



SORELL PLANNING AUTHORITY (SPA) AGENDA

26 MARCH 2024

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)

NOTICE OF MEETING

Notice is hereby given that the next meeting of the Sorell Planning Authority (SPA) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 26 March 2024 commencing at 4:30 pm.

CERTIFICATION

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

ROBERT HIGGINS
GENERAL MANAGER
21 MARCH 2024



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON
TUESDAY 26 MARCH 2024

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1.0 ATTENDANCE

^

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

2.0 APOLOGIES

3.0 CONFIRMATION OF THE MINUTES OF 5 MARCH 2024

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 5 March 2024 be confirmed.”

4.0 DECLARATIONS OF PECUNIARY INTEREST



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

5.0 LAND USE PLANNING

5.1 DEVELOPMENT APPLICATION NO. DA 2023 / 295 - 1

Applicant:	David Wakefield & Associates
Proposal:	Dwelling
Site Address:	579 Primrose Sands Road, Primrose Sands (CT 17782/505)
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:	Discretionary Use – Refusal.

Relevant Zone:	14.0 Local Business				
Proposed Use:	Residential				
Applicable Overlay(s):	Southern Beaches On-site Waste Water and Stormwater Management Specific Area Plan				
Applicable Codes(s):	C2.0 Parking and Sustainable Transport Code				
Valid Application Date:	25 October 2023				
Decision Due:	28 March 2024				
Discretion(s):	<table border="1"> <tr> <td>1</td> <td>Clause 14.3.2 – Discretionary Use</td> </tr> <tr> <td>2</td> <td>Clause SOR-S2.0 - Southern Beaches On-site Waste Water and Stormwater Management Specific Area Plan</td> </tr> </table>	1	Clause 14.3.2 – Discretionary Use	2	Clause SOR-S2.0 - Southern Beaches On-site Waste Water and Stormwater Management Specific Area Plan
1	Clause 14.3.2 – Discretionary Use				
2	Clause SOR-S2.0 - Southern Beaches On-site Waste Water and Stormwater Management Specific Area Plan				
Representation(s):	Nil.				

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2023.295.1 for a Dwelling at 579 Primrose Sands Road, Primrose Sands be **refused** for the following reasons:

The proposal does not comply with Clause 14.3.2 A2 and does not satisfy clause 14.3.2 P1 as:

1. The use will compromise and distort the activity centre hierarchy.
2. The development provides no significant social or community benefit and results in a loss of local business opportunities to provide local services.
3. The use and design response underutilises the potential of the large strategically located site within the defined activity centre.



Executive Summary

Application is made for a residential dwelling at 579 Primrose Sands Road, Primrose Sands. This property is zoned 14.0 Local Business and is an irregular shaped 3716.2 sqm lot at the intersection of Primrose Sands Road and Grevillea Street.

The key planning considerations relate to the compromise and distortion of the activity centre hierarchy given:

- The approval of residential use on the limited available Local Business zoned land results in the loss of local business opportunities within the Primrose Sands Village locality.
- There is a clear deficiency in local business supply within the established Primrose Sands residential village, with only three (3) sites being zoned for Local Business within the greater area.
- There are no other vacant local business zoned sites that exist within the relatively isolated Primrose Sands community.
- The greater local community of Primrose Sands will be negatively impacted by way of the erosion of potential future local business opportunities and access to services.
- The proposed residential use is contrary to the Sorell Land Supply Master Plan 2019 (updated), which identifies the subject site as an important strategic local business location.
- The development is inconsistent with the Southern Tasmanian Regional Land Use Strategy (STRLUS).

The application is considered to not comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell LPS)* and is recommended for refusal.

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.



Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

Legislation

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

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

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

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

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



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

Referrals

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

Report

Description of Proposal

The Application is made for a single residential dwelling comprising of:

- Two Beds with adjoining bathrooms;
- Central open plan Kitchen/Dinning/Living with direct access to an open timber deck;
- Sealed driveway with an open double car parking hard stand with site access from Primrose Sands Road.

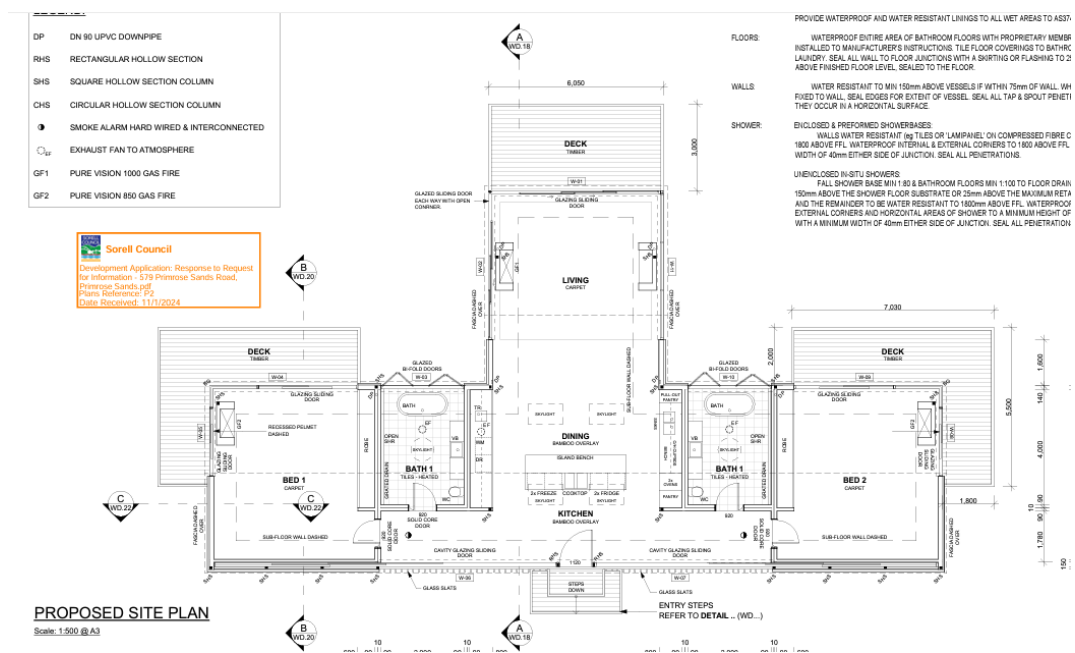


Figure 1. – Proposed layout

The proposed dwelling is centrally located on the site and occupies approximately seven (7) percent of the site.

The application is supported by:

- a Site and Soil Evaluation Report from Peter Hofto dated 01 April 2018; and
- an onsite wastewater System Design from Peter Hofto dated 01 April 2018.

Description of Site

The site subject site is an irregular-shaped 3716.2 sqm vacant lot at the intersection of Primrose Sands Road and Grevillea Street. The site is located within the identified Primrose Sands (Primrose Sands Road / Grevillea Street) Local Centre Masterplan and within the Sorell 2017 Land Supply Strategy (Updated 2019).

The Local Business Zone in Primrose Sands consists of three properties, the existing service station (#575) and a dwelling north of this (#573) together with this vacant land (#579). Wastewater for the service station is managed on the adjoining foreshore via a lease arrangement as the land is too small to accommodate wastewater management within its boundaries. The dwelling on 573 Primrose Sands Road is on a smaller title than the service station.

