



# SORELL PLANNING AUTHORITY (SPA) AGENDA

3 JUNE 2025

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, 3 June 2025 commencing at 4:30 pm.

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## **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  
29 MAY 2025



## **AGENDA**

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON TUESDAY 3 JUNE 2025

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## 1.0 ATTENDANCE

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

## 2.0 APOLOGIES

## 3.0 CONFIRMATION OF THE MINUTES OF 6 MAY 2025

### RECOMMENDATION

"That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 6 May 2025 be confirmed."

## 4.0 DECLARATIONS OF PECUNIARY INTEREST



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

## 5.0 LAND USE PLANNING

### 5.1 7.2022.3.1 – 13 LOT SUBDIVISION AT 1668 ARTHUR HIGHWAY, COPPING

<b>Applicant:</b>	PDA Surveyors
<b>Proposal:</b>	13 Lot Subdivision
<b>Site Address:</b>	1668 Arthur Highway, Copping (CT 139620/1; 127347/1; 51570/2)
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme (Sorell LPS)</i>
<b>Application Status</b>	Discretionary
<b>Relevant Legislation:</b>	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i> & Part 3 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993 (LGBMP)</i> .
<b>Reason for SPA meeting:</b>	Subdivision creates more than ten lots.

<b>Relevant Zone:</b>	Rural Zone Utilities Zone										
<b>Proposed Use:</b>	Not applicable - Subdivision										
<b>Applicable Overlay(s):</b>	Bushfire-prone areas Low landslip hazard band Medium landslip hazard band Waterway and coastal protection area Priority vegetation area										
<b>Applicable Codes(s):</b>	Parking and Sustainable Transport Code Road and Railway Assets Code Natural Assets Code Attenuation Code Bushfire-Prone Areas Code Landslip Hazard Code										
<b>Valid Application Date:</b>	18 July 2024 (date of State Growth section 52 consent)										
<b>Decision Due:</b>	10 June 2025										
<b>Discretion(s):</b>	<table> <tr> <td>1</td><td>Clause 26.5.1 P1 - Subdivision</td></tr> <tr> <td>2</td><td>Clause 26.5.2 P1 - Services</td></tr> <tr> <td>3</td><td>Clause C3.5.1 P1 - Traffic</td></tr> <tr> <td>4</td><td>Clause C7.7.1 P1 - Subdivision in a waterway area</td></tr> <tr> <td>5</td><td>Clause C7.7.2 P1 - Subdivision in a priority vegetation area</td></tr> </table>	1	Clause 26.5.1 P1 - Subdivision	2	Clause 26.5.2 P1 - Services	3	Clause C3.5.1 P1 - Traffic	4	Clause C7.7.1 P1 - Subdivision in a waterway area	5	Clause C7.7.2 P1 - Subdivision in a priority vegetation area
1	Clause 26.5.1 P1 - Subdivision										
2	Clause 26.5.2 P1 - Services										
3	Clause C3.5.1 P1 - Traffic										
4	Clause C7.7.1 P1 - Subdivision in a waterway area										
5	Clause C7.7.2 P1 - Subdivision in a priority vegetation area										

	6	Clause C15.7.1 P1 - Subdivision in a landslip hazard area
<b>Representation(s):</b>	2 representations received.	

## RECOMMENDATION

That pursuant to section 57 of the *Land Use Planning and Approvals Act 1993* and Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* Council resolve that Planning Application 7.2022.3.1 be refused for the following reasons:

1. The layout of the subdivision will make the maintenance of roads unduly expensive contrary to section 85 (c) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.
2. The proposal does not comply with acceptable solution C15.7.1 A1 as subdivision works and lots are within the landslip hazard area and does not satisfy performance criteria C15.7.1 P1 as it has not been demonstrated that development on each lot will achieve a tolerable level of risk from landslip.

## Executive Summary

Application is made for a 13 Lot Subdivision at 1668 Arthur Highway, Copping. This property is zoned Rural and Utilities and is located approximately 5 km north of Connelly's Marsh and 7.5 km east of Forcett.

The key planning considerations relate to the provision of road infrastructure and impact on natural values.

The application does not comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell LPS)* and the provision of roads is contrary to the *Local Government (Building and Miscellaneous) Provisions Act 1993* and is recommended 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 includes new road / stormwater / footpath assets to be transferred to Council. Design and construction standards for these assets are considered in this report.



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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	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	See below
Environmental Health	No			
Plumbing	No			
NRM	Yes	Yes	Yes	Biosecurity Tasmania have completed a survey of the site confirming extensive Serrated Tussock infestation. Weed management is required for any work.
TasWater	No			



TasNetworks	Yes	Yes	Nil	"Based on the information provided, the use/development is not likely to adversely affect TasNetworks' operations."
State Growth	Yes	Yes	Yes	Section 52 land owner consent has been granted for this proposal. Comments below

#### Development Engineering Comments

- Proposal of 7 m wide road with 6 m sealed road with 2 coat seal 14/7 and 0.5m gravel shoulder on each side.
- Road segment is 3440 m long. Council to determine if financially if it is worth maintaining 3.4 km road for 13 lot subdivision.
- Table drain proposed along roadside.
- Separate stormwater management plan drawing sheet will be required that details the overall concept of stormwater discharge point during Engineering assessment of drawings. This information is hard to visualise at this stage.
- Safety barrier will be required where there is sharp edge drop from the road. This information is hard to achieve at this stage.
- Intersection of Council Road will be with the State Growth Road and will be approved by DSG but must also meet Council's minimum requirement. This will be assessed in more details when final drawings are submitted for engineering design assessment.

#### State Growth Comments

The Arthur Highway at this location has been built to a high standard in hilly terrain with overtaking lanes in the eastbound direction and a 100km/h speed limit.

Any new junction treatment is likely to extend into the highway curves either side of the proposed side road so that the highway alignment is not compromised. It is not clear whether widening will occur on one or both sides of the highway and whether there will be impacts to private land.

... to confirm scope, cost and land impacts, it seems desirable the development application includes preliminary design drawings on a 3D model of the proposed junction treatment undertaken by a suitably qualified road design consultant and to the satisfaction of the department. Drawings will need to show likely batter slopes/land impacts, drainage and include a construction cost estimate.

Given the expected high construction costs of both the works within the highway, and new council road - the feasibility of the development seems uncertain. ... this seems like an instance where financial security could be considered to ensure works are completed or reinstated.

Please include the following condition in any permit if issued.

1. Provide a CHR/AUL and acceleration lane at the site access to the Arthur Highway (DSG Ref. A0142 Link 9 Ch. 7.65km).
2. Remove the existing G-turn facility and informal access opposite.
3. Prior to undertaking any works in the state road reserve a Works Permit is required from the Department of State Growth in accordance with Section 16 of the Roads and Jetties Act 1935. Construction works within the state highway will need to be undertaken by a suitably qualified organisation.

Application for permits can be found at [https://www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings](https://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings)

Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.

## Report

### Description of Proposal

It is proposed titles CT 139620/1, CT 127347/1 & CT 51570/2 be combined and subdivided into 13 lots. Each lot will be no less than 40 ha in area. A 20m wide road reservation will be created over the existing ex-forestry access road to facilitate the subdivision, providing access to proposed lots. The total length of road is 3,550m long. The



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road surface will be upgraded to meet the LGAT standards for a sealed rural road and transferred to Council as part of the subdivision.

The intersection of the proposed road is located at an overtaking lane for eastbound traffic. The intersection design requires 185m long deceleration lanes to both sides and a 185m long right turn lane. To accommodate this, the northern side of the roadway is to be widened to accommodate a relocated overtaking lane with this widening to occur for a length of 410m. The deceleration lanes are accommodated by widening the southern side of the highway. Road cross sections are not included with the application, yet the widening will require cut and fill.

The application is supported by:

- a Planning Report dated February 2022 from PDA Surveyors, Engineers & Planners;
- Road Design by PDA Surveyors, Engineers and Planners dated 22 April 2024;
- Plan of Subdivision by PDA Surveyors, Engineers and Planners Rev 3 dated 5 November 2021;
- State Growth Consent;
- a Landslide and Flood Risk Assessment report dated August 2024 from PDA Surveyors, Engineers & Planners;
- a Traffic Impact Assessment dated June 2024 from Midson Traffic; and
- a Bushfire Hazard Report dated December 2021 from Enviro-Dynamics.

Crown consent was provided by Department of State Growth due to proposed access upgrades for the new road connection to Arthur Highway. If a planning permit is issued, further State Growth approval is required for works in the road reservation including the final design and specification of the junction, access locations and stormwater conveyance.

### **Description of Site**

The 680 hectare property is located at 1668 Arthur Highway, Copping, approximately 5 km north of Connelly's Marsh and 7.5 km east of Forcett. The site is topographically diverse, encompassing hills to the north, west and southeast, and a valley floor running north-south through the centre of the property. The elevation ranges between 17 to 277 m above sea level.

The Carlton River, its tributary Tanners Creek and subsequent minor tributaries run through the property extending from a fork towards the south. The vegetation on the lot is comprised mostly of dense

