



SORELL PLANNING AUTHORITY (SPA) **AGENDA**

5 AUGUST 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, 5 August 2025 commencing at 4:30 pm.

C E R T I F I C A T I O N

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

ROBERT HIGGINS
GENERAL MANAGER
31 JULY 2025



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FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE
HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47
COLE STREET, SORELL ON TUESDAY 5 AUGUST 2025

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AUDIO-VISUAL RECORDING OF MEETINGS

I would like to advise that an audio-visual recording is being made of this meeting. I also remind everyone present to be respectful and considerate towards others attending the meeting. Language or behaviour that could be perceived as offensive, defamatory, or threatening to any person attending the meeting, or to those listening to the recording, will not be tolerated.

1.0 ATTENDANCE

^

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 3 JUNE 2025

RECOMMENDATION

"That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 3 June 2025 be confirmed."

4.0 DECLARATIONS OF 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 REPORT ON REPRESENTATIONS RECEIVED FOR DRAFT PLANNING SCHEME AMENDMENT AM-SOR-5.2025.51.1 – LOCAL BUSINESS ZONE PRIMROSE SANDS

Applicant:	IreneInc Planning and Urban Design
Proposal:	Part rezone to Local Business Zone and Specific Area Plan
Site Address:	Part of Primrose Sands Road, Primrose Sands (CT 139347/1) located adjacent to the Primrose Sands Community Centre at 570 Primrose Sands Road
Planning Scheme:	<i>Tasmanian Planning Scheme Sorell (TPS-S)</i>
Relevant Legislation:	Part 3B of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Planning scheme amendment

Decision Due:	35 days after public exhibition ends
Representation(s):	Nil

RECOMMENDATION

- (a) That pursuant to Section 40K of the *Land Use Planning and Approvals Act 1993*, the Planning Authority provides the Tasmanian Planning Commission with the following report in relation to the public exhibition of draft amendment AM-SOR-2025.51.1 to the Sorell Local Provisions Schedule.

EXECUTIVE SUMMARY

At the end of public exhibition of a planning scheme amendment, a report must be provided to the Tasmanian Planning Commission (the Commission) that includes:

- a copy of each representation;
- a statement of the Planning Authorities opinion as to the merit of each representation;
- a statement as to whether the draft amendment satisfies the criteria for approval; and
- any other recommendation on the draft amendment.

The amendment seeks to rezone part of the site from Rural Living to Local Business and apply the Southern Beaches On-site Waste Water and Stormwater Management Specific Area Plan.

No representations were received. TasWater confirmed that they do not object.

SECTION 40K ASSESSMENT

Section 40K	Required Statement
(2) The report by a planning authority in relation to the draft amendment of an LPS is to contain–	
(a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and	N/A
(b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and	N/A
(c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to– (i) whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and (ii) the effect on the draft amendment, and the LPS to	N/A

which it relates, as a whole, of implementing the recommendation; and	
(d) a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and	The amendment is considered to satisfy the LPS for the reasons identified in the certification report previously considered by Council.
(e) any recommendations in relation to the draft amendment that the planning authority thinks fit.	Nil.
<p>(3) Without limiting the generality of subsection (2)(e) (<i>above</i>), the recommendations in relation to a draft amendment of an LPS may include recommendations as to whether–</p> <p>(a) a provision of the draft amendment of an LPS is inconsistent with a provision of the SPPs; or</p> <p>(b) the draft amendment of an LPS should, or should not, apply a provision of the SPPs to an area of land; or</p> <p>(c) the draft amendment of an LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.</p>	The draft amendment includes the provisions of the wastewater and stormwater specific area plan. These provisions have been previously tested and found to be an element that the LPS should contain under section 32.
(4) A planning authority must not include in a recommendation in relation to a draft amendment of an LPS a recommendation to the effect that the content of a provision of the SPPs should be altered.	No such recommendation is made.

CONCLUSION

This report on representations received for the draft amendment is required to be provided to the Tasmanian Planning Commission. No representations were received and no change to the draft amendment is otherwise required.

Shane Wells
Manager Planner

Attachments
TasWater SPAN

Separate Attachments:
Exhibition Documents & Draft Amendment



Submission to Planning Authority Notice

Application details

Council Planning Permit No.	AM-SOR-5-2025-51-1
Council notice date	11/07/2025
TasWater Reference No.	TWDA 2025/00833-SOR
Date of response	18/07/2025
TasWater Contact	Phil Papps
Phone No.	0474 931 272

Response issued to

Council name	SORELL COUNCIL
Contact details	sorell.council@sorell.tas.gov.au

Development details

Address	PRIMROSE SANDS RD, PRIMROSE SANDS
Property ID (PID)	3334858
Description of development	Planning Scheme Amendment – Local Business Zone and Southern Beaches On-site Waste Water and Stormwater Management Specific Area Plan

Schedule of drawings/documents

Prepared by	Drawing/document No.	Revision No.	Issue date
Ireneinc & Smithstreet Studio	Planning Report	--	25/02/2025
Rogerson & Birch Surveyors	Rezone Plan / SIMMPO5 9398-50	--	27/09/2024

Conditions

Pursuant to the *Water and Sewerage Industry Act 2008* (TAS) Section 56S(2) TasWater makes the following submission(s):

1. TasWater does not object to the draft amendment to the Planning Scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.

Advice

The subject land is not in an area serviced by TasWater's water and/or sewerage network.

