scheme provisions.



Legislation

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

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

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

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

Referrals

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



NRM	Yes	Yes	Yes	Nil
Land Improvements	Yes	No		
TasWater	Yes	Yes	Yes	Nil
TasNetworks	Yes	Yes	No	TasNetworks is able to confirm that we have existing distribution assets traversing both land titles. It is recommended that the developer contact TasNetworks Subdivision Team subdivisionsteam@tasnetworks.com.au to discuss their requirements for this development.
Hobart International Airport	Yes	Yes	No	Yes – see code assessment
State Growth	Yes	Yes	Yes	Nil

Report

Description of Proposal

Lot design

- 5 Arthur Highway, Sorell V4 report by Irenelnc planning dated August 2023
- Plan of subdivision by Rogerson and Birch dated 2 October 2023

The subdivision provides 199 residential lots, four public open space lots and road lots. Access is via the now constructed Cole / Pawleena / Clifton roundabout. The road network provides a north-east collector road from this roundabout to a future bridge connection over the Sorell Rivulet at Parsonage Place. A collector road is also provided east-west to a future flyover across the Sorell Bypass located on the deepest bypass cutting. All other roads are local streets with through road construction. All lot accesses are proposed off the new subdivisional roads, including the lots adjacent to Cole Street.

Public open space totals 2.09 hectares (10.4 % of the total site area) or foreshore reserve along the Sorell Rivulet.

Several easements are proposed for water or stormwater infrastructure.

Lots 3, 50, 67 and 199 are nominated as multiple dwelling lots. 38 other lots are larger than 650m² and therefore capable of accommodating multiple dwelling development given the site area per dwelling acceptable solution of one per 325m².



Despite nominating multiple dwelling lots, the developer does not wish to restrict multiple dwellings to only those lots.

Only three lots are internal lots in design.

The existing dwelling on the site is contained within lot 2. Two outbuildings on lots 3 and 6 will require demolition.

Note the plan of subdivision includes red and purple 10m x 15m areas on each lot with a corresponding legend that references planning scheme clauses. These clauses apply in the former interim planning scheme (which was in effect when the plan was prepared) and are not relevant to this assessment.

Staging

- Staging plan by Rogerson and Birch dated 2 October 2023

Eleven stages are proposed. Stage 1 and 2 are the necessary road link from the Cole / Pawleena / Clifton roundabout as well as the public open space area north of Parsonage Place. Stage 3, 4 and 5 are in the north-east corner. Stage 6 adjoins the foreshore open space. Stages 7, 8, 9 and 10 complete the south-east section with additional public open space provided at stage 8. The final stage consists of three lots adjoining 4 and 18 Clifton Drive.

Advice provided by the Department of State Growth (DSG) requests:

- a deferral of lots near the flyover on the basis that higher clearance than that designed is required and lots should not be developed until the flyover design is resolved; and
- the establishment of noise attenuation fencing in a single stage.

Landscape Concept Design

- Landscape Concept Plan by Lesley Gulson V1 dated 24 November 2022 and V2 dated 31 January 2023

The landscape concept design includes:

- tree planting to Cole Street (ex Arthur Highway) frontage, Robinia or similar
- plantings in divided carriageway near the roundabout
- tree plantings in road reservations
- plantings to public open space
- trails within public open space connecting to existing tracks
- one pocket-park / small playground
- seating
- retained rough cut grassland to most public open space
- vegetation clearing adjacent to the Coles complex to create a grassy area

- multi-purpose / shared trail connecting the bypass flyover to the public open space and running north-south within the public open space consisting of 2.5m wide concrete path.

The landscape design precedes the stormwater design solution. The landscape design, including the location of paths and plantings, will need to be modified to tie into the final stormwater design. The stormwater design also reduces the usable area but does not impede the proposed level of connectivity for pedestrians and cyclists.

Sewer

The sewer design provides a gravity discharge to existing infrastructure located at the corner in Parsonage Place outside 29 Parsonage Place. The gravity solution has been requested by TasWater in order to avoid a new pump station for the subdivision.

The gravity solution requires an elevated 68.3m long pipeline above Kidbrook Road, the Sorell Rivulet and existing paths with four supports. A 2.79m clearance over Kidbrook Road is achieved and a 2.13m clearance over the existing pathway is achieved. A condition on any permit granted should require a minimum 2.4m clearance over any pathway to be achieved through lowering the finished level of the path.

The gravity solution also requires fill up to a depth of 0.6m in a section of the site generally opposite the rivulet weir for a distance of some 110m.