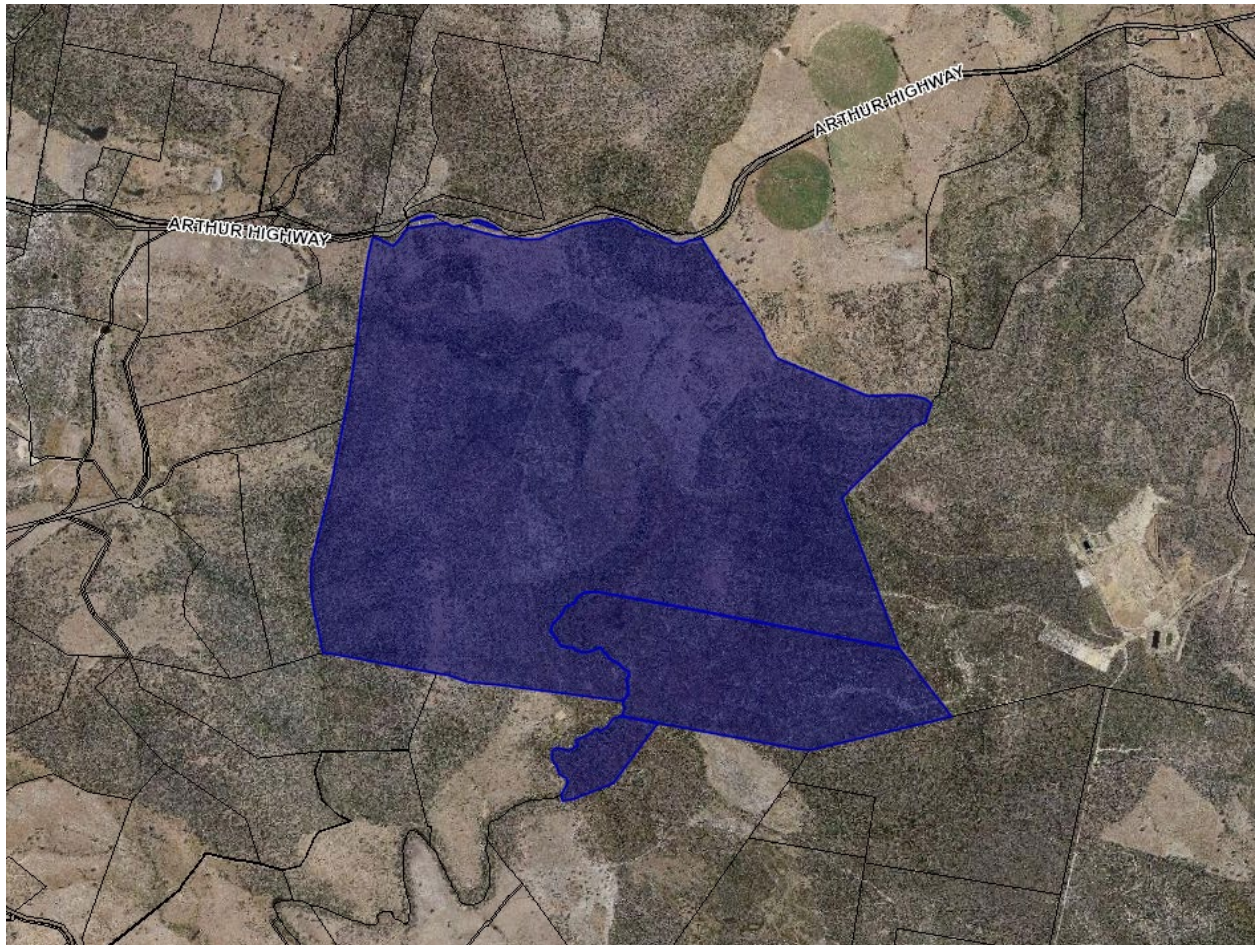


regenerating plantation species, particularly radiata pine (*Pinus radiata*) and shining gum (*Eucalyptus nitens*), with some small sections of native forest and cleared agricultural land.

The lot is currently not serviced with power and reticulated water; nor is there a nearby fire hydrant.

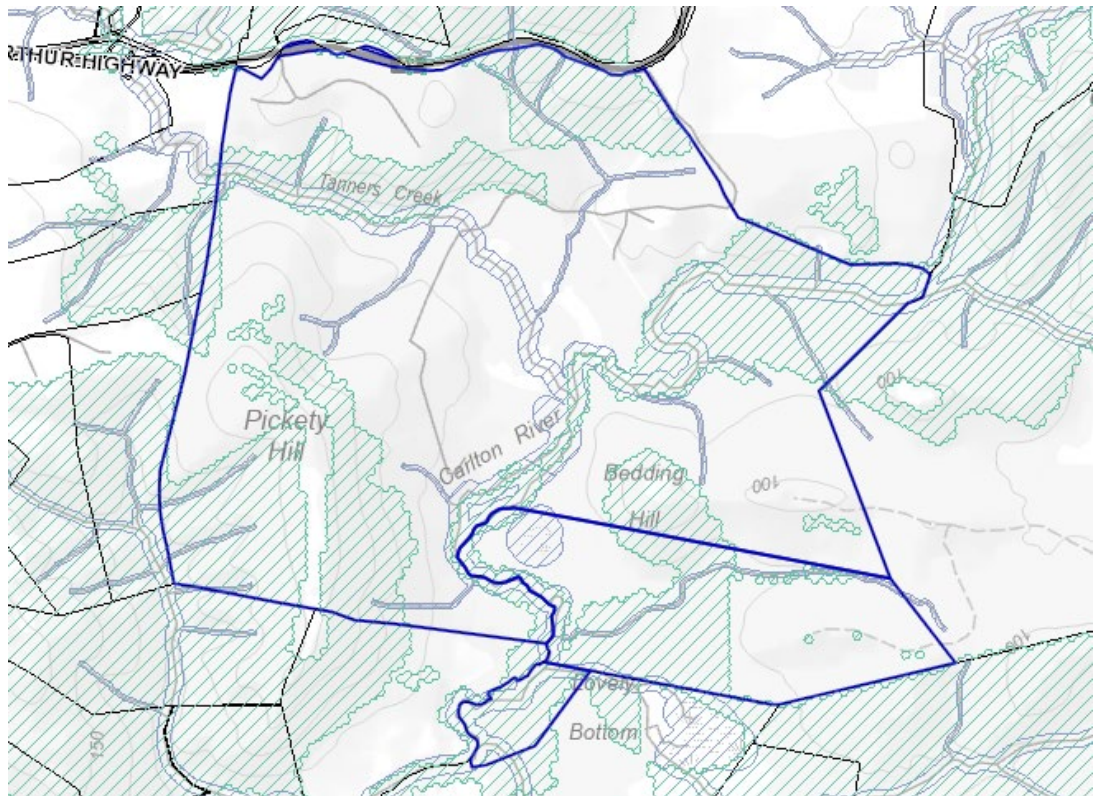
Adjoining land consists of:

- Conservation Covenant land protected under the Nature Conservation Act, zoned Rural
- The Copping Landfill site, zoned Utilities
- Private freehold land, zoned Rural and Agriculture

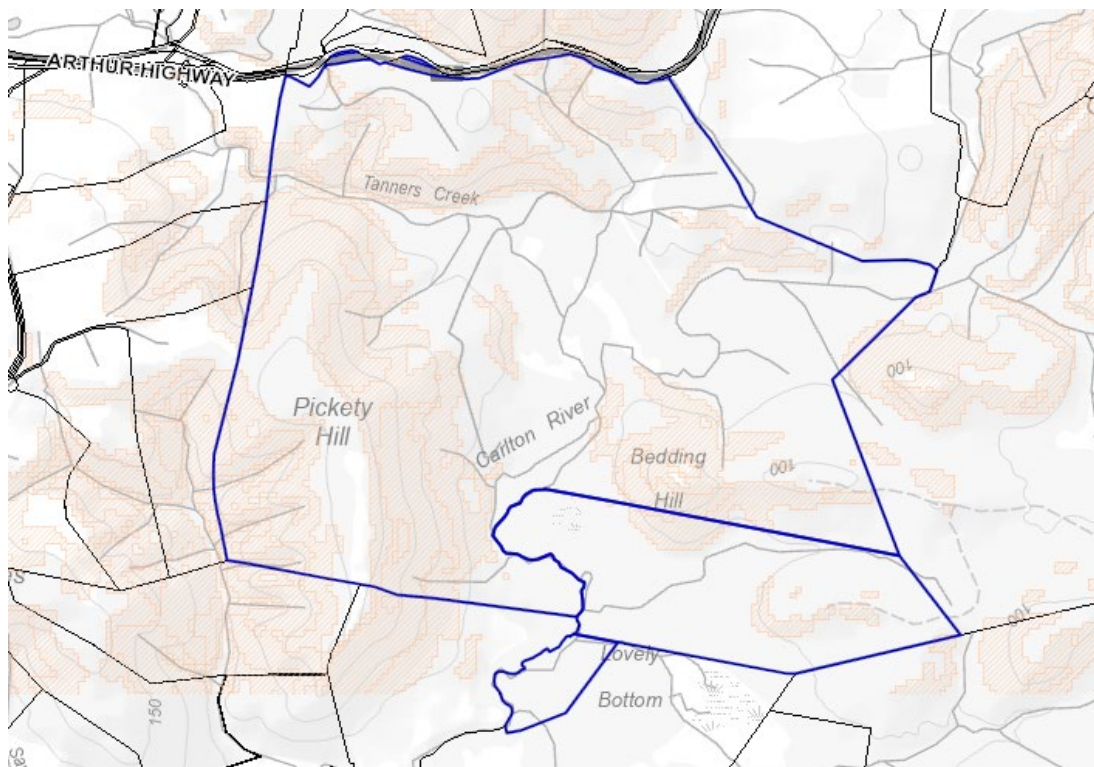


**Figure 1. Subject site.**





**Figure 2. Priority vegetation overlay shown in green hatching and waterway and coastal protection area shown in blue hatching.**



**Figure 3. Landslip hazard overlay shown in orange hatching.**





**Figure 4. Intersection (facing east).**



**Figure 5. Intersection (facing west).**

## Planning Assessment

The Tasmanian Planning Scheme (Sorell) applies as the application, while lodged under the former scheme, became valid on receipt of section 52 land owner consent by which time the former scheme was not in effect.

The subject site is predominantly within the Rural Zone. Two small patches of land at the northern end of the site are within the Utilities Zone. They are part of Lot 1. These two areas are on the opposite (northern) side of the Arthur Highway, wedged between the current highway alignment and an older alignment.

Pursuant to Clause 6.2.6 of the planning scheme, development which is for subdivision does not need to be categorised into one of the Use Classes.

### *Rural zone*

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
20.5.1 (A1)	Lot Design	Yes. Each lot is to be over 40ha with a frontage of more than 25m. There are no existing buildings.
20.5.1 (A2)	Lot Design	Yes. Each lot is provided with a vehicular access from the boundary of the lot to a road. Landowner consent from the road authority (Department of State Growth) has been granted insofar as it affects the State road network.

### *Utilities zone*

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
26.5.1 (A1)	Subdivision	No. The proposal does not meet the standards in A1. It must be assessed against P1.
26.5.1 (A2)	Subdivision	Yes. Each lot has a frontage of not less than 3.6m.
26.5.1 (A3)	Subdivision	Yes. Each lot is provided with vehicular access.
26.5.2 (A1)	Services	No. The proposed lots do not have access to a reticulated sewerage system. The proposal must be assessed against P1.



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26.5.2 (A2)	Services	Yes. All lots are capable of connecting to the public stormwater system (i.e., the roadside table drain).
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Performance Criteria Assessment 1 – clause C26.5.1 P1 Subdivision

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

- (a) the relevant requirements for development of buildings on the lot;
- (b) location of existing buildings on the lot;
- (c) likely location of buildings on the lot; and
- (d) accessibility for vehicles.

Proposed Lot 1 is partly in the Utilities Zone. This lot is not less than 40 ha in area, which is of sufficient useable area and dimensions suitable for its intended rural use. The proposal meets P1.

Performance Criteria Assessment 2 – clause C26.5.2 P1 Services

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

Part of proposed Lot 1 is in the Utilities Zone. This lot is not less than 40 ha and is capable of accommodating on-site wastewater treatment system. The proposal meets P1.

## Codes

### Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 (A1)	Traffic	No, as traffic generation will increase by more than 40 vehicles per day to Arthur Highway. The proposal must be assessed against P1.
C3.7.1 (A1)	Subdivision for sensitive uses within a road or railway attenuation area	Yes. Lots intended for sensitive uses have a building area for the sensitive use that is not within a road or railway attenuation area.



Performance Criteria Assessment 3 – clause C3.5.1 P1 Traffic Generation

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

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

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

- the findings of the traffic impact assessment;
- the granting of Crown consent by the road authority; and
- the assessment completed by Council's Development Engineering officer.

### **Natural Assets Code**

This code applies to development on land within a waterway and coastal protection area, and a priority vegetation area in the Rural Zone.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C7.7.1 (A1)	Subdivision within a waterway and coastal protection area or a future coastal refugia area	No. The proposal includes subdivision works in a waterway protection area. The proposal must be assessed against P1.
C7.7.2 (A1)	Subdivision within a priority vegetation area	No. The proposal includes subdivision works in a priority vegetation area. The proposal must be assessed against P1.

