



SORELL PLANNING AUTHORITY (SPA) **AGENDA**

14 APRIL 2026

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, 14 April 2026 commencing at 4:30 pm.

CERTIFICATION

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

ROBERT HIGGINS
CHIEF EXECUTIVE OFFICER
9 APRIL 2026



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON TUESDAY 14 APRIL 2026

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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 M Larkins
Councillor B Nichols
Councillor S Campbell
Councillor B Shaw
Councillor M Miro Quesada Le Roux
Councillor M Reed
Councillor N Reynolds
Councillor C Torenus
Robert Higgins, CEO

2.0 APOLOGIES

3.0 CONFIRMATION OF THE MINUTES OF 10 MARCH 2026

RECOMMENDATION

"That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 10 March 2026 be confirmed."

4.0 DECLARATIONS OF INTEREST



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

5.0 LAND USE PLANNING

5.1 LATE REPRESENTATION RECEIVED FOR THE SUBSTITUTE DRAFT PLANNING SCHEME AMENDMENT AM-SOR-5.2024.214.1 - 3 WESTON HILL ROAD, 5 COLE STREET AND 2 PAWLEENA ROAD, SORELL

Applicant:	Ireneinc Planning and Urban Design
Proposal:	Rezone to General Business Zone and Open Space Zone with Specific Area Plan
Site Address:	3 Weston Hill Road, 5 Cole Street and 2 Pawleena Road, Sorell
Planning Scheme:	<i>Tasmanian Planning Scheme Sorell (TPS-S)</i>
Relevant Legislation:	Section 40K of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Representations received for a planning scheme amendment

Decision Due:	NA
Representation(s):	NA

RECOMMENDATION

"That the Planning Authority advises the Tasmanian Planning Commission:

- (a) that the correspondence from Macquarie Accounting Pty Ltd dated 20 March 2026 has not been accepted;
- (b) that it has no particular comment or view on the letter from IreneInc Planning and Urban Design dated 2 March 2026; and
- (c) that it reaffirms its support for the rezoning of land to General Business Zone and Open Space Zone with a Sorell Business and Rivulet Interface Specific Area Plan."

Executive summary

At the end of public exhibition of a planning scheme amendment, section 40K of the *Land Use Planning and Approvals Act 1993 (LUPAA)* requires that 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 has been modified and re-exhibited. One representation has been received. The planning authority considered this representation at its meeting of 10 March 2026.

A submission was received on 20 March 2026 from Macquarie Accounting (obo Rhonda Hall) (attached) objecting to supermarket development on the site.

The Commission has sought further details from Council as set out in its letter of 1 April 2026 (attached).

Report

What does the Macquarie Accounting submission state?

The submission has three requests:

1. Prohibit supermarkets on Precinct B (2 Pawleena Road)
2. Limit supermarkets elsewhere in the site to 1200m², and
3. Ensure supermarket development is subject to an appropriate assessment pathway having regard to potential impacts.

Is the Macquarie Accounting submission accepted?

No. It was received more than four weeks after the public exhibition period and after the s40K report was complete. As it is not accepted, no view has been formed as to the merit of the submission. Although it is apparent that the issues raised are similar to the representation discussed in the s40K report.

Does the Planning Authority have an opinion on the Inene Inc Planning and Urban Design letter of 2 March 2026?

The Inene Inc letter was provided to the Planning Authority in response to the representation received. It was included as an attachment to the s40K but not specifically discussed in that report.



The IreneInc letter notes that the first iteration of economic reports for the proposal were prepared when the project was focused only on 2 Pawleena Road. A supermarket in that context would be 'out-of-centre' development. Revised reports, however, reflected the larger site and additional township growth such that restricting supermarket development is not warranted.

The s40K report did not discuss the IreneInc letter. The s40K report did note that supermarket use of the site should be possible as:

1. Council wishes to retain a single activity centre for Sorell (as opposed to a second activity centre in the Sorell East Growth Area) as noted in the draft Sorell Structure Plan;
2. Future growth of the township is recognised in revised urban growth boundaries; and
3. Limiting supermarkets could lead to proposals for out-of-centre proposals (ie proposals not located in the existing General Business Zone).

These comments are similar to the submission by IreneInc.

Council staff are aware of at least one conceptual supermarket proposal that would represent out-of-centre development along with murmurings of others.

CONCLUSION

In response to the Commissions request, the planning authority should advise that the late submission is not accepted and that no modifications to the amendment are necessary.

Shane Wells

MANAGER PLANNING

Attachments:

- A. TPC Letter 1 April 2026
- B. Late Representation
- C. IreneInc Submission on the valid representation



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SORELL PLANNING AUTHORITY (SPA) MEETING
14 APRIL 2026

TASMANIAN PLANNING COMMISSION

Our ref: DOC/26/36145
Officer: Louise Blyth
Phone: 6165 6828
Email: tpc@planning.tas.gov.au

1 April 2026

Mr Robert Higgins
General Manager/CEO
Sorell Council

Attention: Shane Wells

Mr Phil Gartrell
Senior Planner
Ireneinc Planning and Urban Design

By email: Shane.Wells@sorell.tas.gov.au
sorell.council@sorell.tas.gov.au
planning@ireneinc.com.au

Dear Mr Higgins and Mr Gartrell

Tasmanian Planning Scheme - Sorell

Draft amendment AM-SOR-5-2024-214-1 (substitute amendment) 3 Weston Hill Road, 5 Cole Street and 2 Pawleena Road, Sorell

I am writing to confirm that a hearing into draft amendment AM-SOR-5-2024-214-1 (substitute amendment) is currently being scheduled. Information on the hearing will be provided by separate letter.

