



SORELL PLANNING AUTHORITY (SPA) **AGENDA**

21 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, 21 April 2026 commencing at 4:30 pm.

CERTIFICATION

I, Robert Higgins, CEO 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
16 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 21 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

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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 14 APRIL 2026

RECOMMENDATION

"That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 14 April 2026 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 5.2022.184.1 – VISITOR ACCOMMODATION, RESTAURANT AND ROAD UPGRADES - 297 PRIMROSE SANDS ROAD, PRIMROSE SANDS

Applicant:	J Young
Proposal:	Visitor accommodation, restaurant and road upgrades
Site Address:	297 Primrose Sands Road, Primrose Sands (CT 181036/19 & CT 181036/20)
Planning Scheme:	<i>Sorell Interim Planning Scheme 2015</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:	26.0 Rural Resource
Proposed Use:	Visitor Accommodation
Applicable Overlay(s):	Bushfire-prone area Landslide hazard area Biodiversity protection area Waterway and coastal protection area Coastal erosion hazard area
Applicable Codes(s):	E1.0 Bushfire-prone Areas Code E3.0 Landslide Code E5.0 Road and Railway Assets Code E6.0 Parking and Access Code E7.0 Stormwater Management Code E10.0 Biodiversity Code E11.0 Waterway and Coastal Protection Code E17.0 Signs Code E23.0 On-site Wastewater Management Code
Valid Application Date:	16 September 2022
Decision Due:	26 April 2026
Discretion(s):	1 Clause 26.3.2 (P1), visitor accommodation 2 Clause 26.3.3 (P1), discretionary use 3 Clause 26.4.1 (P1), building height 4 Clause 26.4.2 (P2), setback



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	5	Clause 26.4.3 (P2), light reflectance
	6	Clause E5.5.1 (P2), existing road accesses and junctions
	7	Clause E7.7.1 (P1), stormwater drainage and disposal
	8	Clause E11.7.1 (P1), buildings and works
Representations:	133	

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2022.184.1 for visitor accommodation, restaurant and road upgrades at 297 Primrose Sands Road, Primrose Sands be refused as:

- A. The application does not comply with acceptable solution 26.3.2 A1 and does not satisfy performance criteria 26.3.2 P1 as the development is not of an intensity that respects the character of use of the area.
- B. The application does not comply with acceptable solution 26.3.3 A1 and does not satisfy 26.3.3 P1 as the development would compromise the character of the surrounding rural landscape having regard to the topography, size and shape of the site.

Executive Summary

Application is made for visitor accommodation, restaurant and road upgrades at 297 Primrose Sands Road, Primrose Sands. This property is zoned Rural Resource and is located along the coast between the settlements of Connellys Marsh and Primrose Sands. The site forms part of an agricultural property known as "Riverside", and the development is proposed is on the southern and coastal portion of that property.

The key planning considerations relate to the appropriateness of the proposed use for the site for visitor accommodation of the intensity proposed, discretionary use, building height and setback, existing road access and necessary upgrades, stormwater drainage and development within waterway and coastal protection areas.

The application is assessed as not satisfying the performance criteria for Clauses 26.3.2 (P1) and 26.3.3 (P1) as set out in the *Sorell Interim Planning Scheme 2015* (the Interim Scheme) and is accordingly recommended for refusal.

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has significant implications for asset management. The proposal includes a requirement for works to upgrade Connellys Marsh Road. Further, officers considered that the intersection of Connellys Marsh and Fulham Roads requires upgrade. These matters are considered in this report.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	Environmental considerations are assessed against the relevant planning scheme provisions.

Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply



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with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2025*.

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

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

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

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	Yes	See detailed assessment.
Environmental Health	Yes	Yes	Yes	Nil
Plumbing	Yes	Yes	No	



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NRM	Yes	Yes	No	
TasWater	No			
TasNetworks	Yes	Yes	No	Advice only.
State Growth	No			

Report

Description of Proposal

The proposal is to develop a visitor accommodation facility on the subject property. The development is comprised of 32 visitor accommodation units along the southern coastal boundary of the site, a central lodge comprising the reception and dining facility, and a separate building comprising a wellness centre to be used for therapies. All communal buildings would be available only to guests of the site.

The proposal plans include a masterplan showing the overall layout with the lodge, wellness centre and 22 of the proposed accommodation units being sited at the northeastern part of the site, with an access road being constructed off Connellys Marsh Road. A range of accommodation unit types are provided and described as Types A, B, C and D. The development is laid out in a linear fashion extending some 2km in total length from each end. The western end is some 450m from Primrose Sands and the eastern end has buildings separated 5m from Connellys Marsh.

An internal access road continues to the southwestern part of the site and provides access to a further 10 accommodation units. A link is proposed to Primrose Sands Road for emergency access only. Setbacks are 20m to the front boundary. Setbacks are shown by the proposal plans as being in excess of 20m from the southern (side) coastal boundary for the 14 accommodation units at the northeastern-most part of the site, however, the proposal plans do not provide clear setback information for the remaining units from the southern boundary. It appears from that the minimum side setback would be 3.5m, whilst the supporting documentation describes the minimum setback proposed as 20m.

The proposed visitor accommodation cabins would range from 3.6m to 5m in height depending on the location and type, and the proposed lodge building would be 11.6m in height at its highest point above natural ground level. The proposed wellness centre would be 6.1m in height.

A central 49-space car park is proposed adjacent the lodge building. No car parking is proposed adjacent the wellness centre building,



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and it is proposed that golf buggy style access to each cabin is proposed via an internal driveway.

The traffic impact assessment refers to the proposed development as being in three stages, as follows:

- Stage One – The Lodge and 14 cabins;
- Stage Two – Massage centre and 18 cabins; and
- Stage Three – 10 cabins.

This staging is not reflected by the supporting planning submission, or the proposal plans.

The application is supported by:

- integrated impact assessment prepared by Allure dated January 2023;
- planning report prepared by Red Seal dated November 2022;
- traffic impact assessment prepared by Hubble Traffic dated December 2022;
- site and soil report, and stormwater management plan prepared by Allure, dated January 2023;
- on-site waste disposal report prepared by Joe Mamic & Associates dated May 2022 for each building comprising the development;
- proposal plans including site master plans, site plans, floor and elevation plans for each proposed structure, prepared by Caliban Consulting with varying dates;
- photomontages prepared by Caliban Consulting dated 6 June 2022; and
- wastewater servicing plans prepared by Caliban Consulting dated 11 April 2023.

Description of Site

The site is part of an agricultural property used for grazing of sheep, which has a total area of 618ha. The proposal relates to the southern part of the property where overlooking Norfolk Bay, and includes CT 181063/20, CT 210947/1 and CT 181036/19. Various easements exist over the subject land including a right of way and services easements.

The site has frontage to both Connellys Marsh Road and Primrose Sands Road, adjoins a Crown land reserve which fronts the coast, has a high point approximately in the centre of the property and is then characterised by undulating slopes generally dropping to the south towards Norfolk Bay. The site is comprised of a combination of class 5 and 6 land by the Grose 1999 mapping, and largely open grazing land with minimal vegetation in the vicinity of the development site.



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Adjoining land consists of agricultural land to the north zoned Rural Resource, land to the northeast zoned Low Density Residential, and land to the west zoned Low Density Residential and Rural Living.

The site is unserviced. Connellys Marsh Road is an unsealed public road and the speed limit is the urban default speed limit of 80km/h.



Figure 1. Subject property.



Figure 2. Development area.