Declaration

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

Tasmanian Water & Sewerage Corporation Pty Ltd
GPO Box 1393 Hobart, TAS 7001
development@taswater.com.au
ABN: 47 162 220 653

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5.2 URBAN GROWTH BOUNDARY UPDATE

RECOMMENDATION

"That Council resolves to note the report."

Introduction

The purpose of this report is to provide information to Council on the recent changes to the Urban Growth Boundary for Greater Hobart and future actions for Council to consider.

Background

Nil.

Strategic plan

- 1.7 "Support the revision of the Southern Tasmanian Regional Land Use Strategy".
- 2.4 "Give consideration to the potential impacts of growth and developments".

Annual plan 2025-2026

- 1.2 Continue engagement with TasWater, Inghams and Government to advocate for funding the Sorell to Penna re-use water main to deliver increased capacity and supply to the Coal Valley, enable employment generating land use development and, progression of the Sorell East growth corridor and SE sewerage strategy.
- 1.3 Work with TasWater to finalise long-term water and sewerage servicing strategies for Sorell, delivery timeframes and funding commitments.
- 1.6 Continue to support improvements in local education infrastructure:

Advocate for the delivery of additional education capacity and contemporary Kindergarten – Year 12 facilities for the south-east region with government and private sector providers.
- 1.7 Continue engagement and advocacy with State Government through the STRLUS Steering Committee to achieve timely

delivery of the revised Southern Tasmania Regional Land Use Strategy (completion was Dec 2024 revised to July 2026).

Community consultation and finalisation of the Sorell Urban Masterplan.

- 3.4 Continue to lobby for affordable and increased public transport services and Park and Ride facilities for the Southern Beaches and Sorell East.

Policy implications

Nil.

Environmental implications

Discussed in report.

Asset management implications

Nil.

Risk management implications

Nil.

Community implications

Discussed in report.

Statutory implications

Nil.

Report

In May 2025, the Southern Tasmanian Regional Land Use Strategy (STRLUS) was amended to make various changes to the urban growth boundary (UGB) across Greater Hobart.

Three changes were made to the UGB at Sorell: (1) additional land at Leitram Avenue (2) Gatehouse Drive / Weston Hill Road and (3) the south-east growth area east of Sorell.

Guidelines related to the application of zoning have been updated to review precinct structure plans to be prepared for any new urban zoning across Greater Hobart (which apply to all of the LGA).



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The following describes each change and outlines next steps.

1- Leitram Avenue



The UGB has increased from the red line to the blue line

Area: 10.7 hectares.

Potential Housing Yield: Unclear as three hectares of the total 10.7 hectare extension is subject to the Electricity Transmission Infrastructure Protection Area overlay. Additionally, it is not clear how much of the area has full reticulated water supply (at the required pressure).

Origin: Council nomination as part of the earlier full STRLUS review.

The owner has advocated for additional residential zoning for some time given that part of the property is already included in the General Residential Zone. The UGB is however larger than previously advocated and includes some steep land in the north-east corner of the extension. The owner and Council staff have no detail as to why the UGB was extended with these specific boundaries.

Purpose: The UGB extension is to facilitate residential development. The parent lot will remain with a split residential and agricultural zone but with a larger and more viable residential component.

Next Steps for Council: Nil. Any rezoning will be developer led. It is understood that this will occur shortly.

2- Gatehouse Drive / Weston Hill



The UGB has increased from the red line to the blue line

Area: 19 hectares.

Potential Housing Yield: 150 dwellings. This potential is subject to sewer and water infrastructure.

Origin: Council nomination as part of the earlier full STRLUS review.

The Sorell Township Urban Master Plan 2015 (STUMP) identified upzoning the low density residential area. In 2024 Council undertook consultation with existing owners regarding their appetite for rezoning and redevelopment.

Purpose: The UGB extension is to facilitate redevelopment at suburban densities.

Next Steps for Council: With numerous owners involved and servicing challenges (below), any rezoning should be a Council led action.

A small number of existing low density lots have sewer connections, however, most do not. An entity needs to construct sewer, water and stormwater infrastructure within a cost recovery framework.

Council should:

- Develop a precinct master plan having regard to residential densities, movement of vehicles and pedestrian and public open space opportunities along the Rivulet.
- Initiate a rezoning from Low Density Residential Zone to General Residential Zone together with site specific provisions that address servicing provision, similar to those at [South Brighton](#).
- Identify sewer, water and stormwater alignments with concept design and pricing.

3- South East Growth Area



The UGB now includes all land east of the bypass enclosed by the blue line.

Area: 157 hectares.

Potential Housing Yield: To be determined.

Land use will include residential, K-12 education, open space (coastal and play), convenience retail and, possibly, light industrial.

Housing will be a mix of densities with node(s) of medium density development in proximity to convenience retail, open space and education. Housing yield will depend on the extent of medium density development and on non-residential land use.

With an assumption that 33% of the area is occupied by roads and open space, 15 hectares is required for K-12 education and two hectares is required for convenience retail, the following estimates can be made.

	Low Yield		High Yield	
Industrial:	20 hectares	0	Nil	-
Medium Density (25 dwellings per net hectare)	10 hectares	250	40 hectares	1,000
Standard Density (15 dwellings per net hectare)	75 hectares	1,125	65 hectares	975
	Total	1,375	Total	1,975

Recent estimates from the Department of State Growth indicate that Sorell requires 11-14 hectares of industrial land by 2046. Ideally, an industrial estate would have additional capacity for longer-term growth.

Origin: Council nomination as part of the earlier full STRLUS review.

This opportunity was recommended in the Sorell Land Supply Strategy 2019.

Purpose: The UGB extension is to facilitate a mixed-use precinct enhancing the self-sufficiency of the LGA with opportunities to work and learn locally.