To assist the delegated panel in its assessment of the draft amendment and in the conduct of the hearing, parties are invited to make written submissions to the Commission on the following matters:

- Planning authority:
 1. Advise whether the planning authority has accepted the late submission from Macquarie Accounting Pty Ltd dated 20 March 2026 and if so, please provide a response to the matters raised in the submission.
 2. Provide the planning authority's opinion of the submission provided by IreneInc Planning & Urban Design for the original applicant/landowner, dated 2 March 2026 (in response to the representation by the Region Group dated 17 February 2026).
- IreneInc Planning & Urban Design for the original applicant/landowner:
 - Provide a response to the late submission from Macquarie Accounting Pty Ltd dated 20 March 2026, which is available on the Commission's website.

The Commission requests that this information be provided by **20 April 2026** (21 days).

Level 3, 144 Macquarie Street Hobart Tasmania GPO Box 1691 Hobart TAS 7001
Ph: 03 6165 6828 Email: tpc@planning.tas.gov.au
www.planning.tas.gov.au



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While it is intended that these matters be discussed at the hearing, any party wishing to make written submissions must do so no less than 14 days before the hearing.

Submissions must be made by email to tpc@planning.tas.gov.au. Once received, the submissions referred to above will be made available under the [relevant assessment](#)¹ on the Commission's website.

This website will be the primary portal for exchanging information.

If you require further information or are unable to access the website please contact Louise Blyth, Planning Adviser, on 6165 6828.

Yours sincerely



Dan Ford
Delegate (Chair)

cc all parties

¹ <https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings/am-sor-5-2024-214-1-substitute-amendment>



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20 March 2026

General Manager
 Sorell Council
 47 Cole Street
 Sorell TAS 7172

Email: sorell.council@sorell.tas.gov.au

Dear Sir,

Submission to Sorell Council
Substitute Draft Planning Scheme Amendment AM-SOR-5.2024.214.1
3 Weston Hill Road, 2 Pawleena Road and 5 Pawleena Road, Sorell

1. Executive Summary

The submitter acts as professional adviser to a long-term owner of a major retail asset within the Sorell Activity Centre, which functions as an established anchor to the town centre and supports strong integration with surrounding street-based retail uses.

The submitter is concerned that the proposed amendment, as currently drafted, may unintentionally enable the development of a full-line supermarket on the subject land in a manner that bypasses appropriate planning assessment of its impacts on the Sorell Activity Centre.

In particular, the current provisions allowing supermarket use to occur on a “No Permit Required” basis within Precincts A and C, and without a clear upper limit on scale, create a risk of activity centre fragmentation and outcomes inconsistent with the strategic intent of the planning framework.

While the submitter supports the introduction of additional large format and bulky goods retail uses, it is requested that the amendment be refined to prohibit supermarkets within Precinct B and to limit supermarket development within Precincts A and C to a maximum gross floor area of 1,200 square metres, subject to appropriate assessment.

2. Introduction

This submission relates to Substitute Draft Planning Scheme Amendment AM-SOR-5.2024.214.1 applying to land at 3 Weston Hill Road, 2 Pawleena Road and 5 Pawleena Road, Sorell.

This submission is provided to Sorell Council for consideration and referral to the Tasmanian Planning Commission as part of its assessment of the amendment.

Directors:
 Diane Matthews | Darren Alomes
 John Genders | Frank Hsueh
 John Langford (*Consultant*)

Liability limited by a scheme approved under Professional Standards Legislation



3. Request for Acceptance as a Late Submission

The submitter acknowledges that the formal exhibition period for the amendment has concluded.

This submission is made following clarification of the practical planning outcomes enabled by the proposed provisions and the potential implications for the function of the Sorell Activity Centre.

The submitter respectfully requests that this submission be accepted as a late submission, noting that it raises material planning issues relevant to the operation of the amendment and does not seek to delay or frustrate the statutory assessment process.

4. Statement of Interest

The submitter acts as accountant and professional adviser to a long-term owner of a major retail centre located within the Sorell Activity Centre.

In this capacity, the submitter has been involved in advising on matters relevant to the operation, performance, and strategic role of the centre within the Sorell town centre.

The centre includes an established full-line supermarket which performs an anchor role for the town centre and maintains strong functional and pedestrian connections with surrounding street-based retail uses.

The submitter therefore has a direct professional interest in ensuring that amendments to the planning scheme support the orderly and integrated development of the Sorell Activity Centre.

5. Planning Framework Context

The Tasmanian planning framework places emphasis on the orderly and proper planning of land, the protection and reinforcement of established activity centres, and the avoidance of fragmented retail development.

Activity centres are intended to function as consolidated nodes of commercial activity, supported by appropriate assessment pathways to ensure new development complements, rather than undermines, existing centre roles and hierarchies.