Post public exhibition

Following public exhibition, the applicant was provided with a summary of issues raised in representations. The applicant requested additional time to consider those issues, ultimately providing revised plans, submissions and statements.

In response to concerns raised in submissions by the Tasmanian Fire Service, a bushfire hazard assessment was submitted along with plans revising the location of some buildings, increasing setbacks of some buildings, particularly away from foreshore, and reducing the access road length. Some of these changes were too significant to be considered within this application noting recent case law that limits the application process to a single public notification period whereby amended plans cannot be re-exhibited or re-notified. As such, further revised plans were received that removed several of the proposed accommodation cabins, reducing the total to 24 cabins. The most recent iteration of the proposal was received on 13 April 2026. This is attached to this report but has not been considered in detail given the available time.

The planning authority can impose conditions to modify a proposal. However, any such condition should not modify the proposal in such a way as to alter the nature of the proposal in any significant degree or in a way that could be prejudicial to any person or relevant planning issue. It is within the planning authority's power to consider

the revised plans as they reduce the scale and make relatively minor siting changes that move further from the foreshore. This assessment is, however, based on the exhibited documentation.

Applicable Planning Scheme

The development application was first lodged on 27 June 2022 and made valid on 16 September 2022 by the granting of consent by the General Manager. The Sorell Interim Planning Scheme 2015 was in effect at that time.

Section 51(3) of the *Land Use Planning and Approvals Act 1993* (LUPAA) requires that the application be assessed and determined pursuant to the Scheme in effect on the date the application is validly made. Legal advice was sought and obtained in relation to the validity of the application and the appropriate scheme for assessment, which supports the view that the application must be assessed under the Sorell Interim Planning Scheme 2105.

Planning Assessment

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
26.3.1 A1	Sensitive use	N/A.
26.3.2 A1	Visitor accommodation	No, as the proposal is for visitor accommodation in new buildings and would have a floor area exceeding 160m ² . Refer to the performance criteria assessment below.
26.3.3 A1	Discretionary use	No, as there is no acceptable solution. Refer to the performance criteria assessment below.
26.4.1 A1	Building height	No, as the proposed lodge building would be 11.6m therefore exceeding the 10m height limit prescribed. Refer to the performance criteria assessment below.
26.4.2 A1	Setback	Yes, in that a 20m from setback from Connellys Marsh Road is proposed.
26.4.2 A2		No, as the development would be approximately 3.5m setback at its closest point from the southern (side) boundary where adjacent Crown land, which is less than the 50m side setback prescribed. Refer to the performance criteria assessment below.



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26.4.2 A3		N/A.
26.4.2 A4		No, as the development would be setback within the 100m prescribed from the Environmental Management Zone. An approximate setback of 3.5m at its closest point is proposed. Refer to the performance criteria assessment below.
26.4.3 A1	Design	Yes, as the application does not include clearing of native vegetation, and the development would not be sited on a ridgeline.
26.4.3 A2		No, as no specific details have been provided in relation to light reflectance. Refer to the performance criteria assessment below.
26.4.3 A3		Yes, as minor cut and fill only would be required with a depth of less than the prescribed 2m.

Performance Criteria Assessment 1 – Clause 26.3.2 P1 Visitor Accommodation

Visitor accommodation must satisfy all of the following:

- (a) not adversely impact residential amenity and privacy of adjoining properties;
- (b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;
- (c) be of an intensity that respects the character of use of the area;
- (d) not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way;
- (e) be located on the property's poorer quality agricultural land or within the farm homestead buildings precinct;
- (f) not fetter the rural resource use of the property or adjoining land.

The objective for this performance criteria is:

To ensure visitor accommodation is of a scale that accords with the rural character and use of the area.

The performance criteria are applicable as the proposal is for new buildings for visitor accommodation with a combined floor area exceeding 160m², which does not meet the terms of the acceptable solution.



The proposal is separated from adjacent residential development to the northeast by in excess of 80m, meaning that overlooking would not occur. Possible amenity impacts may include vehicular movements associated with guests and staff accessing the site, however this impact is not considered likely to be unreasonable given predicted traffic movements. It is therefore considered that (a) is met. Similarly, (b) is met in that the relevant tests of the Parking and Access and Road and Railway Assets Codes are met. Both are discussed in detail below.

Part (c) requires that **the development be of an intensity that respects the character of use of the area**. This test, it is considered, is not met by the proposal.

The extensive development footprint requires the area by which to evaluate the effect on character to also be extensive which, in turn, leads to variability in the character of use in the area. The relevant area is considered to be the development footprint and those nearby parts of Primrose Sands and Connellys Marsh at either end of the development site. The principal elements of the character of the area are:

- the residential areas of Primrose Sands and Connellys Marsh;
- the linear, ribbon type of development existing in the residential areas;
- the low-density residential pattern in which houses and outbuildings have a consistent pattern of significant separation from one another which also limits the scale of the residential area to only a few dwellings at either end;
- the dryland pasture and hills of the subject property providing a background to those residential areas;
- limited development between the two residential areas;
- limited agricultural or rural infrastructure within the site owing to its lesser productivity and absence of a meaningful water supply; and
- the patchy and sparse nature of native vegetation along the coastal reserve and within the subject site with largely eucalypt trees found as scattered paddock trees or areas appearing either as small groups or in linear form.

The application makes submissions that the development is of an intensity that respects the character of use of the area in that:

- the use of a luxury farm stay complements and coexists with the existing farming operations on the site;
- the proposal is moderately-scaled, with central facilities limited and with low visual impact;

- the proposal would reflect the area's sparse residential settlements, with small farming communities, and that the masterplan for the site would show well separated units providing for peace and privacy of guests;
- the separation of units and their linear configuration is related to the pattern of the residential settlement which also extend along the foreshore;
- it is submitted that this represents minimal intensity of development within the landscape; and
- that on the basis of adequate separation between cabins and the settlements and as demonstrated by the submitted photomontages, the development is submitted to be of an appropriate intensity, consistent with the tests of the performance criteria.

Of concern with respect to the impact of development intensity to the character of the area is that:

- the development layout extends the ribbon pattern of development intensifying the visual impact and weakening the separation between residential zoning and rural backdrop;
- the development places many buildings in an open dryland pasture environment which is not characterised by other buildings, which is in turn visible and inconsistent with viewing the land as a rural landscape, particularly from Connellys Marsh;
- screening by existing vegetation is limited;
- screening by new plantings may assist over time but does not exist at present and may not have sufficient space to be effective taking into account the siting of buildings and requirements for bushfire management separation from foreshore land;
- the layout, by virtue of its use, emphasises proximity to the coast and outlook which does not relate to normal factors that inform the siting of buildings in rural areas; and
- access by guests and staff is via a narrow rural lane that must be substantially upgraded in order to accommodate vehicle movements that will be of a number and intensity unlike anything that now exists to service the area.

It is accepted that the design uses materials and form that blend into the landscape of the site. However the effect of this is dissipated by the number of buildings, their ribbon configuration and their regular spacing that closely matches the spacing of buildings in the adjoining residential areas.

The proposal in its current form would substantially change the established pattern of development intensifying the residential elements, particularly for the Connellys Marsh settlement. The proposal effectively expands and extends residential settlements with a ribbon development that causing a loss of existing rural character. Part (c) is therefore not met.

With respect to the most recent plans submitted after the conclusion of the advertising period, it is clear that a lower number of units reduces impact to character. However, the impact would remain significant. It is the specific nature of the use and its layout and how it is presented in this application that is of particular concern such that consideration of an alternative form is insufficient. It therefore remains that Part (c) is not met.