Performance Criteria Assessment 4 – clause C7.7.1 P1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:

- (a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and
- (b) future development likely to be facilitated by the subdivision.

The proposed design and layout minimise impacts by utilising existing ex-forestry roads and tracks, whilst also taking into consideration the siting of new access points and indicative building areas. All indicative building areas and associated bushfire hazard management areas are outside of any waterway and coastal protection area or future coastal refugia area. The proposal meets P1.

Performance Criteria Assessment 5 – clause C7.7.2 P1 Subdivision within a priority vegetation area

P1.1 Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:

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

*P1.2 Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:*

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

The extent of native vegetation is contained within reserves established in forest harvesting plans and is proportionally small. Subdivision works avoid extensive vegetation removal by containing the road to former forestry roads. On this basis, the proposal is consistent with P1.1 (e) and P1.2 (a) and (f).

### **Attenuation Code**

This code applies to uses within attenuation zones of surrounding emitting activities. The subject site shares a boundary with the Copping Tip.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C9.6.1	Lot design	Yes. The subdivision is for the creation of lots where buildings for sensitive uses can be located entirely outside of the Copping Tip attenuation area.

### **Bushfire-Prone Areas Code**

This code applies to subdivision of land that is located within a bushfire-prone area. A Bushfire Hazard Report has been provided by Enviro-Dynamics.

The proposal complies with the code through the provision of an accredited persons bushfire hazard report, which s51(2)(d) of LUPAA requires the planning authority to accept.

## Landslip Hazard Code

This code applies to use or development of a land within a landslip hazard area.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C15.7.1	Subdivision within a landslip hazard area	No. There are no plans to demonstrate that the proposal meets A1. It must be assessed against P1.

### Performance Criteria Assessment 6 – clause C15.7.1 P1 Subdivision within a landslip hazard area

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

- (a) any increase in risk from a landslip 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 a landslip, of access to the lot on or off site;*
- (e) the need to locate building areas outside the landslip hazard area;*
- (f) any advice from a State authority, regulated entity or a council; and*
- (g) the advice contained in a landslip hazard report.*

Sections of the road traverse through the landslip hazard area. The landslip hazard report is a brief review of landslip risk that considers one, but not all, sections of road that traverse through the landslip hazard area. There is insufficient detail with the application to determine if driveways and building areas are clear of the landslip hazard area. The report is not prepared by a geotechnical practitioner recognised by CBOS. The application has not demonstrated compliance with performance criteria.

## Public Open Space Policy

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

- whether public open space land should be taken for a park or other purpose;
- whether public open space land should be taken for connectivity; or

- if no public open space land is proposed or taken, what rate of a cash in lieu contribution should apply.

Section 5.2 of the public open space policy outlines criteria to assess the taking of land. Among other matters, this section has regard to any related Council policy, whether the land is conveniently located with respect to the wider area along with existing open space and any alternatives, whether the land would contribute to Council's ability to support a diversity of recreational activity and the demand created. In this case, it is considered that taking land for open space would not further the Council policy.

Implicit in the policy is that Council maintains and develops many forms of open space assets and across different scales. All residents benefit from regional and district scale facilities such as South East Sports Complex, from walking tracks and trails and from land used to manage natural or cultural values. Within settlements, residents also benefit from, and have a need for, nearby local parks.

There is no nearby public open space and no nearby walkways or equivalent public open space land. Council's public open space strategy does not support the creation of public open space land in areas of very low density and therefore no public open space land should be required.

Where land is not taken, a cash contribution is required. Section 6.2 of the policy applies to the Rural Zone and provides that:

- (b) a cash contribution in lieu of POS may be required in all other zones when:
  - (i) other land within the estate/suburb has been zoned in the Planning Scheme as being required for POS; or
  - (ii) other land within the estate/suburb has been identified in any Council policy as being required for POS.

Council's public open space strategy does not support the creation of public open space land in areas of very low density and therefore no public open space should be required in any permit granted.

## Local Government (Building and Miscellaneous Provisions) Act 1993

### *Relevant provisions*

The *Local Government (Building and Miscellaneous Provisions) Act 1993 (LGBMP)* sets out requirements for subdivision that apply to proposals unless addressed by a planning scheme, in which case the planning scheme takes precedence.

Section 85 of LGBMP provides:

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

- (a) that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is; or*
- (b) that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of; or*
- (ba) that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block; or*
- (c) that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets; or*
- (d) that the layout should be altered to include or omit –*
  - (i) blind roads; or*
  - (ii) alleys or rights of way to give access to the rear of lots; or*
  - (iii) public open space; or*
  - (iv) littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake; or*
  - (v) private roads, ways or open spaces; or*
  - (vi) where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides; or*
  - (vii) licences to embank highways under the Highways Act 1951; or*
  - (viii) provision for widening or deviating ways on or adjoining land comprised in the subdivision; or*
  - (ix) provision for the preservation of trees and shrubs; or*

- (e) *that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision; or*
- (f) *that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on; or*
- (g) *that one or more of the lots ought not to be sold because of*
  - (i) *easements to which it is subject; or*
  - (ii) *party-wall easements; or*
  - (iii) *the state of a party-wall on its boundary.*

Relevant to how the above should be considered is the provision at section 5 of LUPAA which states that:

*It is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or exercise the power in such a manner as to further the objectives set out in Schedule 1.*

The Schedule 1 objectives are in two parts as set out below:

### **PART 1 - Objectives of the Resource Management and Planning System of Tasmania**

**1.** *The objectives of the resource management and planning system of Tasmania are:*

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- (c) *to encourage public involvement in resource management and planning; and*
- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*
- (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.*

**2.** *In clause 1 (a), **sustainable development** means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and*



communities to provide for their social, economic and cultural well-being and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

## **PART 2 - Objectives of the Planning Process Established by this Act**

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule:

- (a) to require sound strategic planning and co-ordinated action by State and local government; and
- (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; and
- (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; and
- (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; and
- (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; and
- (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; and
- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- (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; and*
- (i) *to provide a planning framework which fully considers land capability.*

A similar or equivalent provision to section 5 of LUPAA is provided at section 51(2)(a) of LUPAA which notes that a planning authority 'must seek to further the objectives set out in Schedule 1'.

#### *Application to the proposal*

The above matters are relevant to this proposal as the Rural Zone has no standard applicable to the design of a road. Therefore, the proposed road and road drainage is considered under LGBMP.

In the Tasmanian Planning Scheme, the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone and Village Zone contain standards for new roads while all other zones do not. It may be the case that the drafters of the scheme considered that no such standards were required for zones of low subdivision activity or where new road construction is unlikely.

#### *Section 85 Assessment*

The following assessment is made against each clause of section 85:

- (a) is satisfied insofar as there is no potential for the proposed road to connect into any existing or future road network;
- (b) is met as road drainage can be achieved (subject to future detailed design) and lots have sufficient size for onsite management;
- (ba) is satisfied by way of lot size;
- (c) is not satisfied for reasons detailed below.
- (d) is met as:
  - "blind roads" is an unclear, undefined term that cannot be further considered;
  - rear access to lots is not required in a rural area;
  - public open space is not required;
  - there are no littoral reserves around Carlton River either side of the property and new reserves would be in isolation;
  - no private roads or ways are proposed;
  - the 20m wide road reservations are adequate;
  - no embankments are necessary;
  - provisioning for widening or deviating ways is not required;

- preservation of trees is provided for by the planning scheme.
- (e) is met on the basis that there is no benefit in including adjoining land in the proposal;
- (f) is met as the basis that each lot has areas suitable for future buildings; and
- (g) is met as easements and party walls do not restrict development of any of the lots.

Clause (c) requires further consideration as this deals with the suitability of the proposed road and future maintenance costs.

Annual per kilometre depreciation cost for sealed rural roads is variable. A sample of costs from Council's asset management systems shows figures ranging from \$8,836 (Drovers Rise), \$13,398 (Greens Road) and \$11,275 (Wolstenholme Drive). Gravel road costs are lower with figures ranging from \$7,348 (Duncombe Lane, 5m wide) to \$9,481 (Josephs Road – 5.75m wide).

The proposed road is 3.5 kilometres long, with annual costs in the order of \$31,000 to \$46,900.

The depreciation cost is a cash cost incurred from day 1 of Council's responsibility for a new road, and applies irrespective of how well constructed, or not, an asset is or how far into the future any maintenance works occurs.

Annual rate revenue from 13 rural lots with dwellings is estimated to be \$32,500.

Approximately 20% of rate revenue is allocated to road depreciation (i.e., maintenance). The remaining 80% covers a range of other services and operational costs.

The above establishes that rate revenue will not cover the depreciation costs of the road asset, with the deficit to be borne by the community more generally.

While a number of existing rural roads have high maintenance costs relative to revenue, these are historic. It is not fair nor orderly for new assets to be built that have limited private benefits and excessive public costs. On this basis, the maintenance costs are therefore considered unduly expensive and that clause (c) is not satisfied.

## Representations

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but 'only insofar as each such matter is relevant to the particular discretion being exercised'.

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

Issue	Relevant Clause	Response
Concerns about the subdivision impacting the security and privacy of the representor's property. They are concerned that the subdivision road will come up to their rear boundary. They would like to request for the landowner to install a security fence.	N/A	The building areas on proposed lots meet the acceptable solution for setbacks. There are no security of privacy provisions in the Rural Zone.
The representor objects to Lot 3 using the existing Right of Way through their property.	N/A	The use of the Right of Way is outside the scope of planning assessment for the proposed subdivision.
The representor requests that weed management is required on Lot 3, particularly for serrated tussock. The representor also objects to Lot 3 using the existing Right of Way through their property. They are concerned with the possibility of increased vehicle traffic to cause disturbance to their livestock.	N/A	The proponent will be required by permit conditions to undertake actions for weed management, including the submission of a Weed Management Plan detailing procedures to eradicate serrated tussock from the site. The use of the Right of Way is outside the scope of planning assessment for the proposed subdivision.

## Conclusion

The application does not comply with each applicable standard of the *Tasmanian Planning Scheme (Sorell LPS)* and the provision of

roads is contrary to the *Local Government (Building and Miscellaneous) Provisions Act 1993* and is recommended refusal.