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6. Planning Grounds of Concern

6.1 Clarity and Certainty of the Specific Area Plan

The submitter is concerned that the Specific Area Plan does not provide sufficient clarity or certainty regarding the intended scale and nature of retail development, particularly in relation to supermarket uses.

While the SAP seeks to guide development outcomes across distinct precincts, the current provisions allow for materially different outcomes to occur without a clear framework to manage their impacts on the Sorell Activity Centre. In the submitter's view, this lack of precision increases the risk of development outcomes that may not align with the stated objectives of the SAP or the broader planning framework.

6.2 Supermarket Use as "No Permit Required"

The submitter is concerned that supermarket use may occur on a "No Permit Required" basis within Precincts A and C, removing opportunities for merit-based assessment, public notification, and consideration of cumulative impacts on the Activity Centre.

This removes an important planning control mechanism intended to ensure that significant retail development is appropriately located, scaled, and integrated with the existing Activity Centre.

6.3 Absence of Defined Scale Controls

The absence of a defined upper limit on supermarket scale creates uncertainty and increases the risk of a full-line supermarket outcome occurring without adequate scrutiny.

In the absence of such controls, there is a heightened risk that development outcomes may exceed what was envisaged when the SAP objectives were formulated.

6.4 Consistency with Strategic Planning Objectives

The submitter is concerned that the current drafting of the amendment may not fully align with the strategic intent of the Tasmanian planning framework, particularly in relation to reinforcing established activity centres and promoting orderly and sustainable retail development.

By enabling supermarket development to occur with limited assessment in locations outside the established core of the Sorell Activity Centre, the amendment risks outcomes that may undermine centre cohesion and the intended retail hierarchy, rather than consolidating commercial activity within the town centre.

Directors:

Diane Matthews | Darren Alomes
 John Genders | Frank Hsueh
 John Langford (*Consultant*)

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7. Potential Unintended Planning Outcomes

If the amendment proceeds unchanged, there is a risk that a new full-line supermarket could be developed outside the established core of the Sorell Activity Centre, potentially leading to fragmentation of retail activity and weakening of existing centre integration.

8. Requested Amendments / Outcomes

The submitter requests that the amendment be refined as follows:

- a) Prohibit supermarket use within Precinct B;
- b) Limit supermarket use within Precincts A and C to a maximum gross floor area of 1,200 square metres; and
- c) Ensure supermarket development is subject to an appropriate assessment pathway having regard to impacts on the Sorell Activity Centre.

9. Conclusion

The submitter supports the broader intent of facilitating additional large format retail development on the subject land.

The requested refinements are intended to ensure the amendment operates as intended, supports the long-term integrity of the Sorell Activity Centre, and avoids unintended planning outcomes.

If you have any questions in relation to the above please do not hesitate to contact us.

Yours faithfully



Frank Hsueh
Director
Macquarie Accounting Pty Ltd

AGENDA ATTACHMENT C

ireneinc

PLANNING & URBAN DESIGN

2 March 2026

Sorell Council
47 Cole Street
PO Box 126
SORELL, TAS 7172



2 PAWLEENA ROAD - AM-SOR-5-2024-214-1

RESPONSE TO REPRESENTATION

The following has been prepared on behalf of the proponent, in response to the representation received regarding the abovementioned amendment.

Summary of Key Matters Raised**Item 3 and 3.1**

- *The SAP does not provide sufficient clarity regarding the intended uses and built form outcomes sought for Precincts A and C.*
- *The term 'small-scale mixed use' is not adequately defined to provide clarity and certainty on the intended development outcomes*
- *...there is no definition in the Tasmanian Planning Scheme, or a standard in the SAP that relates to the objective for small-scale mixed-use development.*

Without a definition or any controls that provide guidance on the size, scale or types of uses intended for Precinct A, there is potential for larger retail uses (such as a supermarket) that may cause disruption of trading for existing businesses.

Proponent Response

The purpose of the SAP is to provide an additional layer of control to achieve the specific land use outcomes proposed and manage use and development accordingly.

It is designed to function alongside the underlying General Business Zone, selectively modifying or overriding the Zone provisions where necessary, to achieve the desired outcome. For example, the SAP introduces:

- New qualifications for General Retail and Bulky Goods Use (i.e. imposing a minimum floor area restriction), which overrides the qualifications for those uses in the underlying zone.

The overriding qualification only applies to the area contained within the SAP.

- A new discretionary provision (Clause SOR-6.7.1), ensures Discretionary General Retail / Bulky Goods Uses within Precinct B do not compromise or distort the Sorell Activity Centre, by unreasonably competing with existing commercial or retail offerings within the locality.

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The underlying Zone allows for a broader range of use/development to be undertaken (subject to various qualifications, not otherwise restricted by the SAP). It also includes standards to control hours of operation and building height/form/scale/setbacks etc – providing certainty.

The two mechanisms are designed to functional together and are appropriate for the intended future use / development.