The supporting TIA recommends works to both Connellys Marsh and Fulham Roads in order to provide for the proposal, to ensure the safety and efficiency of the local road network. There are no private rights of way that would be compromised as a result of the proposal. Part (d) is therefore met, subject to certain permit conditions being applied were a permit to be granted.

The development is limited in extent to the southernmost part of the site, which the proponent submits allows for the balance of the property to continue to be used for grazing of sheep. The development area is the poorest quality agricultural land on the site, and conflict between the proposed use and grazing activities are likely to be low in relation to noise or odour. Parts (e) and (f) are therefore satisfied.

On balance and for the reasons given, it is considered that the performance criteria are not satisfied.

Performance Criteria Assessment 2 – Clause 26.3.3 P1 Discretionary Use

A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:

- (a) the characteristics of the proposed non-agricultural use;*
- (b) the characteristics of the existing or likely agricultural use;*
- (c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;*
- (d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.*

The performance criteria are applicable as there is no acceptable solution.

As noted above, the development would be located on the southernmost part of the site, thus allowing for the balance of the property to continue to be used for agriculture – primarily grazing. The development area is the poorest quality agricultural land on the site, and would allow for diversification of the use of the property. Conflict between the proposed use and grazing activities are likely to be low in relation to noise or odour and cropping or horticulture are unlikely to occur on land within proximity of the development. It is considered that the performance criteria are satisfied.

Performance Criteria Assessment 3 – Clause 26.4.1 P1 Building Height

Building height must satisfy all of the following:

- (a) be consistent with any Desired Future Character Statements provided for the area;*
- (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by overlooking and loss of privacy;*
- (c) if for a non-residential use, the height is necessary for that use.*

The performance criteria is applicable as the proposed lodge building would exceed the prescribed height of 10m by 1.6m, having a total height of 11.6m.

In addressing the performance criteria it is noted that there are no Desired Future Character Statements relevant. Overlooking would not occur nor would privacy be compromised as the lodge would be separated by in excess of 300m from the nearest dwelling to the north at Connellys Marsh Road.

The proponent submits that the lodge building is designed around the farmhouse or shearing shed concept, with high ceilings and covered verandah. The proposed height is therefore purported to be necessary in relation to both its functional and structural requirements. For these reasons, the proposed height satisfies the performance criteria.

Performance Criteria Assessment 4 – Clause 26.4.2 P2 Setback

Building setback from side and rear boundaries must maintain the character of the surrounding rural landscape, having regard to all of the following:

- (a) the topography of the site;*
- (b) the size and shape of the site;*
- (c) the location of existing buildings on the site;*
- (d) the proposed colours and external materials of the building;*
- (e) visual impact on skylines and prominent ridgelines;*
- (f) impact on native vegetation.*

The performance criteria are applicable as the development would be setback at its closest point approximately 3.5m from the southern (side) boundary, where adjacent the Crown land, which does not meet the 50m side setback prescribed by the acceptable solution.

Discrepancies exist between the proposal plans and the supporting planning report, which submits that a minimum setback of 20m is proposed. The plans show this to be as little as 3.5m for several of the proposed cabins from the southern boundary adjacent to Crown land, separating the site from the foreshore.

Photomontages were provided in support of the proposal, which it is submitted demonstrate that the proposed colours and finishes “echo the tones of the rural landscape”. It is submitted that no native vegetation removal is required.

Consistent with the analysis in relation to Clause 26.3.2 (P1), above, the proposed development as a whole is not considered to maintain the character of the surrounding rural landscape. Whilst the scale of the cabins is modest, the concern regarding the number of cabins proposed remains an issue in that the number is of an intensity not found to be appropriate for the rural land and property. Although the property has been subdivided, is presently supports only a single farm homestead together with associated outbuildings on the northern part of the property.

For these reasons, it is therefore considered that the performance criteria are not satisfied.

Performance Criteria Assessment 5 – Clause 26.4.2 P4 Setback

Buildings and works must be setback from land zoned Environmental Management to minimise unreasonable impact from development on environmental values, having regard to all of the following:

- (a) the size of the site;*
- (b) the potential for the spread of weeds or soil pathogens;*
- (c) the potential for contamination or sedimentation from water runoff;*
- (d) any alternatives for development.*

The performance criteria are applicable as the development would be setback at its closest point 3.5m from the side boundary, where adjacent the Crown land which is zoned Environmental Management. The proposal therefore does not meet the 100m setback required.

It is submitted that the proposal seeks to site the buildings with a reduced setback to ensure as little impact as possible on grazing land, and to limit visual impact. Whilst alternative sites may be available, these would further encroach on the agricultural land.

In terms of environmental impact, there is little vegetation in the area that would be compromised. Appropriate management of the construction phase could be put in place, should a permit be granted, using conditions to manage sediment runoff and weed management. With these measures in place, if approved, it is considered that the performance criteria are satisfied.

Performance Criteria Assessment 6 – Clause 26.4.3 P2 Light Reflectance

Buildings must have external finishes that are non-reflective and coloured to blend with the rural landscape.

The performance criteria are applicable in that whilst submissions are made by the proponent that the development would blend into the rural landscape, no details of light reflectance have been provided.

Whilst indicative colour information is provided in the supporting documentation, it is reasonable that if a permit were to be granted that a permit condition is included requiring the provision of a colour schedule including light reflectance details for the whole of the development prior to the granting of a building permit. On this basis it is considered that the performance criteria is satisfied.

Code

Bushfire-Prone Areas Code

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

That said, a representation was received from the Tasmania Fire Service (TFS) during the advertising period raising concerns in relation to inconsistencies in the application material relating to vegetation clearance, bushfire hazard management areas and establishment of native vegetation areas between the accommodation cabins proposed for screening purposes. It is identified by the TFS that setback distances from the adjacent crown land are inadequate for the establishment of hazard management areas without clearance of vegetation on Crown land, and in the absence of Crown consent the only alternative would be to amend the proposal to provide sufficient setbacks.

Without compliant hazard management areas, the TFS advises that the proposal would be unable to obtain building approval. Were a planning permit to be granted for the development in its current form it would therefore be unable to be acted upon.

Landslide Code

The proposed buildings and works associated with the proposal are within land identified by as being low risk of landslip. The provisions of the Code therefore do not apply.

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
E5.5.1 A1	Existing road accesses and junctions	N/A
E5.5.1 A2		No, in that the number of vehicle movements would increase by more than 10% or 10 movements per day. Refer to the performance criteria assessment below.
E5.5.1 A3		N/A
E5.6.2 A1	Road accesses and junctions	Yes, as no new access or junction is proposed.
E5.6.2 A2		Yes, as a single access providing both entry and exit is proposed.
E5.6.4 A1	Sight distances at	Yes, as the sight distances are compliant with that specified by Table E5.1.



	accesses, junctions and level crossings	
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Performance Criteria Assessment 7 - E5.5.1 P2 Existing Road Accesses and Junctions

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:

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

The performance criteria are applicable as the traffic flow would exceed that prescribed by the acceptable solution.

A traffic impact assessment (TIA) was provided in support of the application, which provides a detailed response to the performance criteria. The assessment concludes that certain improvements are required to ensure the safety and efficiency of the road infrastructure as part of the second and third stages of the development, as traffic generation increases. Recommended improvements are summarised by the TIA as follows:

- Stage One – removal of roadside vegetation along Connellys Marsh Road to improve forward sight distance. One lane only signage is recommended across land culverts, together with sight distance improvements at the junction of Connellys Marsh and Fulham Roads;
- Stage Two – widening of Connellys Marsh Road to a width of 5.4m, with the extension of two of the existing pipe culverts to increase road width; and
- Stage Three – no further works recommended.

