



SORELL PLANNING AUTHORITY (SPA) **AGENDA**

7 OCTOBER 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, 7 October 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
2 OCTOBER 2025



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE
HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47
COLE STREET, SORELL ON TUESDAY 7 OCTOBER 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
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 5 AUGUST 2025

RECOMMENDATION

"That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 5 August 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 5.2024.336.1 DWELLING (RETROSPECTIVE) AT 317 HILLCREST ROAD, PAWLEENA

Applicant:	Darryn White & Associates Pty Ltd
Proposal:	Dwelling (Retrospective)
Site Address:	317 Hillcrest Road, Pawleena (CT 159813/1) with access over 315 Hillcrest Road (CT16152/4) and 316 Hillcrest Road (16152/3).
Planning Scheme:	<i>Tasmanian Planning Scheme (Sorell LPS)</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Owner or applicant is a staff member

Relevant Zone:	Rural
Proposed Use:	Residential (Single Dwelling)
Applicable Overlay(s):	Priority Vegetation Area
Applicable Codes(s):	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code C7.0 Natural Assets Code
Valid Application Date:	8 July 2025
Decision Due:	10 October 2025
Discretion(s):	1 20.3.1 Discretionary Use
	2 20.4.3 Access for new dwellings
	3. C7.6.2 Clearance within a priority vegetation area
Representation(s):	One

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2024.336.1 for a Dwelling (Retrospective) at 317 Hillcrest Road, Pawleena 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:
 - P3 (Site Plan), dated 19 August 2025, dated and received 19 August 2025;
 - P3 (Bushfire Hazard Management Area), dated and received 19 August 2025;
 - P3 (Elevations and floor plan), dated 19 August 2025, received 19 August 2025; and
 - P2 (Natural Values Assessment), dated 18 June 2025, received 10 July 2025.
2. No use or development within the Crown land shown as Reserved Road is taken to be approved as part of this planning permit.
3. No native vegetation removal, except that required for the construction of the dwelling, parking and circulation areas, driveway, and the establishment of bushfire hazard management areas as shown on the approved plans is to be undertaken, unless the written consent of the Sorell Council is first obtained.
4. Bushfire hazard management measures must be contained within the site boundaries unless authorised by the Department of Natural Resources and Environment.
5. The internal driveway and areas set aside for vehicle parking and turning must:
 - (a) be fully complete within six months of first use;
 - (b) be constructed with a durable all weather pavement;
 - (c) be drained to a legal point of discharge or runoff is retained onsite such that stormwater is not concentrated onto adjoining properties;
 - (d) have a gravel surface that is designed, constructed and maintained to avoid sedimentation or erosion or excess dust; and
 - (e) be maintained through the life of the use in a condition that, at a minimum, is suitable for two wheel drive vehicles.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

Surrounding Rural Uses

- The use must be undertaken such that it does not confine or restrain the harvesting of timber, undertaking of agriculture, or any other rural use on any adjoining properties.

Legal

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

Asset Protection

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

Other Approvals

- 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.

General

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 Dwelling [Retrospective] at 317 Hillcrest Road, Pawleena. This property is zoned Rural and is located on a heavily vegetated internal lot to the north of Hillcrest Road.

The key planning considerations relate to:

- The use being in a rural zone, in that the use must not cause for impacts to surrounding uses or convert agricultural land;
- The siting of the use and development with respect to natural values and specifically native vegetation within a priority vegetation area;
- The reliance on a right of way for legal access to the dwelling from a public road.

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

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.



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Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	<p>The application relates to a dwelling which has already been constructed, and a use which has already commenced. The use and development require a permit which as yet has not been granted and so the Enforcement Policy is applicable.</p> <p>In accordance with the policy, generally the first option of enforcement is to achieve compliance without Court sanction, such as seeking that an application be made for the use and development. This has been the approach in this instance.</p> <p>Further, owed to the close personal association of the land owner and the Sorell Council, the decision ultimately is to be made in a public realm by the Planning Authority, and the assessment to inform the recommendation has been undertaken by a Town Planning Consultant who is not a member of staff.</p>
Environmental Sustainability Policy	Environmental considerations are assessed against the relevant planning scheme provisions.

Legislation

- This report details the reasons for the 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,



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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	Yes	No	Nil	Referral not required.
NRM	Yes	Yes	Nil	Assessment of Natural Values undertaken against the C7.0 Natural Assets Code.
TasWater	No	N.A		
TasNetworks	No	N.A		
State Growth	No	N.A		

Report

Description of Proposal

The proposal is for the use and development of a single dwelling at 317 Hillcrest Road, Pawleena, inclusive of access over 315 and 316 Hillcrest Road, within an existing driveway to the public road (Hillcrest Road). The proposal includes vegetation clearance for the purpose of establishing a hazard management area to support the dwelling.

Use

The development is for a single dwelling, which is a Residential use.

Development

The development consists of a three bedroom single storey dwelling, vehicle parking areas, and gravel surfacing adjacent to the proposed dwelling.

The development is more fully described in the building designs appended to this report. It is noted the outbuilding as shown is existing and was identified in 2017 as being a building which did not require a planning permit (DA2017-00180)

The application is supported by:

- Building designs dated 19 August 2025, received 19 August 2025
- Bushfire Hazard Management Plan, dated 19 August, received 19 August 2025
- Natural Values Assessment (dated 18 June 2025)

The site plan includes a bushfire hazard management area. As the application is exempt from the Bushfire-Prone Areas Code an associated report is not required and has not been provided. The bushfire hazard management area is shown to be extending into the Crown road reserve. This is largely because the area applies around the shed but as the shed is more than six metres from the dwelling there is no requirement to manage the shed from the risk of bushfire. Thus, the bushfire hazard management area will change during the building approval process. A condition to this effect is recommended for inclusion in any permit granted.

Description of Site

The site is principally an internal lot with an area of 34.8ha, as described in the certificate of title CT 159813/1. In addition to the principle site where the dwelling is proposed, access over 315 and 316 Hillcrest Road is proposed over an existing driveway to the public road.

The site is on a plateau behind Square Mountain and Dunbabins Hills. The area is characterised by its elevation and being surrounded by heavily vegetated land, though within the immediate vicinity containing cleared areas and other dwellings forming a cluster of rural residential properties.

Importantly, the site as represented on LISTmap, and Council mapping as derived from cadastral data obtained from LIST does not accurately depict the relationship of the boundaries to the land.

The accuracy of the boundaries as shown is understood through consultation with a delegate of the Officer of the Surveyor General (OSG), to have a margin of error of approximately 25m, and this shift is depicted in the below figure prepared by the OSG.



Figure 1. Approximate location of dwelling (X) relative to the cadastre as depicted on LISTmap (black) and the boundary as provided by the OSG (blue), taken to be more accurate and derived from a survey undertaken and described in the survey notes for P.160848.

Owed to this representational error, it does appear that the development has almost no setback from the southern boundary, but this is not accurate.

Land within the vicinity is described below:

Site	Use	Notes
315 Hillcrest Road (south)	Single Dwelling (Residential)	Gains access over 316 Hillcrest Road to the public road, partially vegetated.
316 Hillcrest Road (south east)	Single Dwelling (Residential) (appears to have been destroyed by fire)	Has frontage to Hillcrest Road, relatively cleared.
318 Hillcrest Road (east)	Single Dwelling (Residential)	Partially vegetated, gains access over 316 Hillcrest Road to the public road.
Nelsons Tier Road, Nugent (north)	Forestry (Resource development)	Extensive tract of land owned by Sustainable Timber Tasmania and shown as permanent timber production land.
689 Pawleena Road (west)	Agriculture (Resource Development)	Large parcel privately owned, heavily vegetated adjacent to the subject site with grazing at the lower levels.

The site is unserviced and gains access to Hillcrest Road via an unsealed accessway over 315 and 316 Hillcrest Road. Hillcrest Road is an unsealed public road administered by the Sorell Council.

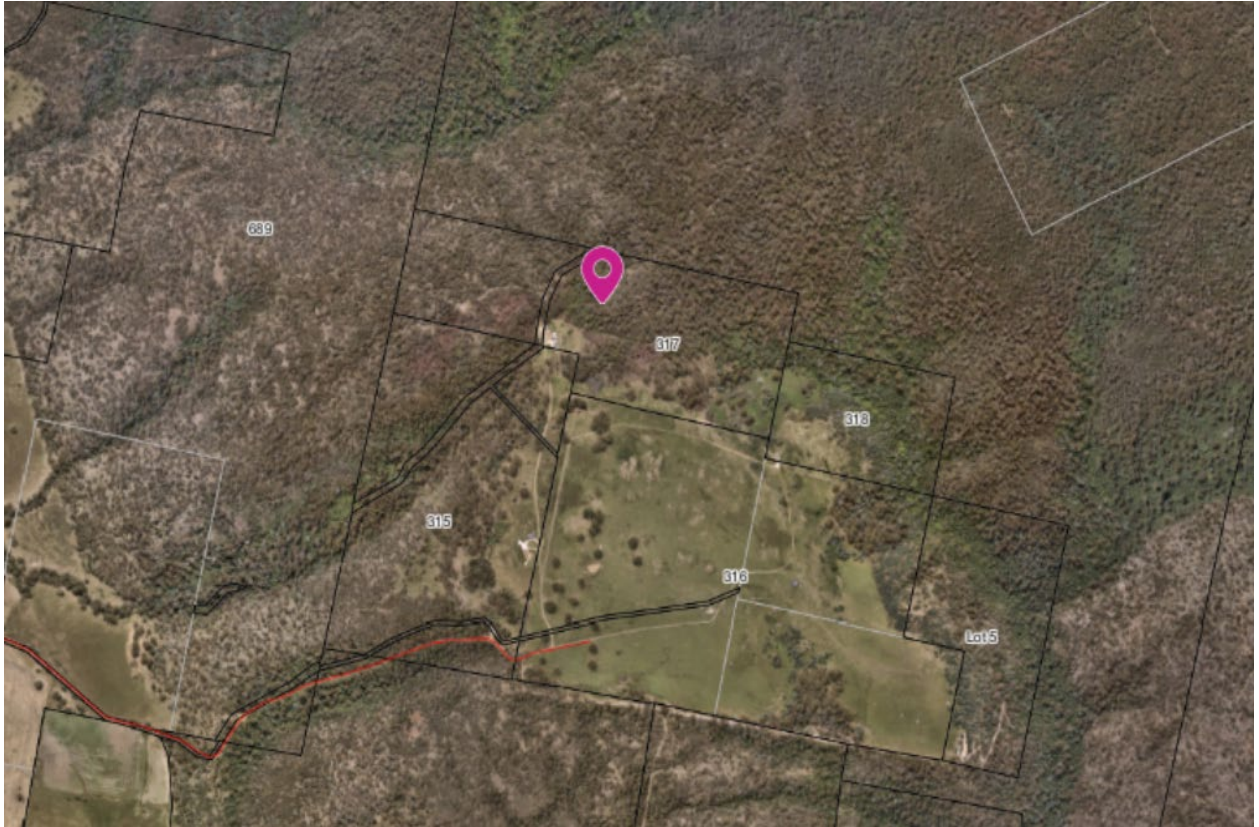


Figure 2. Subject site with neighbouring land identified by Rural Address

Background

DA2008.00185 – Plantation and Harvesting – Hillcrest Road, Pawleena

On 24 July 2008 a planning permit was issued for the plantation and harvesting of timber in an area as shown on a draft Forest Practices Plan (Extract below). This area included the harvesting of timber within the subject site, at the location of the now development footprint.