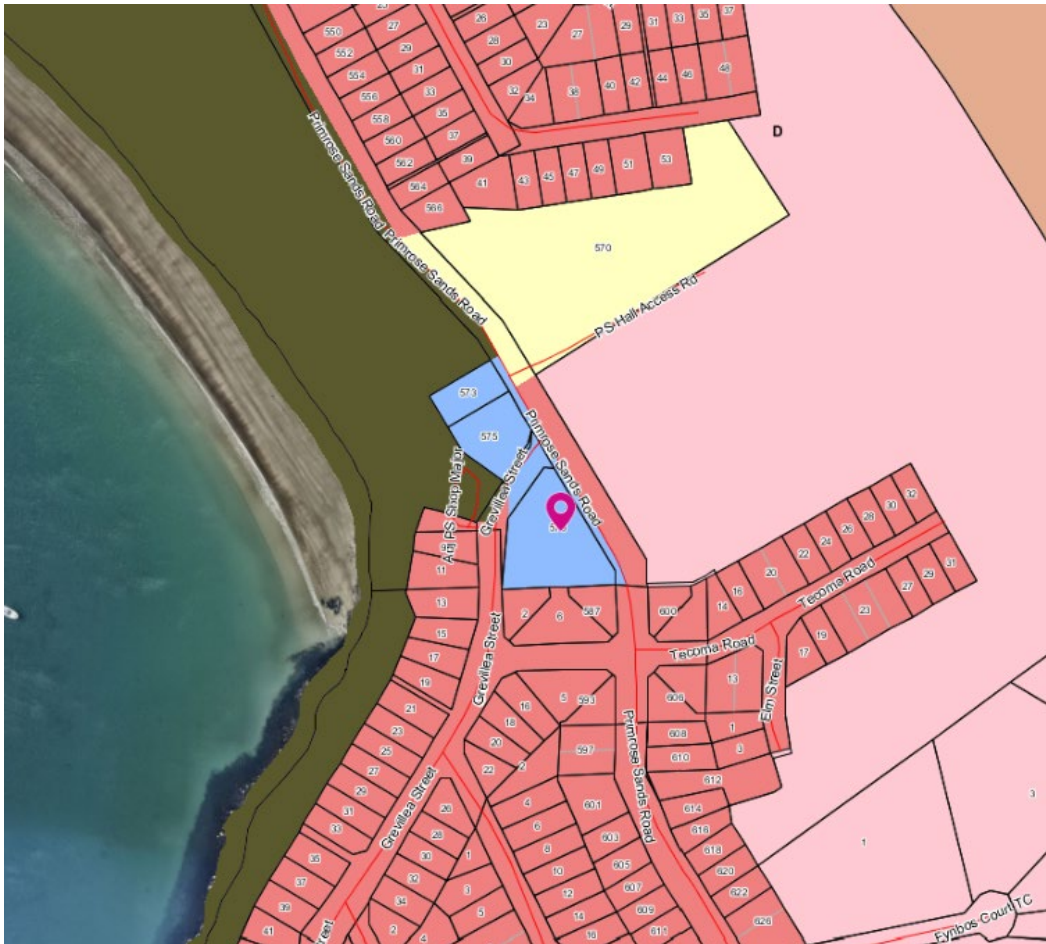


Figure 2. – Subject Site & Local Business Activity Centre

The site is centrally located in the Primrose Sands Village and surrounded by predominantly low-density residential zoned land with rural living zoned land on the periphery. The site is one of three (3) adjoining Local Business zoned lots that define the Primrose Sands Activity Centre. The Activity Centre also includes a Community Purposes zoned site to the north fronting Primrose Sands Road.

Background

The site was identified in the Sorell 2017 Land Supply Strategy (Updated 2019) as a specific lot to be zoned local business to develop the local activity centre and local business land supply. The site with was rezoned to local business from residential with the introduction of the TPS-Sorell in December 2022.

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
14.3.1 A1-A4	Use Standards	Complies – Residential uses are excluded from these clauses
14.3.2 A1 & A2	Discretionary Use	Does not comply - No Acceptable Solution. Refer to performance criteria assessment below.
14.3.3 A1	Retail Impact	Not Applicable.
14.4.1 A1	Building Height	Complies – Single Storey with a maximum height of 3.7m.
14.4.2 A1 & A2	Setbacks	Complies – Setbacks consistent with buildings on adjoining properties and greater than 4m.
14.4.3 A1 & A2	Design	Complies – Compliant with the prescribed design standards.
14.4.4 A1 & A2	Fencing	Complies – No Fencing proposed.
14.4.5 A1	Outdoor Storage	Not Applicable.
14.4.6 A1 & A2	Dwellings	Complies – Compliant with the private open space and storage prescribed standards.
14.5.1	Lot Design	Not Applicable.
14.5.2	Services	Not Applicable.

Performance Criteria Assessment 1 – Clause 14.3.2 – P1

A use listed as Discretionary must:

- (a) not cause an unreasonable loss of amenity to properties in adjoining residential zones; and*
- (b) be of an intensity that respects the character of the area.*

The performance criteria is applicable as the proposed residential use is discretionary within the local business zone, and there is no prescribed 'Acceptable solution'. It is considered that the performance criteria P1 are not satisfied given:

The proposed use is residential and therefore deemed to both:

- a) not cause an unreasonable loss of amenity to properties in adjoining residential zones; and
- b) be of an intensity that respects the character of the area.

Performance Criteria Assessment 2 – Clause 14.3.2 – P2

A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to:

- (a) the characteristics of the site;*
- (b) the need to encourage activity at pedestrian levels;*
- (c) the size and scale of the proposed use;*
- (d) the functions of the activity centre and the surrounding activity centres;*
and
- (e) the extent that the proposed use impacts on other activity centres.*

The performance criteria is applicable as the proposed residential use is discretionary within the local business zone, and there is no prescribed 'Acceptable solution'. It is considered that the performance criteria P2 is not satisfied given:

The use is deemed to compromise or distort the activity centre hierarchy, having regard to:

- The approval of residential use on the limited available Local Business zoned land results in the loss of local business opportunities within the Primrose Sands Village locality.
- There is a clear deficiency in local business supply within the established Primrose Sands residential village, with only three (3) sites being zoned for Local Business within the greater area.
- There are no other vacant local business zoned sites exist within the relatively isolated community of Primrose Sands.
- The siting of the dwelling and the requirements for onsite wastewater and stormwater management mean that the site would be fully developed for a residential use.
- The greater local community of Primrose Sands will be negatively impacted by way of the erosion of potential future local business opportunities and access to services.

- The proposed residential use is contrary to the Sorell Land Supply Master Plan 2019 (updated), which identifies the subject site as an important strategic local business location.
- The development is inconsistent with the Southern Tasmanian Regional Land Use Strategy (STRLUS), which includes an Activity centre network policy which directs land use planning to:
 - AC 1.2 - *Utilise the Central Business, General Business, and Local Business Zones as the main zones to deliver the activity centre network through the planning scheme, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.*
 - 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 1.10 - *Activity centres should encourage local employment, although in most cases this will consist of small scale businesses servicing the local or district areas.*
 - AC 2.4 - *Encourage structure and economic development planning for lower- level Activity Centres by local planning authorities.*

Considering the above, the proposed residential use is deemed inappropriate and contrary to the Tasmanian Planning Scheme—Sorell, the Sorell Local Planning Policy, and the relevant State Planning Policy.

Code

Bushfire-Prone Areas Code

As the proposal is not a vulnerable or hazardous use (as defined by the Code), the provisions of the Code do not apply.

Parking and Sustainable Transport Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Parking numbers	Yes, as two spaces are provided.
C2.6.1 A1	Construction	Yes, all relevant standards are complied with.
C2.6.2 A1.1	Layout	Yes, all relevant standards are complied with.
C2.6.3 A1	Accesses	Yes, a single access is provided.



Southern Beaches Onsite Wastewater and Stormwater Specific Area Plan

Applicable SAP standards		
Clause	Matter	Complies with acceptable solution?
SOR-S2.6.1	Onsite Wastewater	No, as the proposed development results in the expansion and intensification of the given that the site is currently vacant.
SOR-S2.7.2	Stormwater management	Complies – the site is capable of connecting by gravity to a public stormwater system.