**Shane Wells**  
**Manager Planner**

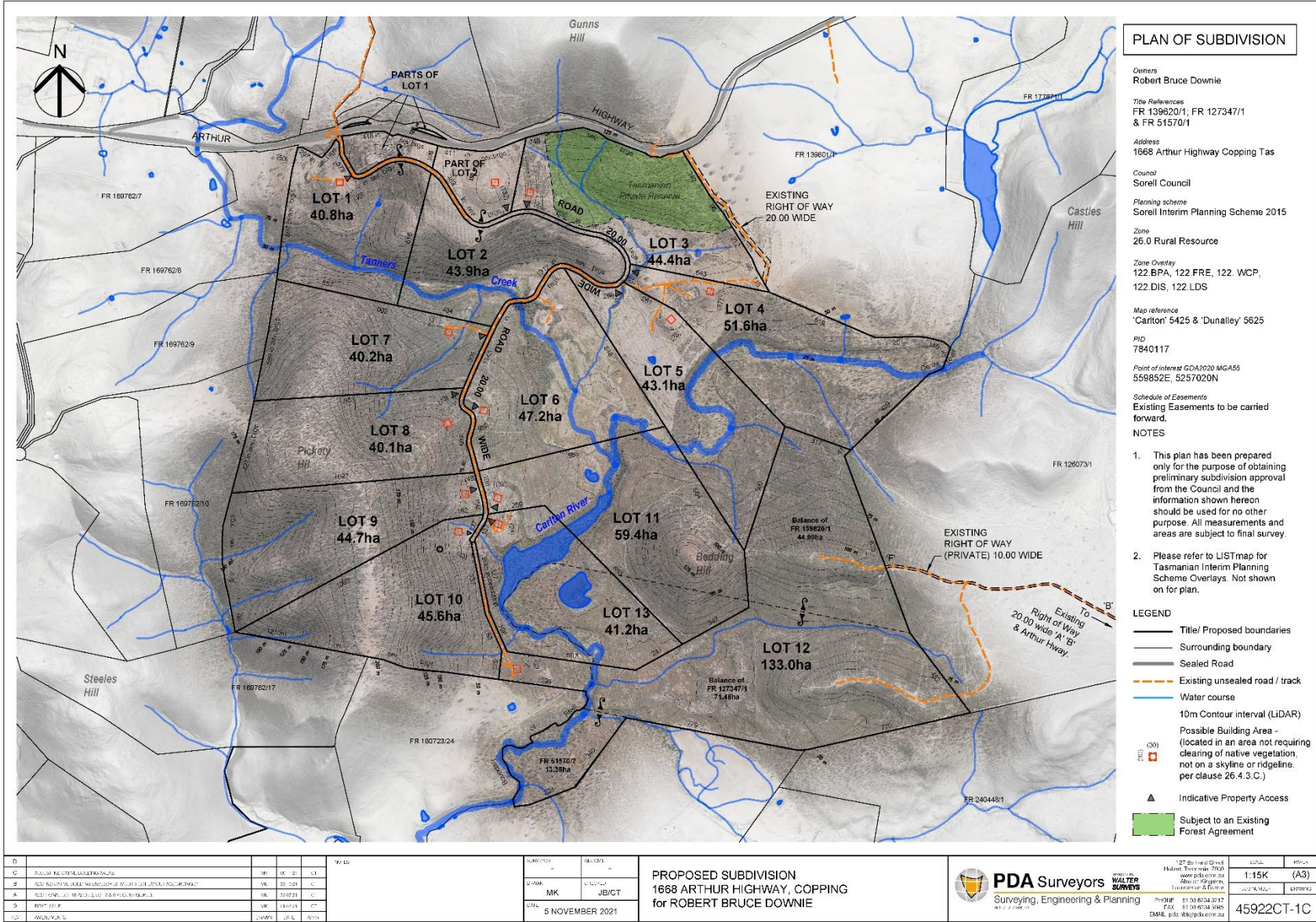
### **Attachments**

Plan of Subdivision by PDA Surveyors, Engineers and Planners  
Rev 3 dated 5 November 2021

### **Separate Attachments:**

*State Growth Consent  
Planning Report by PDA Surveyors, Engineers and Planners  
Rev 3 dated 11 June 2024  
Road Design by PDA Surveyors, Engineers and Planners dated  
22 April 2024  
Landslide and Flood Risk Assessment by PDA Surveyors,  
Engineers and Planners dated 5 August 2024  
Traffic Impact Assessment by Midson Traffic Pty Ltd dated  
June 2024  
Bushfire Hazard Report by Enviro-Dynamics dated December  
2021*





## 5.2 GREATER HOBART BUS NETWORK REVIEW

### RECOMMENDATION

"That Council endorse the General Manager to provide a submission that includes the matters outlined in the 'future needs' section of this report."

### Introduction

The purpose of this report is to consider the details of any Council submission on a current review of the Greater Hobart bus network.

### Background

Nil.

### Strategic plan

3.5. "A more convenient and effective public transport system" with implementation statement of "Encourage the use of the public transport system and establishment of suitable park and ride facilities."

The *Sorell Active Transport Strategy 2024* recognises and promotes the following in support of increased bus patronage and addressing transport disadvantage:

- Safe and secure bike storage at bus stops and various key attractions; and
- Safe and convenient footpath linkages and pedestrian crossings near bus stops.

Consultation for *the Sorell Social Strategy 2024* identified a common community view that more frequent, express and cheaper bus services were needed. This is particularly the case for residents in the Southern Beaches to access services in Sorell township and in Greater Hobart. The equity and wellbeing effects of car dependency are widely recognised and discussed.

A key finding of the *South East Youth Engagement Project 2024* by YNOT is that 'access to affordable, reliable and appropriate transport makes or breaks a young persons ability to participate'. This is an issue for travel both within and outside the LGA. The project recommended that:

*Transport is essential for young people to access school, work, essential services, and social and recreational opportunities, and contributes towards their overall wellbeing and socioeconomic participation. Explore opportunities to better utilise existing community and public transport and invest in youth-targeted transport services that allow young people to readily move about within and between their communities.*

### **Annual plan**

- 3.4 “Continue to lobby for affordable and increased public transport services and Park and Ride facilities for the Southern Beaches and Sorell East.”
- 3.7 “Develop a Masterplan for the Community Cultural Precinct, connecting the Training & Jobs Hub through to the Park and Ride and inclusive of short term activation opportunities.”

Please note the current DSG and Council funded project to design and replace bus shelters at Sorell park and ride and the DSG funded Midway Point park and ride which has just commenced construction.

### **Policy implications**

Nil.

### **Environmental implications**

Nil.

### **Asset management implications**

Nil.

### **Risk management implications**

Nil.

### **Community implications**

Access to reliable public transport linking key destinations is significant to the health and wellbeing of the community.



## Statutory implications

Nil. Any submission is optional.

## Options

(1) Nil submission; (2) endorse submission proposed by officers; (3) modified submission.

## Report

### *Scope of Review*

*The review will aim to deliver updated routes and timetables that:*

- are reliable, easy to use and convenient*
- improve access to jobs and everyday needs like shopping and social activities*
- make better use of available funding to benefit the most people.*

### *Bus Services in the Sorell LGA*

Presently, bus services are provided by Kinetic, Area Connect and various school services.

A gradual improvement in bus services is evident with investments by Kinetic in new buses, the 2023 fee reductions and park and ride infrastructure. Area Connect run a twice weekly pre-booked service from Primrose Sands to Sorell catering for an older demographic. The Kinetic service has approximately 8,500 customers per month and consists of:

- Eight weekday services from Sorell to the Hobart Interchange: 6am, 7.20am, 7.30am x 2, 9am, 11am, 12pm, 2pm, 4pm and 5pm. There is one direct weekday service. Other services run to the Rosny Interchange, with some also running through Midway Point and Cambridge Park. Trip time is between 40 and 55 minutes.
- Seven weekday services from Carlton to the Hobart Interchange via the Southern Beaches and Sorell: 6.25am, 6.45am, 7.25am, 9.25am, 12.25pm, 2.25pm and 5.05pm. These services are generally a 75 minute trip.
- Five weekend services from Sorell to the Hobart Interchange: 9am, 11am, 12.15pm, 1pm and 5.45pm.



- Four weekend services from Carlton to the Hobart Interchange via the Southern Beaches and Sorell: 7.25am, 9.40am, 1.55pm and 2.25pm.

We know that per trip patronage numbers for the Sorell LGA are higher than other satellite urban areas that have Metro services and higher population base. We also know that over the next 20 years the LGA population is projected by the Department of Treasury and Finance to increase at a faster rate than any other Tasmanian LGA.

#### *Transport Disadvantage in the Sorell LGA*

Residents in the Sorell LGA are dependent on private vehicles. The Greater Hobart Travel Profile shows that 84.4% of weekday trips are by private vehicles and 83.7% of weekend trips are by private vehicles. While slightly less reliant than the Brighton LGA, other Greater Hobart LGAs have greater modal choice and use.

Limited transport choice and availability impacts economic, health and wellbeing outcomes across broad swathes of the community. Impacts include lack of opportunity for participation in employment and recreation and lack of access to healthcare and other services. These issues are significant across the LGA, although more acute for residents of the Southern Beaches.

Specific issues raised through community engagement projects undertaken in 2024 include:

- Current bus services are designed to support school attendance and 9am to 5pm work commitments. Services capable of supporting flexible work and education arrangements or in support of social or recreation services generally do not exist;
- Outside of Sorell and Midway Point, there are few options 'usually a single bus departing in the morning and returning in the afternoon, ... making 'a single appointment a full day event';
- Long wait times between services; and
- Lack of safe and weather protected public shelters.

YNOT note that:

*"Many educators said that young people's experience with transport would commonly disrupt their student's education and learning.*

*Young people would arrive at school tired having begun their journey as early as 5:30AM, needing to take time off school to travel to Hobart or Launceston for appointments, and had limited school-based work experience opportunities and apprenticeships without private transport. Local employment service providers mentioned significant challenges supporting young people to find work without a private vehicle or driver's licence, and that there were no affordable local driver mentor programs available to help them."*

#### *Future Needs*

1. The township of Sorell be incorporated into the Metro Tasmania service. The LGA population is significant and growing faster than any other LGA and our population better utilises available bus services than equivalent population centres served by Metro Tas. Alternatively, greater investment is made in services between Sorell township, Rosny and Hobart CBD. Both options can make better use of available funding to benefit the most people.
2. Services that connect Dunalley and the Southern Beaches to Sorell available to all ages and abilities that provide regular opportunities to access work, education, recreation (including post school activities) and services outside simple 9am to 5pm work arrangements. Addressing documented transport disadvantage will improve access to jobs and everyday needs.
3. T2/T3 lanes, outlined in the Sorell to Hobart Corridor Plan, be pursued to incentivise bus patronage.
4. Travel time to the Rosny interchange must be improved if bus patronage (across multiple LGA's) is to be incentivised. The current route through Warrane and the Mornington Roundabout is tediously slow. The prospect of on and off ramps at Gordon's Hill Road as announced in association with the Mornington Roundabout Upgrade is welcome.
5. Investments stemming from the Greater Hobart Bicycle Parking Master Plan, currently under development will improve convenience and reliability.

**Shane Wells**

**Manager Planning**

**Attachments:** Consultation Brochure



#### **AGENDA**

SORELL PLANNING AUTHORITY (SPA) MEETING  
3 JUNE 2025

## Want better bus services? We want to hear from you.

Consultation closes 20 June 2025.

The Tasmanian Government wants your feedback on the current public bus network in Greater Hobart including outlying areas such as New Norfolk, Sorell and Southern Beaches, Richmond, Campania and the Huon Valley.

Whether you take the bus regularly, sometimes, or not at all, your feedback will help us understand what's working and what isn't.



Scan the QR code or visit  
<https://engage.stategrowth.tas.gov.au/bus-network>  
to help design a network that truly works for your  
day to day life.