Though the approval was granted, on reviewing aerial imagery between 2008 and 2011 it does not appear that this permit was acted on after issue or within two years, and so per the conditions of that permit, the approval to remove vegetation as shown is considered to have lapsed.

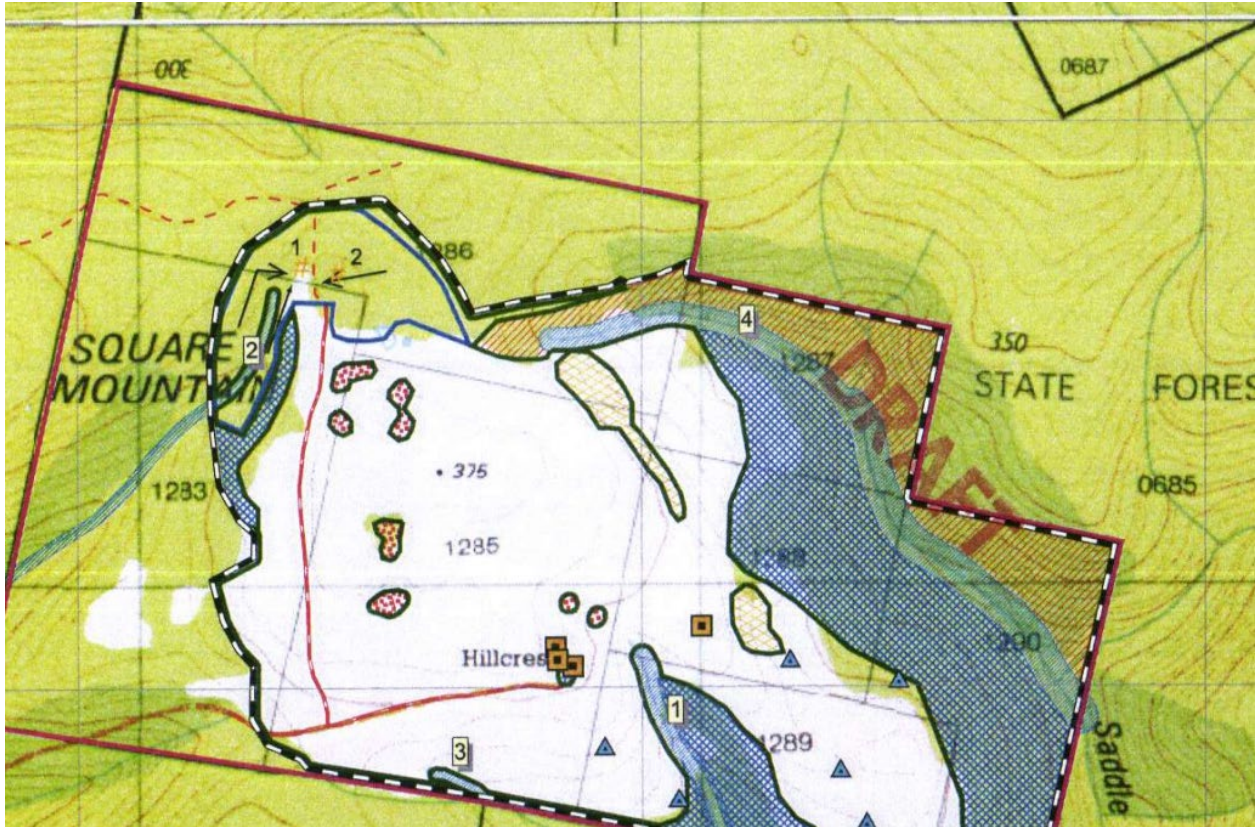


Figure 3. extract of approved site plan, note harvest boundary marked by a blue line.

DA2017.00180.1 – Machinery Shed – 317 Hillcrest Road, Pawleena

On 26 July 2017 an exemption certificate was issued for the development of a 12m x 6m machinery shed (see site plan extract below).

The location of this shed is generally consistent with that shown as 'existing' on the site plan.



Figure 4. Extract of site plan from Machinery Shed exemption, 2017.

Planning Assessment

20.0 Rural 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?
20.3.1	Discretionary Use	No, the proposal is for a new discretionary use and so there is no appropriate Acceptable Solution. See Performance Criteria Assessment below.
20.4.1	Building Height	Yes, height does not exceed 12m
20.4.2 (A1)	Setbacks	Yes, setback from the surveyed boundary is 25m
20.4.2 (A2)	Setbacks	Yes, setback from the nearest land within the Agriculture Zone is approximately 960m away.
20.4.3	Access for new dwellings	No, the lot is an internal lot which gains access to a public road via a right of way over 315 and 316 Hillcrest Road. See Performance Criteria Assessment below.

Performance Criteria Assessment 1 – 20.3.1 Discretionary use (P2)

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

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

The proposal is for a new Residential use and so cannot comply with the Acceptable Solution. It is considered that the Performance Criteria is satisfied in that the siting of the dwelling will not cause conflict with an existing rural use (being those uses at 689 Pawleena Road and Nelsons Tier Road), nor will the use cause for adverse impacts of existing nearby uses (largely residential of themselves), through the anticipated emissions of a residence. There are sufficient distances intervening between the proposed dwelling and the adjoining uses (a), (b) and (c).

For (d), though the use is not required to support another use in a security or operational sense, this is not considered an absolute requirement in allowing the proposal, rather that it can be a mitigating factor for considering any discretionary use.

For (e), the greatest potential for conflict is that of the proposed use and timber harvesting on the adjoining property to the north. Though adjoining, the dwelling is sited over 200m from the northern boundary, which is a reasonable distance to ameliorate the impacts of timber harvesting and associated activities should they occur.

Advice is recommended to the effect that the use must be undertaken in a manner which does not confine or restrain the harvesting of timber, undertaking of agriculture or any other rural use on adjoining land. This condition ensures that the principal purpose of the Rural zone is not diminished by incremental non rural uses being allowed. This is not anticipated but the condition ensures the owner is aware of their responsibilities ongoing.

Subject to recommended conditions the proposal is considered to comply.

Performance Criteria Assessment 2 – Clause 20.3.1 Discretionary use (P3)

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

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

For (a) the nature and scale of the proposed use is a relatively benign residential use limited to the footprint of the dwelling, existing outbuildings and a relatively small cleared area for storage of vehicles and implements associated with land management.

For (b) the land is not considered agricultural land in that it is not presently in agricultural use, nor is such a use likely. The site was not considered to have agricultural potential under the Land Potentially Suitable for the Agriculture Zone mapping project. This is largely understood to be the case because of the extensive vegetative cover of the site.

Further, the Land capability is mapped as class 5 and 6, which is not prime agricultural land.

For (c) with respect to the agricultural use of adjoining land, though 689 Pawleena Road is unconstrained agricultural land, the site conditions make the likelihood of the proposed use introducing constraint to that operation quite low. This is because the dwelling is sited over 400m from the shared boundary, and the topography of the adjoining lot is such that agricultural use is likely to be limited to the lower elevations as is currently the case.

The proposal is considered to comply.

Performance Criteria Assessment 3 – Clause 20.4.3 Access for new dwellings (P1)

New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is appropriate, having regard to:

- (a) the number of users of the access;*
- (b) the length of the access;*
- (c) the suitability of the access for use by the occupants of the dwelling;*

- (d) *the suitability of the access for emergency services vehicles;*
- (e) *the topography of the site;*
- (f) *the construction and maintenance of the access;*
- (g) *the construction, maintenance and usage of the road;*
and
- (h) *any advice from a road authority.*

The proposal is reliant on an existing right of carriageway which runs over 315 and 316 Hillcrest Road. This particular access is shared by the residents of one other dwelling at 315 Hillcrest, and is approximately 800m in length (a) and (b).

The proposal has been referred to Council's Development Engineer who provides comment in the referrals section of this report. The access is considered suitable, currently serving the dwelling at 315 Hillcrest to good effect (c), and though subject to improvements for the purposes of providing passing bays for fire appliance vehicles, is entirely useable and capable of being maintained for such a purpose (d) and (f). For (e) the topography is not preclusive to vehicle access. For (g) and (h), the existing access is suitable and Hillcrest Road as a public road can accommodate the additional traffic.

The proposal is considered to comply.

Code

C2.0 Parking and Sustainable Transport Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Parking numbers	Yes, as two spaces are provided.
C2.6.1 A1	Construction	Yes, gravel construction acceptable.
C2.6.2 A1.1	Layout	Yes, all relevant standards are complied with – conditioned
C2.6.3 A1	Accesses	Yes, the lot is an internal lot, though reliant on an existing single access

C3.0 Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1.4	Traffic generation	Yes, as the increase in vehicle traffic will not exceed 40 Vehicle Movements Per Day.



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C7.0 Natural Assets Code

The Natural Assets Code is an applicable code for reason of the development including native vegetation removal within a priority vegetation area.

As this vegetation has been removed after DA2008.00185.1 lapsed (2010), the clearance is not considered to be previously approved. Further as the draft Forest Practices Plan lapsed 31 December 2011 and no certified plan is evident on file, it is considered that the exemption for vegetation removal in accordance with a Forest Practices Plan under 4.4.1 of the Tasmanian Planning Scheme is not relevant.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C7.6.2	Clearance within a priority vegetation area	No, there is no building area on the sealed plan. See Performance Criteria Assessment below.