Performance Criteria Assessment 3 –SOR-S2.7.1 P1 Onsite wastewater

The site must provide sufficient area for management of on-site waste water, having regard to:

- (a) the topography of the site;*
- (b) the capacity of the site to absorb wastewater;*
- (c) the size and shape of the site*
- (d) the existing buildings and any constraints imposed by existing development;*
- (e) the area of the site to be covered by the proposed development;*
- (f) the provision for landscaping, vehicle parking, driveways and private open space;*
- (g) any adverse impacts on the quality of ground, surface and coastal waters;*
- (h) any adverse environmental impact on surrounding properties and the locality; and*
- (i) any written advice from a suitably qualified person (onsite waste water management) about the adequacy of the on-site waste water management system.*

Council’s Manager Health and Compliance has reviewed the application and is satisfied that the proposal can adequately provide for onsite wastewater management. The following conditions are recommended to be included in any permit granted:

- (1) At least 30m² of land must be reserved on-site for wastewater treatment which is located at least 5 m from the downslope boundary and 1.5m from all other boundaries.*
- (2) Driveways, parking areas, impervious sealing and buildings are not permitted in the area reserved for wastewater treatment.*
- (3) An aerated wastewater treatment system (or equivalent) must be used for wastewater treatment, which discharges into an absorption bed.*



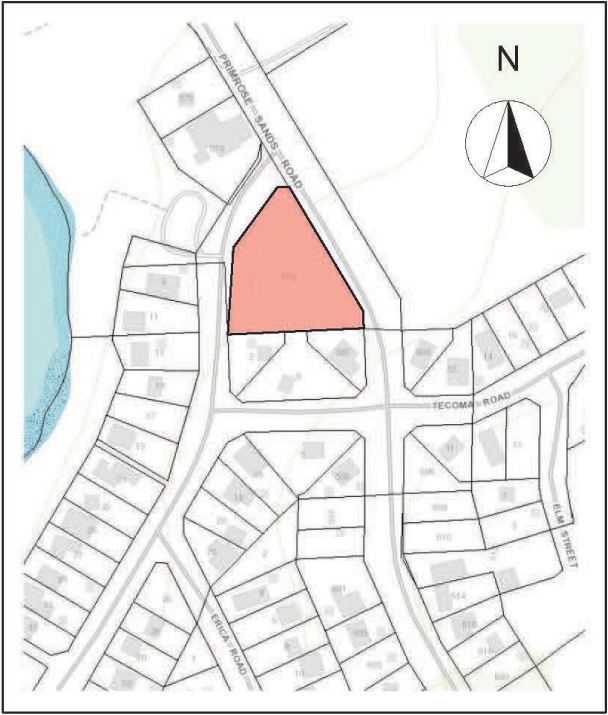
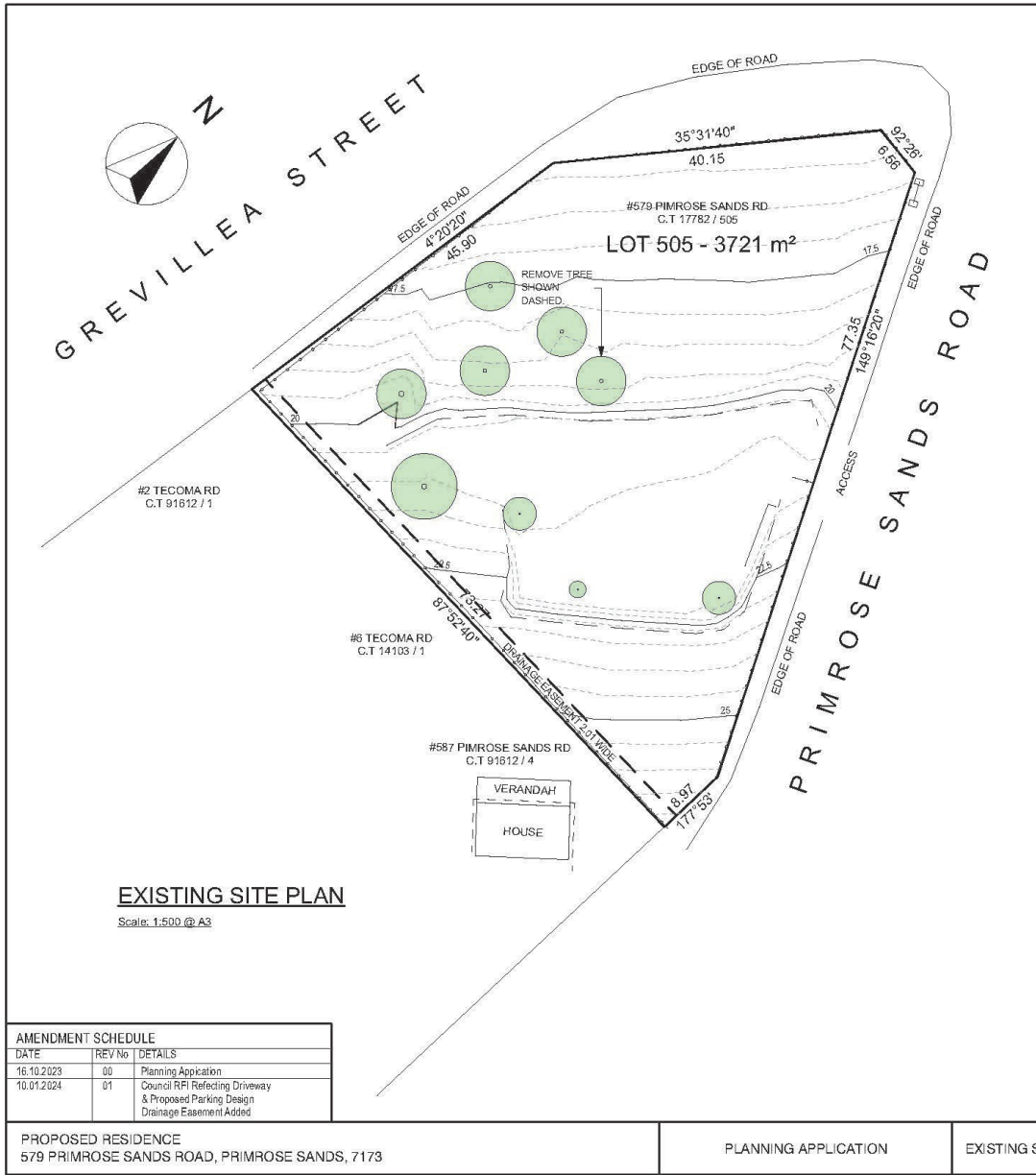
Conclusion

The application is considered to not comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell LPS)* and is recommended for refusal.