Such improvements are identified by the TIA as being necessary for safe road access for all users, and to ensure compliance with the performance criteria. Were a planning permit to be granted, conditions requiring the necessary road improvements to Connellys Marsh Road would be required. Together with such conditions, the



performance criteria would be satisfied though it is noted that the staging described by the TIA is not reflected by the supporting planning submission or proposal plans.

Parking and Access Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
E6.6.1 A1	Number of car parking spaces	Yes, as a site total of 49 parking spaces are proposed which includes a surplus beyond the required one space per visitor accommodation unit. On the basis that the restaurant and wellness centre are available to guests only, these are considered part of the visitor accommodation use and do not require parking to be separately considered.
E6.6.2 A1	Number of accessible car parking spaces	Yes, as the two spaces prescribed would be provided adjacent the lodge.
E6.6.3 A1	Number of motorcycle parking spaces	Yes, as the three spaces prescribed for motorcycles would be accommodated in the main car park.
E6.6.4 A1	Number of bicycle spaces	Yes, as the two spaces prescribed for bicycles would be provided in the main car park.
E6.7.1 A1	Number of vehicular accesses	Yes, as a single access (existing farm access) would provide access to the site.
E6.7.2 A1	Design of vehicular access	Yes, as the prescribed sight distances are available, the width of the access is appropriate and no queuing areas are required.
E6.7.3 A1	Vehicular passing areas along an access	Yes, as the internal driveway would be a 4m wide, two-way single lane driveway with an all-weather unpaved surface, supported with passing bays.
E6.7.4 A1	On-site turning	Yes, as on-site turning is provided.
E6.7.5 A1	Layout of parking areas	Yes, in that there is sufficient area for all parking areas to meet the specified Australian Standard.
E6.7.6 A1	Surface treatment of	Yes, as Connellys Marsh Road is unsealed, no specific surface treatment is required by the acceptable solution.



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	parking areas	
E6.7.7 A1	Lighting of parking areas	Yes, in that conditions could be applied (were a permit to be granted) to ensure appropriate lighting of parking areas.
E6.7.8 A1	Landscaping of parking areas	Yes, as appropriate provision has been made for landscaping as part of the proposed central car park, which would be reinforced as part of a permit if granted.
E6.7.9 A1	Design of motorcycle parking areas	Yes, as these areas would be designed and constructed to meet the relevant Australian Standard requirements.
E6.7.10 A1	Design of bicycle parking facilities	Yes, as the required areas would be designed and constructed to meet the relevant Australian Standard requirements.
E6.7.10. A2		
E6.7.11 A1	Bicycle end of trip facilities	N/A
E6.7.12 A1	Siting of car parking	N/A
E6.7.13 A1	Facilities for commercial vehicles	Yes, as sufficient area would be provided on site for commercial vehicle movements associated with the use.
E6.7.14 A1	Access to a road	Yes, in that should a permit be granted, appropriate conditions would be included relating to the upgrading of the existing access to the required standard.

Stormwater Management Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
E7.7.1 A1	Stormwater drainage and disposal	No, as there is no existing stormwater infrastructure to which the proposal could drain. Refer to the performance criteria assessment below.
E7.7.1 A2		Yes, as stormwater runoff from all buildings would be captured by tanks for use on site. Council's engineers are satisfied this is appropriate for the proposed use.
E7.7.1 A3		
E7.7.1 A4		N/A

Performance Criteria Assessment 8 – Clause E7.7.1 P1 Stormwater Drainage and Disposal

Stormwater from new impervious surfaces must be managed by any of the following:

- (a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles
- (b) collected for re-use on the site;
- (c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.

The performance criteria are applicable in that there is no public stormwater infrastructure servicing the site. Each building proposed would incorporate tanks to capture stormwater flows for use on site, and discharge of overflow is proposed for the adjacent grazing land. These measures satisfy the performance criteria.

Biodiversity Code

Portions of the site at both the northeastern and western ends of the property are affected by the Biodiversity Code. Upon inspection, it is confirmed that this land has previously been cleared and is comprised of grazing land with several remaining eucalypts that would not be removed as part of the development. The proposed development is therefore exempt from the provisions of the code by Clause E10.4.1(n) in that it involves only *clearance and conversion or disturbance of previously cleared agricultural land*.

Were the proposal approved, a condition must be included requiring that no vegetation clearance may be undertaken within the identified area to ensure that those remaining eucalypts are not compromised.

Waterway and Coastal Protection Code

A series of waterways traverse the northeastern and western parts of the site which are affected by this code. No buildings are proposed within the affected areas and whilst the applicant submits that this code is not relevant, the proposed access would traverse land within the code area. The provisions therefore apply.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
E11.7.1 A1	Buildings and works	No, as the works would not be within a building area on the site. Refer to the performance criteria assessment below.

Performance Criteria Assessment 9 – Clause E11.7.1 P1 Buildings and Works

Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:

- (a) avoid or mitigate impact on natural values;*
- (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;*
- (c) avoid or mitigate impacts on riparian or littoral vegetation;*
- (d) maintain natural streambank and streambed condition, (where it exists);*
- (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;*
- (f) avoid significantly impeding natural flow and drainage;*
- (g) maintain fish passage (where applicable);*
- (h) avoid landfilling of wetlands;*
- (i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and 'Tasmanian Coastal Works Manual' (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.*

The performance criteria are applicable in that the access road is proposed within the code area, and there is no specified building area for the lots. Of the identified watercourse areas, two on the western part of the site include significant drainage lines which appear to flow in significant rain events only. Within these areas, there is little evidence of riparian or littoral vegetation requiring protection. No areas of fish passage or natural flow exist that require protection.

Were a planning permit to be granted, it is appropriate to include conditions to manage sediment and runoff from the site as part of construction given the earthwork required for the proposed access road. A second condition relating to (i) is additionally recommended to ensure the tests of the performance criteria are satisfied.



Signs Code

No signage has been proposed as part of this application. A future and separate development application would be required for any non-exempt signage before placement, if a permit were to be granted for this proposal.

On-site Wastewater Management Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
E23.8.1 A1	Development standards for non-residential development	Yes, the proposal was supported by detailed wastewater designs for each of the proposed cabins with a sand mound system the detailed system.

Representations

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

A total of 133 representations have been received which are addressed in the following table:

Issue	Relevant Clause	Response
<p><u>Bushfire risk</u></p> <p>Concerns are raised that there is insufficient information provided relating to bushfire management and that there are shortcomings in the application documentation. Specifically, these concerns include risk of emergency egress using golf carts, use of open fire pits, lack of any</p>	E1.0 Bushfire-prone Areas Code	<p>The Bushfire-prone Areas Code applies to use on land that is located within a bushfire-prone area that is a vulnerable or hazardous use. The proposed visitor accommodation use is neither a vulnerable nor hazardous use, meaning that the provisions of the code are not applicable to this assessment.</p> <p>As discussed above, a representation was received from the Tasmania Fire Service (TFS) raising concerns in relation to inconsistencies in the application material relating to bushfire hazard management. It is identified that setback distances from the adjacent crown land are inadequate for the establishment of</p>