P1.1 Clearance of native vegetation within a priority vegetation area must be for:

- (a) 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) buildings and works associated with 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) 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) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.*

And

P1.2 Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

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

For P1.1 the relevant criterion is (b), as the proposal is for a single dwelling. The proposal therefore complies.

For P1.2 all criteria are relevant. The proposal is supported by a natural values assessment which speaks to the natural values of the development area, and provides general commentary on the extent to which native vegetation is or is not priority vegetation. Though this report does not specifically provide a response to the criteria of P1.2, contending rather that it does not need to, it does note that the proposal meets the intent of the Performance Criteria.

Setting aside the views of the author of the Natural Values Assessment, the native vegetation on site is considered priority vegetation in that it has been identified by the Sorell Council as native vegetation of local importance through the preparation, exhibition and determination of the Local Provisions Schedule. This priority vegetation is identified by the *priority vegetation area*, being the overlay map.

Where native vegetation is proposed to be cleared within a priority vegetation area, this clearance must minimise adverse impacts on priority vegetation. Largely, the proposal has a minimal impact on priority vegetation because in the specific area which development occurs, there is little native vegetation which was not already previously degraded (ie prior to 2015). Further, much of the vegetation clearance which has been undertaken since 2015 is outside of the priority vegetation area.



Figure 5. Priority vegetation area relative to the site circa 2015



Figure 6. Priority vegetation area relative to the site circa 2025

Specifically, for (a), and of subsequent relevance for (f), the design and siting of the dwelling is largely reliant areas which had been cleared prior to 2015, noting some additional clearance has occurred since. The collocation of development within previously disturbed areas is a suitable means to avoid impacts on more intact portions of priority vegetation.

For (b), the particular requirements for building are limited to the dwelling footprint, a modest hazard management area which does not include extensive areas of priority vegetation, and reliance on an existing driveway. This is also relevant for (c).

For (d) no mitigation measures are considered necessary, though tree retention is recommended as a condition of approval (see (e)).

For (e), no standardised offsets are considered necessary, though it is a recommended condition of the granting of approval that no native vegetation within the priority vegetation area, except that required to be removed for the dwelling construction and hazard management areas as shown on the approved plans is to be removed, except without the further approval of the Sorell Council.

On balance of the extent of the priority vegetation on site, the limited clearance required for the dwelling and the reliance on previously cleared areas, the proposal is subject to conditions, considered to comply.

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'.

One representation has been received, which is addressed in the following table.

Issue	Relevant Clause	Response
The retrospective nature of the application	No relevant clause	The retrospective nature of the proposal is understood. There are no additional controls when an application is considered retrospectively, and though referred to as the proposal, it is understood the use and development has been onsite for a number of years without any approval.
Nature of the shed shown as 'existing'	No relevant clause	Council records indicate a planning application for a 12m x 6m shed was lodged in 2017 and subsequently a decision was made that no permit was required (DA 2017-00180).
Site was a bush block	C7.0	The proposal has been assessed against the C7.0 Natural Assets code, having regard for the extent of clearance of

		native vegetation evidently having been undertaken.
Cost of works	No relevant clause	The cost of works has no bearing on the assessment of the proposal against the planning scheme.
The owners conduct	No relevant clause	The assessment has been made without regard for the conduct of the owner, though with consideration of the Sorell Council's enforcement policy.

Conclusion

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

Peter Coney
Consultant Planner

Attachments:

Building design drawings

Separate Attachments:

Natural values survey
Titles

Index

Darryn White - Building Design and Consulting - CC1623W

- 01 - Project Information
- 02 - Site Location Plan
- 03 - Site Plan
- 04 - Elevations
- 05 - Floor Plan

Project Information

Land Title Reference: Volume159813 Folio 1
 PID: 3061618
 Lot area: 348000m2
 Total floor areas:
 AS CONSTRUCTED DWELLING 90m2
 EXISTING FARM SHED 72m2

Planning Scheme - Tasmanian Planning Scheme - Sorell

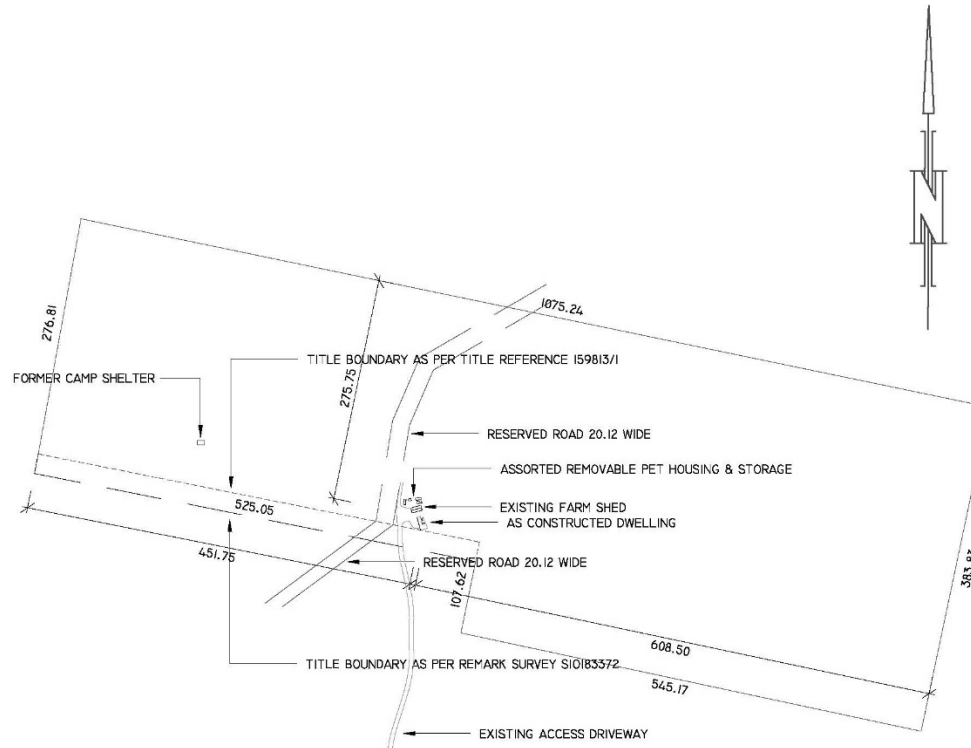
Zone - Rural

Overlays - Bushfire Prone Areas, Low Landslip Hazard Band,
 Priority Vegetation Area, Waterway and Coastal Protection Area,
 Medium Landslip Hazard Band.

Design Wind Speed: N3 (Assumed)
 Soil Classification: Class M (Assumed)
 Climate Zone: 7
 Bushfire-Prone Area
 BAL rating: 19
 Rock Type:

NOTE:
 ALL STORMWATER FROM ROOF CATCHMENT TO DISCHARGE TO WATER
 STORAGE TANK. OVERFLOW TO APPROVED DISPOSAL AREA.


DRIVEWAY CONSTRUCTION TO BE COMPACTED FOR GRAVEL OR EQUIVALENT
 ALL WEATHER SURFACING.
 SURFACE RUN-OFF TO DISPERSE NATURALLY THROUGH SAND / SOIL.



Site Location Plan 1:5000

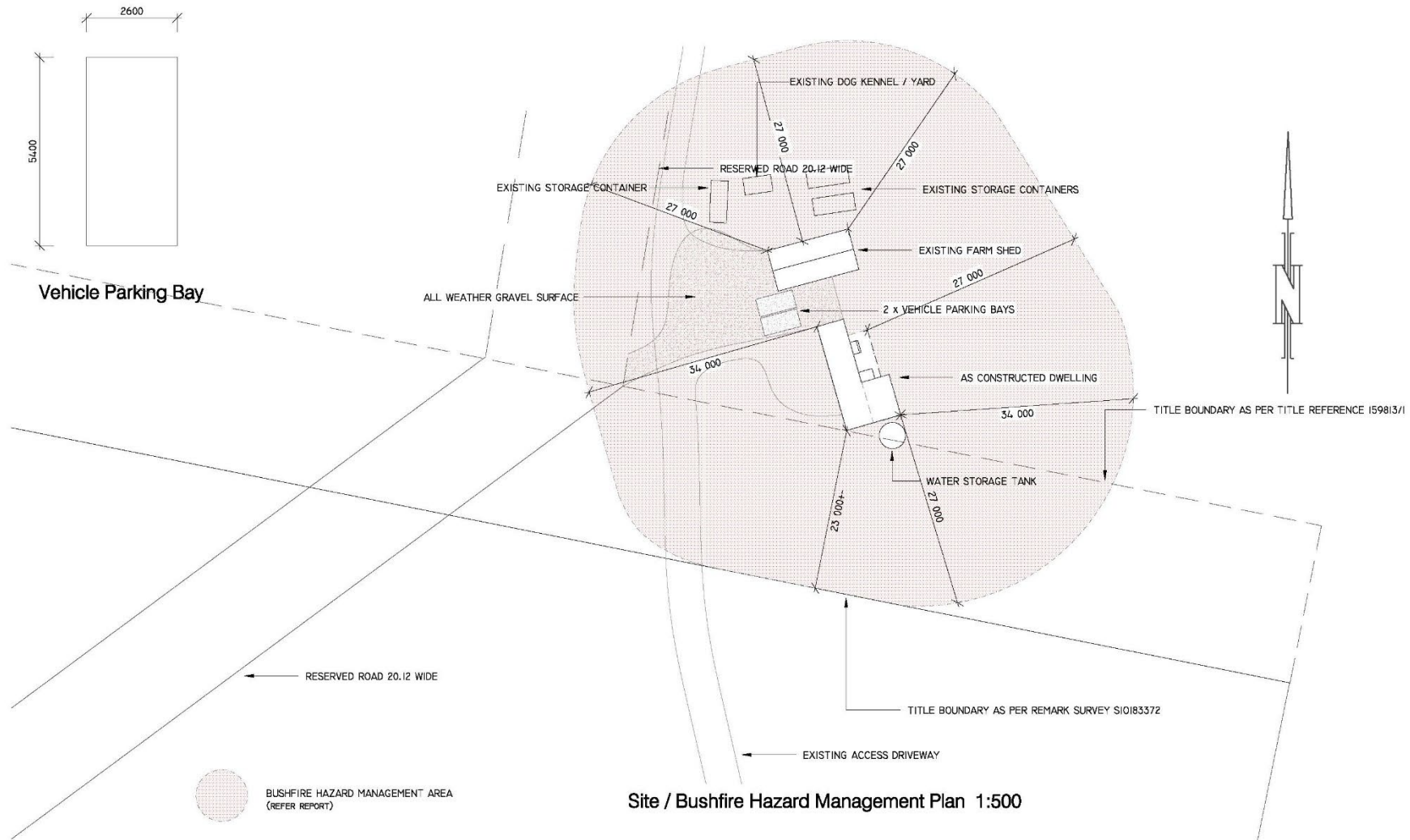
Sorell Council

Development Application: 5.2024.336.1 -
 Response to Request For Information - 317
 Hillcrest Road, Pawleena P3.pdf
 Plans Reference: P3
 Date Received: 19/08/2025