SHANNON MCCAUGHEY
SENIOR PLANNER

Attachments:
Proposal Plans





AMENDMENT SCHEDULE		
DATE	REV No	DETAILS
16.10.2023	00	Planning Application
10.01.2024	01	Council RFI Reflecting Driveway & Proposed Parking Design Drainage Easement Added

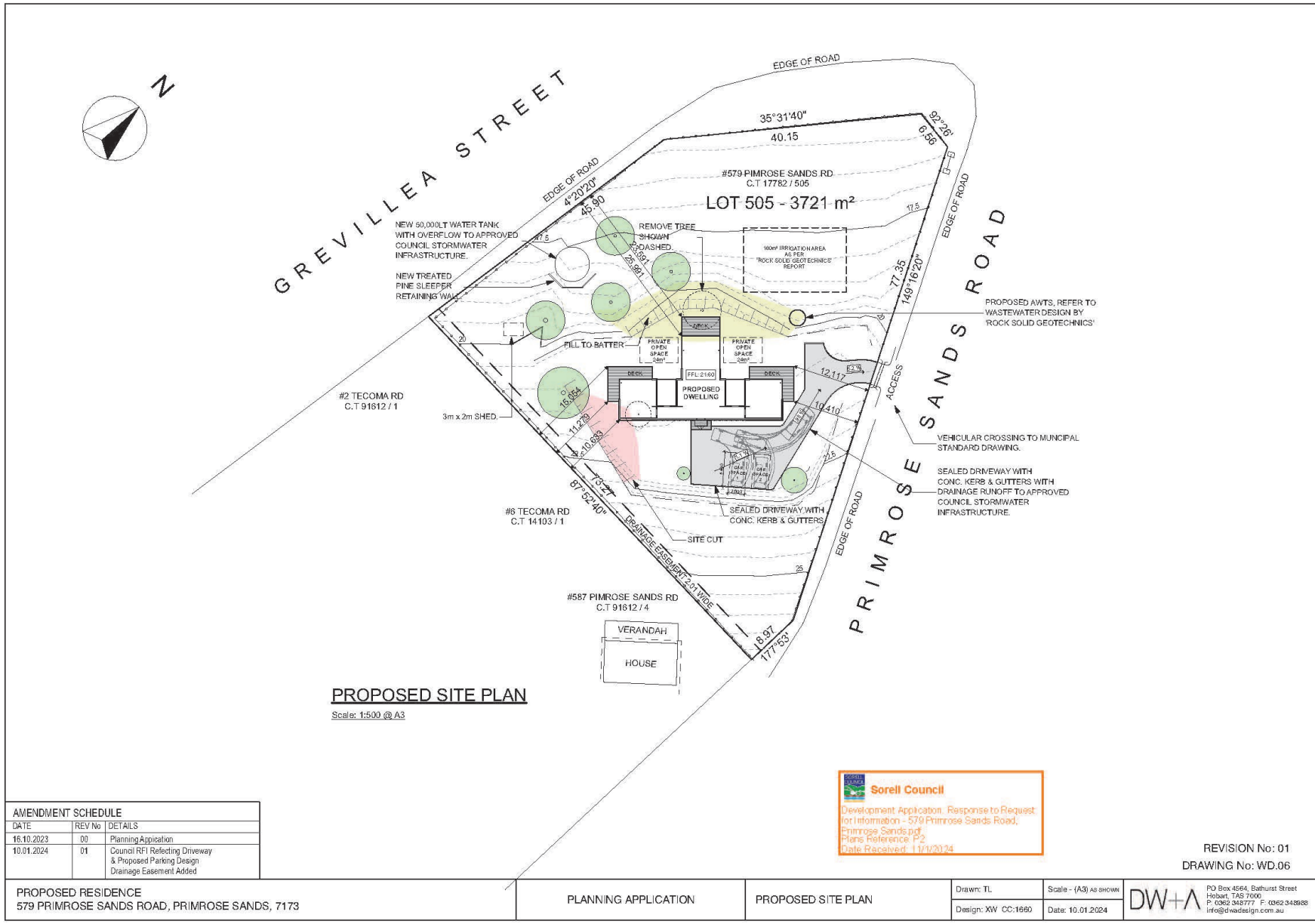
Sorell Council
Development Application Response to Request
for Information - 579 Primrose Sands Road,
Primrose Sands.pdf
Plans Reference: P2
Rate Received: 11/1/2024

REVISION No: 01
DRAWING No: WD.05

PROPOSED RESIDENCE 579 PRIMROSE SANDS ROAD, PRIMROSE SANDS, 7173	PLANNING APPLICATION	EXISTING SITE PLAN	Drawn: TL Design: XW CC:1660	Scale - (A3) AS SHOWN Date: 10.01.2024	DW+A PO Box 4564, Bathurst Street Hobart, TAS 7000 P: 0362 548777 F: 0362 348888 info@dw+design.com.au
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AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
26 MARCH 2024



AMENDMENT SCHEDULE		
DATE	REV No	DETAILS
16.10.2023	00	Planning Application
10.01.2024	01	Council RFI Reflecting Driveway & Proposed Parking Design Drainage Easement Added

Sorell Council
Development Application - Response to Request for Information - 579 Primrose Sands Road, Primrose Sands.pdf
Plans Reference P2
Date Received: 17/1/2024

REVISION No: 01
DRAWING No: WD.06

PROPOSED RESIDENCE 579 PRIMROSE SANDS ROAD, PRIMROSE SANDS, 7173	PLANNING APPLICATION	PROPOSED SITE PLAN	Drawn: TL Design: XW CC:1660	Scale - (A3) as shown Date: 10.01.2024	DW+A PO Box 4564, Bathurst Street Hobart, TAS 7500 P: 0362 243777 F: 0362 348988 info@dwadesign.com.au
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AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
26 MARCH 2024

LEGEND:

- DP DN 90 UPVC DOWNPIPE
- RHS RECTANGULAR HOLLOW SECTION
- SHS SQUARE HOLLOW SECTION COLUMN
- CHS CIRCULAR HOLLOW SECTION COLUMN
- SMOKE ALARM HARD WIRED & INTERCONNECTED
- ⊙_{EF} EXHAUST FAN TO ATMOSPHERE
- GF1 PURE VISION 1000 GAS FIRE
- GF2 PURE VISION 850 GAS FIRE

Sorell Council
 Development Application: Response to Request for Information - 579 Primrose Sands Road, Primrose Sands.pdf
 Plans Reference: P2
 Date Received: 11/1/2024

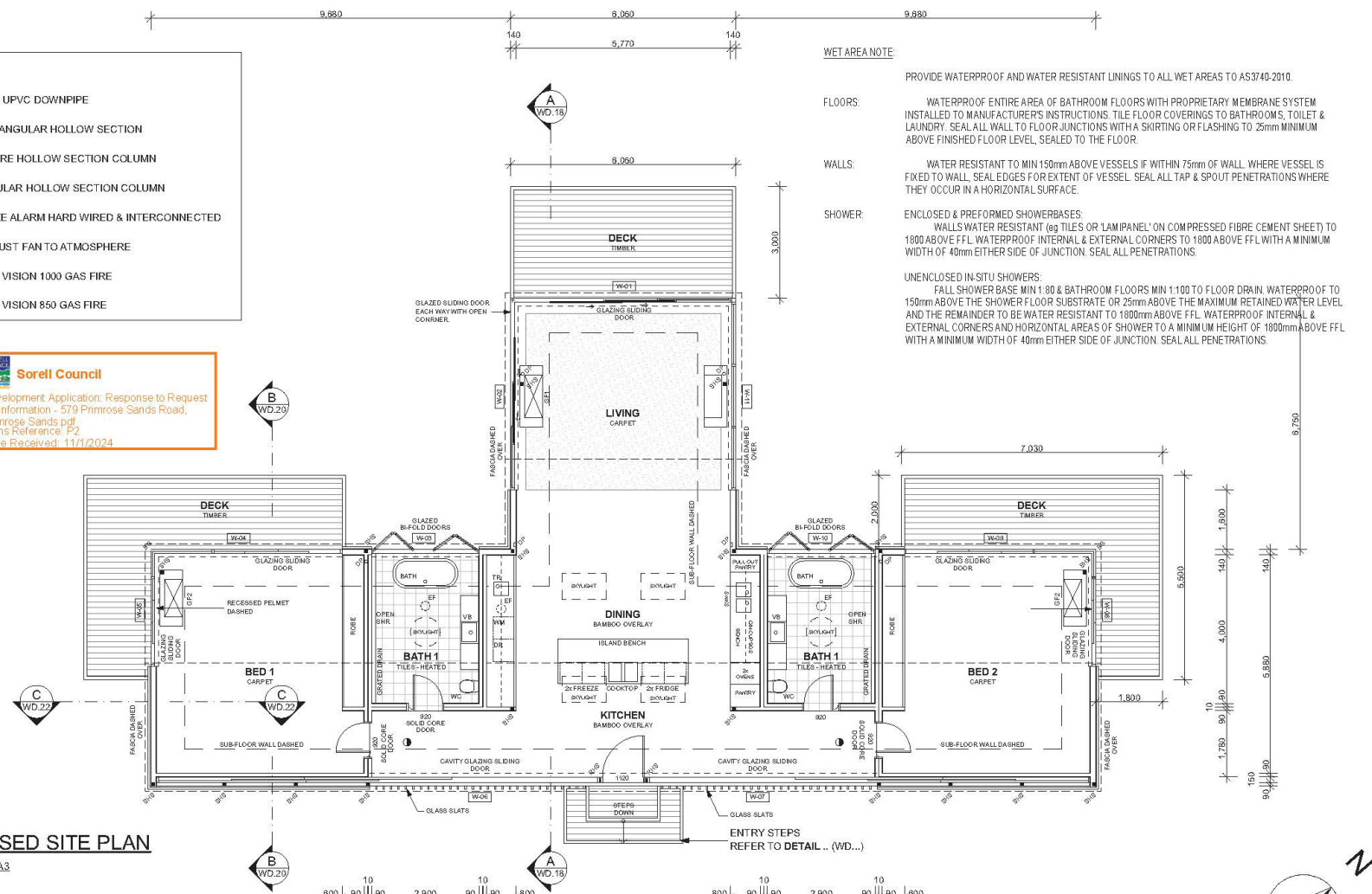
WET AREA NOTE:
 PROVIDE WATERPROOF AND WATER RESISTANT LININGS TO ALL WET AREAS TO AS3740-2010.