Next Steps for Council:

With numerous owners involved and servicing challenges, any rezoning should be a Council led action.

A precinct structure plan will be required prior to any rezoning with a focus on:

- Master planning the appropriate mix and siting of land uses;



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- Identifying, costing and funding key trunk infrastructure including a single sewerage pump station, reticulated water, Arthur Highway overpass and stormwater treatment;
- Including Planning for Country principles through engagement;
- Open space, including coastal trail and access; and
- Movement and place emphasising walking and wheeling within the area and to the Sorell activity centre.

Council staff have sought funding through the Federal Urban Precincts and Partnerships Program (uPPP) for master planning work and the necessary baseline studies. The cost of precinct structure planning work is significant.

The preferred model has Council as the lead agency for precinct structure planning and rezoning.

If funding is not secured, owners may take the lead in precinct structure planning. It would appear that with current planning regulation, Council has full discretion on the acceptance of any precinct structure plan and related rezoning.

Council should:

- Seek external funding for precinct master plan through engagement with State and federal elected representatives and agencies, particularly the Minister for Planning.
- With funding, develop a precinct master plan and rezoning.

Shane Wells
Manager Planning

Attachments: Nil

5.3

5.2025.128.1 - TOURIST OPERATION (WAKE CABLE AND AQUA PARK)

Applicant:	T Mason
Proposal:	Tourist Operation (Wake Cable and Aqua Park)
Site Address:	4 Old Forcett Road, Forcett and adjoining land to the west (CT 170310/2) and south (CT 170311/1)
Planning Scheme:	<i>Tasmanian Planning Scheme (Sorell LPS)</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the Land Use Planning and Approvals Act 1993 (LUPAA)
Reason for SPA meeting:	Representations received

Relevant Zone:	Agriculture	
Proposed Use:	Tourist Operation	
Applicable Overlay(s):	Nil	
Applicable Codes(s):	Safeguarding of Airports Code Bushfire-Prone Areas Code Scenic Protection Code Parking and Sustainable Transport Code Road and Railway Assets Code Signs Code	
Valid Application Date:	23 May 2025	
Decision Due:	19 August 2025	
Discretion(s):	1	Clause 21.3.1 P1 & P2 – discretionary use
	2	Clause C1.6.1 P1.1 – design and siting of signs
	3	Clause C2.5.1 P1.1 – car parking numbers
	4	Clause C3.5.1 P1 – traffic generation at a vehicle crossing, level crossing or new junction
	5	Clause C8.6.1 P1.1 & P1.2 – development within a scenic protection area
Representation(s):	15 opposing, 40 supporting	

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RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2025.128.1 for a Tourist Operation (Wake Cable and Aqua Park) at 4 Old Forcett Road, Forcett and adjoining land to the west (CT 170310/2) and south (CT 170311/1) be approved, subject to the following conditions:

1. Except where modified by a condition of this permit, the use and development must be substantially in accordance with the endorsed plans and documents:

P2 (building designs Rev SK9 dated 23 June 2025 sheets 1 - 15)

P1 (development application supporting report by Van Diemen Consulting dated 8 May 2025)

P2 (noise level of a Rixen water ski cableway by Rixen)

P3 (Tas wake cable-risk management and procedure plan: water quality management received 24 June 2025)

P2 (traffic impact assessment by Hubble Traffic dated June 2025)

2. Prior to the issue of a building permit and prior to commencement of any on site works, amended plans showing the relocation of the proposed site access as recommended by the traffic impact assessment prepared by Hubble Traffic and dated June 2025, must be submitted to and endorsed as being to the satisfaction of Council's General Manager or delegate. When approved, the plans will form part of the permit.
3. Signs must be located within the boundaries of the site.
4. The sign must not be illuminated internally or externally.
5. To the satisfaction of the General Manager, the sign must be maintained in good repair and in a clean, tidy and safe condition.

Engineering

6. Prior to any works commencing for approved development application, engineering design drawings showing all work and the revised site access location described by Condition 2, above, and as required by this planning permit must be prepared in substantial accordance with the latest:
 - (a) Tasmanian Municipal Standard Specifications;
 - (b) Tasmanian Standard Drawings;
 - (c) Austroads; and

- (d) Any other document standard, specification, guideline or policy advised as relevant by Council.

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

Advice:

Variations from the above listed or subsequently advised documents may be approved at the discretion of the Council General Manager or their delegate where a clear justification exists and the alternative solution is of no lesser quality, in terms of infrastructure performance or maintenance costs over the life of the asset.

7. All civil works must be constructed in accordance with Council's stamped drawings.
8. Mandatory audit inspections are required for road widening works. The developer must provide a minimum 48 hours' notice to Council for proof roll of subgrade, subbase and base.
9. A qualified and experienced civil engineer must supervise and certify that all road works are carried out in accordance with LGAT and Austroads standards.
10. Road widening works are subject to a twelve (12) month Defect Liability Period commencing from the date of payment of defect liability bond once all road works are completed as approved by Council. During this time all maintenance and repair of work required by this permit is the responsibility of the developer.
11. A Defect Liability Bond equal to 5% of the total construction value, and no less than \$10,000.00, must be submitted for the duration of the Defect Liability Period.
12. Prior to first occupation or commencement of use (whichever occurs first), at least Thirty-five (35) off-street car parking spaces shall be provided complying with AS 2890. The provision must ensure:
 - (a) internal driveway must be designed and constructed to engineer's specification;
 - (b) have stormwater drainage infrastructure located in the parking area (e.g., swales, grated pits and channel);
 - (c) pedestrian access is provided in a safe and convenient manner;