Item 3.2

- *The draft amendment allows supermarkets ‘as-of-right’ within Precinct A and C.*
- *Concerned that floor areas up to 3,500m2 can be achieved under Clause 15.3.3 of the General Business Zone, which could result in a new supermarket in the vicinity of established stores without requiring a permit.*
- *Allowing full-line supermarket development is contrary to:*
 - *The recommendation of the Location IQ report, to limit or restrict supermarket provision.*
 - *The initial draft amendment report, including the Planning Report, which proposed to prohibit supermarkets entirely; and*
 - *The expectation for Precinct A, where ‘small-scale mixed use’ should be encouraged.*
- *Regional markets are more likely to be impacted by new development, due to smaller population base and low growth rates*
- *Priority should be given to supporting the viability of existing retailers (particularly supermarkets) as anchor tenants*

Item 4

- *Supermarket use specifically should only be:*
 - *Prohibited in Precinct B; and*
 - *Only allowed in Precinct A and Precinct C (up to 1,500m2) – otherwise prohibited*

Proponent Response

General Retail and Hire is a No Permit Required use in the underlying General Business Zone and the Use Standard (Clause 15.3.3), allows tenancies up to 3,500m2 already. Notwithstanding, it is highly likely a development of that scale would require a permit.

The initial draft amendment was limited to 2 Pawleena Road and did not include the land now identified as ‘Precinct A’ and ‘Precinct C’. As a result, 2 Pawleena Road would have been physically isolated from the existing General Business area. In that context, an additional supermarket offering would have constituted ‘out-of-centre’ development.

The first iteration of the Location IQ report reflected this, but did not fully account for the growth of the township or the subsequent decision by the Minister of Planning, to expand the Urban Growth Boundary east of Sorell, allowing for a significant future expansion of the township.

A revised memo was prepared by Location IQ in support of the current amendment, acknowledging:



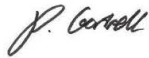
AGENDA ATTACHMENT C

- a. The additional land forming part of the amendment, providing a direct physical connection to the existing General Business precinct and substantially improved connectivity; and
- b. The additional growth forecast, following the expansion of the Urban Growth Boundary to the east of the township.

The memo concluded that these factors demonstrated a much higher threshold for additional retail and commercial activity than previously modelled, strengthening the strategic case for the proposed development, including potential for new supermarket offerings.

Given the above, we do not believe any use restrictions are warranted given the strategic and economic justification provided in support of the amendment.

Yours sincerely,



Phil Gartrell
Senior Planner
IRENEINC PLANNING & URBAN DESIGN



5.2 APPEAL MEDIATION – 7.2024.9.1 255 MARCHWEIL ROAD, BREAM CREEK

Applicant:	MC Planners OBO Secret Sounds Group Pty Ltd.
Proposal:	Two (2) lot subdivision
Site Address:	255 Marchweil Road, Bream Creek (CT 159560/1) and Council Road Reserve (CT 159559/100)
Planning Scheme:	Tasmanian Planning Scheme Sorell (TPS-S)

RECOMMENDATION

That Council support a consent agreement to resolve the appeal over the subdivision 7.2024.9.1 at 255 Marchweil Road, Bream Creek to grant an approval for a 2 lot subdivision 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:
 - (a) P1 (Plan of Subdivision by Rogerson and Birch Rev J dated 3 September 2025).
2. In accordance with section 108 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, the final plan of survey must describe road reserve for the section of Marchweil Road that is noted as user road on the plan of subdivision (including the section continuing through lot 1) that is no less than 7.5m and no more than 9m from the existing centreline of the Marchweil Road.
3. A right of way is required benefitting lot 1 over lot 3 to provide a connection from the existing farm track through CPR5508 to lot 1 proper avoiding the need for new lot 1 farm access east of CPR5508.

Road

4. Proposed and existing vehicular access must be upgraded to compliant width, surface treatment, drainage, and sight distance in accordance with LGAT standard. Material must be specified with construction detail for new access and existing access and submitted for engineering design drawings assessment.



5. Works on any vehicular access must not occur without a Vehicular Crossing Permit.

Power (TasNetwork)

6. Prior to sealing the final plan of survey, the developer must submit written advice from TasNetworks confirming that either:
 - (b) all conditions of the Agreement between the Owner and authority have been complied with with respect to the provision of a connection to the electricity network to each lot by the developer; or
 - (c) that future lot owners will not be liable for network extension or upgrade costs, above and beyond the costs of a standard property connection at the time each lot is further developed.

Executive summary

The site is a rural property that was used for the Falls Festival. It is a mixture of pasture, conservation covenants and wetlands.

An application for a four lot subdivision (3 additional lots) was refused by Council. The proponent subsequently appealed that decision. No other parties joined the appeal.

The proponent seeks to resolve the appeal with a modified proposal with one less lot. This is considered appropriate and it is recommended to consent to this modified proposal.

Report

The revised proposal

The modified proposal essentially consolidates lot 1 and 2 of the original proposal into a single lot. This would result in:

- Lot 4 – a 47.8ha lot largely dominated by bushland and covenants with an area of quality pasture above Marchweil Road
- Lot 3 – a 47.72ha lot largely centred on the Falls Festival infrastructure but which also has limited native vegetation and no covenants



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- Lot 1 – a 180.5ha lot comprising pasture, covenants, the wetland and existing dwelling.