<p>bushfire plan in documentation, lack of mains water, and likely necessity for management of vegetation on adjacent crown land.</p>		<p>hazard management areas without clearance of vegetation on Crown land, and in the absence of Crown consent the only alternative would be to amend the proposal to provide sufficient setbacks.</p> <p>Without compliant hazard management areas, the TFS advises that the proposal would be unable to obtain building approval. Were a planning permit to be granted for the development in its current form it would therefore be unable to be acted upon. The concerns raised by both the TFS and the representations have merit.</p>
<p><u>Coastal values</u></p> <p>The concerns raised are primarily focussed on lack of separation from the foreshore, resultant impact upon amenity, risk of new tracks being formed to the foreshore, erosion and landslip risk, and sea-level rise.</p>	<p>Clause 26.4.2</p>	<p>The acceptable solution of Clause 26.4.2, A4, requires that a setback of 100m be provided for development within proximity of the adjacent Environmental Management Zone that separates the development site from the foreshore. The proposal relies upon performance criteria with a setback of as little as 3.5m proposed.</p> <p>Issues exist in relation to discrepancies within the application relating to vegetation clearance and retention, meaning that it is unclear how bushfire management would be achieved. The tests of 26.4.2 P4 are, however, considered to be met in relation to the setback proposed in that with appropriate conditions to manage sediment control during construction and prohibition of any vegetation removal, the environmental impact would be managed. Were a permit to be granted, associated conditions would be required to ensure these requirements are formalised. A planning permit, if granted, should also include advice that no</p>



		<p>pedestrian access is permitted from each of the cabins to the foreshore.</p> <p>Acknowledging that sea-level rise is raised as a concern, those relevant Scheme codes being the Inundation Prone Areas Code and the Coastal Erosion Hazard Code are not applicable to the site of the development. There are therefore no applicable Scheme considerations relating to sea-level rise.</p>
<p><u>Amenity & character</u></p> <p>Inconsistency with the rural character of the area is raised as a concern, together with the inappropriateness of the building design and height and visual prominence, the scale of the use and development, ribbon-type development, lack of visual and acoustic screening to Connellys Marsh.</p> <p>It is submitted that the provided photomontages are not an appropriate representation of the site in that vistas from Connellys Marsh have not been provided, and landscaping is shown that would not be feasible for the site.</p>	<p>Clauses 26.3.2 and 26.4.2</p>	<p>The tests of both related clauses are addressed above, and it is considered the proposal fails to meet both in that the development is considered to be of an intensity of use that would be nowhere near that existing on the site at present. The concerns of the representations are considered to be of determining weight.</p>



<p><u>Environmental</u></p> <p>Concerns raised include impacts of stormwater runoff, wastewater management, use of bore water in a drought-prone area, impacts to eagle nests on the site, lack of natural values assessment, impacts to the red handfish and migratory shorebirds and turtles, and including impacts to swift parrots and black cockatoos.</p>	<p>E7.0 Stormwater Management Code</p> <p>E10.0 Biodiversity Code</p> <p>E11.0 Waterway and Coastal Protection Code</p> <p>E23.0 On-Site Wastewater Management Code</p>	<p>The proposal satisfies the relevant requirement in that whilst there is no public stormwater infrastructure servicing the site, each building proposed would incorporate tanks to capture stormwater flows for use on site, and discharge of overflow is proposed for the adjacent grazing land.</p> <p>The application is supported by detailed on-site wastewater design documentation for each required system. The design is satisfactory and demonstrates compliance with the relevant tests of the code.</p> <p>The requirements of both the Biodiversity and Waterway and Coastal Protection Code have been assessed above, and those relevant tests are met by the documentation submitted as part of the proposal. As noted, an issue does exist in relation to bushfire management, in that the proposal plans do not show sufficient separation from the proposed cabins to the adjacent Crown land and vegetated areas. Were clearance required in these areas, both the consent of the Crown and a natural values assessment would be required. This would necessitate a new development application.</p>
<p><u>Traffic management</u></p> <p>It is submitted that the existing road network in proximity of the site is not adequate for the proposal, in that vehicles travel at high speed on</p>	<p>Clauses E5.5.1, E5.6.4, and E6.6.1</p>	<p>The supporting traffic impact assessment (TIA) provides a detailed response to the tests of the relevant performance criteria. The assessment concludes that certain improvements are required to ensure the safety and efficiency of the road infrastructure as part of the second and third stages of the development, as traffic generation increases. These improvements include removal of</p>



<p>Fulham Road, Connellys Marsh Road is of a poor standard, and that existing shack owners in the area have not been properly considered. Near misses are noted as common, late-night arrivals considered likely, and insufficiency of parking areas, vehicular and pedestrian access arrangements on site are submitted as grounds for refusal.</p>		<p>roadside vegetation along Connells Marsh Road to improve sight distances, one-lane only signage across land culverts, together with sight distance improvements at the junction of Connellys Marsh and Fulham Roads. As part of the second stage of the development the TIA concludes that widening of Connellys Marsh Road to a width of 5.4m and extension of two of the existing pipe culverts are required.</p> <p>This approach is supported by Council's development engineers. Were a planning permit to be granted, appropriate conditions must be included relating to the required road upgrades.</p> <p>The proposal incorporates a site total of 49 parking spaces which includes a surplus beyond the required one space per visitor accommodation unit. On the basis that the restaurant and wellness centre are available to guests only, these are considered part of the visitor accommodation use and do not require parking to be separately considered.</p>
<p><u>Agricultural use</u></p> <p>The representations raise loss of grazing land as a concern, together with the inappropriateness of the use for a rural area and unreasonable constraint on land use. Concerns relating to impacts on firearm use on neighbouring land are raised as a</p>	<p>Clause 26.3.2</p>	<p>As noted, the development would be located on the southernmost part of the site, thus allowing for the balance of the property to continue to be used for agriculture – primarily grazing. The development area is the poorest quality agricultural land on the site.</p> <p>Conflict between the proposed use and grazing activities are likely to be low in relation to noise or odour, and cropping or horticulture are unlikely to occur on land within proximity of the development. It is considered</p>



concern, and inconsistency with intent of the zoning.		that the performance criteria are satisfied.
<u>Emissions</u> The impact of the proposed development in terms of noise generated by visitors and traffic, light spill and dust from road are all raised as concerns.	N/A	Concerns relating to emissions from the site and proposed use would be managed, if a permit were granted, by appropriate conditions requiring limitation of light spill and advice in relation to obligations under the <i>Environmental Management Pollution and Control Act 1994</i> (EMPCA) relating to noise management.
<u>Aboriginal heritage</u> Concerns are raised that the proponent has not had due regard to Aboriginal Heritage values and that they have not engaged with the Aboriginal community.	N/A	The <i>Aboriginal Heritage Act 1975</i> is administered by the Department of Premier and Cabinet and is the primary legislation for the protection of Aboriginal cultural heritage in Tasmania. The proposal was referred by Council to Aboriginal Heritage Tasmania for comment as part of the assessment of the application with advice provided that sites of Aboriginal heritage were identified within the boundaries of the site. The advice provided recommended that a site and proposal specific Aboriginal heritage assessment of the site be undertaken prior to the development proceeding. Being that this legislation sits outside the planning scheme, it is appropriate that if a permit were granted that advice be included to alert the proponent to their associated obligations.
<u>Historic heritage</u> Concerns are raised that there is apparent convict history on or	N/A	The site itself and no specific features within the boundary of the site are identified by either the Historic Heritage Code or the Tasmanian Heritage Register as being of heritage significance.