Date	19th August 2025	Page Size A3	Client	D & K Carter	Proposal As Constructed Dwelling	<div><div>Darryn White - Building Design and Consulting. P O Box 381 Rosny Park Tasmania 7018 P: 0409 659 358 E: dwbdac@gmail.com W: www.everythingbuilding.com.au ABN: 5613097040</div><div>ACCREDITATION NO: CC1623W</div></div>	<div><div></div><div>MASTER BUILDERS TASMANIA MEMBER</div></div>	© 2024	Page No <div><div>01</div><div>04</div></div>
Scale	1:5000		Address	317 Hillcrest Road Pawleena 7172					

**AGENDA**

SORELL PLANNING AUTHORITY (SPA) MEETING
 7 OCTOBER 2025

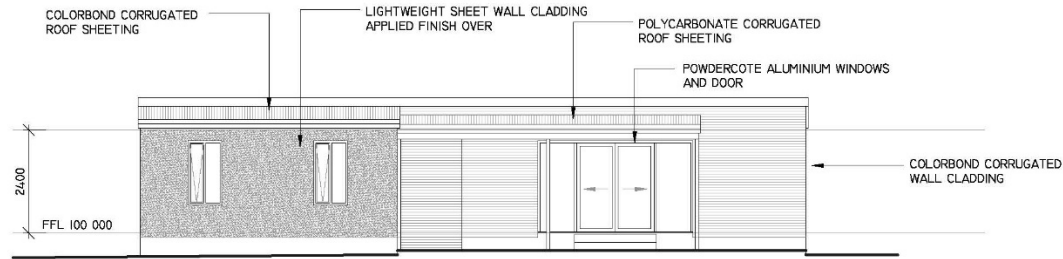


Date 19th August 2025	Page size A3	Client D & K Carter	Proposal As Constructed Dwelling	Darryn White - Building Design and Consulting. P O Box 381 Rosny Park Tasmania 7018 P: 0409 659 358 E: dwbdac@gmail.com W: www.everythingbuilding.com.au ARN: 96130097060 ACCREDITATION NO: CC1623W	MASTER BUILDERS TASMANIA MEMBER	© 2024	Page No 02/04
Scale 1:500		Address 317 Hillcrest Road Pawleena 7172		This drawing is the property of Darryn White. Reproduction in whole or part is strictly forbidden without the written consent of Darryn White. Failure to do so will result in legal action being taken.		Job No 2427	

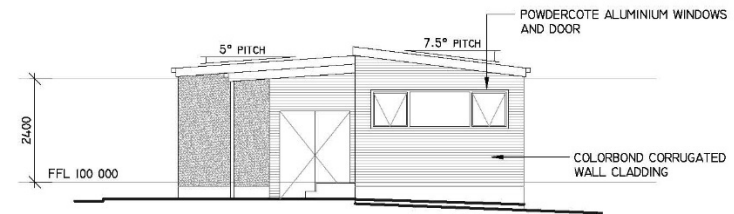


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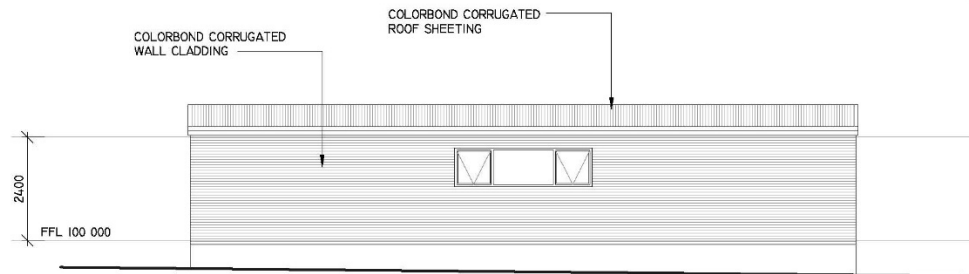
SORELL PLANNING AUTHORITY (SPA) MEETING
7 OCTOBER 2025



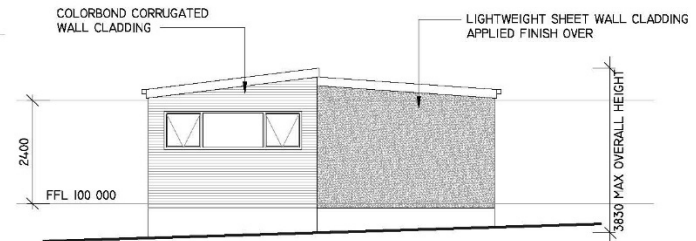
North East Elevation





North West Elevation



South West Elevation



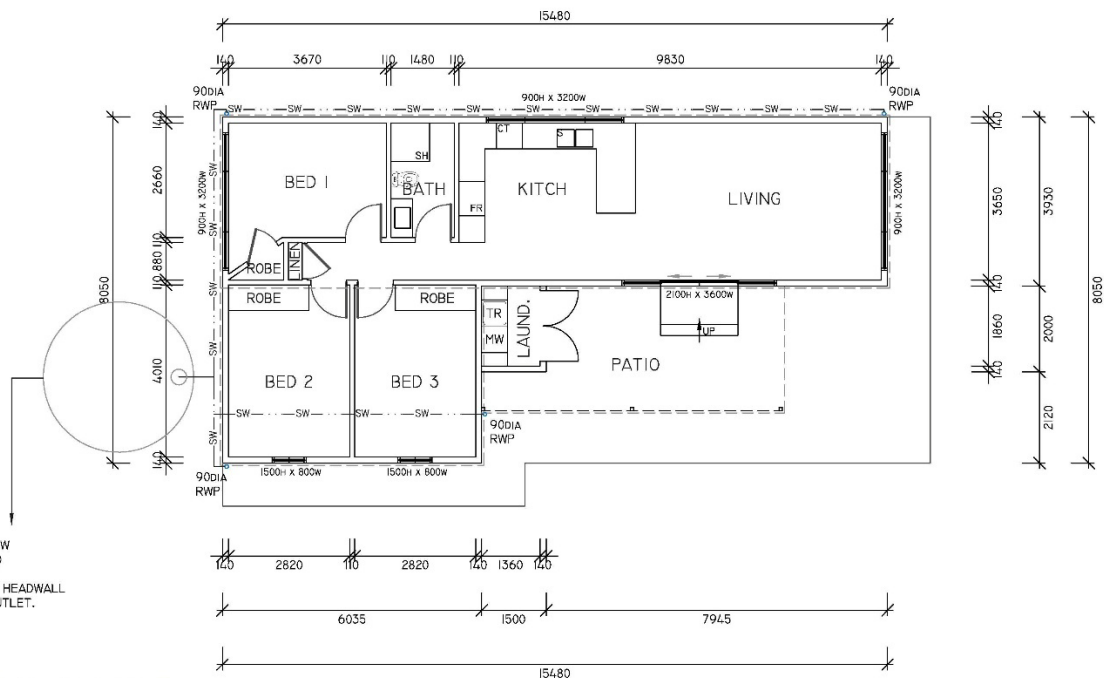
South East Elevation

Date	19th August 2025	Page size A3	Client	D & K Carter	Proposal As Constructed Dwelling	Darryn White - Building Design and Consulting. P O Box 381 Rosny Park Tasmania 7018 P: 0409 659 358 E: dwbdac@gmail.com W: www.everythingbuilding.com.au ARN: 56130097060 ACCREDITATION NO: CC1623W	 MASTER BUILDERS TASMANIA MEMBER	© 2024		Page No
Scale	1:100		Address	317 Hillcrest Road Pawleena 7172		This drawing is the property of Darryn White. Reproduction in whole or part is strictly forbidden without the written consent of Darryn White. Failure to do so will result in legal action being taken.				
2427										

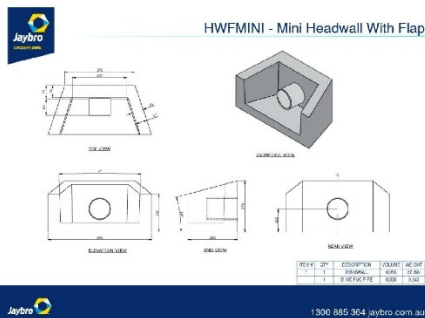
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SORELL PLANNING AUTHORITY (SPA) MEETING
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90DIA RAINWATER PIPES (RWP) TO 90DIA PVC
STORMWATER DRAIN (SW) TO WATER STORAGE TANK



WATER STORAGE TANK OVERFLOW
90DIA MIN PVC S/W DIRECTED TO
EXISTING WATERHOLE.
DISCHARGE THROUGH CONCRETE HEADWALL
WITH VERMIN PROOF FLAP AT OUTLET.



Floor / Drainage Plan 1:100

Date	19th August 2025	Page Size <div>A3</div>	Client	D & K Carter	Proposal As Constructed Dwelling	<div>Darryn White - Building Design and Consulting. P O Box 381 Rosny Park Tasmania 7018 P: 0409 659 358 E: dwdbac@gmail.com W: www.everythingbuilding.com.au ABN: 5613007060</div>	<div><div>MASTER BUILDERS TASMANIA MEMBER</div></div>	© 2024	<div>04 / 04</div>
Scale	1:100		Address	317 Hillcrest Road Pawleena 7172		<div>This drawing is the property of Darryn White. Reproduction in whole or part is strictly forbidden without the written consent of Darryn White. Failure in doing will result in legal action being taken.</div>	2427		

From: [REDACTED]
Sent: Monday, 15 September 2025 9:45 PM
To: Sorell Council <info@sorell.tas.gov.au>
Subject: Doc 787882 Attn: General Manager Mr. Robert Higgins Re: Representation planning application 5.2024.336.1

Dear Mr. Robert Higgins,

I refer to the proposed development of dwelling (retrospective) application, the dishonest and gross misuse of powers by [REDACTED].