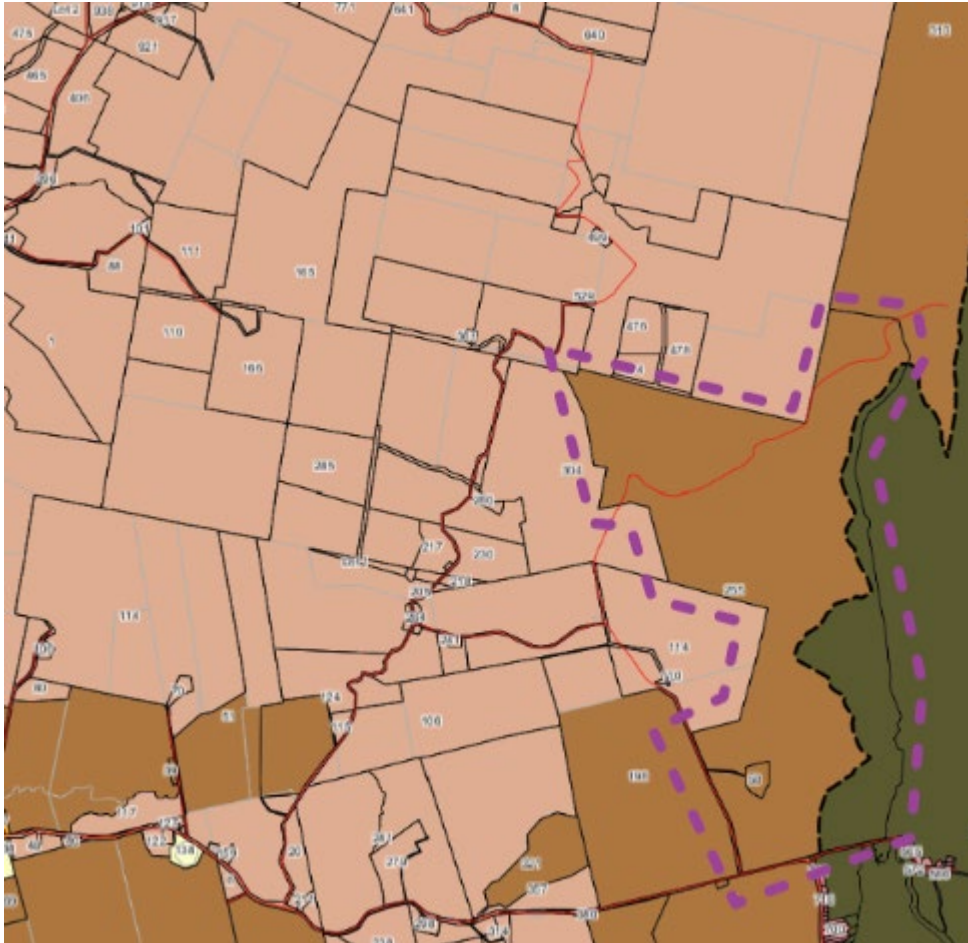


Figure 1. Site and Surrounds.

Additional information

Through the mediation process additional reports and information were developed.

Council engaged RMCG to review the proponents materials and to prepare an agricultural report. This was completed prior to the mediation hearing and formed the basis for discussions.

Post the mediation hearing, the proponent engaged Flussig Engineers to prepare a Dam Feasibility Report.

The RMCG report:

- Considers that the 130ha of pasture on the site is insufficient for a commercially viable grazing operation without being farmed in conjunction with other land.
- There appears scope to access irrigation water and construct water storage.
- The four lot proposal would further reduce agricultural potential of the site.
- Lot 1 and 3 of the original proposal appear to have agricultural potential as individual lots subject to irrigation.
- Lot 4 (which is the same in both proposals) has negligible agricultural potential.

The Dam Feasibility Report identifies potential for each lot in the latest proposal to construct suitably sized water storages in viable locations.

The original application to Council provided little reliable or detailed information as to the potential agricultural use of each lot or the capacity to secure irrigation to each lot.

The Zone Standards

The relevant performance criteria is Clause 21.5.1 P1 Lot Design:

Each lot, or a lot proposed in a plan of subdivision, must:

- a) *provide for the operation of an agricultural use, having regard to:*
 - i. *not materially diminishing the agricultural productivity of the land;*
 - ii. *the capacity of the new lots for productive agricultural use;*
 - iii. *any topographical constraints to agricultural use; and*
 - iv. *current irrigation practices and the potential for irrigation;*

Questions still remain regarding the viability of an agricultural use on the site given the marginal nature of the site as it now is. Principally, these questions relate to whether future purchasers would make the necessary investments to make an agricultural use viable and if the sum of those future agricultural uses will be greater than the current (albeit marginal) usage now. The proposal is for a speculative

subdivision as opposed to proposal with a known purchaser and business case.

The proposal, as modified, has demonstrated that there is potential for irrigation and that there is capacity for productive agricultural use in lots 1 and 3. Lot 4 has minimal potential on its own. However, if lot 4 were added to lot 1 or lot 3 there would be minimal effect on the viability of those lots.

Conclusion

The revised proposal and additional documentation resolve the major concerns with the proposal. On balance it is recommended that the appeal be resolved by consent agreement with the reduction of one lot from the original proposal.