**Passenger Transport**  
Department of State Growth



### AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING  
3 JUNE 2025

### 5.3 PLANNING SCHEME AMENDMENT 5.2025.51.1 – PRIMROSE SANDS ROAD, PRIMROSE SANDS (ADJACENT TO COMMUNITY CENTRE AT 570 PRIMROSE SANDS ROAD)

<b>Applicant:</b>	IreneInc Planning and Urban Design
<b>Proposal:</b>	Local Business Rezone and SAP
<b>Site Address:</b>	Part of Primrose Sands Road, Primrose Sands (CT 139347/1) located adjacent to the Primrose Sands Community Centre at 570 Primrose Sands Road
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme Sorell (TPS-S)</i>
<b>Relevant Legislation:</b>	Part 3B of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
<b>Reason for SPA meeting:</b>	No delegated authority for a planning scheme amendment

<b>Relevant Zone:</b>	Rural Living
<b>Proposed Zone:</b>	Local Business
<b>Valid Application Date:</b>	5 March 2025
<b>Decision Due:</b>	19 June 2025
<b>Representation(s):</b>	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-2025-51-1 to the Sorell Local Provisions Schedule for land at Primrose Sands Road, Primrose Sands (CT 139347/1 located adjacent to the Primrose Sands Community Centre at 570 Primrose Sands Road (as set out in attachment 1 to the report) to:
- i. Rezone part of the land from the Rural Living Zone to the Local Business Zone;
  - ii. Apply the Southern Beaches On-site Waste Water and Stormwater Management Specific Area Plan to the Local Business Zone.
- (b) That pursuant to Section 40 and *Use Planning and Approvals Act 1993*, AM-SOR-2025 -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 this report is to consider whether to prepare and certify a request to amend the planning scheme. 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. Attachments to the report detail the degree of compliance with the *Land Use Planning and Approvals Act 1993* (LUPAA). LUPAA seeks to pursue environmental, economic and social objectives with a strong emphasis on public engagement, however, at this stage of the process consultation has not occurred.

### Proposal

The amendment applies to part of a property known as Primrose Sands Road which is adjacent to the Primrose Sands Community Centre at 570 Primrose Sands Road. The amendment has two parts: (a) rezoning from Rural Living Zone to Local Business Zone and (b) applying the Southern Beaches Onsite Wastewater and Stormwater Specific Area Plan to the rezoned portion.

### Process

If prepared and certified, the following two processes will occur:

1. The amendment is exhibited for 28 days; and
2. The Tasmanian Planning Commission (the Commission) will decide whether to approve, modify and approve, or reject the amendment. The Commission will typically hold a public hearing and will consider the Planning Authorities report and recommendations on the outcomes of exhibition.

If not prepared and certified, the proponent may request that the Commission review the decision and the Commission could direct Council to reconsider its position. The Minister also has the power to direct Council to prepare amendments.

## Options

Options available to the Planning Authority are to either: a) certify the amendment as submitted, b) modify and certify the amendment, or c) refuse to certify the amendment.

## Assessment

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

- increased opportunity for retail and other services provided for by the Local Business Zone noting that:
  - there is currently no vacant Local Business Zone land;
  - existing Local Business Zone land is constrained by lot size and onsite servicing requirements;
  - the population is increasing through new housing construction and conversion of holiday homes to principal residents.
- a larger and less constrained site such as that proposed can meet modern requirements for onsite servicing and car parking and does not adjoin any coastal reserve;
- proximity to the Primrose Sands Community Centre with playgrounds and other amenities encourages people to dwell in the area for longer with greater opportunities for social interaction;
- Increase employment opportunities and employment self-sufficiency (i.e., residents working and living within the LGA); and
- construction investment.



No social, economic and environmental costs are identified.

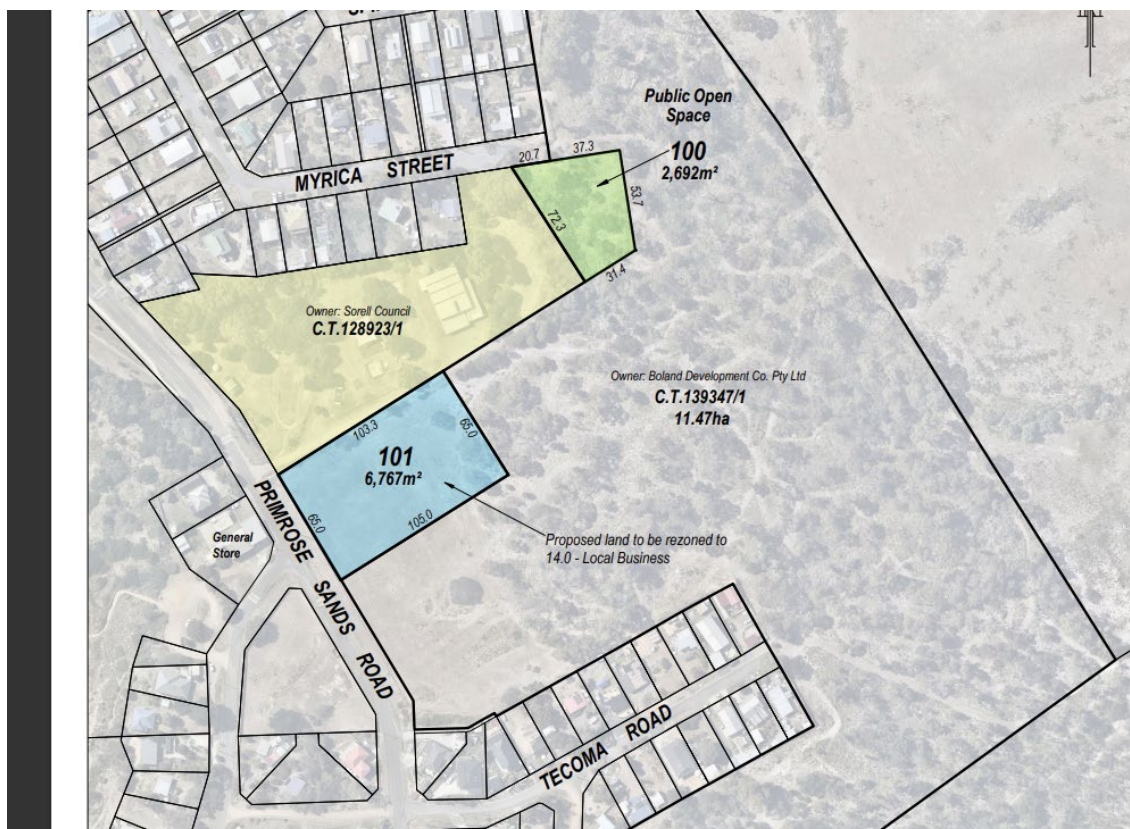
## REPORT

### Documentation

The request is supported by a planning submission from Irenelnc Planning and Urban Design and an onsite wastewater assessment by Rock Solid Geotechnics Pty Ltd.

### Proposed Planning Scheme Amendment

The amendment applies to part of a property known as Primrose Sands Road which is adjacent to the Primrose Sands Community Centre at 570 Primrose Sands Road. The amendment has two parts: (a) rezoning from Rural Living Zone to Local Business Zone and (b) applying the Southern Beaches Onsite Wastewater and Stormwater Specific Area Plan to the rezoned portion.



**Figure 1. Proposed Area of Local Business Zoning Site and Locality**

### *Site Characteristics*

The lot subject to the request is 11.5 hectares in size with frontage to Tecoma Road, Myrica Street, Spiraea Street and Abelia Street. The lot is vacant and is predominately under native trees with a managed understory.

The rezoning site fronts Primrose Sands Road and the access road to the Primrose Sands Community Centre and is 6,767m<sup>2</sup> in size. Part of the access road to the community centre encroaches onto this title. It is a cleared site with three to four trees to the rear and two trees fronting the access road. The site has a westerly aspect and increases in elevation by approximately ten metres with a relatively uniform gradient of one in eight.



**Figure 2 – Subject site (Council imagery February 2025).**





**Figure 2 – Site and surrounds (Council imagery February 2025).**

### *Adjoining Land*

Primrose Sands has three nodes of residential development: behind Primrose Beach; Renard Point and Susan Bay; and the eastern side of Carlton Bluff. The site is centrally located within the town, being at the south-east extent of Primrose Beach.

The site is adjacent to the Primrose Sands Community Centre, which is within the Community Purpose Zone. The community centre includes a hall, playground, stake park and public toilet. Part of the lot subject to the rezone is to be added to the rear of the hall to accommodate a dog park.

The site is also adjacent to the Local Business Zone (LBZ) which is comprised of 573, 575 and 579 Primrose Sands Road. The LBZ fronts the western side of Primrose Sands Road and is divided by Grevillea

Street. The LBZ adjoins the coastal reserve inclusive of a gravel car park associated with a formed beach access point.

573 Primrose Sands Road is a 1096m<sup>2</sup> lot created in 1977 and contains an existing dwelling.

575 Primrose Sands Road is a 1728m<sup>2</sup> property comprised of two lots. The site contains the Primrose Sands General Store which includes convenience retail, fuel sales and take-away food. Car parking is provided to the southern side of the building. The site includes a residential use to the rear. Wastewater land application area is located within a leased area of the foreshore.

579 Primrose Sands Road is a vacant lot with a permit in place for a dwelling. The dwelling has some background. Prior to the current planning scheme the site was zoned residential. The Sorell Land Supply Study identified the site as being suitable for an expansion of the LBZ which was approved in the current planning scheme. The owner subsequently advised that neither Council nor the Tasmanian Planning Commission consulted with the owner regarding this change. The dwelling was refused by Council on the basis that it would adversely affect the realisation of a functioning, small-scale activity centre. The dwelling was later approved by TASCAT following a full hearing (*Carthew-Wakefield v Sorell Council (No 2)* [2024] TASCAT 188).

The majority of Primrose Sands is zoned Low Density Residential with some areas of Rural Living Zone. The Community Purpose Zone also applies to the local fire station (3 Primrose Sands Esplanade) and to the RSL (415 Primrose Sands Road). One parcel along Tamarix Road is zoned Landscape Conservation.

Within the Rural Living Zone, there are four areas specified as Rural Living Zone 'D', which has a ten hectare minimum lot size and consequently no subdivision potential. The Rural Living Zone 'D' is a misnomer. These areas were formally a Reserved Residential Unserviced Zone. The Rural Living Zone was applied via a 'translation' exercise associated with standardised suite of zones across Tasmania, rather than a strategic exercise.







**Figure 5. Road network.**

#### *Environmental Values*

The lot contains an area of (DAC) *Eucalyptus amygdalina* coastal forest and woodland identified by TASVEG 4.0 and in the priority vegetation area. DAC is not a listed vegetation community, and no part of the rezoning is within the area of DAC.

#### *Social and Economic Values*

The site has limited development potential at present. The proposal represents an extension of the LBZ that has the potential to accommodate retail and other LBZ uses providing needed services for the community.

#### **Use Table Comparison**

The Local Business Zone principally provides for Business and Professional Services, Food Services and General Retail and Hire uses. Other uses include education, community meeting, residential, visitor accommodation, service industry and tourism.