[REDACTED] have undertaken development and use of this dwelling at 317 Hillcrest Road Pawleena, without the required Council and State planning approvals. The dwelling has been onsite for 8 years and [REDACTED] have been utilising this dwelling as their primary place of residence for the majority of this time.

At time of purchase, [REDACTED] block was a bush block devoid of any infrastructure on the current house site. The planning application where the Plan lists the Farm Shed as pre-existing is false as it was constructed 2018.

Furthermore, the development costs of this 3-bedroom dwelling only equating to a total of \$100,000.00 seems to be significantly underestimated as building rates would suggest \$300,000.00 being a more accurate estimation. Is the nominated figure intended to deceive Council of fees?

[REDACTED] holds the position of [REDACTED]. Would it not be deemed by Sorell Council's General Manager that [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sincerely,

[REDACTED]



AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
7 OCTOBER 2025

5.2

7.2025.10.1 – ONE LOT SUBDIVISION AT 5 CHERRY COURT, FORCETT

Applicant:	MC Planners
Proposal:	One lot subdivision
Site Address:	5 Cherry Court, Forcett (CT 140818/13)
Planning Scheme:	<i>Tasmanian Planning Scheme (Sorell LPS)</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	More than one representation received.

Relevant Zone:	Rural Living
Proposed Use:	N/A
Applicable Overlay(s):	Airport obstacle limitation area Bushfire-prone area Low landslip hazard band
Applicable Codes(s):	Safeguarding of Airports Code Bushfire-prone Areas Code Landslip Hazard Code Dispersive Soils Specific Area Plan
Valid Application Date:	2 July 2025
Decision Due:	21 October 2025
Discretion(s):	1 Clause 11.5.1 (P1), lot design. 2 Clause 11.5.1 (P2), lot design. 3 Clause 11.5.3 (P2), services. 4 Clause SOR-1.7.1 (P1), development on dispersive soils 5 Clause SOR-S1.8.1 (P1), subdivision on dispersive soils 6 Clause C2.6.1 (P1), construction of parking areas – gravel
Representation(s):	Three representations received.

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2025.10.1 for a one lot subdivision at 5 Cherry Court, Forcett 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:

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SORELL PLANNING AUTHORITY (SPA) MEETING
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- a) P1 (proposed plan of subdivision, Rogerson and Birch, dated 3 March 2025)
 - b) P1 (Bushfire hazard report prepared by Rogerson & Birch Surveyors and dated 28 April 2025)
 - c) P1 (Geotechnical site investigation for foundations and wastewater prepared by Enviro Tech Consultants dated 27 May 2025 and 6 August 2025)
2. As no provision has been made for Public Open Space or improvements thereto and, having formed the opinion that such a provision should be made, Council invokes the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and requires security equivalent of 5% of the improved value of lot 2.
- 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.
3. To the satisfaction of Council's General Manager, a suitable covenant is to be included in the schedule of easements for Lot 2 that the recommendations of the geotechnical site investigation for foundations and wastewater prepared by Enviro Tech Consultants dated 27 May 2025 and 6 August 2025 must be undertaken at development stage, unless otherwise approved by Council.
4. Prior to sealing any final plan, all recommendations of the bushfire hazard management plan must be complete and be certified by a suitably qualified person.
5. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.

General

6. Prior to any works commencing for approved subdivision, engineering design drawings showing all work required by this planning permit must be prepared in substantial accordance with the latest:
- a) Tasmanian Subdivision Guidelines,
 - b) Tasmanian Municipal Standard Specifications,
 - c) Tasmanian Standard Drawings, 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:

- i. *The Tasmanian Subdivision Guidelines, Municipal Standard Specifications, and Standard Drawings are available at www.lgat.tas.gov.au.*
 - ii. *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. Prior to any works commencing for approved subdivision, the following Council Fees and Charges must be paid:
- a) *Engineering Design Drawing Checking Fee at 2% of the construction costs or the minimum amount (whichever is higher), and*
 - b) *Inspection Fee for the estimated minimum number of inspections.*

In the event re-checking of engineering design drawings due to changes from client or if additional inspections are required, the Council Fees and Charges may be applied accordingly.

Advice:

- i. *All civil works must be constructed in accordance with Council's approved Engineering drawings.*

- ii. *The engineering design drawings checked and stamped by Council will expire on Two (2) years from the date of issue.*
 - iii. *Council Fees and Charges are updated each financial year and can be found in the Sorell Council Fees and Charges schedule, available from Council's website.*
8. Prior to any works commencing, the Council must issue stamped set of the engineering design drawings.
9. Prior to sealing the final plan of survey all existing lot connections must be relocated to be wholly contained within the balance lot or contained within new or existing service easements to the satisfaction of Council's General Manager (if any).
- Advice: this condition covers any existing stormwater, water, sewer, electrical, access or telecommunications infrastructure.*
10. The final plan of survey will not be sealed until all works required by this permit are complete.

Road

11. Vehicular access for Lot 2 must be upgraded in accordance with LGAT standard.
12. The internal access (circulation roadway) for Lot 2 shall:
- i. be of a minimum width of 4 metres and extend from the front boundary to each lot proper;
 - ii. feature a one-way cross-fall and capture stormwater runoff such that it is managed on site and not concentrated onto adjoining properties;
 - iii. have a sealed or gravel surface that is designed, constructed and maintained to avoid sedimentation, erosion, or excess dust;
 - iv. be suitable for two-wheel drive vehicles; and
 - v. be in general accordance with the requirements of AS2890.1:2004.

13. 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 (if any on Council's reserve).

Note: All requirements of the CMP provided must be fully implemented prior to commencement of works. Soil Management plan is only required if excavating and removing material off site.

14. 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).

Power and Telecommunication

15. Prior to sealing the final plan, the following works must be completed:

(a) Prior to sealing the final plan of survey, the developer must submit written advice from TasNetwork for Lot 2 confirming that either:

- i. all conditions of the Agreement between the Owner and authority have been complied with; or
- ii. that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

(b) Connection to the telecommunication network for Lot 2:

Note: Letter or an email from Telstra NBN required confirming:

- the connection or demonstration that the exemption from the installation of fibre ready pit and pipe notice has been completed, or

- an exemption from the installation of fibre ready pit and pipe, a "Provisioning of Telecommunications Infrastructure – Confirmation of final payment"
- or "Certificate of Practical Completion of Developer's Activities" from Telstra or NBN Co.

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

Fencing for each lot:

16. Any frontage fencing, including existing, not located on the correct boundary must be removed and replaced with new rural type fencing, and installed in the correct location.
17. The survey pegs for all lots in the subdivision are to be certified correct prior to Council sealing the Final Plan of Survey.

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.
- Prior to any works commencing within the Council's Road reservation, an associated permit must be granted for the works (available on Council's website).

- All engineering related queries should be directed to the Development Engineer. The Council General Manager has delegated functions relevant to the permit to the Development Engineer.
- Council recommends consulting Before You Dig Australia (BYDA) at www.byda.com.au before undertaking any works.

Other Approvals

- 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.

General

- A front fence above 1.2m in height may require planning approval – please refer to our info sheet at <https://www.sorell.tas.gov.au/planning-information-sheets/>
- Sealing of a final plan of survey is subject to a prescribed Council fee at the date of lodgement of the final plan or survey. Land Title Office fees must be paid directly to the Recorder of Titles.

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 One lot subdivision at 5 Cherry Court, Forcett. This property is zoned Rural Living and is located within a cluster of rural living development at Forcett.

The key planning considerations relate to the design of the proposed lots, and development proposed for land with dispersive soils.



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

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management. Consistent with the open space policy, a condition has been included requiring a cash contribution in lieu of open space as part of the subdivision.
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:



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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	No		
State Growth	No			

Report

Description of Proposal

It is proposed that 5 Cherry Court (CT 140818/13) be subdivided into two lots. Lot 1 would have an area of 8617m², 6m frontage to Cherry Court and would contain the existing dwelling, outbuilding and landscaped garden. Lot 2 would have an area of 8246m², would also have 6m frontage via an access strip to Cherry Court and would be vacant.

The application is supported by:

- a planning assessment prepared by MC Planners dated 26 June 2025;
- a complete copy of the certificate of title for the lot, including the related schedule of easements and part 5 agreement;
- a bushfire hazard report prepared by Rogerson & Birch Surveyors and dated 28 April 2025;
- a proposed plan of subdivision prepared by Rogerson and Birch Surveyors dated 3 March 2025;
- an area plan assessment prepared by MC Planners dated 26 June 2025; and
- a geotechnical site investigation for foundations and wastewater prepared by Enviro Tech Consultants dated 27 May 2025 and 6 August 2025.

Description of Site

The site has an area of 1.686ha, 12m frontage to Cherry Court, is located within a cluster of rural living land and is south of the Arthur Highway at Forcett. The site slopes down to the south to the southern boundary ranging in slopes from 15 to 20 degrees, and supports an existing dwelling and outbuilding within 60m of the frontage.

Other than landscaped gardens surrounding the existing dwelling, there is no significant vegetation within the boundaries of the lot. The lot is not serviced with reticulated water or sewer. A power connection to the dwelling exists.

Adjoining land consists of land developed with single dwellings and is similarly zoned Rural Living. Cherry Court is a sealed public road and the speed limit is set at 80km/hr being within a non-urban environment. No stormwater drainage associated with the formed road exists at this location.



Figure 1. Subject site.