Stormwater Management

- 5 Arthur Highway Stormwater Treatment Report V1 by A Wilson dated 20 July 2023.

The stormwater system consists of the standard series of pipes discharging to two stormwater detention ponds via gross pollutant traps (GPT) which in turn discharge via swales to a single outlet into the Sorell Rivulet.

The initial proposal involved a proprietary treatment system. A higher standard of treatment has been sought given the proximity to the RAMSAR wetland consistent with Council's Stormwater in New Developments Policy and the former interim scheme which was in effect when the application was lodged.

The ponds are designed with a 50m² surface area, 1.2m depth and batters of 1 in 5 above the water level and 1 in 8 to 1 in 3 below maximum water level. This design will not require exclusion fencing.

The swales have a 3m wide base, 0.5m depth with 1 in 5 batters for a total surface area of 8m.



The ponds and swales capture pollutants in plant growth (in this case principally simple lawn grasses). This plant growth must be cut and removed from site (if mown without a catcher or left to die the nutrients will return to the waterway). The solution proposed will require investment in a zero-turn mower with catcher.

The stormwater treatment system will achieve a level of pollutant reduction above that set in the Tasmanian Stormwater Strategy.

One of the ponds and sections of the swale are within the 1% AEP flood extent. The pond wall could be high enough to separate the pond from the flood extent although if not this will not impede the effectiveness of the design solution. The water sensitive urban design (WSUD) approach adopted works by capturing high percentages of pollutants from everyday and smaller rain events within the soils and plants. In a 1% AEP event, pollutants from the site (and elsewhere in the catchment) will enter the receiving waters while pollutants from smaller events will be retained. The pollutant load reductions used in design criteria are assessed on an average annual reduction basis.

Additional design details that should be required by conditions on any permit granted include:

- Specifying the outlet to Sorell Rivulet inclusive of suitable headwall and integration with shared foreshore trail; and
- Specify the GPT product to be installed.

Noise Attenuation

- Arthur Highway Subdivision – Noise Assessment by NVC Noise Vibration Consulting dated 12 July 2022

This report recommends that the boundary adjoining the Quinns Transport and Spreading business be treated with a:

- 1.8m high noise barrier installed along the entire western boundary of and the western portion of the southern boundary; and
- 2.4m high barrier adjacent to the exposed portion of the truck yard.



Figure 1. Extract of report showing location of noise barrier wall.

- Arthur Highway Subdivision – Traffic Noise Assessment by NVC Noise Vibration Consulting dated 9 September 2022

This report requires a noise barrier along the bypass boundary (excluding between lot 33 and lot 65) that is a minimum of 1.8m high, has no gaps at ground level and is constructed either of 20mm thick ship-lapped timber, 12mm cement sheet or other commercial product. This barrier is necessary to mitigate traffic noise levels to the required standard.

A condition of any permit granted will require the submission of a detailed construction plan of the noise barrier demonstrating that the barrier will achieve the required mitigation and is also of a reasonable standard and appearance along with any necessary maintenance measures.

Natural Values

- Ecological assessment of 5 Arthur Highway (PID 5935200; CT 16027/1) and Lot 1 Arthur Highway (PID 5935219; CT 8740/1), Sorell, Tasmanian by ECOtas dated 22 October 2019 and letter dated 20 March 2023.

The assessment did not identify any threatened flora and fauna onsite and classifies the site as a mixture of urban land, weed infestation and agricultural land under TASVEG. The field survey predates the bypass construction and the subdivision design. Various weed species were identified along fence lines and in particular

along the rivulet. Weed species include 12 crack willow individuals, numerous instances of African boxthorn and boneseed.

The letter of 20 March 2023 clarifies that the proposal will not constitute a 'significant impact' to any Matter of National Environmental Significance (i.e., the RAMSAR wetland) through adverse water quality impact. Notably, this view is based on an earlier stormwater design with a lesser standard of water treatment compared to that which is formally part of the application.

Bushfire Hazard Management

- Bushfire Hazard Management Report by Jacqui Blowfield (Ireneinc) dated 14 July 2022.

The bushfire hazard management report confirms that most lots are BAL Low. Along the rivulet and highway boundaries the majority of each lot can meet a BAL 12.5 rating with areas closer to the boundary meeting BAL 19 rating. The boundary setback for BAL 19 is 10m from the bypass boundary and 13m from the rivulet boundary.

The report requires that some of the future public open space to be managed as a hazard management area. The principal obligation will be to keep grass (outside the stormwater treatment system) to no higher than 100mm. The proposed landscaping design will be acceptable within the hazard management area.