<b>Table 1. Use Comparison</b>		
	<b>Rural Living</b>	<b>Local Business</b>
Bulky Goods Sales	X	P
Business and Professional Services	D (if for vet centre), X for all other uses	NPR
Community Meeting and Entertainment	D (if for place of worship, art and craft centre or public hall), X for all other uses	P
Crematoria and Cemeteries	X	X
Custodial Facility	X	X
Domestic Animal Breeding, Boarding or Training	D	X
Educational and Occasional Care	D (if for childcare, primary school or existing respite centre), X for all other uses	P
Emergency Services	D	P
Equipment and Machinery Sales and Hire	X	D
Extractive Industry	X	X
Food Services	D (if less than 200m <sup>2</sup> , X otherwise)	NPR
General Retail and Hire	D (if for primary produce or local shop), X for all other uses	NPR
Hospital Services	X	X
Hotel Industry	X	P
Manufacturing and Processing	D (if existing, X otherwise)	D
Motor Racing Facility	X	X
Natural and Cultural Values Management	NPR	NPR
Passive Recreation	NPR	NPR
Pleasure Boat Facility	X	P (if boat ramp), X for all other uses
Port and Shipping	X	X



Recycling and Waste Disposal	X	X
Research and Development	X	P
Residential	NPR (if for single dwelling), P (if for home-based business), X for all other uses	NPR (if home-based business), P (if above ground floor or to rear), D for all other uses
Resource Development	NPR (if for grazing), D for all other uses except forestry and intensive animal husbandry	X
Resource Processing	D (except for abattoir, animal saleyards, sawmill)	D (if for food or beverage production), X for all other uses
Service Industry	X	D
Sports and Recreation	D (if for outdoor recreation), X for all other uses	D
Storage	X	D
Tourist Operation	X	D
Transport Depot and Distribution	X	D (if for public transport), X for all other uses
Utilities	NPR (if for minor utilities), D for all other uses	NPR (if for minor utilities), D for all other uses
Vehicle Fuel Sales and Services	D	D
Vehicle Parking	X	D
Visitor Accommodation	P	P (if above ground floor or to rear), D for all other uses

### Use and Development Standards

Use standards in the LBZ related to hours of operation, external lighting and commercial vehicle movements will not be relevant as no part of the rezoning is within 50m of the Low Density Residential Zone.

Discretionary uses are considered against performance criteria that consider the effect on the character of the area and consider the effect on the activity centre hierarchy.

Bulky Goods Sales and General Retail and Hire uses (greater than 250m<sup>2</sup>) are also discretionary and consider the effect on the activity centre hierarchy.

Acceptable solutions in the development standards provide a 9m height, a nil frontage setback and 4m side setback. Mechanical plant must be screened and new buildings must present to the street through consideration of glazing, access points and avoidance of large blank walls.

### **Legislative Requirements**

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) *furtheres 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 Land Supply Strategy 2019 (stages 1, 2 and 3) (Ethos)
- Sorell Active Transport Strategy 2024 (GHD)
- Public Open Space Strategy (ERA) and Policy
- Stormwater System Management Plan (Entura)
- Stormwater in New Developments Policy

The main consideration for this site is the Sorell Land Supply Strategy (SLLS). The SLLS identified the need for additional LBZ in Primrose Sands and identified 579 Primrose Sands Road as the appropriate site.

The site has similar qualities to 579 Primrose Sands Road, notable being that it is also adjacent to the existing LBZ and also separated by a public road.

The site has many qualities that make it a better candidate site for a LBZ expansion, being:

- the site is flatter, with a one in eight gradient
- the soil quality is better, and
- adjacency to the community centre and playgrounds.

Ultimately, Council's strategic position is to support a functioning, small-scale activity centre servicing the daily needs of residents and visitors. The proposal supports that position.

### *Policy*

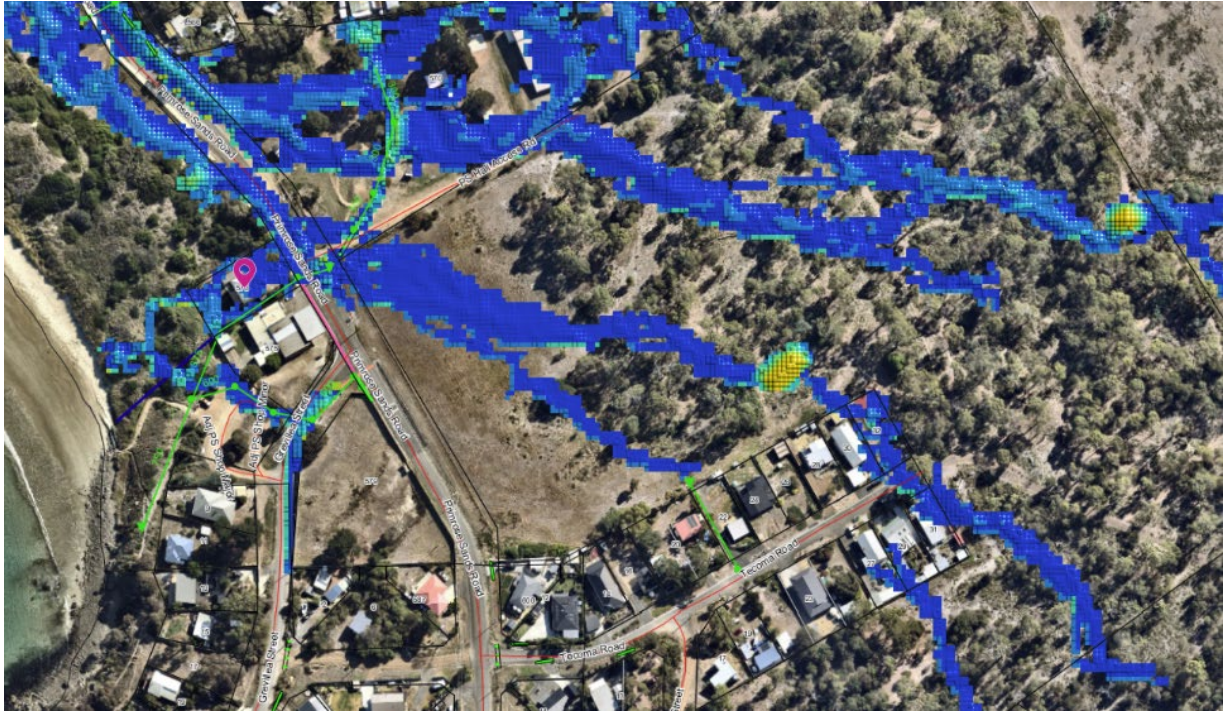
Council's Public Open Space Policy and related Public Open Space Strategy are relevant as the site contains (and the proposal retains) an area of Open Space Zone along the Sorell Rivulet. The strategy supports expanding the existing network of tracks and trails. The site is connected to existing footpath networks along Primrose Sands Road and to foreshore access. A broader range of retail and other services in an expanded LBZ will support pedestrian activity.

The Stormwater In New Developments Policy requires that sites discharging to an overcapacity network and/or flood prone area will require retention such that post-development flows match pre-existing flows. Retention will be principally achieved through rainwater harvesting. There is adequate scope to manage stormwater impacts at the development stage.

### *Natural Hazards*

The site is subject to flooding, although the depth and velocity is minimal. The blue area shown in Figure 5 is flooding modelled to a depth of 2cm for a 1 in 100 ARI. The lighter blue is a 10cm depth while the light green is a depth of 30cm. Hazard mapping outlined in the Stormwater System Management Plan classifies the area as H1 (the lowest level of risk) in both 1 in 20 and 1 in 100 ARI events.

The Flood Hazard Code applies to any future use and development.



**Figure 5. Flooding (Stormwater System Management Plan).**

#### *Infrastructure Impacts*

Infrastructure impacts are minimal. The stormwater network downstream of the site has been recently upgraded and Primrose Sands Road has capacity for additional traffic. North-west of the site there is an extension footpath network with concrete surfacing provided to Tamarix Road and the new gravel footpath along Tamarix Road now extending to the boat ramp. The Sorell Activity Transport Strategy identifies a footpath to Grevillea Street and Linden Road as one of priority projects

#### *Environmental Impacts*

The proposed amendment will have no negative environmental impacts.

#### *Amenity Impacts*

The nearest residentially zoned properties are more than 80m from the site and amenity impacts are not expected.

### *Social and Economic Impacts*

Social and economic considerations relate to the scale of the population, recent and expected population growth, the limited range of retail or related services and the relative isolation of Primrose Sands.

Primrose Sands had a population of 1,209 persons at the 2021 census. This figure uses the Urban Centres and Localities Geography from the Australian Bureau of Statistics (UCL615019). At the 2016 census the population was 1,050. Between 2016 and 2021, the population increased by 15%.

The unoccupied private dwelling count at the 2021 census was 447 being 44.5% of all dwellings. In 2016, the unoccupied private dwelling count was 476 being 49.9% of all dwellings. That is, over that five-year period the unoccupied private dwelling count fell by 29. Unoccupied private dwellings are typically associated with shacks or holiday homes. Between census nights 9 August 2016 and the start of the 2021 census period (July 2021), Council issued building approvals for 64 dwellings.

The population growth appears to be a function both of new dwelling constructions and the conversion of existing dwelling stock from shacks/holiday homes to principal residences.

As at February 2024, there were 265 vacant residential lots in Primrose Sands. The 2021 census found that the average numbers of persons per dwelling in Primrose Sands is 1.9 persons. At this ratio of 1.9 persons per dwelling, these vacant lots would accommodate a further 503 persons.

The trend towards a lower proportion of unoccupied private dwellings relative to all dwelling stock would be associated with further population growth.

Primrose Sands is a relatively isolated community, with limited public transport and being some distance from retail opportunities in Dunalley, Dodges Ferry and Sorell. The sole bus service to and from Primrose Sands is the *area connect* service that runs on a Tuesday

and Thursday only. Moreover, the median age of the population is 54, well above the median age for Tasmania of 42.

All these factors suggest that additional LBZ land is necessary to meet current and future community needs.

### **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. **Attachment 2** provides a detailed assessment of the amendment against the relevant STRLUS policies.

### **State Strategy and Policy**

**Attachment 2** 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 as Recommended
Attachment 2:	Statutory Assessment – Response to criteria requirements for Local Provisions Schedule under LUPAA

### **Separate Attachments:**

Attachment 3:	Planning Report (IreneInc)		
Attachment 4:	Wastewater report (Rock Solid Geotechnics)		
Attachment 5:	Land Owner Consent		



## Attachment 1 - Draft Amendment as Recommended

### TASMANIAN PLANNING SCHEME - SORELL

#### PLANNING SCHEME AMENDMENT

#### AM-SOR-5-2025-51-1

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

#### Location

Part of Primrose Sands Road, Primrose Sands (folio of the Register 139347/1) located south of the Primrose Sands Community Centre located at 570 Primrose Sands Road, Primrose Sands.