- (d) all car parking spaces constructed in accordance with approved Council's drawings;
 - (e) a maximum gradient of 1 in 20 (5%) measured parallel to the angle of parking and 1 in 16 (6.25%) in any other direction;
 - (f) spaces are delineated by line marking or other clear physical means;
 - (g) have physical controls installed where appropriate, such as Wheel stops; and
 - (h) have appropriate signposting and pavement markings for reservation for disabled car parking spaces.
13. Prior to first occupation or commencement of use (whichever occurs first), at least One (1) Motorcycle and Four (4) Bicycle spaces shall be provided.
14. Prior to Council accepting a Notice of Intention to Carry Out Work, a Construction Management Plan (CMP) prepared by a suitably qualified person must be provided to Council. The CMP must include but is not limited to the following:
- (a) Soil Management Plan
 - (b) Traffic Management Plan
15. Prior to any works commencing, the developer must submit a Notice of Intention to Carry Out Work. The submission must include a Certificate of Currency for public liability insurance for the head contractor and any sub-contractor(s).
16. Drainage system shall be aligned with the major drainage network within the road and public reserves, unless otherwise approved by Council and with sufficient receiving capacity to drain the road and all land draining onto the road without undue inundation of any properties.
17. All works determined as required by this permit, shall be performed and completed by the developer, at the developer cost and expense, to a standard that is to the absolute satisfaction of Council's General Manager.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

Legal

- The permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the Land Use Planning and Approvals Act 1993.

- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.

Asset Protection

- In accordance with the *Local Highway Bylaw 2 of 2015*, the owner is required to repair any damage to any Council infrastructure caused during construction.
- Council recommends contacting Dial-Before-You-Dig (phone 1100 or www.1100.com.au) before undertaking any works.
- A Vehicular Crossing Permit can be obtained by completing the Vehicular Crossing and Associated Works Application form available at www.sorell.tas.gov.au/services/engineering.

Environmental Health:

- Water Quality in the Wake Cable and Aqua Park must comply with the Tasmanian Guidelines for Recreational Water 2007.
- A separate food business registration under the Food Act 2003 is required before commencing operations.
- Advice: An environmental nuisance is determined on a case by case basis guided by the parameters outlined in the *Environmental Management and Pollution Control Act 1994*. Should an environmental nuisance arise, the use must be modified to no longer cause a nuisance. An Environment Protection Notice and monetary penalties may apply.

Other Approvals

- TasNetworks has a registered easement over this property for distribution assets. Further information regarding Easements can be found on the TasNetworks website: <https://www.tasnetworks.com.au/easements>. The 12m wide wayleave easement providing for the distribution high voltage feeder between poles 371054 and 565435 will need to be maintained.
- It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions

regarding an upgrade they may require to their electricity supply due to this development.

- All stormwater management measures and designs on the endorsed plans and documents, together with any related permit condition, constitutes General Managers consent under section 14 of the *Urban Drainage Act 2013*.
- This permit does not imply that any other approval required under any other by-law or legislation has been granted.
- Separate building and plumbing approval may be required prior to the commencement of the development/use.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: (03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

Executive Summary

Application is made for a Tourist Operation (Wake Cable and Aqua Park) at 4 Old Forcett Road, Forcett. This property is zoned 21.0 Agriculture and is located on agricultural land in the vicinity of the intersection of the Arthur Highway and Old Forcett Road.

The key planning considerations relate to:

- The proposed tourist operation use being within the Agriculture Zone, in that the impact on existing agricultural uses must not be compromised;
- The design of the proposed ground-based sign adjacent the property access on Old Forcett Road, in terms of its height and possible associated impacts for users of Old Forcett Road;
- The number of parking spaces provided for the proposed use, in terms of the Scheme requirements being based on site area;
- Traffic generation associated with the proposed development access; and
- Impact upon the scenic values of the Arthur Highway scenic protection corridor, and the southern side of Arthur Highway between Iron Creek Bay and Sugarloaf Road.

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



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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 assets to be transferred to Council. Design and construction standards for these assets are considered in this report.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The 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	Nil
Environmental Health	Yes	Yes	Nil	Nil
Plumbing	No			
NRM	No			
TasWater	No			

TasNetworks	Yes	Yes	No	Advice
State Growth	No			

Report

Description of Proposal

The proposed development is the development of a tourist operation to utilise an existing dam for the creation of a ski and aqua park on the site.

Use

The development is proposed as a tourist operation.

Development

The proposal is for the development of an outdoor cable park, together with a pole and wire structure on and around the existing dam being the focus of the development, to be suitable for use for wakeboarding and waterskiing.

The proposal incorporates an aqua fun park, with dedicated areas proposed for the northwestern and southeastern shore area adjacent the main facility and dam. Dam infrastructure includes 5 poles with stays with wires approximately eight metres above water level. A 190.75m² building is proposed to the north of the wake park to accommodate a shop and café for customers only. This structure would have a height of 3.6m and would be constructed using Colorbond and lightweight cladding laid vertically.

A storage building is also proposed including a container with a viewing platform for the proposed park, with a height of 4.1m and footprint of 32m². This building would be located to the southwest, adjacent the proposed shop and café building.

A new access from Old Forcett Road is proposed together with a marked right turn facility and new driveway providing access to a car park area capable of accommodating 35 parking spaces, located to the southeast of the proposed buildings.

A 4.35m high double-sided ground-based sign is proposed to be to the south of the new access. The sign would have a face area of 4.3m² and would be non-illuminated.