There appears to be some opportunity to further review the hazard management areas in response to the stormwater management system, shared paths and boundaries of the public open space lots in order to increase the developable area of each lot with no increased risk.

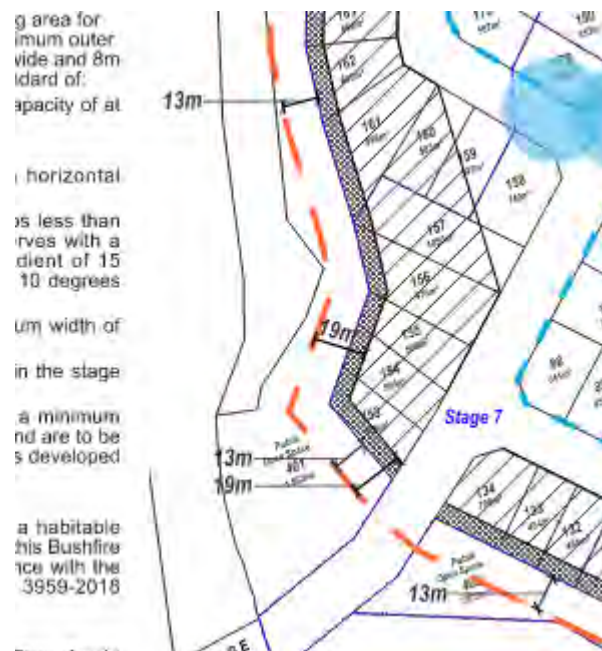


Figure 2. Extract of bushfire hazard management plan where the hazard management area (orange) could be aligned to lot boundaries to reduce limitations on new lots.

Traffic Management

- Traffic impact assessment by Milan Prodanovic Traffic Engineering and Road Safety dated February 2023

Key considerations of the TIA, several of which are beyond the scope of this assessment, are:

- traffic generation at full development is expected to be 1,520 vehicles per day
- support for the road network configuration outlined in the Sorell Strategic Transport Network Assessment, namely the Cole/Pawleena/Clifton roundabout and future connectivity across the bypass and Sorell Rivulet at Parsonage Street
- additional work is required on the Sorell Strategic Transport Network Assessment to consider timing and sequence and to review traffic generation erroneously predicted in the Sorell Southern Bypass planning application
- concern that the lack of any additional direct traffic connection to the bypass will funnel additional traffic from the south-east growth corridor through the subject site
- the flyover should be replaced with a direct intersection noting that 'opposing the intersection would be a very blinkered approach to ensuring a well-planned, connective and cost effective network for Sorell for decades to come'
- direct Cole Street (ex Arthur Highway) access for lots 1, 2 and 3 is not supported by DSG and DSG retains ownership at this time
- internal collector roads should be 8.9m wide (between kerb faces) and streets should be 7.2m wide (between kerb faces) which are narrower than LGAT standards based on the authors experience and view that LGAT standards are far too wide for local access street functions; and
- a roundabout should be installed at the one four-leg intersection within the subdivision.

Engineering Design

- preliminary engineering designs by Hutchings Spurr Pty Ltd 19275/P1 Rev H, 12975/P2 Rev E, 12975/P3 Rev D, 12975/P4 Rev B, 12975/P5 Rev B, 12975/P6 Rev C, 12975/P7 Rev C, 12975/P8 to 12975/P26 (inclusive) Rev B, 12975/P27 Rev C, 12975/P28 Rev B, 12975/P36 Rev B, 12975/P37 Rev C, 12975/P38 Rev C, 12975/P39 Rev E, 12975/P40 to 12975/P45 (inclusive) Rev D and 12975/P46 Rev A

Key considerations of the engineering drawings:

- 2.5m wide multi user path from the Cole Street bridge within the public open space and through to the future bypass flyover and within the public



open space through to the future Parsonage Place bridge (noted in concrete)

- Footpaths to both sides of each road
- Future pedestrian link to Fitzroy Street
- Future pedestrian connectivity to 18 Clifton Drive via shared lot accesses for lots 32, 33 and 34
- Parsonage Place bridge is noted as Stage 7 but is not included in the application – the span is 60m.

Description of Site

The site is a large parcel of two lots that sits between the Sorell Rivulet and Sorell Southern Bypass. The land was rezoned to General Residential in 2021.