Separate Attachments:

Mediation Offer

RMCG Agricultural Report and Peer Review

Shane Wells

MANAGER PLANNING

5.3 APPEAL MEDIATION – 7.2022.3.1 1668 ARTHUR HIGHWAY, COPPING

Applicant:	PDA Surveyors and Planners Pty Ltd
Proposal:	13 lot subdivision
Site Address:	1668 Arthur Highway, Copping (CT 139620/1; 127347/1; 51570/2)
Planning Scheme:	Tasmanian Planning Scheme Sorell (TPS-S)

RECOMMENDATION

That Council support a consent agreement to resolve the appeal over the subdivision 7.2022.3.1 at 1668 Arthur Highway, Copping to grant an approval for a 13 lot subdivision 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:
 - (a) Road Design by PDA Surveyors, Engineers and Planners dated 22 April 2024
 - (b) Plan of Subdivision by PDA Surveyors, Engineers and Planners Rev E dated 13 March 2026
 - (c) a Traffic Impact Assessment dated June 2024 from Midson Traffic; and
 - (d) a Bushfire Hazard Report dated December 2021 from Enviro-Dynamics.

Department of State Growth Access

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

Application for permits can be found at https://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings

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

Weed Management

5. Prior to works commencing, a *Weed Hygiene Plan* identifying methods to prevent the possible spread of weeds and soil based pathogens to and from your property during construction must be submitted. At a minimum, the plan must provide for:
 - (a) the retention of any topsoil on the property,
 - (b) detail the source of any fill, rock or other material to be imported to the property, and
 - (c) the clean-down of all machinery before entering or exiting the property.
6. Prior to works commencing, a *Weed Management Plan* must be submitted detailing procedures to eradicate *Serrated Tussock* from the site. Any revegetation/Landscaping must be with native species suitable to the area.

Engineering

7. 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.*
8. Prior to any works commencing for approved subdivision, the following Council Fees and Charges must be paid:
- (a) Engineering Design Drawing Checking Fee at 1% 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 as per 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.*
9. Prior to any works commencing, the Council must issue stamped set of the engineering design drawings.
10. Mandatory audit inspections are required in accordance with the Tasmanian Subdivision Guidelines. The developer must provide a minimum 48 hours' notice.
11. Works must be completed to a standard that is to the satisfaction of the Council General Manager.

12. Prior to works commencing onsite, a copy of the works approval required by State Growth must be submitted to Council.

Construction and Supervision

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

Advice: 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).
15. A qualified and experienced civil engineer must supervise and certify all works in accordance with clause 21, 22, 23 and 24 of the Tasmanian Subdivision Guidelines.
16. Works are subject to a twelve (12) month Defect Liability Period commencing from the day the final plan of survey was sealed (for the applicable stage, if any) during which time all maintenance and repair of work required by this permit is the responsibility of the developer.
17. 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.
18. 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.

19. Prior to sealing the final plan of survey, the survey pegs for all lots in the subdivision are to be certified correct.

20. Prior to sealing the final plan of survey, accurate as constructed drawings of all works undertaken must be submitted in .pdf and .dwg formats and:

- (a) Be completed, and certified, by suitably qualified person;
- (b) Include the data spreadsheet available from Council completed in accordance with the 'Guidelines for As Constructed Drawings and Asset Data Collection' available from Council;
- (c) Photos of all new assets (if any);
- (d) Be accurate to AHD and GDA94;
- (e) Be drawn to scale and dimensioned;
- (f) Include top, inlet, and outlet invert levels;
- (g) Include compaction and soil test results; and
- (h) Include an engineer's certificate stating that each component of the works complies with the approved engineering plans and Council standards.

Advice: The minimum standard is demonstrated through the As Constructed Example Drawing, available from Council's website.

Road

21. Vehicle access for each lot shall:

- i. Have 2 Coat Seal 14/7 all lots on a 300 mm thick compacted FCR base, compacted in two layers (150 mm thick layer of 40 FCR and 150 mm thick layer of 20 FCR);
- ii. Have a minimum trafficable width of 3.6 m (4.0m where bushfire prone) and must extend from the edge of the

road carriageway to the property boundary, or for a minimum distance of 6.0 m, whichever is greater. The connection to the road seal must have a clean straight edge;

- iii. Have appropriate drainage infrastructure provided for each access and driveway to prevent runoff from leaving the property, or direct runoff into Council's roadside drains;
- iv. Have property access located to minimise potential conflicts with vehicles and other road users; and
- v. Have development works including vegetation clearance and/or earthworks to achieve the minimum sight distance required by the LGAT to Road Design for all proposed vehicle accesses.

22. Proposed road shall be in accordance with "Typical Road Cross Section" designed by PDA as in Job number "45922CT", DWG sheet C 003, revision P1, dated 22/04/2024.

23. The proposed road shall be provided with:

- (a) Sealed and drained road carriageway consistent with code s3 of Tasmanian Standard Drawing TSD-R02-v3 with a 5.5m wide seal and 18m road reservation;
- (b) Cul-de-sac heads must be finished with 40mm thick DG10 asphalt with 9m radius and 25m road reservation. Where bushfire prone, radius to be increased to 12m with 31m road reservation;
- (c) Street lighting, where required by TasNetworks, with LED lamps; and
- (d) Street signage and standard line marking to each intersection.

24. Accommodation works and signage plan on the road shall be in accordance with "Job number "45922CT", DWG sheet C 120, revision P1, dated 22/04/2024. Appropriate line marking will be required where there are sharp bends.