The development proposes operating days of approximately 128 within a 12 month period, with most activity propose to occur in



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school holidays, public holidays, the Christmas and new year period, and peak tourist period.

The application is supported by:

- Completed application form;
- Development Application Supporting Submission, prepared by Van Diemen Consulting and dated 8 May 2025;
- Complete copies of all relevant certificates of title;
- Technical drawings;
- Traffic impact assessment prepared by Hubble Traffic and dated June 2025;
- Risk management and procedure plan for water quality management;
- Noise assessment provided by Rixen, ski cable facility manufacturer;
- Cable Sky Park & Aqua Park Working Document;
- Detailed signage plans for the proposed sign board to be located to the south of the proposed access;
- Elevations and floor plan of the proposed café / shop building, prepared by Creative Homes Hobart and dated September 2024; and
- Elevations and floor plan of the proposed gear storage structure, prepared by Creative Homes Hobart and dated September 2024.

Description of Site

The site is comprised of six parcels at the intersection of the Arthur Highway and Old Forcett Road. The total area of the lots is shown in Figure 1 below, with the area shown in yellow as the specific development area.

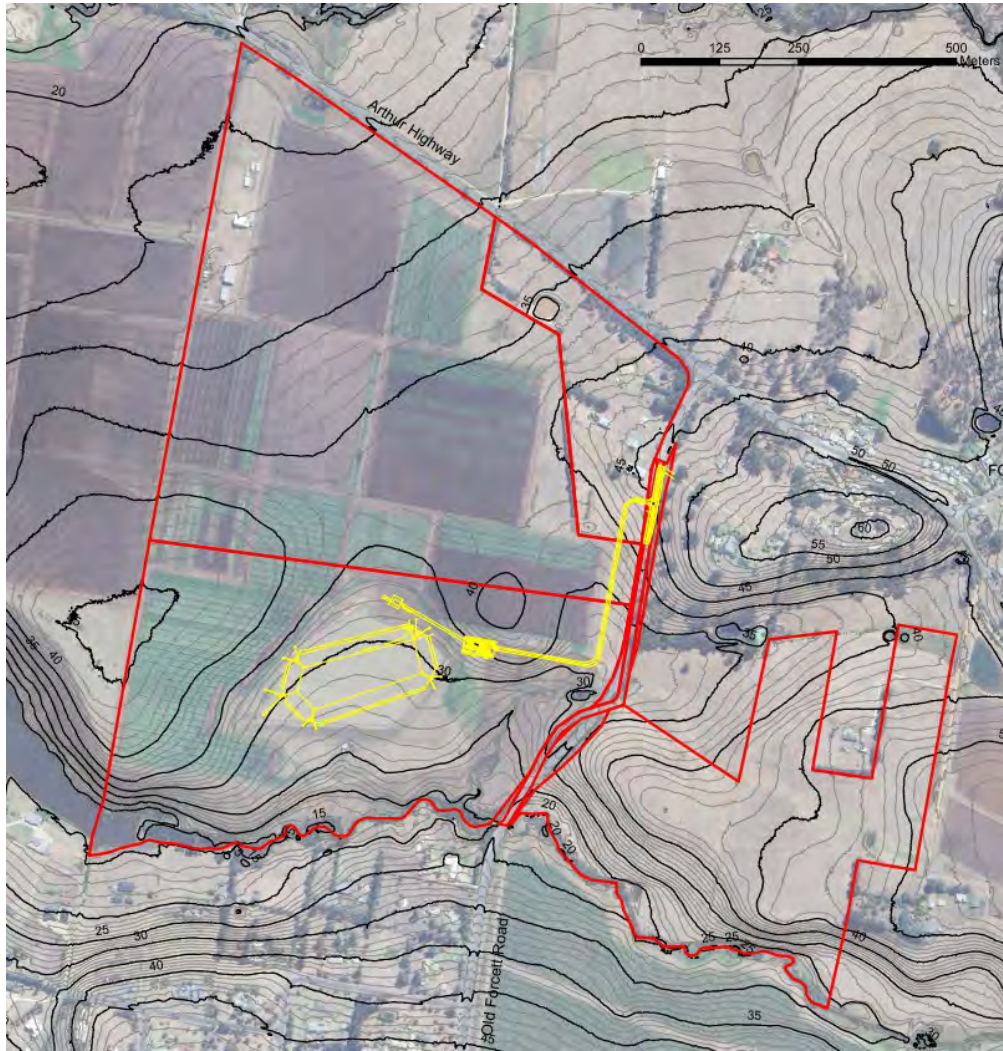


Figure 1. Extent of development site.

The site adjoins land within the Agriculture Zone to the north, east and west, and land within the Rural Living Zone to the south. Included in the development site is 4 Old Forcett Road which supports an existing dwelling, associated outbuildings and access. The site of the dam and the proposed development and the adjacent lot are used for cropping and irrigation.

The site is unserviced by water, sewer and stormwater. Old Forcett Road is a sealed public road and the speed limit is set at 80 km/h.



Figure 2. Subject site.

Planning Assessment

Zone

The proposed development has a discretionary use status in the use table.

Both the use and development standards are relevant to the proposed development.

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
21.3.1 A1	Discretionary uses	No, as there is no acceptable solution. Refer to performance criteria assessment below.
21.3.1 A2	Discretionary uses	No, as there is no acceptable solution. Refer to performance criteria assessment below.
21.4.1 A1	Building height	Yes, as the height is less than 12m.