<p>adjacent to the development site and that no detail is given on how heritage values will be protected. It is submitted that no detail has been given on the protection of the grave within the boundaries of the site, and that there would be likely loss of access to the grave site.</p>		<p>This issue is therefore not of determining weight.</p>
<p><u>Consultation</u></p> <p>Concerns are that there has been no community consultation regarding the proposal, no consultation with State agencies and the advertising period is too short for meaningful input.</p>	<p>N/A</p>	<p>Notification has been given as prescribed by LUPAA. It would appear to be effective given the number of representations.</p> <p>The legislative processes are a matter for the State Government. The legislative processes set out in LUPAA are not an integrated assessment processes and there is no requirement for any developer to consult with State agencies</p>
<p><u>Benefits of proposal & cost to Council / ratepayers</u></p> <p>The representations submit that the proposal would have no demonstrated benefit to the community in terms of guarantees of employment, construction, protection of Aboriginal heritage,</p>	<p>N/A</p>	<p>The economic and community benefits of a proposed development are not a relevant consideration under the Scheme.</p>



lack of public access to the site and facilities and that the stated benefits are not supported.		
<u>Site description</u> The inaccuracy of the site description is raised as a concern.	N/A	The advertised description of the proposal correctly references the site as 297 Primrose Sands Road, Primrose Sands.
<u>Public facility improvement</u> Submissions are made that the proponent should be responsible for upgrading of nearby public toilets and car parking areas.	N/A	There is no scheme requirement for off-site upgrading of public infrastructure.
<u>Staff accommodation</u> Lack of on-site workers' accommodation is a concern raised in light of apparent shortfall of rental housing in area	N/A	The provision of on-site housing for staff is not a Scheme requirement, or a relevant planning matter.
<u>Operating hours</u> Concerns are raised that the operating hours have not been specified by the application.	N/A	There are no relevant Scheme provisions relating to hours of operation.
<u>Maximum capacity</u>	N/A	Maximum guest numbers are relevant under the Scheme only insofar as wastewater disposal is

<p>It is submitted that insufficient detail has been provided on maximum capacity and guest numbers.</p>		<p>concerned, which is based on the number of bedrooms. Were a planning permit to be granted, there should be no requirement for a specific limit on total guest numbers.</p>
<p><u>Applicable planning scheme</u></p> <p>Concerns are raised that the proposal is being incorrectly assessed under a previous planning scheme.</p>	<p>N/A</p>	<p>The development application was lodged on 27 June 2022 and made valid on 16 September 2022 by the granting of consent by the General Manager. The Sorell Interim Planning Scheme 2015 was in effect at that time. Section 51(3) of the <i>Land Use Planning and Approvals Act 1993</i> (LUPAA) requires that the application be assessed and determined pursuant to the Scheme in effect on the date the application is validly made.</p>
<p><u>Energy provision</u></p> <p>A submission is made that solar panels would be more appropriate as an energy source than natural gas.</p>	<p>N/A</p>	<p>The means of providing power to the site and to each cabin together with appropriate alternatives is not a relevant consideration under the Scheme.</p>
<p><u>Flight paths</u></p> <p>Concern is raised that the development would be within a future flight path, which may (again) require re-routing.</p>	<p>N/A</p>	<p>Flight paths are not a relevant consideration under the Scheme.</p>
<p><u>Collusion</u></p> <p>A representation submits that Council has colluded with the proponent for at least two years in</p>	<p>N/A</p>	<p>The application was lodged in June 2022. Several requests for additional information were made of the applicant to provide the documentation necessary to address the relevant Scheme provisions. The proposal was publicly advertised</p>

relation to the proposal with inadequate time for public consultation.		once these requests were satisfied by the applicant as required by LUPAA, and representations are to be taken into consideration accordingly.
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Other Matters

As identified throughout this assessment, discrepancies exist within the application documentation. These include partial references to staging without the provision of a staging plan, references to setbacks that appear not to correspond with the proposal plans, and differences in the descriptions relating to revegetation and bushfire management.

Following the advertising period and in response to the issues raised by the representations, a bushfire hazard management plan was provided by the applicant arising from the concerns raised by the TFS. Amended plans were also received showing a reduction in the total number of accommodation cabins from 32 to 26, increased setbacks from the Crown land to the south / southeast, and a shortening of the access road with no link through to Primrose Sands.

Though these changes have been proposed in response to the issues raised, the supporting documentation and expert assessments provided do not reflect the changes made. It is therefore not considered reasonable or appropriate to recommend the approval of the application, on the basis that the amended plans have not been made available for public comment.

Past case law prohibits the re-exhibition of revised plans in relation to a development application. A new development application would therefore be required should the proponent seek to proceed with the amended proposal, which must include a complete and revised set of supporting application documentation consistent with those amendments made, together with associated bushfire requirements.

Conclusion

The application should be refused for failing to satisfy the performance criteria set out in the Sorell Interim Planning Scheme 2015 for visitor accommodation and discretionary use.

**Kate Guinane
Senior Planner**



Separate Attachments:

Attachment A: Proposal plans

Attachment B: Representations

Attachment C: Exhibited documents

- Supporting planning assessment
- Traffic impact assessment
- Photomontages
- Integrated impact assessment

Attachment D: Post-exhibition documents

- Amended plans (26 visitor accommodation cabins)
- Bushfire hazard report

Attachment E: Further details provided 13 April 2026

- Amended plans & comparison site plan (24 visitor accommodation cabins)
- Supporting submission

5.2 LAND USE PLANNING AND APPROVALS (MISCELLANEOUS AMENDMENTS) BILL 2026

RECOMMENDATION

“That Council resolve to endorse the submission as provided in the report.”

Introduction

The purpose of this report is to consider whether to make a submission on amendments to the *Land Use Planning and Approvals Act 1993* (LUPAA).

Background

Nil.

Strategic plan

Key strategic plan matters are:

Objective 1 – To Facilitate Regional Growth



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Outcome 5: A contemporary planning model that facilitates diversified growth.

Annual plan

Nil.

Policy implications

Nil.

Environmental implications

Nil.

Asset management implications

Nil.

Risk management implications

Nil.

Community implications

Nil.

Statutory implications

Nil. Any submission is optional.

Options

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

Report

There are six elements to the bill:

1. Allowing the State Planning Provisions (SPP) to include maps
2. Broader scope for interim SPP amendments
3. Modify the Local Provisions Schedule (LPS) criteria
4. Additional information requests
5. Timeframe clarification & extension; and
6. Excluding long-term leases for renewable energy project from subdivision requirements.

Maps and the SPPs

All overlay mapping is part of the Local Provisions Schedule (LPS) even if the overlay mapping is entirely produced on a statewide basis and directly relates to a State Planning Provision (SPP) Code.

Thus, if the state updates its statewide mapping each Council must amend its LPS to include that updated mapping. This situation is to be corrected by allowing statewide mapping to be part of the SPPs which then facilitates a single process to update the SPP with the new mapping.

Broader scope for interim SPP amendments

Interim SPP amendments allow for proposed changes to the SPPs to apply immediately while a detailed assessment process occurs. They are made by the Minister but currently limited to matters urgently required for a public health or natural hazard issue or for matters prescribed in regulation. It is proposed that the criteria also includes the ability for the Commission to make a recommendation to the Minister that an Interim SPP amendment be made.

Modifications to the Local Provisions Schedule (LPS) criteria

Savings provisions are proposed whereby any LPS amendment commenced before a new regional land use strategy (RLUS) does not need to be assessed against that new RLUS. Other proposed changes relate to simplifying the language.

Additional information requests

A new requirement is proposed whereby applicants must be notified when additional information is deemed satisfactory. This notification will then trigger when the assessment clock restarts improving clarity for all parties.