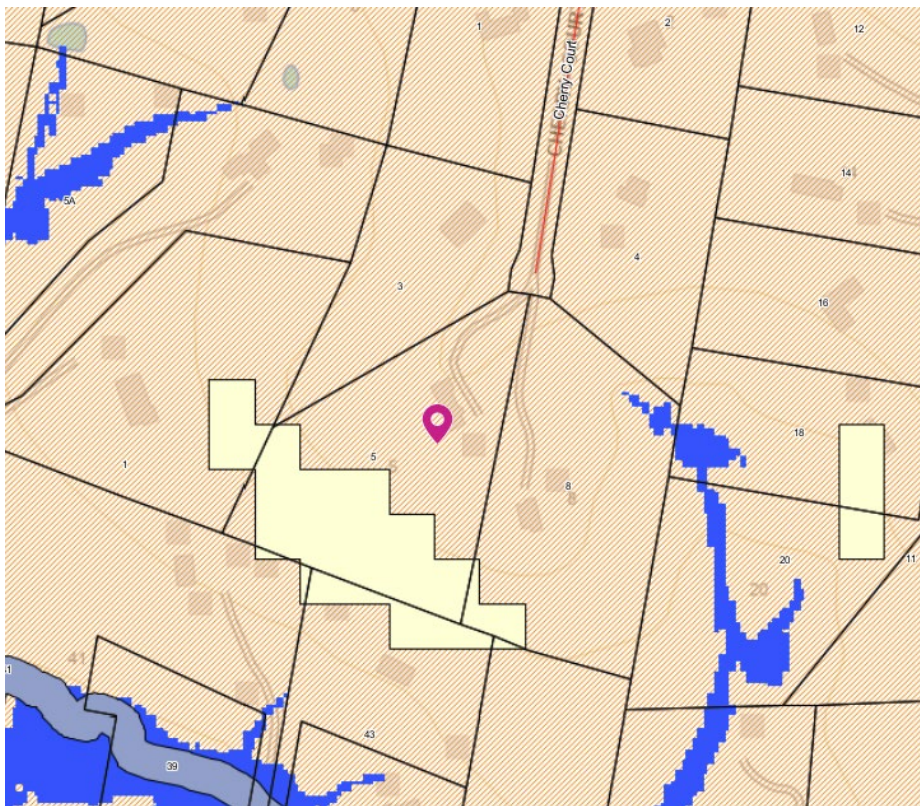


Figure 2. Low landslip hazard band shown in yellow and bushfire-prone area show in red hatching

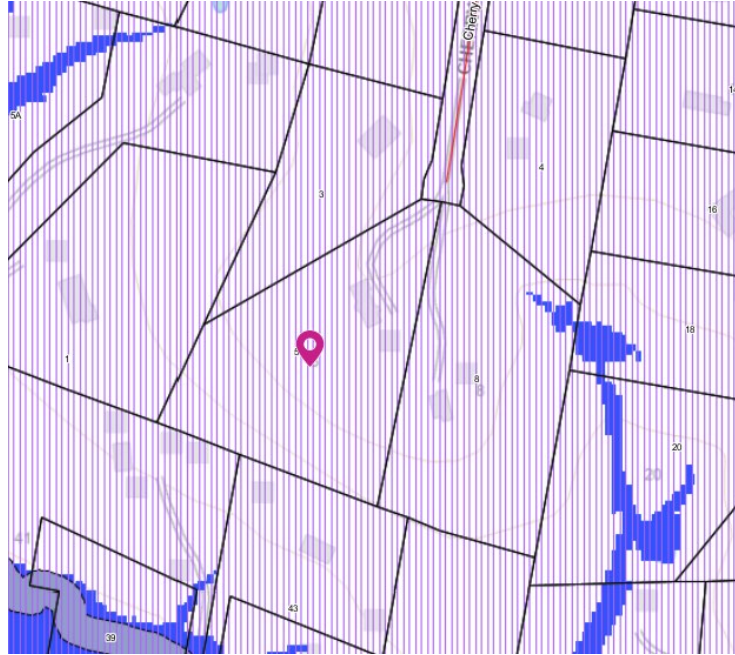


Figure 3. Extent of Dispersive Soils Specific Area Plan shown in purple hatching



Figure 4. Site and existing dwelling viewed looking southwest from Cherry Court



Figure 5. Site viewed looking northeast from Quarry Road

Planning Assessment

The subject site is within the Rural Living Zone. 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 Living Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
11.4.1(A1)	Site coverage	Yes. The resultant site coverage for Lot 1 would be 350m ² , which is less than the 400m ² site coverage prescribed by the acceptable solution.
11.4.2(A3)	Side setback	Yes. The existing dwelling is setback 19m from the proposed northwestern boundary of that lot, which is compliant with the 10m prescribed side setback.
11.5.1(A1)	Lot design	No. The proposal does not meet the standards prescribed by A1 and must therefore be assessed against P1.
11.5.1(A2)	Lot design	No. The proposed lots would each have 6m frontage which does not meet the 40m frontage requirement of the acceptable solution and must therefore be assessed against P2.
11.5.1(A3)	Lot design	Yes. The development would be provided with vehicular access to Cherry Court in accordance with the requirements of Council as road authority and subject to recommended conditions.
11.5.2(A1)	Roads	Yes. There are no new roads proposed.
11.5.3(A1)	Services	Yes. The site is not within 30m of a water supply service.
11.5.3(A2)	Services	No. The site will not be connected to a reticulated sewerage system. The proposal must be assessed against P1.

Performance Criteria Assessment 1 – clause 11.5.1 P1 Lot Design

The performance criteria applies as lots are less than one hectare in size.

Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to:



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- (a) *the relevant requirements for development of existing buildings on the lots;*
- (b) *the intended location of buildings on the lots;*
- (c) *the topography of the site;*
- (d) *any natural or landscape values;*
- (e) *adequate provision of private open space; and*
- (f) *the pattern of development existing on established properties in the area, and must be no more than 20% smaller than the applicable lot size required by clause 11.5.1 A1.*

Both proposed lots do not comply with the minimum lot size prescribed for the zone. Whilst no development on Lot 1 is proposed at this time, Lot 2 would accommodate a future dwelling compliant with the prescribed setbacks. The site is moderately sloping, however, supporting documentation shows that all infrastructure together with a dwelling and private open space areas could be developed within the proposed lot boundaries.

There is no significant flora and fauna on the site, and it is considered that the proposed lot sizes are consistent with an established pattern of development in the area. A future dwelling on Lot 2 is capable of being developed below the ridgeline, and the lots are not less than 20% below the lot size of 1ha prescribed. The performance criteria are therefore met.

Performance Criteria Assessment 2 – clause 11.5.1 P2 Lot Design

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

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

The proposed lots would each have 6m frontage. Each lot would not share any rights of way and would be functional in that sufficient width would be provided for manoeuvring of vehicles to and from the site and associated driveway areas. This arrangement is consistent with a number of properties within proximity of the site including 1 Blackwood Drive to the west, 41 and 43 Blackwood Drive to the south and 75 Quarry Road to the southeast. Each frontage would be in excess of the minimum allowed of 3.6m.

Performance Criteria Assessment 3 – clause 11.5.3 P2 Services

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

The proposal was supported by an on-site wastewater assessment that concludes that the proposed vacant lot is capable of accommodating on-site wastewater associated with a single dwelling on the lot, subject to certain measures being adopted. The assessment confirms that the wastewater system associated with the existing dwelling would be contained within the boundaries of the proposed lot and would allow sufficient reserve area. The performance criterion is met.

Code

Parking and Sustainable Transport Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Parking numbers	Yes, as two spaces are provided.
C2.6.1 A1	Construction	No, as a gravel surface is provided. P1 must therefore be addressed.
C2.6.2 A1.1	Layout	Yes, all relevant standards are complied with
C2.6.3 A1	Accesses	Yes, a single access is provided to each lot.

Performance Criteria Assessment 4 – clause C2.6.1 P1 Construction of parking

All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:

- (a) *the nature of the use;*
- (b) *the topography of the land;*
- (c) *the drainage system available;*
- (d) *the likelihood of transporting sediment or debris from the site onto a road or public place;*
- (e) *the likelihood of generating dust; and*
- (f) *the nature of the proposed surfacing.*

A compacted gravel surface as proposed. This is considered appropriate in relation to the residential nature of the proposed vacant lot, the proposed drainage measures for the southern boundary and that dust or other impacts are unlikely. It is consistent with the nature of surrounding properties. The performance criterion is therefore met.

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.5.1 A1.4	Traffic generation at a vehicle crossing,	Yes. The proposal would result in an increase in vehicle movements by approximately 10 movements per day. This is consistent with Table C3.1.
C3.5.1 A1.5	level crossing or new junction	Yes. Vehicles would be able to enter and exit the site in a forward direction.

Bushfire-Prone Areas Code

The proposal complies with the code through the provision of an accredited persons bushfire hazard report, which s52(2)(d) of LUPAA requires the planning authority to accept.

Landslip Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C15.7.1(A1)	Subdivision within a landslip area	No. Lot 2 would have a building area within the landslip area, and significant works will be required for future driveway and building works. P1 must therefore be assessed.

Performance Criteria Assessment 5 – clause C15.7.1 P1 Subdivision within a landslip 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.

The supporting landslip assessment considers risk associated with likely future residential development of Lot 2, including driveway, dwelling excavation and wastewater works. It concludes that there would be no increase in landslip risk to adjacent land, and that no increased reliance on public infrastructure would result. With appropriate site drainage and footing design, it concludes that risk of instability is low and future remediation works are unlikely.

The building area of Lot 2 is assessed as being geotechnically suitable for residential development, and all advice within the assessment is proposed to be made relevant to the lot via a covenant. P1 would therefore be met.

Safeguarding of Airports Code

The site is subject to the airport obstacle limitation area overlay. There are no development standards relevant to subdivision. The proposal therefore does not require any assessment against the code provisions.

Dispersive Soils Specific Area Plan

Applicable Plan standards		
Clause	Matter	Complies with acceptable solution?
SOR-S1.8.1(A1)	Subdivision on dispersive soils	No. There is no acceptable solution.

Performance Criteria Assessment 6 – clause SOR-S1.8.1 P1 Subdivision on dispersive soils

Each lot, or a lot proposed in a plan of subdivision, must minimise the risks associated with dispersive soil to property and the environment, having regard to:

- (a) *the dispersive potential of soils in the vicinity of proposed building areas, driveways, services and the development area generally;*
- (b) *the potential of the subdivision to affect or be affected by erosion, including gully and tunnel erosion;*

- (c) *the dispersive potential of soils in the vicinity of water drainage lines, infiltration areas and trenches, water storages, ponds, dams and disposal areas;*
- (d) *the level of risk and potential consequences for property and the environment from potential erosion, including gully and tunnel erosion;*
- (e) *management measures that would reduce risk to an acceptable level; and*
- (f) *the advice contained in a dispersive soil management plan.*

A geotechnical site investigation was submitted which finds that with certain recommendations being adopted, that the highly dispersive soils present on the site can be managed to an acceptable level. It analyses dispersive soils on the site, considers the impact of the subdivision in terms of tunnel erosion and concludes that the subdivision proposed is reasonable subject to certain measures being adopted.