21.4.2 A1	Setbacks	Yes, as the development would be setback in excess of 5m from all boundaries.
21.4.2 A2	Setbacks	Yes, as the proposal is not for a sensitive use.

Performance Criteria Assessment 1 – Clause 21.3.1 P1 Discretionary Uses

A use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site, for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regard to:

- (a) access to a specific naturally occurring resource on the site or on land in the vicinity of the site;
- (b) access to infrastructure only available on the site or on land in the vicinity of the site;
- (c) access to a product or material related to an agricultural use;
- (d) service or support for an agricultural use on the site or on land in the vicinity of the site;
- (e) the diversification or value adding of an agricultural use on the site or in the vicinity of the site; and
- (f) provision of essential Emergency Services or Utilities.

It is considered that the performance criteria are satisfied as the proposed use is reliant upon the use of a dam, which is currently and would remain in use for irrigation purposes for the agricultural land. This off-stream dam, constructed in recent years, is a storage dam for irrigation water. The proposal would have minimal impact upon the adjacent cropping activities in that there would be low noise levels, and emissions such as noise, dust and traffic movements are unlikely to create conflict. More significantly, the proposal would diversify and value add to the existing agricultural use highlighted by (e) of this criterion.

Performance Criteria Assessment 2 – Clause 21.3.1 P2 Discretionary Uses

A use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to:

- (a) the area of land being converted to non-agricultural use;
- (b) whether the use precludes the land from being returned to an agricultural use;

- (c) *whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites.*

It is considered that the performance criteria are satisfied in that the buildings and infrastructure proposed would be confined to the land adjacent the dam and the dam itself, thus limiting encroachment onto productive agricultural land adjacent the development site. In the event that the proposal were to proceed then cease, the structures and infrastructure would be readily removed and the land returned to agricultural use.

Code

Signs Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C1.6.1 A1	Design and siting of signs	No, as the sign would exceed the 2.4m height limit of the acceptable solution. Refer to performance criteria assessment below.
C1.6.1 A2	Design and siting of signs	Yes, as the sign would be separated by more than 2m from nearby Rural Living zoned land.
C1.6.1 A3	Design and siting of signs	Yes, as there is only a single ground-based sign proposed.

Performance Criteria Assessment 3 – Clause C1.6.1 P1.1 Design and siting of signs

A sign must:

- (a) *be located within an applicable zone for the relevant sign type as set out in Table C1.6; and*
- (b) *be compatible with the streetscape or landscape, having regard to:*
 - (i). *the size and dimensions of the sign;*
 - (ii). *the size and scale of the building upon which the sign is proposed;*
 - (iii). *the amenity of surrounding properties;*
 - (iv). *the repetition of messages or information;*
 - (v). *the number and density of signs on the site and on adjacent properties; and*
 - (vi). *the impact on the safe and efficient movement of vehicles and pedestrians.*

It is considered that the performance criteria are satisfied in that the proposed sign is within an applicable zone for a ground-based sign, would be of a scale compatible with the landscape relative to the scale of buildings nearby, and comparable to the existing directional signage.

There would be no compromise to sight distances and therefore the movement of vehicles in the area, in that the sign would be 2.7m in width. There would be no repetition of message in that a single sign only is proposed.

Parking and Sustainable Transport Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Parking numbers	No, as 35 spaces are provided which is less than the 1923 spaces prescribed for a tourist operation, based on the area of all lots that comprise the site. See below for assessment of the associated performance criteria.
C2.6.1 A1	Construction	Yes, as an all-weather gravel surface is proposed.
C2.6.2 A1.1	Layout	Yes, all relevant standards are complied with
C2.6.2 A1.1	Layout	Yes, as a parking space is proposed for use by persons with a disability.
C2.6.3 A1	Accesses	Yes, a single access is provided.

Performance Criteria Assessment 4 – Clause C2.5.1 P1.1 Car parking numbers

The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:

- (a) *the availability of off-street public car parking spaces within reasonable walking distance of the site;*
- (b) *the ability of multiple users to share spaces because of:*
 - (i) *variations in car parking demand over time; or*
 - (ii) *efficiencies gained by consolidation of car parking spaces;*
- (c) *the availability and frequency of public transport within reasonable walking distance of the site;*
- (d) *the availability and frequency of other transport alternatives;*

- (e) *any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;*
- (f) *the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;*
- (g) *the effect on streetscape; and*
- (h) *any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.*

The performance criteria are considered to be satisfied in that the facility would be capped at a capacity of 40 customers that can be accommodated on the site within any one hour period, the number of vehicles equates to an average of 18 vehicles. The submitted traffic impact assessment (TIA) uses a functional approach to the parking requirements of the site, as opposed to the total site area calculation provided by the acceptable solution. This approach concludes that a site total of 35 spaces is adequate, in that 10 staff parking spaces together with the anticipated customer spaces is reasonable and would be appropriate for the proposed use.

It is acknowledged that alternative transport means such as buses may access the site, however bicycle use and walking for access to the site is considered unlikely. Nonetheless, four bicycle wheel frames have been provided on the site to cater for such use if needed. It is also noted that Metro route 734 services the Arthur Highway and a bus stop is within 500m of the site.

Council's development engineer is satisfied that the proposed arrangement is an appropriate response to the performance criteria in terms of site constraints (including drainage), and that the findings of the submitted TIA demonstrate compliance with the relevant performance criteria.

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1.4	Traffic generation	No, in that the number of movements would increase by more than the 20% or 40 movements per day prescribed. Please see below for assessment of the performance criteria.
C3.5.1 A1.5	Traffic generation	Yes, in that vehicles are able to enter and leave the site in a forward direction.