Other than vegetation along sections of the rivulet boundary, the site is cleared. There is one dwelling and two outbuildings on the property. The topography has a gentle undulation rising from 10m AHD along the rivulet to 25m AHD in the north-east section.

The property has a shared boundary with only three other private parcels. 2 Clifton Drive is a standard residential lot. 18 Clifton Drive is a large underutilised parcel with a single dwelling only. 4 Clifton Drive is a large parcel with a transport business. These three parcels were including in the General Residential Zone upon the commencement of the Tasmanian Planning Scheme- Sorell. Prior to this they were future urban.



Figure 3. Subject site.

Planning Assessment

General Residential Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
8.6.1 A1	Lot design (size)	Yes, as each lot is greater than 450m ² in size and can contain a 10m x 15m area with a gradient that is not more than 1 in 5 and with compliant setbacks from boundaries and easements
8.6.1 A2	Lot design (frontage)	No, as lots 1, 2, 21, 29, 50, 66, 67, 103, 104, 112, 113, 124, 125, 164, 170, 171 and 190 have a frontage of less than 12m. Refer to performance criteria assessment 1
8.6.1 A3	Lot design (access)	Yes, as each lot is provided with access that is to the satisfaction of the road authority
8.6.1 A4	Lot design (orientation)	No, as lots 4-22, 29-55, 59, 60-62, 67-77, 79-89, 94-103, 112-124, 137-143, 148-152, 155-159, 164-187 and 192-199 do not have a long axis oriented between 30 degrees west or east of true north. Refer to performance criteria assessment 2
8.6.2 A1	Roads	There is no acceptable solution for any new road. Refer to performance criteria assessment 3
8.6.4 A1	Services (water)	Yes, as a reticulated connection is provided to each lot
8.6.4 A2	Services (sewer)	Yes, as a reticulated connection is provided to each lot
8.6.4 A3	Services (stormwater)	Yes, as a reticulated connection is provided to each lot

Performance Criteria Assessment 1 – clause 8.6.1 P2 Lot Design (frontage)

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

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

The proposed frontage for each of the affected lots is considered sufficient for residential use.



Performance Criteria Assessment 2 – clause 8.6.1 P4 Lot Design (orientation)

Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:

- (a) the size, shape and orientation of the lots;*
- (b) the topography of the site;*
- (c) the extent of overshadowing from adjoining properties;*
- (d) any development on the site;*
- (e) the location of roads and access to lots; and*
- (f) the existing pattern of subdivision in the area*

A north-south aligned lot requires an east-west aligned road which is limited by the shape of the existing site.

Each lot has sufficient size and dimension and are regular in shape such that they all enable the option for passive solar building designs or for habitable rooms to orient to north. There are no topographical or other constraints that would restrict or limit design choice.

Performance Criteria Assessment 3 – clause 8.6.2 P1 Roads

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

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

The arrangement and construction of roads is consistent with the Sorell Strategic Transport Network Assessment which is adopted as a road network plan. The road design provides future connectivity over the Sorell Rivulet (road and

pedestrian/cycling) and Sorell Southern Bypass and enables shared trails running north-south and east-west. Given the constraints imposed by DSG on connectivity to the bypass, the proposed arrangements maximise pedestrian and cycling connectivity across the urban area which is important given the proximity to the existing commercial area and future residential and educational uses in Sorell East.

Open Space Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
29.5.1 A1	Lot design (purpose)	Yes, as each lot in the Open Space Zone is to be become public open space
29.5.1 A2	Lot design (frontage)	Yes, as each lot in the Open Space Zone has a frontage of at least 15m

Codes

Road and Railway Assets Code

The Code applies as the Sorell Southern Bypass is considered to be a category 2 road under the State Road Hierarchy

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.7.1 A1	Subdivision (sensitive use)	No, as some lots are within 50m of the bypass road. Refer to performance criteria assessment 4.

Performance Criteria Assessment 4 – clause C3.7.1 P1 Subdivision for sensitive use within a road attenuation area

A lot, or a lot proposed in a plan of subdivision, intended for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise the effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to:

- (a) *the topography of the site;*
- (b) *any buffers created by natural or other features;*
- (c) *the location of existing or proposed buildings on the site;*
- (d) *the frequency of use of the rail network;*
- (e) *the speed limit and traffic volume of the road;*
- (f) *any noise, vibration, light and air emissions from the rail network or road;*
- (g) *the nature of the road;*
- (h) *the nature of the intended uses;*
- (i) *the layout of the subdivision;*
- (j) *the need for the subdivision;*

- (k) any traffic impact assessment;
- (l) any mitigating measures proposed;
- (m) any recommendations from a suitably qualified person for mitigation of noise; and
- (n) any advice received from the rail or road authority.