FLOORS:
 WATERPROOF ENTIRE AREA OF BATHROOM FLOORS WITH PROPRIETARY MEMBRANE SYSTEM INSTALLED TO MANUFACTURER'S INSTRUCTIONS. TILE FLOOR COVERINGS TO BATHROOMS, TOILET & LAUNDRY. SEAL ALL WALL TO FLOOR JUNCTIONS WITH A SKIRTING OR FLASHING TO 25mm MINIMUM ABOVE FINISHED FLOOR LEVEL, SEALED TO THE FLOOR.

WALLS:
 WATER RESISTANT TO MIN 150mm ABOVE VESSELS IF WITHIN 75mm OF WALL. WHERE VESSEL IS FIXED TO WALL, SEAL EDGES FOR EXTENT OF VESSEL. SEAL ALL TAP & SPOUT PENETRATIONS WHERE THEY OCCUR IN A HORIZONTAL SURFACE.

SHOWER:
 ENCLOSED & PREFORMED SHOWERBASES:
 WALLS WATER RESISTANT (eg TILES OR 'LAMIPANEL' ON COMPRESSED FIBRE CEMENT SHEET) TO 1800mm ABOVE FFL. WATERPROOF INTERNAL & EXTERNAL CORNERS TO 1800mm ABOVE FFL WITH A MINIMUM WIDTH OF 40mm EITHER SIDE OF JUNCTION. SEAL ALL PENETRATIONS.

UNENCLOSED IN-SITU SHOWERS:
 FALL SHOWER BASES MIN 1:80 & BATHROOM FLOORS MIN 1:100 TO FLOOR DRAIN. WATERPROOF TO 150mm ABOVE THE SHOWER FLOOR SUBSTRATE OR 25mm ABOVE THE MAXIMUM RETAINED WATER LEVEL AND THE REMAINDER TO BE WATER RESISTANT TO 1800mm ABOVE FFL. WATERPROOF INTERNAL & EXTERNAL CORNERS AND HORIZONTAL AREAS OF SHOWER TO A MINIMUM HEIGHT OF 1800mm ABOVE FFL WITH A MINIMUM WIDTH OF 40mm EITHER SIDE OF JUNCTION. SEAL ALL PENETRATIONS.

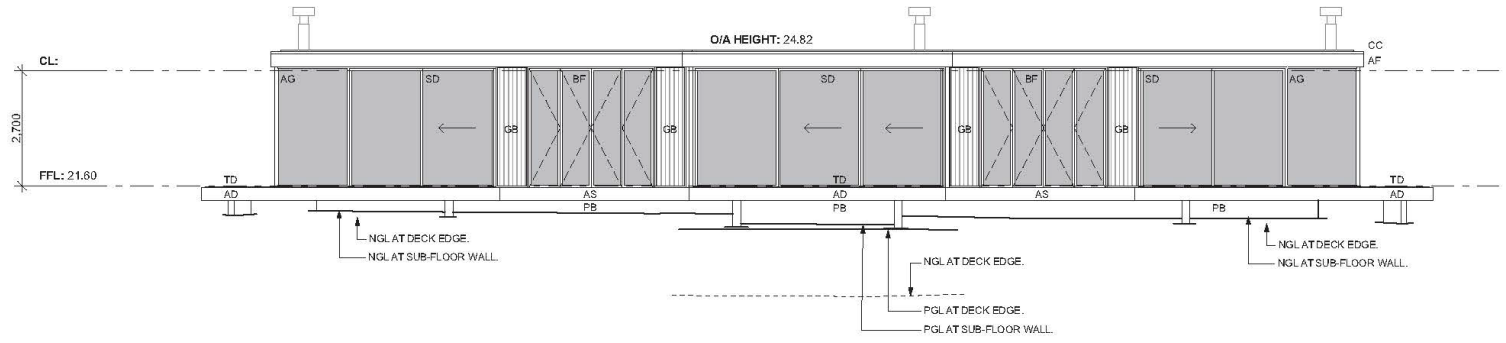


PROPOSED SITE PLAN
 Scale: 1:500 @ A3

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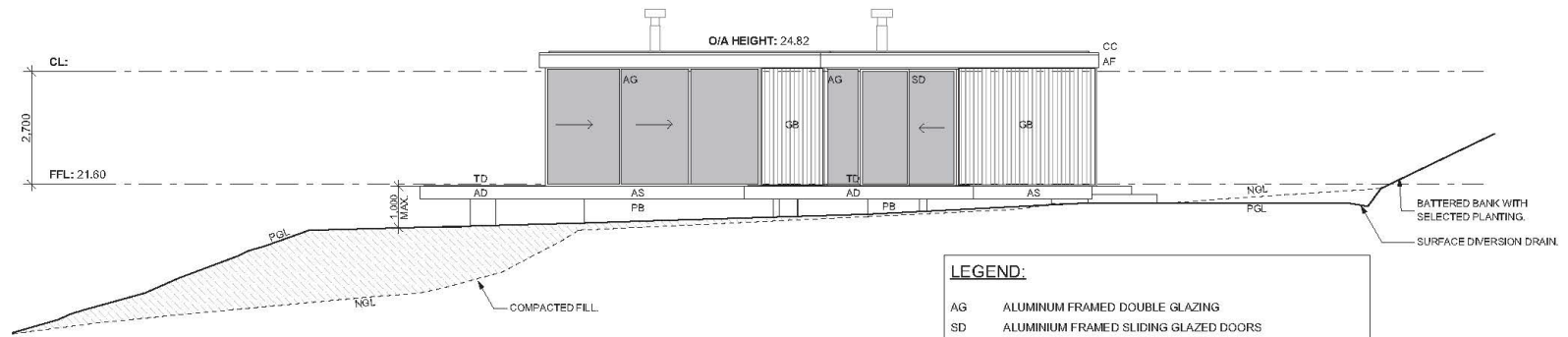
PROPOSED RESIDENCE 579 PRIMROSE SANDS ROAD, PRIMROSE SANDS, 7173	PLANNING APPLICATION	PROPOSED FLOOR PLAN	Drawn: TL Design: XW CC:1660	Scale - (A3) as shown Date: 10.01.2024	PO Box 4564, Bathurst Street Hobart, TAS 7000 P: 0362 248777 F: 0362 248988 info@dwadesign.com.au
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REVISION No: 01
 DRAWING No: WD.07