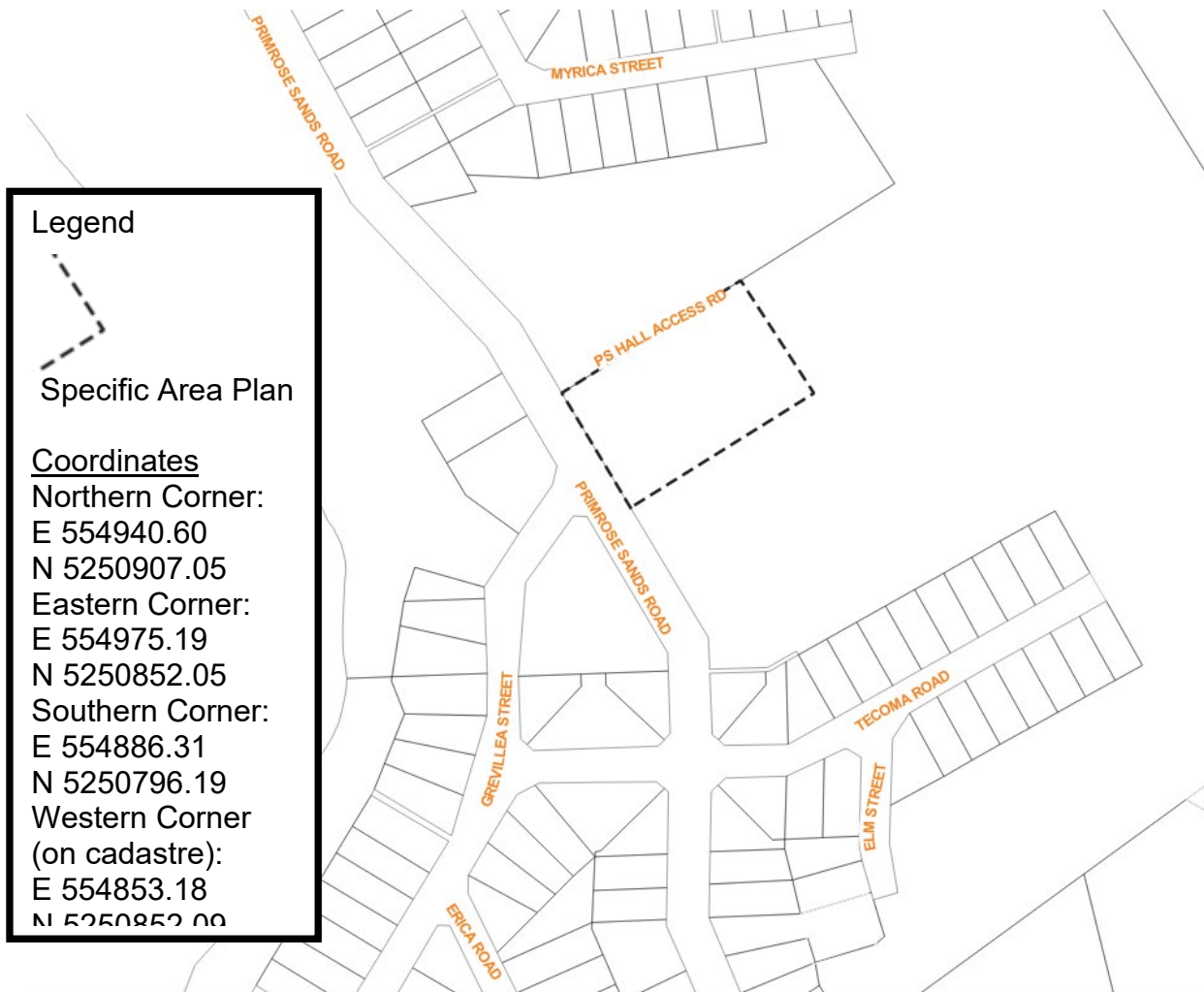
#### Description

In two parts

**Part 1:** Apply the Local Business Zone as shown below.



**Part 2:** Apply the Southern Beaches On-site Waste Water and Stormwater Management Specific Area Plan as shown below.



## **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.

<b>Part 1 Objectives</b>	<b>Comment</b>
<b>(a)</b> <i>to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i>	The site has no resource or ecological value and potential off-site impacts such as stormwater can be managed through existing controls.
<b>(b)</b> <i>to provide for the fair, orderly and sustainable use and development of air, land and water</i>	The current, and future, population coupled with its separation from other centres requires a viable area of LBZ to facilitate a broader range of services. The site is well suited for this purpose, being adjacent to existing LBZ and community facilities and being free of ecological values or significant hazards.

<b>(c)</b> <i>to encourage public involvement in resource management and planning</i>	If certified, the draft amendment will be subject to public exhibition.
<b>(d)</b> <i>to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	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.
<b>(e)</b> <i>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.
<b>Part 2 Objectives</b>	
<b>(a)</b> <i>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.
<b>(b)</b> <i>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.
<b>(c)</b> <i>to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are</i>	The site has no significant environmental value and potential off-site impacts can be managed through existing controls.

<i>made about the use and development of land</i>	
<b>(d)</b> <i>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.
<b>(e)</b> <i>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.
<b>(f)</b> <i>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>	The site can facilitate a pleasant, efficient and safe working environment and will supporting living and recreation activities by a broader range of services and facilitation of a small-scale activity centre attracting residents and visitors.
<b>(g)</b> <i>to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>	There are no items of scientific, aesthetic, architectural or historical value within the site.



<b>(h)</b> <i>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>	The amendment will have no adverse impact on public infrastructure.
<b>(i)</b> <i>to provide a planning framework which fully considers land capability.</i>	This procedural objective has no bearing on the matter at hand.

**(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
State Policy on the Protection of Agricultural Land 2000 (PAL)	Not applicable based on the existing Rural Living Zone.
State Policy on Water Quality Management 1997 (SPWQM)	<p>The proposed amendment per se would not result in an increase in sediment transport to surface waters.</p> <p>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. Stormwater quality measures are provided in Council's Stormwater in New Development Policy.</p>

State Coastal Policy 1996 (SCP).	<p>The site is within 1000m of the coast and is subject to the policy. Relevant policy statements are:</p> <p>2.4.1. <i>Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.</i></p> <p>2.4.2. <i>Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.</i></p> <p>As the site is within an urban area the proposal would not conflict with the many and varied policy statements in the SCP.</p>
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#### *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 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
<b>The Coast</b> C1.2: Maximise growth within existing settlement boundaries through local area or structure planning for settlements in coastal areas.	The site is within the urban boundary of Primrose Sands.
<b>Managing Risks and Hazards</b> 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. MRH 2.2: Include provisions in the planning scheme for use	Flood hazard modelling shows that flooding is both low in depth and slow in velocity and rated as H1 (the lowest level of risk). Much of the flood overlay is modelled at a depth of 2cm in a 1% ARI event.  Future development must satisfy the Flood-Prone Areas

and development in flood prone areas based upon best practice in order to manage residual risk.	<p>Hazard Code.</p> <p>Strategically, flood risk may be mitigated by a combination of siting buildings and hardstands, concentrating and directing overland flows, in-ground soakage or in-ground storage (such as increasing the capacity of the upstream dam on the lot).</p>
<p><b>Recreation &amp; Open Space</b></p> <p>ROS1.5: 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 site is well connected to walking and cycling routes existing, and planned.</p>
<p><b>Land Use and Transport Integration</b></p> <p>LUT11.1: 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>LUT11.4: Consolidate residential development outside of Greater Hobart into key settlements where the daily and weekly needs of residents are met.</p>	<p>The extension of the LBZ is to provide greater opportunity for the daily and weekly needs of Primrose Sands residents to be met within Primrose Sands. This reduces the demand for travel to other towns.</p>

<p><b>Activity Centres</b></p> <p>AC1.2: 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>AC1.4: Promote a greater emphasis on the role of activity centres, particularly neighbourhood and local activity centres, in revitalising and strengthening the local community.</p> <p>AC 1.6 Encourage an appropriate mix of uses in activity centres to create multi-functional activity in those centres.</p> <p>AC1.11: Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within planning schemes.</p> <p>AC3.1: Actively encourage people to walk, cycle and use public transport to access Activity Centres.</p>	<p>An activity centre is defined as “a place that provides a focus for retail, commercial, services, employment, and social interaction in cities and towns”.</p> <p>The existing LBZ is small in size but is recognised by Council and TASCAT as a local centre within the activity centre hierarchy of STRLUS. It is clear that the existing LBZ together with the community centre are the focus area for retail and social interaction.</p> <p>The expanded LBZ will assist the community in meeting daily and weekly retail/service needs within the community consistent with the role of activity centres in strengthening the local community.</p> <p>Given the existing scale of the LBZ, it is not appropriate nor necessary to quantify the supply and demand. It is sufficient to note that the existing LBZ is constrained by lot size and residential uses.</p>
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***(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
  - 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.

***(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;***

Not applicable as the site does not adjoin any other LGA and is of a scale that can have no effect on land use beyond the town.

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

Not applicable.

#### 5.4 7.2024.4.2 – MINOR AMENDMENT REQUEST FOR 16 LOT SUBDIVISION AT VALLEYFIELD ROAD, SORELL

<b>Applicant:</b>	Annecy Group Pty Ltd
<b>Proposal:</b>	Minor Amendment – Reduce Public Open Space Contribution on 16 Lot Subdivision
<b>Site Address:</b>	9 Valleyfield Road, Sorell and 123 Rosendale Road, Sorell)
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme (Sorell LPS)</i>
<b>Application Status</b>	Discretionary
<b>Relevant Legislation:</b>	Section 56 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
<b>Reason for SPA meeting:</b>	Original permit approved at SPA meeting

<b>Relevant Zone:</b>	Rural Living Zone
<b>Decision Due:</b>	5 June 2025
<b>Representation(s):</b>	N/A

#### RECOMMENDATION

That pursuant to Section 56 of the *Land Use Planning and Approvals Act 1993* Council resolve that permit 7.2024.4.1 be amended by the substitution of '5%' with '3%' and a new permit issued with reference 7.2024.4.2.

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](mailto:resourceplanning@tascat.tas.gov.au)

#### Executive Summary

The minor amendment application seeks to vary the public open space cash-in-lieu contribution rate from 5% to 2.5%.

No recent discussions with the applicant on this matter have occurred.

The application was originally approved at the SPA meeting held 11 June 2024. The recommendation was to apply a 4% contribution rate. The recommendation was amended to a 5% contribution rate.

The officer report on public open space stated:



#### AGENDA

SOORELL PLANNING AUTHORITY (SPA) MEETING  
3 JUNE 2025

*There is no public open space within walking distance of the site and a reduction below the 5% rate is reasonable. The site is in close proximity to key facilities in Sorell and future residents will increase demand on such facilities. It is considered reasonable that the 4% contribution rate apply in this instance.*

It is recommended that the 5% rate be modified to 3%.

If granted, adjoining owners, occupiers as well as representors are notified and have a right to appeal the decision.

### **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.

## Description of Proposal

The amendment is made under section 56 of the Land Use Planning and Approvals Act 1993 as a minor amendment to reduce the rate of public open space contribution from 5% to 2.5% of the improved value of the land.

The applicant's rationale is outlined in the letter from Irenelnc Planning and Urban Design, attached to this report, which responds to the relevant sections of the Public Open Space Policy.