Performance Criteria Assessment 5 – Clause C3.5.1 P1 Traffic generation at a vehicle crossing, level crossing or new junction

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 are satisfied in that the development is unlikely to negatively impact the existing traffic network in the vicinity of the site, in that Old Forcett Road is an arterial road and is considered by Council's development engineer to be of a sufficient standard to absorb the additional traffic likely.

The submitted traffic impact assessment concludes that there is adequate capacity in the traffic network to cater for future traffic growth, beyond that likely as a result of the proposed development.

A new access location to the south of the existing is proposed as part of the development. The proposal is to relocate the access to an existing second access to the south of the existing that presently provides access to the farm outbuildings on the southern part of 4 Old Forcett Road. This includes development of a proposed right hand turn facility on Old Forcett Road to provide for the proposed access. On this basis and together with appropriate conditions relating to the new access construction, the proposal satisfies the tests of the performance criteria.

Council's development engineer advises that the proposed location will need to be moved from that shown on the plan. At this location, the queued right turning traffic will likely impede view lines from the private access opposite to the gradient of Old Forcett Road. An associated condition has been included in the recommended conditions to require the provision of amended plans to address this issue.

Scenic Protection Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C8.6.1 A1	Development within a scenic protection area	No, in that removal of vegetation to an extent greater than 500m ² is proposed as part of the development together with the required road construction. See detailed assessment of the performance criteria below.
Clause C8.6.2 A2	Development within a scenic road corridor	Yes, as the development site would not be visible from the scenic road, the Arthur Highway.

Performance Criteria Assessment 6 – Clause C8.6.1 P1.1 Development within a scenic protection area

Destruction of vegetation within a scenic protection area must not cause an unreasonable impact on the scenic value of a scenic protection area, having regard to:

- (a) *the nature of the vegetation to be removed;*
- (b) *the area of vegetation to be removed;*
- (c) *the topography of the site;*
- (d) *any visual impact on a skyline;*
- (e) *the nature of the reduction of the scenic value; and*
- (f) *the purpose of any management objectives identified in the relevant Local Provisions Schedule.*

The performance criteria are satisfied in that the vegetation to be removed is comprised of grasses (and weeds), and no mature trees, natives or shelterbelts would be removed. A visibility assessment for the rooftop level of the proposed development has been provided in the application, which illustrates the extent of visibility and shows that the site would not be visible from the Arthur Highway. The impact on scenic value in the sense of vegetation removal is therefore to be negligible.

Performance Criteria Assessment 7 – Clause C8.6.1 P1.2 Development within a scenic protection area

Buildings or works within a scenic protection area must not cause an unreasonable reduction of the scenic value of a scenic protection area, having regard to:

- (a) *the topography of the site;*
- (b) *the location of, and materials used in construction of, driveways or access tracks;*

- (c) *proposed reflectance and colour of external finishes;*
- (d) *design and proposed location of the buildings or works;*
- (e) *the extent of any cut or fill required;*
- (f) *any visual impact on a skyline;*
- (g) *any existing or proposed screening; and*
- (h) *the purpose of any management objectives identified in the relevant Local Provisions Schedule.*

The proposed development is sited to avoid visual impact from the Arthur Highway, relying on topography to provide effective screening. The driveway and access track would not be visible from the Arthur Highway, and whilst minor cut and fill is required this would also not be visible.

The site is within the scenic protection at the southern side of Arthur Highway between Iron Creek Bay and Sugarloaf Road, described by SORC8.1.6, the management objectives for which are that *unreasonable loss of scenic values is to be avoided by:*

- (a) *minimising the footprint and visual dominance of buildings and the removal of vegetation but if necessary then reinstatement of vegetation on prominent visual locations is required;*
- (b) *providing development of a rural character and scale to complement the surrounding agricultural activities.*

The site is located within an agricultural area, and would have minimal impact on the landscape being that the wire / cable facility has limited visibility, and the structures and driveway works proposed would not be of a scale dissimilar to agricultural buildings found nearby and commonly in such areas. It is considered that loss of scenic values would not occur, thus complying with the performance criteria.

Bushfire-Prone Areas Code

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

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'.

A total of 15 representations have been received in opposition to the development, which are addressed in the following table. It is noted that 40 submissions were also received in support.

Issue	Relevant Clause	Response
Visual impact	Clause C8.6.1 & Clause C8.6.2	<ul style="list-style-type: none"> • Considerations of visual impact when viewed from nearby residential properties are not a relevant Scheme consideration. • Being within a Scenic Protection Area the proposal has provided supporting visual impact assessment relating to impact on views from the Arthur Highway and the corridor more broadly. • The relevant tests of those relevant clauses are considered to be met, in that the development would largely not be visible from this key location. • The site is within an agricultural area, and would have only minimal impact on the landscape being that the wire / cable facility has limited visibility, and the structures and driveway works proposed would not be of a scale dissimilar to agricultural buildings found nearby and commonly in such areas. • The impact on vistas of the adjacent residential development to the south are not considered to be unreasonably compromised in the context of the Scenic Protection Code requirements, meaning that this issue does not justify refusal.
Loss of amenity due to noise	Clause 21.3.1	<ul style="list-style-type: none"> • Within the Agriculture Zone, the Scheme protects agricultural use from excessive noise created by a proposed discretionary use. • Noise is not a relevant consideration in terms of impact on residential land use within proximity of the site. • Whilst not a relevant Scheme consideration, the <i>Environmental Management and Pollution Control Act 1994</i> (EMPCA) together with its associated regulations provides controls relating to noise and other nuisances. These controls would apply to the proposed development in any event.