NORTH-WEST ELEVATION

Scale: 1:100 @ A3



SOUTH-WEST ELEVATION

Scale: 1:100 @ A3

LEGEND:

AG	ALUMINIUM FRAMED DOUBLE GLAZING
SD	ALUMINIUM FRAMED SLIDING GLAZED DOORS
BF	ALUMINIUM FRAMED BI-FOLD GLAZED DOORS
GB	CUSTOM CLADDING - GLAZED BATTENS WITH MIRROR BACKING
GF	CUSTOM OPEN GLAZED SLATS/FIN SCREEN
AF	ALUCOBOND CLAD FASCIA - FINISH: REFLECT
AS	ALUCOBOND CLAD SLAB EDGE - FINISH: REFLECT
AD	ALUCOBOND CLAD DECK EDGE - FINISH: REFLECT
CC	COLORBOND CAPPING TO TOP OF FASCIA
PB	PAINTED CONC. BLOCKWORK SUB-FLOOR WALLS
SHS	PAINTED SQUARE STEEL COLUMN
TD	TIMBER DECK
NGL	NATURAL GROUND LEVEL
PGL	PROPOSED GROUND LEVEL
FFL	FINISHED FLOOR LEVEL
CL	CEILING LEVEL

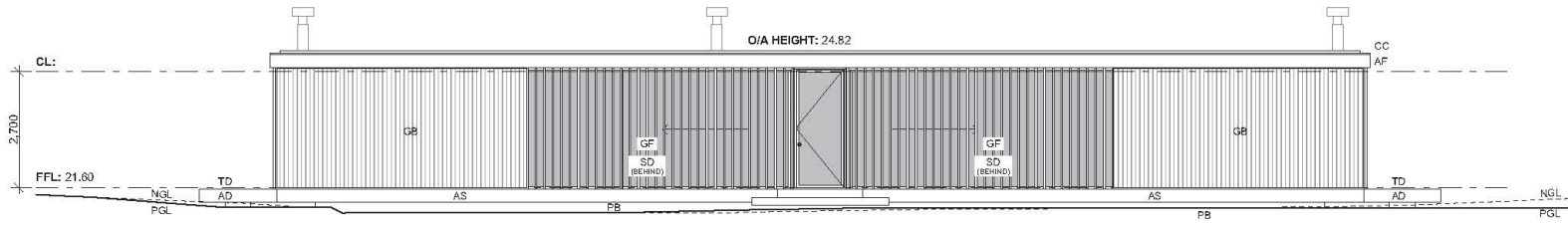
REVISION No: 01
DRAWING No: WD.10

AMENDMENT SCHEDULE		
DATE	REV No	DETAILS
16.10.2023	00	Planning Application
10.01.2024	01	Council RFI Reflecting Driveway & Proposed Parking Design Drainage Easement Added

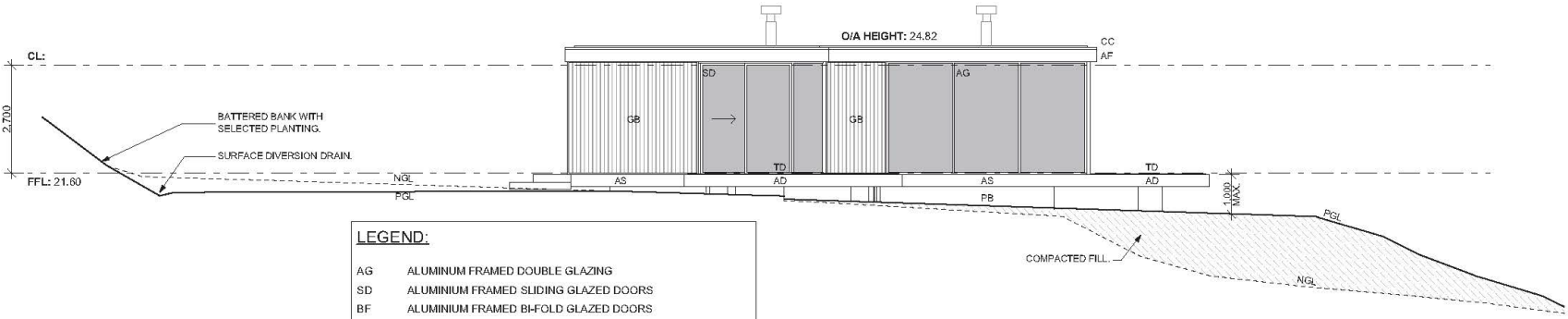
Sorell Council
Development Application: Response to Request for Information - 579 Primrose Sands Road, Primrose Sands.pdf
Plans Reference: P2
Date Received: 11/1/2024

PROPOSED RESIDENCE 579 PRIMROSE SANDS ROAD, PRIMROSE SANDS, 7173	PLANNING APPLICATION	ELEVATIONS NW - SW	Drawn: TL Scale: (A3) as shown	<p>PO Box 4564, Bathurst Street Hobart, TAS 7000 P. 0362 348777 F. 0362 348688 info@dwadesign.com.au</p>
			Design: XW CC:1660 Date: 10.01.2024	





SOUTH-EAST ELEVATION
Scale: 1:100 @ A3



NORTH-EAST ELEVATION
Scale: 1:100 @ A3

LEGEND:

AG	ALUMINIUM FRAMED DOUBLE GLAZING
SD	ALUMINIUM FRAMED SLIDING GLAZED DOORS
BF	ALUMINIUM FRAMED BI-FOLD GLAZED DOORS
GB	CUSTOM CLADDING - GLAZED BATTENS WITH MIRROR BACKING
GF	CUSTOM OPEN GLAZED SLATS/FIN SCREEN
AF	ALUCOBOND CLAD FASCIA - FINISH: REFLECT
AS	ALUCOBOND CLAD SLAB EDGE - FINISH: REFLECT
AD	ALUCOBOND CLAD DECK EDGE - FINISH: REFLECT
CC	COLORBOND CAPPING TO TOP OF FASCIA
PB	PAINTED CONC. BLOCKWORK SUB-FLOOR WALLS
SHS	PAINTED SQUARE STEEL COLUMN
TD	TIMBER DECK
NGL	NATURAL GROUND LEVEL
PGL	PROPOSED GROUND LEVEL
FFL	FINISHED FLOOR LEVEL
CL	CEILING LEVEL

Sorell Council
Development Application: Response to Request for Information - 579 Primrose Sands Road, Primrose Sands.pdf, Plans Reference P2, Date Received: 11/1/2024

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10.01.2024	01	Council RFI Reflecting Driveway & Proposed Parking Design, Drainage Easement Added

REVISION No: 01
DRAWING No: WD.11

PROPOSED RESIDENCE 579 PRIMROSE SANDS ROAD, PRIMROSE SANDS, 7173	PLANNING APPLICATION	ELEVATIONS SE - NE	Drawn: TL Design: XW CC:1660	Scale - (A3) as shown Date: 10.01.2024	DW+A PO Box 4564, Bathurst Street Hobart, TAS 7000 P: 0362 248777 F: 0362 248988 info@dwdesign.com.au
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AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
26 MARCH 2024

5.2 PLANNING SCHEME AMENDMENT AM-SOR-5.2024.1.1

Applicant:	Sorell Council
Proposal:	Planning Scheme Amendment - Waterway and Coastal Protection Area Overlay
Site Address:	Whole of municipal area
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

RECOMMENDATION

- a. That pursuant to Section 40D(a) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority prepare Amendment AM-SOR—5/2024.1 to the Sorell Local Provisions Schedule to update the waterway and coastal protection area as shown in Attachment 1.
- b. That pursuant to Section 40 of the *Land Use Planning and Approvals Act 1993*, AM-SOR-5-2024.1.1 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 waterway and coastal protection area is triggered based on a table in the planning scheme that specifies buffer distances to various types of waterways. A mapped overlay is also used to visually assist. More specifically, the table overrides the map in instances of inconsistencies. The purpose of the amendment is to provide the best visual representation of where the waterway and coastal protection area (WCPA) applies. The amendment does so by applying the best available data and removing some existing anomalies.