Having regard to the advice provided in the noise assessment and received from DSG, the performance criteria is satisfied.

Natural Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C7.7.1 A1	Subdivision (waterway)	Yes, as each lot that is within the waterway and coastal protection area is to become public open space
C7.7.2	Subdivision (priority vegetation)	Yes, as each lot that is within the priority vegetation area is to become public open space

Attenuation Code

The Code applies to subdivision within an attenuation area. The planning scheme maps do not include an overlay for attenuation, however, an attenuation area is also defined by being within a set distance of certain land use activities. In this case, approximately two-thirds of the site is within 1000m of the Inghams abattoir and the Code applies.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C9.6.1 A1	Lot design	No, as lots for a sensitive use are located within an attenuation area. Refer to performance criteria assessment 5.

Performance Criteria Assessment 5 – C9.6.1 P1 Lot design (attenuation)

Each lot, or a lot proposed in a plan of subdivision, within an attenuation area must not result in the potential for a sensitive use to be impacted by emissions, having regard to:

- (a) *the nature of the activity with the potential to cause emissions, including:*
 - (i) *operational characteristics of the activity;*
 - (ii) *scale and intensity of the activity; and*
 - (iii) *degree of emissions from the activity; and*
- (b) *the intended use of the lot.*

There is no recent history of odour or other complaints stemming from the Ingham's facility. It is considered unlikely that future sensitive use would be impacted by emissions from this facility.

Flood-Prone Areas Hazard Code

The flood-prone areas overlay applies to small areas of lots 164-167, 170 and 193-198. The affected areas are all within sewer easements and cannot be built upon.

The flood prone area also applies to various depressions running from east to west through the site.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C12.7.1 A1	Subdivision	No, as some lots are within a flood-prone hazard area. Refer to performance criteria assessment 6.

Performance Criteria Assessment 6 – C12.7.1 P1 Subdivision (flood)

Each lot, or a lot proposed in a plan of subdivision, within a flood-prone hazard area, must not create an opportunity for use or development that cannot achieve a tolerable risk from flood, having regard to:

- (a) *any increase in risk from flood for adjacent land;*
- (b) *the level of risk to use or development arising from an increased reliance on public infrastructure;*
- (c) *the need to minimise future remediation works;*
- (d) *any loss or substantial compromise by flood of access to the lot, on or off site;*
- (e) *the need to locate building areas outside the flood-prone hazard area;*
- (f) *any advice from a State authority, regulated entity or a council; and*
- (g) *the advice contained in a flood hazard report.*

The flood hazard mapped through the middle of the site will be designed out through the construction of roads and stormwater drainage. Nevertheless, it is appropriate to require by way of conditions on any permit granted a post subdivision flood hazard report to verify that there is no residual flood risk post construction.

Bushfire-Prone Areas Code

Section 51 (2)(d) of the *Land Use Planning and Approvals Act 1993* requires that a bushfire hazard report prepared by an accredited person must be accepted without review.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C13.6.1 A1	Hazard management areas	Yes, hazard management areas satisfy the code requirements as certified in the bushfire hazard report
C13.6.2 A1	Public and fire fighting access	Yes, roads satisfy the code requirements as certified in the bushfire hazard report
C13.6.3 A1	Water supply	Yes, provision of hydrants will satisfy the code requirements as certified in the bushfire hazard report

Safeguarding of Airports Code

The site is subject to the obstacle limitation area and noise exposure area. The referral response from Hobart International Airport states:

We have received application for 7.2002.10.1 Subdivision Application – 8 Cole Street, Sorell a development that may be considered a Controlled Activity as stated Airports (Protection of Airspace) Regulations.

Hobart Airport as the aerodrome operator has completed the initial assessment of this application as required in the Regulations. Based on the information supplied and maximum height it does NOT appear that this proposal is classed as a controlled activity, as defined in the Regulations.

Hobart Airport does not object to this proposal regarding the maximum height, approval from Airspace Protection and Airport Safeguarding is not required for this development.

Controlled activities are also defined as any activities causing intrusions into the protected airspace through glare from artificial light or reflected sunlight, air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter. Details will need to be provided to Hobart Airport for consideration if this proposal may subject the protected airspace around Hobart Airport to one or more of these items.

Please note that further to the above, any structures used in the construction process, such as cranes, may in fact be controlled activities and require separate approval under the Regulations.