The investigation does not require specific measures be adopted at subdivision stage, but makes recommendations in relation to future development of a driveway, buildings and works on Lot 2. On the basis that a covenant be included for Lot 2 to ensure that recommendations are appropriately addressed at the time of future development, the performance criteria are met.

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 Living 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.

An associated condition has therefore been included in the recommended conditions requiring a cash contribution, discounted to 5% of the total area of the land being subdivided.

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'.

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

Issue	Relevant Clause	Response
Concerns about stormwater runoff, and flooding. They raise downslope impact as significant, with this proposal to exacerbate an existing issue.	N/A	The subdivision does not include development that would concentrate stormwater runoff. Future development would need to address on-site stormwater management together with any site specific measures necessary to manage stormwater flows, and to ensure no adverse impact to adjacent lots.

Concerns about tunnel erosion and land instability are raised. It is submitted that full hydrological studies should be undertaken before approval.	SOR-1.8.1	<p>A geotechnical site investigation was submitted which concludes the highly dispersive soils present on the site can be managed to an acceptable level. It analyses dispersive soils on the site, considers the impact of the subdivision in terms of tunnel erosion and concludes that the subdivision proposed is reasonable subject to certain measures being adopted.</p> <p>Specific measures are not required at subdivision stage, but would be required for future development 2. A condition requiring an associated covenant is recommended.</p>
The representations raise failure of a new wastewater system as a risk to adjacent properties.	N/A	An on-site wastewater assessment concludes that both lots can accommodate on-site wastewater systems, without impact to adjacent properties. The specific design would be approved at development stage and is not a relevant consideration at subdivision stage.
Loss of residential amenity is raised by the representors as justification for refusal.	11.5.1	The proposal meets the relevant lot design requirements for the zone, with appropriate building areas identified. Traffic volumes would not have an adverse impact on the road network. Future residential development proposed for Lot 2 (or further development of Lot 1) will be subject to separate approval, which would consider setbacks, site coverage and height of development.

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

Attachments

Plan of subdivision by Rogerson and Birch Surveyors, dated 3 March 2025

Separate Attachments:

Bushfire hazard report prepared by Rogerson & Birch Surveyors and dated 28 April 2025

Geotechnical site investigation for foundations and wastewater prepared by Enviro Tech Consultants dated 27 May 2025 and 6 August 2025



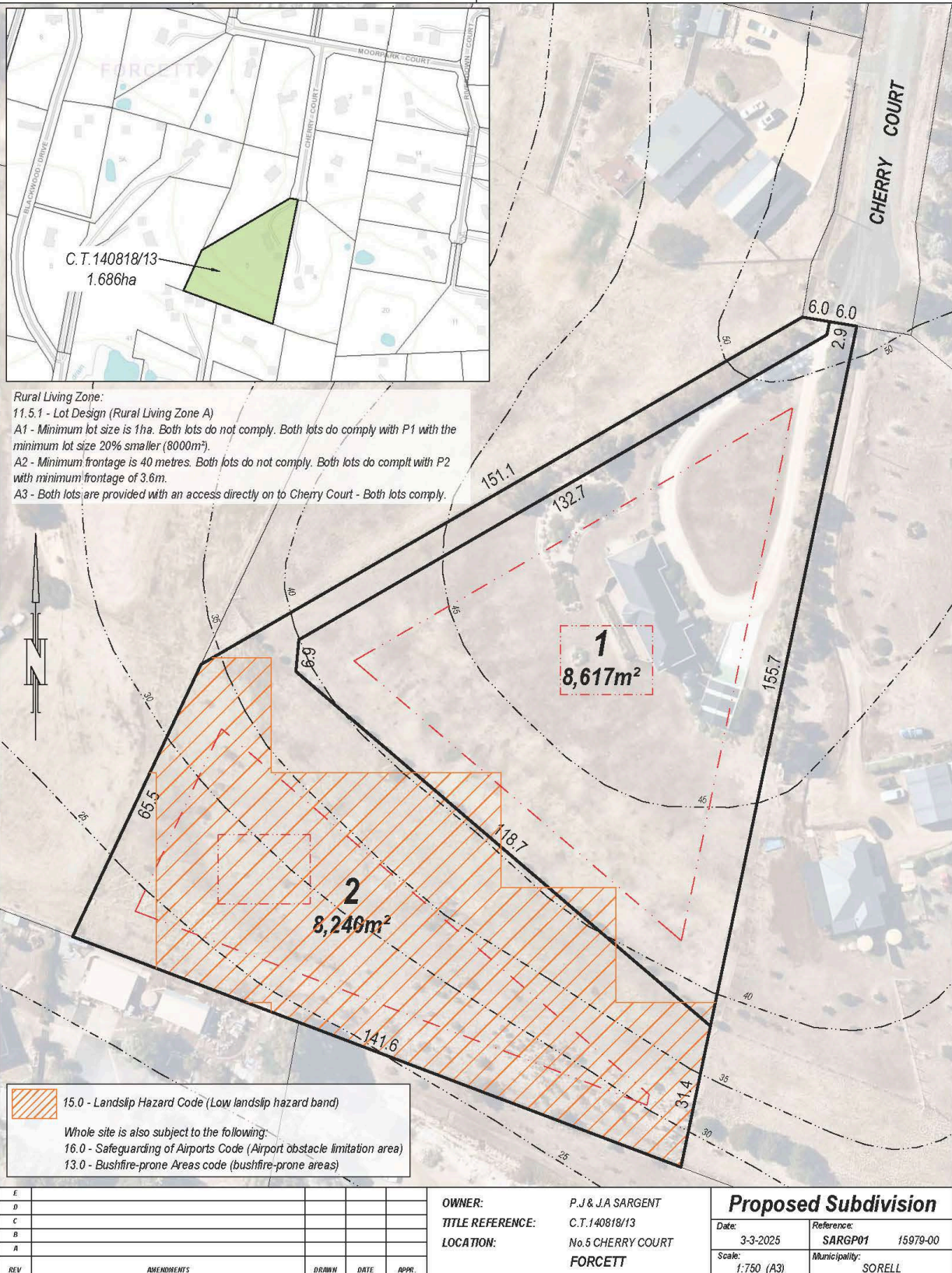
UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 6898
EMAIL: admin@rbsurveyors.com.au
WEB: www.rbsurveyors.com

Sorell Council
Development Application 7.2025.10.1 -
Subdivision Application 5 Cherry Court, Forcett -
P1.pdf
Plans Reference: P1
Date Received: 26/06/2025

This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval.

All measurements and areas are subject to the final survey.

Base image by NEARMAP (<https://www.nearmap.com/au>). © Nearmap 2024
Base data from the LST (www.thelist.tas.gov.au). © State of Tasmania



AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
7 OCTOBER 2025

Formal Objection to Planning Application

5.205-10.1 – 5 Cherry Court, Forcett

To the Planning Authority
Sorell Council
47 Cole Street, Sorell TAS 7172
Email: sorell.council@sorell.tas.gov.au

Dear Sir/Madam,

We are writing as long-standing residents and owners of the property [REDACTED] proposed development. As an elderly couple who have lived here peacefully for many years, we feel compelled to express our deep and urgent objection to this application.

This development poses a direct and unacceptable threat to our home, our health, and the quiet rural lifestyle we have worked hard to preserve.

1. Severe Water Runoff and Flooding

Our property is already suffering from excessive water runoff during heavy rains, originating from the land where this development is proposed. We have endured flooding across our yard, damage to our foundations, and the constant stress of trying to protect our home. The addition of a wastewater treatment system (WWTS) and further construction will only worsen this situation, increasing water volume and flow directly toward our house.

We are not equipped—physically or financially—to keep installing drainage solutions every time the land above us changes. This development will overwhelm our property and leave us vulnerable to even more serious flooding.

2. Erosion and Land Instability

Our land is made up of reactive soils, which are highly susceptible to erosion. We have already seen the effects of tunnel erosion and bank collapse due to concentrated water flow. The proposed development will accelerate this erosion, putting our home and safety at risk.

We are deeply concerned that the Council would allow a development that so clearly threatens the stability of neighbouring properties, especially when the risks are well documented in your own Natural Resource Management Strategy.

3. Wastewater System Risks

The WWTS proposed for this development is a major concern. If it fails, overflows, or is poorly

managed, it will send wastewater directly toward our home. We are deeply uncomfortable with the idea of living downhill from such a system, especially given the slope of the land and the history of water movement in this area.

We ask: Would you want your elderly parents living in front of a wastewater system on unstable ground?

4. Loss of Rural Peace and Amenity

We chose this area for its quiet, rural character. It has been a place of peace, privacy, and natural beauty. This development threatens to destroy that way of life. Increased traffic, noise, and visual disruption will turn our tranquil home into a construction zone and, eventually, a busy residential area.

We are not opposed to progress—but it must be responsible, respectful, and safe. This proposal is none of those things.