The purpose of the report is to consider whether to prepare and certify the amendment. 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 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 certainty for the community and applicants regarding where the overlay applies;
- Improved efficiencies and effectiveness in the planning processes;
- Reduced risks of errors or omissions in the planning process; and
- Improved protection of the environmental values of waterways by mapping the current alignment of waterways, wetlands and high water mark.

Like other spatial information used in planning scheme overlays, the proposed WCPA is a point in time approximation of conditions on ground and is limited by the available data.

The report provides details of the amendment and outlines the strategic outcomes sought, 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.

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 amendment seeks to update the Waterway and Coastal Protection Area (WCPA) overlay under C7.0 Natural Assets Code.

The current WCPA is based on a guidance map provided by the State Planning Office (SPO) (formally the Planning Policy Unit) originally prepared for the interim planning schemes. Since the guidance map was prepared, the alignment of high water mark, watercourses and wetlands in numerous areas of the LGA have been revised. It is understood that the SPO has no intent to update the various state-wide guidance maps used.

Most mapped overlays are the 'trigger' for the relevant planning scheme rules. However, the Natural Assets Code includes an overriding clause whereby, in the event of an inconsistency between a mapped watercourse and the actual position on ground, the actual position on ground overrides and triggers the relevant planning scheme rules with Table C7.3 specifying the spatial extent of the WCPA. Table C7.3 is complex and in reality all parties in the planning process are dependent on the mapped overlay.

The proposed WCPA is based on:

1. A new coastline (high water mark) data set
2. General revisions to the alignment of waterways
3. Updated wetland data
4. Extending the coastal protection area to a 40m distance to *both* sides of mean high water rather than to the shore side only to enable consideration of works in the tidal zone and to manage changes in mean high water mark over time.

Issues with the existing waterway and coastal protection area overlay

Misalignment with the coastline

Figures 1 and 2 show instances where the current WCPA does not align with the coastline. This is likely due to errors in the original guidance mapping that were not identified and rectified during the preparation of the interim or current planning scheme.



Figure 1. Extract of existing WCPA at Midway Point



Figure 2. Extract of existing WCPA at Penna

Misalignment with waterways

Figure 3 shows an instance where the mapped WCPA (shown in green) has an alignment that is not consistent with the hydrographic line (blue) data on LISTmap.



Figure 3. Existing WCPA (hatched) versus LISTmap hydrographic lines data

Non-compliance with the class 4 watercourses classification in prescribed zones

Table C7.3 lists four different types of watercourses; class 1, 2, 3 and 4. Class 1 is the major watercourse and is defined as being a named creek or river. Class 4 is the minor classification. Class 2 and 3 are intermediate and are defined by the size of the catchment. The width of the WCPA to both sides of a watercourse is 40m for class 1, 30m for class 2, 20m for class 3 and 10m for class 4. The classification of watercourses was taken from the forest practices systems.

Table C7.3 specifies that within 13 different zones, such as the General Residential Zone or Low Density Residential Zone, all watercourses are classified as class 4 and have a 10m wide WCPA. This classification is irrespective of whether the watercourse is a larger class 1, 2 or 3 stream. The current WCPA does not show the restriction to a class 4 stream in these specified zones. Figure 4 shows one such instances for Sorell Rivulet in which the WCPA is mapped as a class 2 watercourse (60m width in total) whereas Table C7.3 defines the watercourse as a class 4.

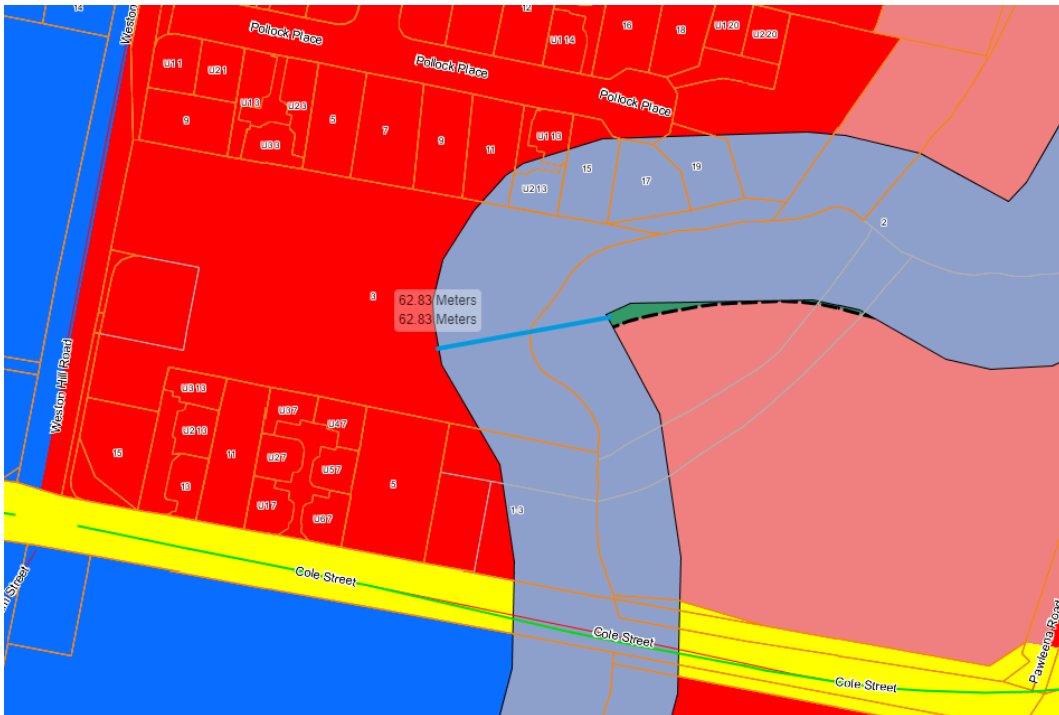


Figure 4. A class 4 watercourse (due to being within the General Residential Zone and Low Density Residential Zone) is mapped as a larger class 2 watercourse.