Timeframe clarification & extension

If Council is closed, the number of days of closure is added to the public notification period for an application but not the period to determine the application. This is significant over the Christmas and new year period when the office is closed for multiple days.

The bill proposes to extend the timeframe to determine the application by the number of days that the office is closed.



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Excluding long-term leases for renewable energy project from subdivision requirements

Currently, several types of leases are excluded from the definition of subdivision. The list is to be extended to include telecommunication facilities, renewable energy infrastructure and other utility infrastructure.

Proposed Submission

Thank you for the opportunity to consider and comment on the Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026.

Council welcomes and supports the miscellaneous amendments proposed.

The amendments related to including maps in the State Planning Provisions (SPPs) and amendments to the LPS criteria represent logical improvements to the planning system delivering improved efficiencies.

Council also supports the ability for the Tasmanian Planning Commission to make recommendations to the Minister regarding interim SPP amendments.

The amendments regarding timeframes for additional information requests and for determining applications are particularly relevant and significant to Council. These changes will provide greater certainty to planning authorities and proponents and provide important additional timeframes due to public holiday closures.

The changes to the definition of subdivision are also welcome.

Conclusion

A series of miscellaneous amendments to LUPAA are proposed. The amendments are supported as they bring both greater certainty and logical efficiency improvements to the planning system. These amendments benefit both the planning authority and applicants.

Shane Wells Manager Planning

Separate Attachments:

- A. Background Report
- B. Supporting Report



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5.3

5.2024.136.1 – DWELLING, OUTBUILDING, CHANGE OF USE (EXISTING DWELLING TO VISITOR ACCOMMODATION) & TWO ADDITIONAL VISITOR ACCOMMODATION CABINS – 4 MARSHTON LANE, COPPING

Applicant:	S Campbell
Proposal:	Dwelling, Outbuilding, Change of Use (Existing Dwelling to Visitor Accommodation) & Two Additional Visitor Accommodation Cabins
Site Address:	4 Marshton Lane, Copping (CT 224809/3)
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 / applicant is a Councillor.

Relevant Zone:	20.0 Rural
Proposed Use:	Residential & Visitor Accommodation
Applicable Overlay(s):	Bushfire-prone area Low landslip hazard area Priority vegetation area Waterway and coastal protection area
Applicable Codes(s):	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code C7.0 Natural Assets Code C13.0 Bushfire-prone Areas Code C15.0 Landslip Hazard Code
Valid Application Date:	21 June 2024
Decision Due:	28 April 2026
Discretion(s):	1 Clause 20.3.1 (P1, P2, P3 & P4), discretionary use 2 Clause 20.4.2 (P2), setbacks 3 Clause 20.4.3 (P1), access for new dwellings 4 Clause C7.6.1 (P1), buildings and works within a waterway and coastal protection area
Representation(s):	Three

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2024.136.1 for a dwelling, outbuilding, change of use (existing dwelling to visitor accommodation) and two additional visitor accommodation cabins at 4 Marshton Lane, Copping 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:
 - Supporting written submission received 11 June 2024

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- Site plan and driveway design prepared by JMG dated 14 October 2025
 - Proposal plans of proposed dwelling and visitor accommodation cabins prepared by Imagine by Design dated 11 November 2025
 - Bushfire hazard report prepared by GES Geo-Environmental Solutions dated December 2025
 - Geo-environmental assessment prepared by GES Geo-Environmental Solutions dated February 2024
 - Proposed outbuilding plans prepared by the Shed Company dated 27 March 2024
2. Prior to first use, confirmation must be provided by a suitably qualified person that all recommendations of the bushfire hazard management plan have been met. This includes all internal driveway access works, together with all prescribed works associated with the adjacent reserved road that provides access from the boundary of the site to Marshton Lane.

The consent of the Crown for any works within the reserved road will be required prior to commencement of works. All works must be undertaken in accordance with the required consent of the Crown.

3. External lighting for any purpose must be located, designed and baffled to ensure that no direct light is emitted outside the site.
4. Prior to any works commencing within the Marshton Lane road reservation, a Vehicular Crossing and Associated Works Application (available on Council's website) must be submitted with an associated permit granted for the works.
5. Prior to first use, the existing and proposed vehicular access must be upgraded to compliant width, surface treatment, drainage, and sight distance as specified in a Vehicular Crossing Permit issued by Sorell Council.
6. The internal driveway including areas set aside for vehicle parking and manoeuvring must:
- a. be fully complete within six months of first use;
 - b. be 4m wide and constructed with a durable all-weather pavement;
 - c. be drained to a legal point of discharge or retain runoff onsite such that stormwater is not concentrated onto adjoining properties; and
 - d. have a gravel surface that is designed, constructed and maintained to avoid sedimentation or erosion or excess dust.

7. The internal driveway designed by "Johnstone McGee & Gandy Pty Ltd" shall be in accordance with DWG NO. "C01, C02 and C03", last dated 14/10/2025.
8. Prior first use, a total of at least five car parking spaces must be provided on site and must be available for car parking at all times. Any external space used for parking must:
 - a. be at least 5.4m long and 2.6 m wide with an additional 0.3m clearance from any nearby wall, fence or other obstruction; and
 - b. have a maximum gradient of 1 in 20 (5%) measured parallel to the angle of parking and 1 in 16 (6.25%) in any other direction.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

Legal

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

Asset Protection

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

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.

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, outbuilding, change of use (existing dwelling to visitor accommodation) and two additional visitor accommodation cabins at 4 Marshton Lane, Copping. This property is zoned Rural and is located to the south of the intersection of Marion Bay Road and the Arthur Highway at Copping, to the north of Dunalley.

The key planning considerations relate to the proposed discretionary use, separation from land within the Agriculture Zone and driveway works within a waterway and coastal protection area.

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.
Enforcement Policy	Not applicable.



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Environmental Sustainability Policy	Environmental considerations are assessed against the relevant planning scheme provisions.
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Legislation

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

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

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

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals

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

Report

Description of Proposal

The proposal is for a dwelling, outbuilding, change of use (existing dwelling to visitor accommodation) and two additional visitor accommodation cabins at 4 Marshon Lane, Copping. Access to the site is off Marshon Lane, over an existing reserved road. The proposal incorporates vegetation clearance where required only for the development of the proposed buildings, driveway access and bushfire protection purposes.

Use

The development incorporates two uses, being visitor accommodation and a single dwelling, together with an associated domestic outbuilding.

Development

The development consists of a new single-storey, three-bedroom single dwelling approximately in the centre of lot, together with an associated domestic outbuilding. Two, two-bedroom visitor accommodation cabins are proposed on the northern part of the site with an extension to the existing driveway access, and the conversion of the existing dwelling near to the southern property boundary to a third visitor accommodation building on the site.

The application is supported by:

- a supporting written submission received 11 June 2024;
- site plan and driveway design prepared by JMG dated 14 October 2025;
- proposal plans of proposed dwelling and visitor accommodation cabins prepared by Imagine by Design dated 11 November 2025;
- bushfire hazard report prepared by GES Geo-Environmental Solutions dated December 2025;
- geo-environmental assessment prepared by GES Geo-Environmental Solutions dated February 2024, received 11 June 2024;



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- proposed outbuilding plans prepared by the Shed Company dated 27 March 2024, received 11 June 2024; and
- approved building plans for existing dwelling prepared by Ronald Young and Co Builders dated 6 July 2011.

The application is exempt from the Bushfire-prone Areas Code, however, an assessment has been provided as part of the application to inform the extent of any vegetation clearance required. No clearance is required within the priority vegetation area on the site identified by the Natural Assets Code, meaning that a natural values assessment was not required.