Our Request to Council

We respectfully but firmly ask that Sorell Council:

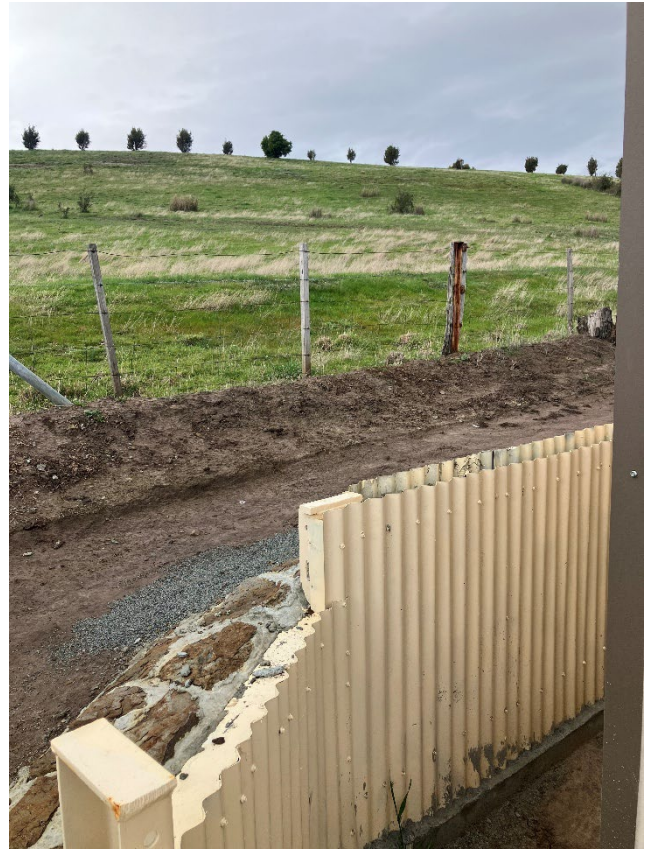
- Reject this application outright, or require significant amendments that address the risks to neighbouring properties.
- Demand a full hydrological and geotechnical assessment before any approval is considered.
- Ensure the WWTS is relocated or redesigned to prevent overflow toward our home.
- Protect the rural character and environmental integrity of our community.

We are not just objecting—we are pleading with Council to protect us. We are elderly, we are vulnerable, and we are being placed in harm's way by this proposal.

Please do not let this development proceed without fully understanding and addressing the consequences.

Yours sincerely,

[Redacted signature block]



REGARDING THE APPLICATION 7.2025-10-15
 CHERRY COURT PORCETT ONE LOT SUBDIVISION
 BECAUSE MY LAND IS ON THE [REDACTED]
 FOR THE PAST 30 YEARS WATER FROM THE HILL
 COMES INTO THE BACK OF MY SHEDS, THERE IS
 NO NATURAL DRAINAGE, AS STATED IN THE APPLICATION
 IT IS ALSO LANDSLIP HAZARD, THE DRIVE INTO
 THE SUBDIVISION, IS FROM THE TOP OF THE HILL
 TO THE BOTTOM, WHEN THE ROAD IS DONE IN
 GRAVEL, IT WILL WASH DOWN INTO MY LAND
 OVER THE LAST THREE WEEKS COUNCIL, HAVE
 HAD TO CLEAN GRAVEL FROM DRIVES IN
 LAKE LAND DRIVE, APROX $\frac{1}{4}$ MILE AWAY THAT HAVE
 WASHED ON THE ROAD, THIS OCCURS EVERY
 HEAVY RAIN FALL AT GREAT COST TO COUNCIL
 THIS WILL HAPPEN TO ME IF THE ROAD IS
 NOT SEALED AND PROPER DRAINS PUT INTO PLACE
 AND DIRECTED TO NEAREST STORM WATER DRAINS
 AT BOTTOM OF QUARRY RD ALSO IT SHOULD BE
 NOTED THAT WATER FROM ROOFS AND TANKS OVER FLO
 AND URO CYLE OR SU SHOULD BE DIRETED TO
 LARGE TANK AND THEN PUMPED OUT WHEN
 FULL AND TAKEN AWAY

Formal Objection to Planning Application

5.205-10.1 – 5 Cherry Court, Forcett

TO THE PLANNING AUTHORITY
SORELL COUNCIL
47 COLE STREET, SORELL TAS 7172
EMAIL: SORELL.COUNCIL@SORELL.TAS.GOV.AU

DEAR SIR/MADAM,

I AM WRITING TO EXPRESS MY STRONG AND URGENT OBJECTION TO THE PROPOSED DEVELOPMENT REFERENCED ABOVE, AS THE OWNER OF THE [REDACTED] PROPERTY. THIS OBJECTION IS BASED ON SERIOUS AND ESCALATING CONCERNS REGARDING STORMWATER RUNOFF, EROSION, AND THE COMPOUNDING RISKS POSED BY THE PROPOSED WASTEWATER TREATMENT SYSTEM (WWTs).

1. ESCALATING FLOODING AND STORMWATER RUNOFF

OUR PROPERTY HAS BEEN SUBJECT TO REPEATED AND SEVERE FLOODING DURING SIGNIFICANT RAINFALL EVENTS, WITH WATER RUNOFF ORIGINATING FROM THE APPLICANT'S LAND. DESPITE EXTENSIVE INVESTMENT IN DRAINAGE INFRASTRUCTURE, INCLUDING SUBSOIL DRAINS AND ABSORPTION TRENCHES, THE SITUATION REMAINS UNTENABLE. THE PROPOSED DEVELOPMENT THREATENS TO INTENSIFY THIS ALREADY CRITICAL ISSUE, PARTICULARLY THROUGH THE ADDITION OF IMPERVIOUS SURFACES AND THE WWTs.

SORELL COUNCIL'S STORMWATER IN NEW DEVELOPMENT POLICY (RESOLUTION NO. 35/2023) CLEARLY MANDATES THAT STORMWATER FROM NEW DEVELOPMENTS MUST NOT UNREASONABLY IMPACT DOWNSTREAM PROPERTIES AND MUST BE OF A QUANTITY THAT CAN BE SAFELY CONVEYED WITHIN THE STORMWATER NETWORK. THE POLICY ALSO REQUIRES THAT DEVELOPMENTS IN FLOOD-PRONE AREAS DEMONSTRATE CAPACITY TO MANAGE A 1% AEP (ANNUAL EXCEEDANCE PROBABILITY) RAINFALL EVENT WITHOUT INCREASING FLOOD RISK.

THE PROPOSED DEVELOPMENT FAILS TO MEET THESE STANDARDS AND POSES A DIRECT THREAT TO OUR PROPERTY'S SAFETY AND STRUCTURAL INTEGRITY.

2. WASTEWATER TREATMENT SYSTEM RISKS



AGENDA

SORELL PLANNING AUTHORITY (SPA) MEETING
7 OCTOBER 2025

THE INSTALLATION OF A WWTs DIRECTLY ABOVE OUR PROPERTY IS DEEPLY CONCERNING. ACCORDING TO SORELL COUNCIL'S ONSITE WASTEWATER MANAGEMENT GUIDELINES, SUCH SYSTEMS REQUIRE A PLUMBING PERMIT AND MUST BE DESIGNED TO ENSURE SAFE ON-SITE TREATMENT AND DISPOSAL. HOWEVER, IN AREAS WITH REACTIVE SOILS AND EXISTING EROSION, THE RISK OF SYSTEM FAILURE, OVERFLOW, AND INCREASED WATER LOADING IS SIGNIFICANTLY HEIGHTENED.

THE SOUTHERN BEACHES ONSITE WASTEWATER AND STORMWATER SPECIFIC AREA PLAN (SAP) FURTHER HIGHLIGHTS THE NEED FOR INTEGRATED DESIGN AND RISK-BASED ASSESSMENT OF WASTEWATER ABSORPTION AREAS, ESPECIALLY ON SMALL LOTS OR FLOOD-PRONE LAND.

3. REACTIVE SOILS AND EROSION HAZARDS

OUR PROPERTY IS SITUATED ON HIGHLY REACTIVE SOILS, WHICH ARE PRONE TO TUNNEL EROSION AND BANK INSTABILITY. THE SORELL COUNCIL NATURAL RESOURCE MANAGEMENT STRATEGY 2025-2035 IDENTIFIES EROSION AND SOIL DEGRADATION AS KEY ENVIRONMENTAL RISKS, PARTICULARLY IN AREAS WITH POOR DRAINAGE AND INCREASED DEVELOPMENT PRESSURE.

WE ARE ALREADY EXPERIENCING VISIBLE EROSION AND LAND DEGRADATION DUE TO CONCENTRATED WATER FLOW FROM THE [REDACTED] PROPERTY. THE PROPOSED DEVELOPMENT WILL LIKELY ACCELERATE THIS EROSION, POSING A SERIOUS RISK TO OUR LAND, INFRASTRUCTURE, AND THE SURROUNDING ENVIRONMENT.

4. PLANNING SCHEME AND LEGAL FRAMEWORK

UNDER THE LAND USE PLANNING AND APPROVALS ACT 1993 (LUPAA) AND THE URBAN DRAINAGE ACT 2013, DEVELOPMENTS MUST NOT CAUSE NUISANCE OR HARM TO NEIGHBOURING PROPERTIES. THE TASMANIAN PLANNING SCHEME - SORELL ENABLES CONDITIONS TO BE IMPOSED ON PERMITS TO PREVENT SUCH IMPACTS.

THE PROPOSED DEVELOPMENT, AS IT STANDS, CONTRAVENES THESE LEGAL OBLIGATIONS AND FAILS TO UPHOLD THE PRINCIPLES OF SUSTAINABLE AND RESPONSIBLE LAND USE.

REQUEST FOR IMMEDIATE ACTION

IN LIGHT OF THE ABOVE, WE RESPECTFULLY REQUEST THAT SORELL COUNCIL:

- REJECT OR SIGNIFICANTLY AMEND THE APPLICATION UNTIL A FULL HYDROLOGICAL AND GEOTECHNICAL IMPACT ASSESSMENT IS CONDUCTED.
- REQUIRE THE APPLICANT TO PROVIDE A COMPREHENSIVE STORMWATER MANAGEMENT PLAN THAT COMPLIES WITH COUNCIL'S POLICY AND ADDRESSES

DOWNSTREAM IMPACTS.

- ENSURE THE WWTs IS DESIGNED AND LOCATED IN ACCORDANCE WITH THE SAP AND ONSITE WASTEWATER MANAGEMENT GUIDELINES.
- CONSIDER THE CUMULATIVE IMPACT OF DEVELOPMENT ON EROSION-PRONE AND FLOOD-AFFECTED LAND, AND UPHOLD THE PRINCIPLES OF ENVIRONMENTAL PROTECTION OUTLINED IN THE NRM STRATEGY.

THIS MATTER IS OF CRITICAL IMPORTANCE TO THE SAFETY, SUSTAINABILITY, AND LIVABILITY OF OUR PROPERTY AND THE SURROUNDING COMMUNITY. WE URGE COUNCIL TO TAKE DECISIVE ACTION TO PREVENT FURTHER HARM.

YOURS SINCERELY,

[REDACTED]
[REDACTED]

PHOTOGRAPHIC EVIDENCE ATTACHED SUPPORTING THIS OBJECTION.