25. Safety barrier shall be in accordance with AS/NZS 3845 where there is sharp roadside edge drop.

26. All roads in the subdivision must be conveyed to the Council upon the issue of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1982*. All costs involved in this procedure must be met by the person responsible.

Power and Telecommunication

27. Prior to sealing the final plan of survey, the developer must submit to Council either:

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

Advice: Please refer to Notice under Telecommunications (Fibre-ready Facilities – Exempt Real Estate Development Projects) Instrument 2021" at

<https://www.communications.gov.au/policy/policy-listing/exemption-pit-and-pipe-requirements/development-form>

28. Prior to sealing the final plan of survey, the developer must submit written advice from TasNetworks confirming that either:

- (a) all conditions of the Agreement between the Owner and authority have been complied with with respect to the provision of a connection to the electricity network to each lot by the developer; or
- (b) that future lot owners will not be liable for network extension or upgrade costs, above and beyond the costs of a standard property connection at the time each lot is further developed.

Stormwater

29. Unimpeded major stormwater network for a 1% AEP event.

30. Minor stormwater network for a 5% AEP event, including provision of any required detention to prevent downstream flooding.

31. Drainage system shall be aligned with its 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.

32. Proposed stormwater plan shall be in accordance with “Road & Stormwater Detail Plan” designed by PDA as in Job number “45922CT”, DWG sheet C 100 – C108, revision P1, dated 22/04/2024.

Note: Separate stormwater management plan drawing sheet will be required that details designs demonstrating acceptable stormwater drainage and disposal, from new lots, roadways and property accesses during Engineering assessment of drawings. Rock line on an open drain where longitudinal grade exceeds 7% will be required and shown on the plan.

Fill

33. Site filling, if to a depth of 300mm or more, must comply with the provisions of Australian Standard AS 3798 Guidelines on Earthworks for Commercial and Residential Development as demonstrated by certification from a suitably qualified and experienced civil engineer.

Executive summary

The site is a rural property most recently used for private forestry. An application for a 13 lot subdivision was refused by Council. The proponent subsequently appealed that decision. No other parties joined the appeal.

The proponent seeks to resolve the appeal with a modified proposal reducing the length of road proposed. This is considered appropriate and it is recommended to consent to this modified proposal.

Report

The site

The 680ha property is located at 1668 Arthur Highway, Copping, approximately 5km north of Connelly's Marsh and 7.5km east of Forcett. The site is topographically diverse, encompassing hills to the north, west and southeast, and a valley floor running north-south

through the centre of the property. The elevation ranges between 17 to 277 m above sea level.

The Carlton River, its tributary Tanners Creek and subsequent minor tributaries run through the property extending from a fork towards the south. The vegetation on the lot is comprised mostly of dense regenerating plantation species, particularly radiata pine (*Pinus radiata*) and shining gum (*Eucalyptus nitens*), with some small sections of native forest and cleared agricultural land.

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

Adjoining land consists of:

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

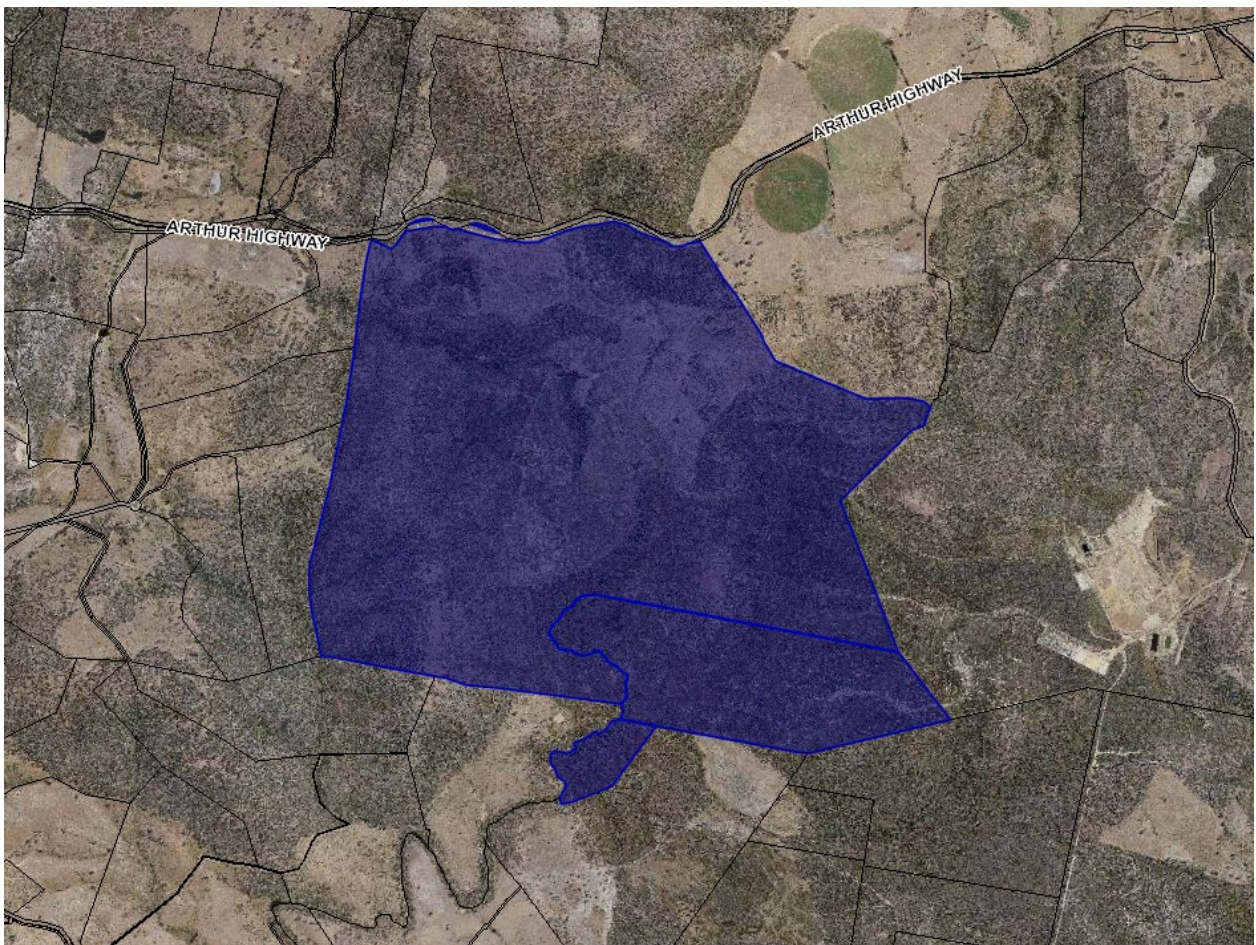


Figure 1. Subject site.

The refusal grounds

The proposal was refused for the following two grounds:

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

Ground 1 is unusual. It is relevant as the rural zone is one of a small number of zones that does not have a road standard. In the absence of a road standard, proposed roads are assessed against the provisions of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP).

Section 85 of LGBMP provides:

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

- (a) *that the roads will not suit the public convenience, or will not give satisfactory inter-communication to the inhabitants both of the subdivision and the municipal area in which it is; or*
- (b) *that the drainage both of roads and of other land will not be satisfactorily carried off and disposed of; or*
- (ba) *that the land is not suitable for an on-site effluent disposal system for all or specified kinds of effluent from each block; or*
- (c) *that the site or layout will make unduly expensive the arrangements for supply of water and electricity, connection to drains and sewers and the construction or maintenance of streets; or*
- (d) *that the layout should be altered to include or omit –*
 - (i) *blind roads; or*
 - (ii) *alleys or rights of way to give access to the rear of lots;*
 - (iii) *public open space; or*

- (iv) littoral or riparian reserves of up to 30 metres in from the shore of the sea or the bank of a river, rivulet or lake; or
- (v) private roads, ways or open spaces; or
- (vi) where the ground on one side is higher than on the other, wider roads in order to give reasonable access to both sides; or
- (vii) licences to embank highways under the Highways Act 1951; or
- (viii) provision for widening or deviating ways on or adjoining land comprised in the subdivision; or
- (ix) provision for the preservation of trees and shrubs; or
- (e) that adjacent land of the owner, including land in which the owner has any estate or interest, ought to be included in the subdivision; or
- (f) that one or more of the lots is by reason of its shape in relation to its size or its contours unsuitable for building on; or
- (g) that one or more of the lots ought not to be sold because of
 - (i) easements to which it is subject; or
 - (ii) party-wall easements; or
 - (iii) the state of a party-wall on its boundary.

The Council agenda report stated:

Annual per kilometre depreciation cost for sealed rural roads is variable. A sample of costs from Council's asset management systems shows figures ranging from \$8,836 (Drovers Rise), \$13,398 (Greens Road) and \$11,275 (Wolstenholme Drive). Gravel road costs are lower with figures ranging from \$7,348 (Duncombe Lane, 5m wide) to \$9,481 (Josephs Road – 5.75m wide). The road is 3.3 kilometres long.

Approximately 20% of rate revenue is allocated to road depreciation (i.e., maintenance).

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

Rate revenue will not cover the depreciation costs of the road asset, with such costs to be borne by the community more generally. The maintenance costs are therefore considered unduly expensive and that clause (c) is not satisfied. Moreover,

it is not fair nor orderly for new assets to be built that have limited private benefits and excessive public costs.

Mediation

Legal submissions on behalf of the proponent were made and considered by Council's legal representative. There are no past cases that relate to this clause which leads to some uncertainty as to how the Tribunal would apply the provisions to the proposal. The Tribunal could well agree with the Council position or find that Council is incorrect.

The proponent has also provided further land stability reporting demonstrating that this refusal ground is now satisfied.

The revised proposal

The revised proposal has reduced the length of the road by 590 metres (17%) with five lots sharing a right of way after the termination of the road. This arrangement is similar to the adjacent Drovers Rise subdivision. The revised plan does go some way to reducing the maintenance burden. The intersection of the highway will be maintained by the Department of State Growth.

Conclusion

Given the revised proposal and the uncertainty as to how the LGBMP provisions would apply it is considered reasonable to resolve the appeal through consenting to a permit that approves the revised plan.

Attachments

Revised plan

Shane Wells

MANAGER PLANNING