## Planning Assessment

An assessment against section 56 is as follows.

Clause	Assessment
(1) The owner of land, or a person with the consent of the owner, may request the planning authority in writing to amend a permit which applies to that land and which is a permit issued by the planning authority.	Complies



(1A) A planning authority that receives a request under subsection (1) to amend a permit –	The 28 day period expires on 5 June 2025.
(a) must, within the 28-day period after the request was received, amend, or refuse to amend, the permit	
(b) must, within 7 days –	
(i) after amending the permit, comply with subsection (3)	
(ii) after refusing to amend the permit, give notice of the refusal to the person who made the request.	
(2) The planning authority may amend the permit if it is satisfied that the amendment –	
(aa) is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and	Not applicable
(a) does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal	Not applicable
(b) will not cause an increase in detriment to any person; and	Any detriment is indirect in the sense of less financial resources for public open space projects. Council has adopted a public open space policy and strategy which balances the competing priorities and interests arising from development.
(c) does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.	The change is a minor alteration to how the multiple dwelling development is described.
(2A) An amendment of a condition or restriction specified in a permit is not to be taken to contravene subsection	Not applicable.

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

Environment Protection Authority has required under section 25(5) of the <i>Environmental Management and Pollution Control Act 1994</i> , the planning authority must, by notice in writing served on the Board, notify it of the amendments made to the permit.	
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The minor amendment request satisfies all legislative requirements and could be granted on this basis.

### **Public Open Space Policy**

Key background includes:

- There is no practical public open space in walking distance;
- The edge of Iron Creek is too steep to create new public open space;
- There is a long-term intent for a shared user path from Iron Creek to Sorell, which with no clear costing or funding, may be a generational project;
- The site is within the locality of Sorell and residents will increase demand for public open space within the Sorell township, particularly with respect to sub-regional and district scale.

#### *Applicant's submission*

In summary, the applicant submits that the demand for public open space is low due to a lack of current/planned public open space assets nearby, a small and dispersed population surrounding the site and the size of the approved lots.

This submission is considered an accurate and correct assessment of the particulars of the proposal against Council's Public Open Space Policy.

### **Recommendation**

The minor amendment request satisfies all legislative requirements and can be considered. There remains discretion beyond the provisions of section 56 relating to how the request satisfies the Public Open Space policy.

The author originally recommended a 4% rate apply. The rationale for 4% in the original recommendation is equivalent to the rationale of the applicant now for a 2.5% rate.

The point of difference is evaluating the proximity to Sorell and the range of assets available in Sorell. On review, the original recommendation placed too high an expectation for future residents to regularly use assets in Sorell given dependency on private vehicle transport. The applicant's position of 2.5% is conversely too low.

### **Conclusion**

The application is considered to comply with section 56 of the *Land Use Planning and Approvals Act 1993* and is recommended for approval with a modification to 3%.

**Shane Wells**  
**Manager Planning**

### **Attachments**

Applicant's submission



**ireneinc**  
 PLANNING & URBAN DESIGN



20 November 2024

Sorell Council  
 47 Cole Street  
**Sorell TAS 7172**  
 By email: [sorell.council@sorell.tas.gov.au](mailto:sorell.council@sorell.tas.gov.au)

Dear Shane,

**MINOR AMENDMENT - 7.2024.4.1  
 9 VALLEYFIELD ROAD, SORELL, 123 ROSENDALE ROAD, SORELL &  
 INCLUDING VALLEYFIELD ROAD RESERVE (CT130391/2)**

We seek a minor amendment to the planning permit, specifically to adjust the condition regarding the Public Open Space cash-in-lieu contribution, reducing it from 5% to 2.5%. No other modifications are being proposed as part of this request.

The condition in question is as follows:

*3. As no provision has been made for Public Open Space or improvements thereto and, having formed the opinion that such a provision should be made, Council invokes the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and requires security equivalent of 5% of the improved value of 1 to 8 (inclusive) and lots 10-15 (inclusive).*

*This should be in the form of a direct payment made before the sealing of the final plan or, alternatively, in the form of security provided under Section 117 of the Act. The subdivider is to obtain a report from an Independent Registered Valuer for the purposes of determining the improved value of the gross area of the subdivision. The date to which the valuation is to be done must be within 3 months of the date of lodgement of the Final Plan of subdivision. Please refer to Council's Open Space Policy for valuation requirements.*

The Council's Public Open Space Contributions Policy mandates a cash-in-lieu contribution where land is not provided. The policy stipulates a contribution of up to 5% of the improved land value. However, it is our view that the discretionary criteria for determining this contribution have not been fully considered. The policy outlines specific criteria to assess the appropriate percentage for cash-in-lieu, and the following assessment is submitted for your consideration.

The following assessment is grounded in the principle that public open space (POS) land contributions should be relatively proportional to cash contributions. In other words, if the land contribution requirement is determined to be less than 5%, any cash in lieu contribution should be similarly adjusted to reflect this reduced need. This approach aligns with the principles of natural justice and equity, ensuring that the subdivision area is serviced in proportion to its actual demand and community requirements.

Section 6.4 of Sorell Councils Public Open Space Contributions Policy states:

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

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

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**AGENDA**

**SORELL PLANNING AUTHORITY (SPA) MEETING  
 3 JUNE 2025**



*(b) any planned provision of POS in the vicinity of the subject area as identified in the Open Space Strategy, the long-term financial plan, any relevant Council resolution or required by a valid subdivision permit;*

*(c) the extent to which the newly created lots will impact upon demand for POS; and*

*(d) the size of the newly created lots and the extent to which the lots can provide for their own recreational opportunities.*

In considering a reduction in the required cash contribution for public open space (POS) from 5% to 2.5%, the following points provide a reasoned justification in line with the criteria set out in Section 6.4 of the policy.

a) The surrounding area of the site has limited existing public open space, with most of the open space concentrated closer to the township, particularly within denser residential areas.

While there is a small area of undeveloped Open Space zoning along Iron Creek, it remains largely unmaintained. There is also Environmental Management zoning along the entire length of the creek, bordering the southern boundary of the site.

Although there is a limited amount of existing public open space in the vicinity, it is essential to consider the broader context of the area—specifically, the factors contributing to the lack of POS—and the reasons why the demand for additional POS remains negligible:

- The site's location within a rural and agricultural context significantly limits its potential integration into a broader urban residential network. The subdivision is located 3 kilometres outside of Sorell, with no pedestrian or cycle path linking the site to the town centre, limiting ability for the site to connect to the broader residential township.
- The large lot sizes in this rural subdivision inherently provide extensive private open space for each resident. Ranging from 9000m<sup>2</sup> to 1.8 hectares, these lots offer residents the opportunity to engage in a wide range of outdoor recreational activities, including gardening, farming, and leisure pursuits like hiking or other enjoyment along the creek. This ample private space means that residents are far less reliant on public open spaces for recreational needs.
- With fewer residents spread across a larger land area, the overall demand for public facilities such as parks, playgrounds, or sporting fields is significantly reduced. Unlike urban areas, where higher population densities drive the need for shared recreational spaces, the rural setting here does not generate the same pressure for additional POS.

The demand for public open space in this predominantly rural area is inherently lower than in urban or suburban zones. The nature of the large lots, low population density, and rural setting all contribute to reduced requirements for public open space. Therefore, while there may be minimal existing public open space, the characteristics of the area and the lifestyle it offers do not warrant the creation of additional public open space.

b) Upon a high-level review of the Sorell Open Space Strategy 2020 and other relevant Council documents, it appears that no future public open space is planned within the immediate area around the site. Given that the site is situated in an isolated pocket of rural living land that is surrounded by agricultural and rural zoning, it is considered unlikely that the subdivision will form part of any larger public open space network for the township of Sorell.

While the strategy generally suggests that subdivisions over 10 hectares should allocate at least 6,000m<sup>2</sup> for public park space, the unique characteristics of this subdivision—specifically its large lot sizes and rural setting—render this requirement less relevant. This is where the Council's discretion becomes crucial in applying the policy appropriately.

Although the strategy does not directly address Valleyfield, it does make specific reference to Orielton, providing recommendations for public open space provision, including walking trails or bridle paths to connect Orielton to the township of Sorell. While Orielton shares similarities with Valleyfield—such as its proximity to Sorell, low population density, and prevalence of agricultural and rural living lots—the recommendations for POS do not explicitly extend to Valleyfield. As such, it is reasonable to conclude that Valleyfield has not been identified as an area where additional POS is required.

In the absence of an identified requirement for public open space (POS) in the surrounding area, it is important to consider the following.

Section 4.3(d) of the policy implies that cash contributions should be used for the development or improvement of new or renewed facilities and amenities, including paths and connectivity, within the local area. This reinforces the argument that the funds generated by this development should primarily be allocated to improving any local public open space, rather than being diverted to more distant regional spaces. This approach ensures equitable outcomes by upholding the principle of natural justice, ensuring that contributions made within a specific locality directly benefit that community, rather than being allocated to other regions.

This rationale also supports the request for a reduction in the cash contribution requirement. Given the absence of identified POS needs in the immediate area, it follows that the cash contribution should be commensurately lower. Where no planned POS provision exists nearby, it is reasonable to expect a reduced contribution.

c) It is considered that the newly created lots will have minimal impact on the demand for public open space. Given their rural character and large size, these lots provide ample space for recreational activities on-site. Previous decisions, such as the *P Barker & A Woolley v Clarence City Council* [2017] TASRMPAT, have broadly supported the notion that large sized lots which provide substantial private open space, may not generate significant additional demand for public open space when compared with a more urbanised subdivision. It is considered that this justifies a reduction in the required cash contribution, as the demand for public open space is significantly lower.

d) The newly created lots are large, with 10 of the 15 lots exceeding 1 hectare in size, with some lots up to 1.8ha. These lots are marketed as "lifestyle acreages," where future residents are purchasing space for activities such as gardening, keeping pets, or having room for larger family recreational activities. The large size of these lots means that the residents will not rely on public open space to meet their recreational needs; they will have ample private space to accommodate these activities. Additionally, the location of the site, adjacent to Iron Creek and rural areas, provides residents with opportunities for activities like canoeing, which further reduces the need for POS contributions.

#### Section 56 Provisions

S56 of the *Land Use Planning and Approvals Act 1993*, allows the planning authority to amend a permit if it is satisfied with the following (S56 (2)):

*(aa) is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*

*(a) does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*

The permit was not subject to a planning appeal.

*(b) will not cause an increase in detriment to any person; and*

The changes to the permit are minor and will not cause an increase in detriment to any person.

Given the lack of proximity to existing or planned POS, the large size of the newly created lots, and the absence of any significant increase in demand for public open space, it is considered reasonable to request a reduction in the cash contribution from 5% to 2.5%. This would strike a balance between contributing to POS infrastructure while acknowledging the fact that the subdivision is located in a rural area with limited access to urban amenities.

*(c) does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.*

The minor amendment does not change the description of the approved use and development.

The proposed changes to the permit condition are consistent with the requirements of S56, are considered minor and do not substantially alter any element of the use and development. If you would like any further information please do not hesitate to contact me on 6234 9281.

Yours sincerely,



Michela Fortini  
Planner

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