Based on the above, the exemption at clause C16.4.1 applies.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C16.7.1 A1	Subdivision	No, as lots 28 to 45, 49-55 and 69 are within the airport noise exposure area. Refer to performance criteria assessment 7.

Performance Criteria Assessment 7 – clause C16.7.1 P1 Subdivision (airport noise exposure)

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

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

No concerns have been raised by Hobart International Airport. Future dwellings on each of the affected lots will be discretionary on the basis of this overlay. It is considered reasonable to require a condition that, by way of covenant or Part 5 Agreement, brings this matter to the attention of future owners, and also addresses the potential noise exposure from the Quinns transport business.

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

The subdivision includes two large public open space lots that would form a riparian reserve along the eastern side of the Sorell Rivulet. Further, shared paths are proposed within the public open space. Both elements are consistent with the 2015 Sorell Township Urban Master Plan and the 2019 Sorell Land Supply Strategy.

The extent of the public open space generally corresponds with the 1% AEP Flood Hazard. Notwithstanding this the public open space is usable and of significance in improving pedestrian and cycling connectivity through the town. The total area exceeds 5% of the site area and there is no basis or need for a cash-in-lieu contribution.

The provision of land for public open space is considered consistent with the policy.

Pedestrian Connectivity across Sorell Rivulet

Public access and use of land around the Sorell Rivulet is limited to a small area at Pioneer Park that is centred on the weir constructed for the Bellerive to Sorell railway and to a more recent walkway alongside Kidbrook Road to the bypass bridge. A walking loop around the weir has a total length of 490m with one side in concrete and the other in gravel. There is a narrow footbridge crossing in the northern section and a concrete ford crossing in the southern section. The loop is for recreational purposes only and achieves no pedestrian connectivity across the town.

The proposal includes the shared path along the eastern side of Sorell Rivulet from Cole Street to Kidbrook Road. This is consistent with the Sorell Township Urban Master Plan which identified the need for shared paths extending along the full Sorell Rivulet including north of Gatehouse Drive.

The shared path will enable the gravel section of the rivulet walking loop to be removed which will improve water quality as this section is damaged in minor and major flood events.

The existing narrow footbridge does not provide a convenient link from the proposed shared path to retail and other services in the General Business Zone as the topography on the western shore requires users to walk south to Kidbrook Road before walking north along Parsonage Place. The narrow footbridge is also unsuited for cycling.

Convenient access to the commercial area of Sorell requires a new pedestrian bridge located north of the tennis club courts. From the Fitzroy / Parsonage roundabout, a shared path can run on the northern side of the courts to a new bridge and onto the subdivision site. The western side of the rivulet at this point is a small rock cliff approximately 4m in elevation. This a pedestrian bridge can commence on grade on the western side with a 30m span required to clear the flood zone and a further 30m ramp on the eastern side to achieve a level grade. This location was identified as a potential road connection in the initial master plans

of the Sorell East Growth Corridor contained in the 2019 Sorell Land Supply Strategy (Stage 3), which is now proposed at Parsonage Place. The need for a shared path in this location was also identified in the 2019 Sorell Land Supply Strategy (Stage 3), as shown below.



Figure 4. Extract of Figure 6 from the 2019 Sorell Land Supply Strategy (Stage 3)

A shared path connection over Sorell Rivulet has not been designed and costed. Initial cost estimates from three firms range from \$600,000 to \$1,100,000.

The road bridge to Parsonage Place has also not been designed and costed. The traffic impact assessment provided for the rezoning of the subject site in 2020 stated that the developer of the site would not be responsible for the construction of that infrastructure. That position was accepted at the time and continues to be so. The road bridge would result in two east-west arterial roads through the town separated by 500 metres and is necessary to distribute traffic from the Sorell East Growth Corridor but not from this proposal.

A question exists as to whether there is a reasonable nexus between the subdivision and the shared path connection over Sorell Rivulet such that the infrastructure should be constructed, or a contribution towards the infrastructure, be required as part of subdivision works. The *Temwood* test is the standard approach to determining the reasonableness of conditions. The *Temwood* test consists of three limbs being would the construction of the infrastructure or contributions towards the infrastructure be:

- (a) for a proper planning purpose,
- (b) reasonably and fairly relate to the subdivision, and
- (c) would a required to construct or contribute be so unreasonable that no reasonable council could have made such requirements

Planning Purpose

A planning purpose is an action or outcome that implements a planning policy as referenced by relevant legislation or the planning scheme, as opposed to general notions of what constitutes planning.