Impact on privacy	Nil.	<ul style="list-style-type: none"> There are no standards relevant under the Scheme that relate to protection of privacy for nearby residential land use. That being said, it is considered unlikely that there would be a significant impact on privacy in that the nearest dwellings to the south would be separated by in excess of 200m from the proposed development.
Inappropriate use of irrigation scheme	Nil.	<ul style="list-style-type: none"> The use of the subject dam, the supply for which is partly from an existing irrigation scheme, is not a relevant Scheme consideration. The dam is a storage dam for irrigation scheme water. The use will not affect the quality or quantity of stored water.
Limitation on new accesses to Old Forcett Road	Clause C3.5.1	<ul style="list-style-type: none"> Old Forcett Road is a Category 3 Regional Access Road, which is of strategic importance to regional and local communities to carry through traffic and provide for freight vehicles. It is not a limited access road. The proposal includes the closure of the existing access to the dwelling and the use of a new access further south. This access has been assessed, and with modification is considered to comply with those relevant tests of the Road and Railway Access Code.
Traffic safety	Clause C3.5.1	<ul style="list-style-type: none"> A traffic impact assessment was provided in support of the development application, that was prepared by suitably qualified expert. It concludes that from a traffic engineering and road safety perspective, that there is no expected deterioration in the level of traffic performance at the junction of Old Forcett Road and the highway as a result of the additional traffic to be generated. The TIA recommends that an alternative access location be selected, and that the proposed right turn treatment would ensure motorists

		<p>travelling on Old Forcett Road are not negatively impacted.</p> <ul style="list-style-type: none"> • The internal driveway would provide for two-way traffic flow and on-site manoeuvring appropriate for the development. • The proposal meets those relevant tests of the Road and Railway Assets Code, meaning that this issue is not of determining weight.
Impact on land value	Nil.	<ul style="list-style-type: none"> • Loss of land value is not a relevant consideration under the Scheme.
Inconsistency with character of area	Nil.	<ul style="list-style-type: none"> • There are no Scheme tests directly related to the impact of the proposal on the character of the area. The discretionary use and associated tests are discussed in detail in the assessment above, and it is considered that the use, though discretionary, is an appropriate use within the zone in that it is not likely to conflict with or compromise the existing agricultural land use. This issue raised therefore does not warrant refusal.
Environmental impact, on native vegetation, fauna habitat and from wastewater runoff	Nil.	<ul style="list-style-type: none"> • The development site is not within an area covered by the Natural Assets Code of the Scheme.
Safety of development	Nil.	<ul style="list-style-type: none"> • There are no applicable Scheme considerations relevant to safety.
Capacity of utilities in area	Nil.	<ul style="list-style-type: none"> • Being that the area is unserved by water and sewer, this is not a relevant consideration. Stormwater has been considered and would be managed via on-site disposal for the proposed structures. • The capacity of existing telecommunications and electricity networks is a matter for the proponent, however, the proposal was referred as required of Council to TasNetworks which provided advice to be appended to a planning permit if granted. This has been included in the recommended advice.

Limitations of proposed café / carpark	Clause 21.3.1	<ul style="list-style-type: none"> The limitations suggested by the representations include restriction of hours of operation of the proposed facility and associated café, claiming that hours should be limited. This is not a reasonable or relevant consideration under the Scheme in that it considers impacts of the proposed use and development upon agricultural land use, not on nearby residential development. No associated conditions are recommended.
Inadequate notification of application	Part 2, Section 8 of LUPAA Regulations	<ul style="list-style-type: none"> The proposal was notified in accordance with the Land Use Planning and Approvals Regulations 2024, which included correctly placed site notices, display at Council's offices and notices given (by post) to the owners and occupiers of all properties adjoining the land the subject of the application. The correct information was included in these notices as required by Section 8(3) of the Regulations. An additional, irrelevant site was included in the site description due to an administrative error. While causing some confusion this does not invalidate the notification.
Lack of consultation by developer	Nil.	<ul style="list-style-type: none"> The proponent is not obligated to undertake community consultation prior to the lodgement of a development application. The required notification was undertaken as required by Council under the <i>Land Use Planning and Approvals Act 1993</i> (LUPAA), as noted above.
Water contamination	Nil.	<ul style="list-style-type: none"> Contamination of the dam (irrigation supply) is not a relevant consideration under the Scheme. The application has been reviewed by Council's EHO department. Regulation requirements that are separate to the planning process are to be outlined in the advice section of any permit issued.

Biosecurity risks	Nil.	<ul style="list-style-type: none"> The risk of the proposal in terms of biosecurity is not a relevant Scheme consideration.
Bushfire risk	Code C13.0	<ul style="list-style-type: none"> The code applies only to subdivision of land within a bushfire-prone area, or to a vulnerable or hazardous use on land that is bushfire-prone. The subject propose is neither vulnerable or hazardous as defined by the Scheme, meaning that bushfire risk is not a relevant consideration under the Scheme.

Conclusion

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

Kate Guinane
Senior Planner

Separate Attachments:

Building designs Rev SK9 Dated 23 June 2025 Sheets 2 – 15.

Development Application supporting report by Van Diemen Consulting Dated 8 May 2025.

Noise level of a Rixen water ski cableway by Rixen.

Tas Wake Cable-risk Management and Procedure Plan: Water Quality Management received 24 June 2025.

Traffic Impact Assessment by Hubble Traffic Dated updated June 2025.

Cable Ski Park and Aqua Park Working Document Undated.