Mapped wetlands that do not exist

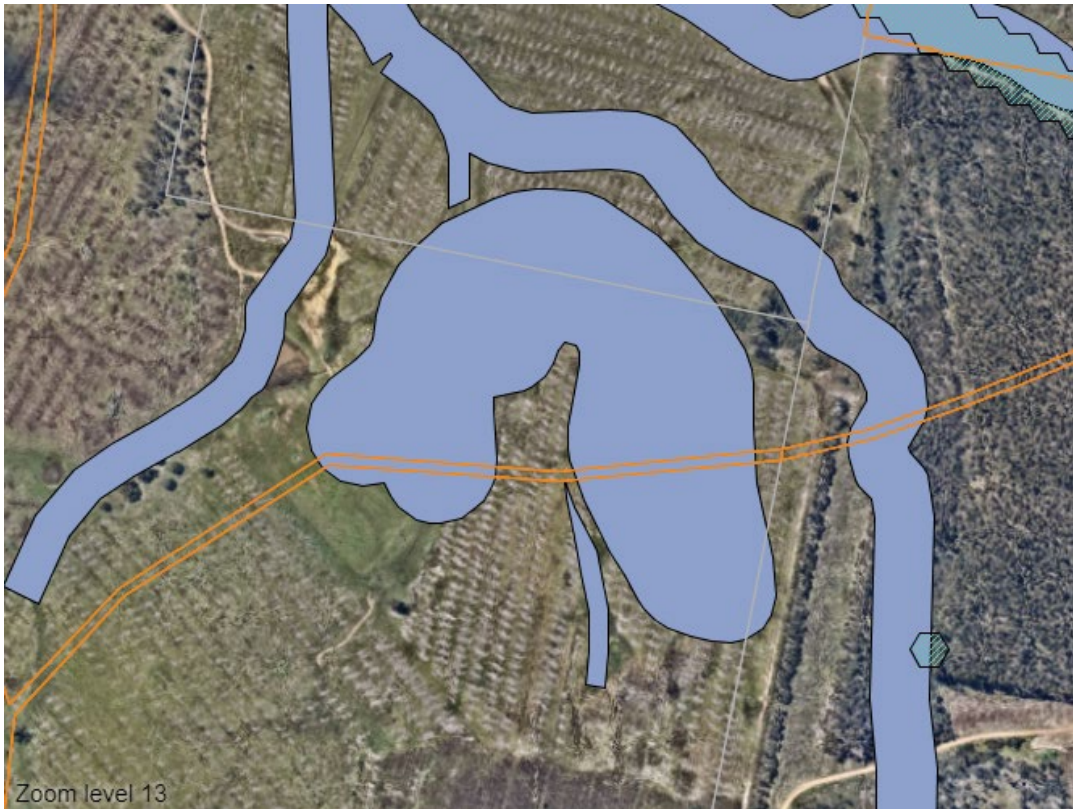


Figure 5. Current WCPA showing a wetland.



Figure 6. Existing conditions as at November 2023 showing recent forestry clearing and no signs of a wetland.

Updated coastline

The WCPA applies from the mean high water mark. This is a moving feature and often updated.



Figure 7. Latest coastline data (blue) versus current WCPA (green)

General presentation issues

Figure 8 is one example, of many, of gaps in the current WCPA that are artefacts of the Geographic Information System processing.



Figure 8. Gap in the current WCPA.

Class 1 (named watercourses) mapped as lower class streams

Table C7.3 requires all named watercourses on the 1:100,000 topographic map sheets produced by the Tasmanian Government to be mapped as class 1 watercourses. There are various instances where named watercourses are mapped as lower class.



Figure 9. Little Boomer Creek not mapped as a class 1 watercourse.

Data and Method in the proposed WCPA

Inputs

- *LISTmap Hydline Layer*
- *LISTmap Hydarea*
- *LISTmap CFEV river section catchments*
- *LISTmap CFEV Saltmarsh*
- *LISTmap CFEV Wetlands*
- *LISTmap Coastline (MHWMM)*

Processing of mean high water mark

- Remove islands, tidal, inland features
- Apply 40m buffer in 10 segments in QGIS

Processing of wetland

- Select wetlands and flats from Hydrographic area layer in LISTmap
- Apply 40m buffer in 10 segments in QGIS

Processing of streams

- Select named features, combine segments, code Class 1 and buffer 40m in 10 *segments* in QGIS. Verify named segments match 1:100,000 topo sheet (scanned map in LISTmap)
- Code remaining Class 4
- Classify class 2 and 3 based on catchment size using CFEV river segments for catchment size (join attributes by location (one to

many, intersect, overlap, contain, within, touches) to catchment size)

- Verify by comparison to existing waterway overlay

Application of class 4 streams due to zoning

- Split layer by relevant zones and reclassify.
- Streams: Change all within Table C7.3 (b) zones to class 4
- Tidal – Cut at the zone boundary

Final revisions

- Remove artificial watercourses
- Apply symmetrical difference and manually review
- Remove small gaps and other processing artifacts
- Manually add Marchweil Marsh and wetlands at Carlton and Primrose Sands from old WCPA as features not otherwise mapped

Draft Amendment

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.

The Natural Assets Code

The Natural Assets Code addresses native vegetation, coastal refugia and waterway and coastal protection.

The provisions related to a WCPA address impacts both in stream and to the adjacent land such as siltation, native vegetation and instream habitat. The Code includes a definition of waterway values being “the values of watercourses and wetlands derived from their aquatic habitat and riparian vegetation, physical elements, landscape function, recreational function and economic function.” The term waterway values is not otherwise used in the Code but does summarise the scope.

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.

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*.

Attachments:

Attachment 1- Draft Amendment

Attachment 2 – Detailed LPS Criteria Assessment

TASMANIAN PLANNING SCHEME - SORELL

PLANNING SCHEME AMENDMENT – SORELL LOCAL PROVISIONS SCHEDULE

AM-SOR-5-2024.1.1

Pursuant to the Land Use Planning and Approvals Act 1993

Location

Whole of Local Government Area

Description

Replace with waterway and coastal protection area as shown on overlay maps WCPA 11k (pages 1 to 16) and WCPA 55k (pages 1 to 6)

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 amendment 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
(a) <i>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 through an updated overlay that best reflects the spatial extent of the waterway and coastal protection area.
(b) <i>to provide for the fair, orderly and sustainable use and development of air, land and water</i>	The updated overlay will assist in achieving fair, orderly and sustainable use through assisting in when and how the associated code is applied to individual applications.
(c) <i>to encourage public involvement in resource management and planning</i>	If certified, the draft amendment will be subject to public exhibition.

<i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	The updated overlay will assist in achieving fair, orderly and sustainable use through assisting in when and how the associated code is applied to individual applications.
<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>	This procedural objective has no bearing on the matter at hand.
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>	The updated overlay will assist in when and how the associated code is applied to individual applications.
<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.

<p><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></p>	<p>This procedural objective has no bearing on the matter at hand.</p>
<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>Waterways are important to public health and wellbeing and, as such, the planning system recognizes waterways and seeks to regulate use and development. The updated overlay will assist in when and how the associated code is applied to individual applications.</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>Waterways have scientific and aesthetic values that are reflected in the updated overlay.</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>

(d) 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>	The waterway and coastal protection area applies to the Agriculture Zone. There are no exemptions for agriculture use or development within the WCPA. Therefore, clearing of vegetation for pasture or crops or construction of a building for an agriculture use would be subject to the code.
<i>State Policy on Water Quality Management 1997 (SPWQM)</i>	The associated Natural Values Code does consider point source discharge to waterways and in doing so supports application of this policy.
<i>State Coastal Policy 1996 (SCP).</i>	The WCPA applies to the coastal zone and supports application of this policy.

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.*

The WCPA and Natural Values Code support water quality.

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

The Tasmanian Planning Policies 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>Water Resources</p> <p>WR 1.3: Include setback requirements in planning schemes to protect riparian areas relevant to their classification under the Forest Practices System.</p>	<p>As noted earlier, the WCPA applies the Forest Practices System of watercourse classification. The amendment therefore directly supports this regional policy.</p>
<p>The Coast</p> <p>C 1.1 Ensure use and development avoids clearance of coastal native vegetation.</p>	<p>Consistent with the Natural Assets Code, the updated overlay applies to 40m of the mean high water mark and 100m of the Orielton – Pittwater Lagoon RAMSAR site. Removal of native vegetation within this area is regulated by the Natural Assets Code.</p>

(e) 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
 - Support the revision of the Southern Tasmania Regional Land Use Strategy.
- Objective 2: Responsible Stewardship and a Sustainable Organization
 - Give consideration to the potential impacts of growth and developments.
 - 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
 - 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 updated WCPA is broadly consistent with Council's Strategic Plan in supporting decision-making around natural values.

(f) 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;

There are some inconsistencies in the WCPA at the boundary with Glamorgan Spring Bay associated with named watercourses that have not been classified as class 1 streams. It is not considered appropriate to match neighbouring planning schemes where the neighbouring planning scheme is not fully correct.

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

Not applicable.