The planning scheme makes various references to roads including in the objectives and performance criteria of clause 8.6.2 (as provided in the zone assessment section of this report). A road is defined in the scheme as '*land over which the general public has a permanent right of passage, including the whole width between abutting property boundaries, all footpaths and the like, and all bridges over which such a road passes*', which is similar to common law definitions of a 'highway' or 'way'.

It is clear that the planning scheme considers and requires adequate connectivity between any subdivision and surrounding land and emphasis connectivity to shops, services and public transport routes. The purpose of the SSTNA is to achieve adequate connectivity across the urban area.

Thus, the proper planning purpose limb of the *Temwood* test is met.

Reasonable and Fair

This limb considers whether a relationship between the planning purpose sought and the likely consequence of the subdivision is established. In other words, does the subdivision generate the need.

Without the subdivision the land would remain as a paddock not acceptable by the public. The sole purpose of the shared path is to service the subdivision. While the shared path will also serve subdivisions in the Sorell East Growth Corridor, there is no certainty regarding the timing necessary to bring the corridor into the urban growth boundary and subsequently rezone and develop the land.

The shared path over the rivulet would reduce the walking distance from the site to Cole / Gordon street intersection from 925m to 520m. This reduced distance increases the likelihood of walking or cycling to commercial services. Reducing the walking time from approximately 10 minutes to 6 minutes is important as for many the total travel time of a 400m to 500m walk is faster by foot than car given the need to find suitably car parking spaces. Additionally, cycling traffic would be enabled which could not be utilised on the existing narrow footbridge.

Reasonableness

Given the above, it is considered reasonable to require the shared path to be incorporated into the subdivision.

Further questions relate to timing and whether the developer should construct the infrastructure or contribute to Council constructing the infrastructure.

There is no practical impediment to the developer constructing the infrastructure. The affected Council land forms part of the application and the infrastructure itself is relatively straightforward to design and cost. However, a contribution towards Council constructing the asset is preferred as this maintains control over the scope and enables more effective communication with other user groups (namely the tennis club and adjoining owner).

The timing of need for the shared path is less clear, in part as this is subject to the timing of subdivision stages and the rate of dwelling construction. Ideally, the shared path bridge would be constructed once half the lots are developed.

In terms of total cost and apportionment, the developer should be responsible for 100% of the construction costs while Council is responsible for design, approvals and project management. The construction cost is to be estimated at \$900,000. If the final cost is under, the excess should be returned to the developer. Any additional cost would be met by Council.

Summary

The pedestrian bridge is an important piece of infrastructure for the residential lots created by the subdivision. A condition of any permit granted that requires a contribution for the work of the pedestrian bridge is reasonable and for a proper planning permit.

Stormwater in New Developments Policy

The policy does not apply as the site is self-contained from a stormwater perspective and does not rely on or use any existing Council infrastructure to convey or treat stormwater.

Representations

No representations were received.

Conclusion

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme - Sorell*.

Shane Wells
Manager Planning

Attachments: Proposal plans



Separate Attachments:

Planning Report

TasWater Conditions TWDA

Ecological Assessment

Natural Values Report

Stormwater Treatment Report

Bushfire Hazard Report

Traffic Impact Assessment

Engineering Drawings





REV	AMENDMENTS	DRAWN	DATE	APPR
I	Internal Road Changes (Main)	AB	15-6-22	AB
H	Arthur Highway entrance changes	AB	26-5-22	AB
G	highway acquisition removed	AB	4-4-2022	AB
F	Pawleena Road roundabout modifications	AB	22-3-2022	AB
E	LODGE MENT VERSION	AB	18-2-2022	AB



UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 2170
PHONE: (03) 6248 9888
EMAIL: admin@rogersonandbirch.com.au
WEB: www.rogersonandbirch.com.au

OWNER: JALFRAN PTY LTD
TITLE REFERENCE: C.T.16227-1 & C.T.181114-1
LOCATION: No 5 & LOT 1 ARTHUR HIGHWAY
SO RELL

Proposed Subdivision	
15-6-2022	MORGF03 10213-22
1:2000 (A3)	Site/Block
1:1000 (A4)	Sheet

Staging Plan



AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
12 DECEMBER 2023



Submission to Planning Authority Notice

Council Planning Permit No.	7.2022.10.1 SA 2022 / 10 – 1	Council notice date	3/05/2022
TasWater details			
TasWater Reference No.	TWDA 2022/00642-SOR	Date of response	31/10/2023
TasWater Contact	Al Cole	Phone No.	0439605108
Response issued to			
Council name	SORELL COUNCIL		
Contact details	sorell.council@sorell.tas.gov.au		
Development details			
Address	5 ARTHUR HWY, SORELL	Property ID (PID)	5935200
Description of development	196 Lot Subdivision		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Rogerson and Birch	Proposed Subdivision	0	02/10/2023
Rogerson and Birch	Staging Plan	0	02/10/2023
Hutchings Spurr	Prelim Sewer Plan	E	29/09/2023
Hutchings Spurr	Prelim Sewer Long Section S1, S2	C	22/09/2023
Hutchings Spurr	Prelim Water Plan	D	01/08/2023
Conditions			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
CONNECTIONS, METERING & BACKFLOW			
1. A suitably sized water supply with metered connections and sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.			
2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.			
3. Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.			
ASSET CREATION & INFRASTRUCTURE WORKS			
4. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.			
5. The northern water connection must be to the DN250 water main A3500353 and be min DN150, or DN200 if the southern connection will not be constructed prior to titles for the 161 st Lot being applied for. (See WSA 03-2011 Table 3.2)			
Advice: An alternative may be to connect to a new DN200 water main installed along the new Bypass, via the proposed POS lot 402.			



6. Prior to applying for a Permit to Construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for water and sewerage to TasWater's satisfaction.
7. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.
8. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.
9. Works External Sewer: The developer must make a financial contribution to TasWater, to be paid at a rate of \$7354 per lot, prior to TasWater issuing a Consent to Register a Legal Document for each stage, to fund required upgrades to TasWater's Sorell STP SORST01 to accommodate this development, indexed quarterly by the Consumer Price Index All groups (Hobart) from the date of this Submission to Planning Authority Notice until the date it is paid to TasWater.
10. Works External Water: Prior to applying to TasWater for Consent to Register for any titles for this subdivision, the developer must design and construct, to TasWater's satisfaction, a Pressure Reducing Valve (PRV) near the existing Penna Road valve pits, located at 271 Penna Rd, Penna, CT14888/1. The PRV must be above ground, with the exact location to be determined in discussion with TasWater. Preliminary advice from our engineers is that "the risers should be 250mm with the size reduced to 150mm through the PRV, with dual 150mm PRV's and an 80mm relief should also be included."

Advice: In accordance with TasWater's 'Developer Charges Policy' for developments located within Serviced Land where insufficient capacity is available within an existing system, the developer pays the costs of Extension, including connection, to that system and Expansion of the system to the level of capacity required to service the development.
11. Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development, are to be completed generally as shown on, and in accordance with, the plans listed in the schedule of drawings, and are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
12. After testing/disinfection, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
13. At practical completion of the water and sewerage works and prior to TasWater issuing a Consent to a Register Legal Document the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
 - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved.
 - b. A request for a joint on-site inspection with TasWater's authorised representative must be made.
 - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee.
 - d. Work As Constructed drawings and documentation must be prepared by a suitably qualified



person to TasWater's satisfaction and forwarded to TasWater.

Upon TasWater issuing a Certificate of Practical Completion, the newly constructed infrastructure is deemed to have transferred to TasWater.

14. After the Certificate of Practical Completion has been issued, a 12-month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12-month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". TasWater will release any security held for the defect's liability period.
15. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
16. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
17. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new TasWater infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.

FINAL PLANS, EASEMENTS & ENDORSEMENTS

18. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.
Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.
19. Pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions.
20. In the event that the property sewer connection for affected lots cannot control the lot for a gravity connection, the Plan of Subdivision Council Endorsement Page for those affected lots is to note, pursuant to Section 83 of the Local Government (Building and Miscellaneous Provisions) Act 1993, that TasWater cannot guarantee sanitary drains will be able to discharge via gravity into TasWater's sewerage system.
Advice: See WSA 02—2014-3.1 MRWA Version 2 section 5.6.5.3 Calculating the level of the connection point

DEVELOPMENT ASSESSMENT FEES

21. The applicant or landowner as the case may be, must pay a development assessment fee of \$1,263.70 and a Consent to Register a Legal Document fee of \$248.30 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.
The payment is required within 30 days of the issue of an invoice by TasWater.
22. In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as



approved by Council.

Advice

General

For information on TasWater development standards, please visit <https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit <https://www.taswater.com.au/building-and-development/development-application-form>

Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

- (a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure.

Further information can be obtained from TasWater.

- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit <https://www.taswater.com.au/building-and-development/service-locations> for a list of companies.

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au