Background

An outbuilding application was approved on the site in 2013 under 5.2013.254.1, a dwelling approved in 2011 under 5.2011.169.1 and a second outbuilding approved in 2011 under 5.2011.80.1.

Description of Site

The site is an 18.44ha internal lot with access off Marston Lane over an existing reserved road, for which the applicant holds a current licence for use. It is located to the south of the intersection of Marion Bay Road and the Arthur Highway at Copping, and is approximately 5.5 kilometres to the north of the Dunalley township. The site is located within a rural area, is comprised of a series of densely vegetated and cleared areas and slopes down to the north at an average gradient of one in ten.

Adjoining land to the north consists of smaller lots in use for residential and hobby farming purposes, whilst land to the west and south includes larger lots both densely vegetated in part and in use for grazing of stock in part. The site is unserviced.

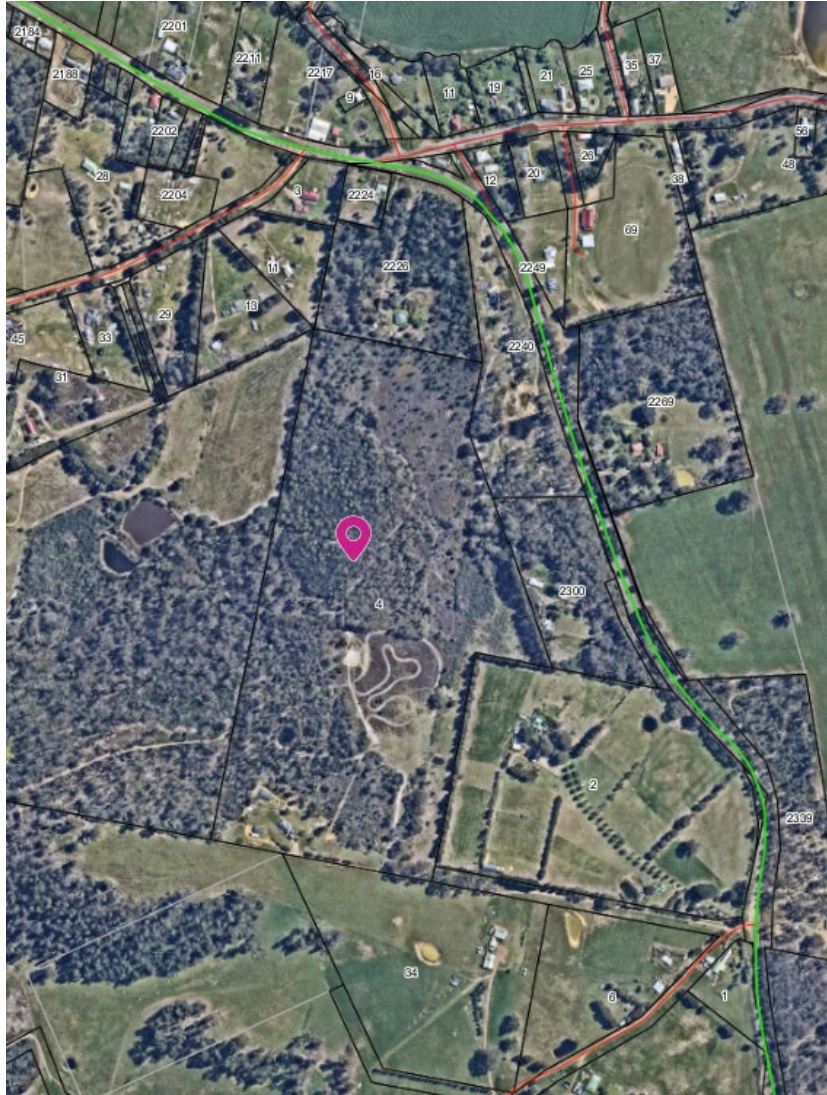


Figure 1. Subject site.

Planning Assessment

20.0 Rural Zone

Both the proposed visitor accommodation and residential uses have a discretionary status in the use table.

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
20.3.1 A1	Discretionary use	No, in that a new discretionary use is proposed. Refer to the performance criteria assessment below.
20.3.1 A2	Discretionary use	No acceptable solution. Refer to the performance criteria assessment below.
20.3.1 A3	Discretionary use	No acceptable solution. Refer to the performance criteria assessment below.
20.3.1 A4	Discretionary use	No acceptable solution. Refer to the performance criteria assessment below.
20.4.1 A1	Building height	Yes, in that all proposed buildings would not exceed the 12m height limit prescribed.



20.4.2 A1	Setbacks	Yes, as all buildings proposed would be setback in excess of 5m from the property boundaries.
20.4.2 A2	Setbacks	No, as all proposed buildings would be setback within 200m of land within the Agriculture Zone to the east and south of the site. Refer to the performance criteria assessment below.
20.4.3 A1	Access for new dwellings	No, as access is via reserved road to the Council-maintained Marshton Lane. Refer to the performance criteria assessment below.

Performance Criteria Assessment 1 – Clause 20.3.1 P1 Discretionary use

A use listed as Discretionary, excluding Residential, must require a rural location for operational reasons, having regard to:

- (a) the nature, scale and intensity of the use;
- (b) the importance or significance of the proposed use for the local community;
- (c) whether the use supports an existing agricultural use;
- (d) whether the use requires close proximity to infrastructure or natural resources; and
- (e) whether the use requires separation from other uses to minimise impacts.

The performance criteria is applicable as the proposal is for a new discretionary use, being visitor accommodation. It is considered that the performance criteria is satisfied in that the use is of a limited scale relative to the size of the lot, and would have no significant impact on the use of the land for agriculture. The land itself is classed as class 6 land by the Grose 1999 land capability mapping, which is *land marginally suited to grazing due to severe limitations*.

The availability of visitor accommodation within a rural area such as proposed brings value to the community more broadly in terms of encouraging visitors to an area, and in the context of being on a significant tourist route – is considered necessary. There is no reliance upon infrastructure beyond access and existing power connections, and risk of conflict is low. The performance criteria is therefore considered to be satisfied.

Performance Criteria Assessment 2 – Clause 20.3.1 P2 Discretionary use

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.

It is considered that the performance criteria is satisfied as the site and surrounds are, as noted, categorised as relatively poor quality agricultural land being classes 5 and 6. The site itself is categorised as class 6, which has significant limitations to agriculture and is largely suited to low intensity grazing. Risks of conflict associated with more intensive agricultural uses such as cropping and associated spraying are therefore considered to be low. Setbacks for the new buildings are more than 40m from all boundaries which, consistent with (c), would limit risk of any impacts on neighbouring land. For these reasons, it is considered the performance criteria is satisfied.

Performance Criteria Assessment 3 – Clause 20.3.1 P3 Discretionary use

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.*

The performance criteria considers all agricultural land, not simply productive agricultural land. In that context, the proposed development is of a limited footprint that with driveway and parking areas makes only a small difference in terms of available agricultural land. The land is presently used for hobby-farming, and the land has no significant local or regional value. The proposed development would not, it is considered, unnecessarily convert agricultural land and is compatible with nearby agricultural use having regard to (a) – (c).

Performance Criteria Assessment 4 – Clause 20.3.1 P4 Discretionary use

A use listed as Discretionary, excluding Residential, must be appropriate for a rural location, having regard to:

- (a) the nature, scale and intensity of the proposed use;*
- (b) whether the use will compromise or distort the activity centre hierarchy;*
- (c) whether the use could reasonably be located on land zoned for that purpose;*
- (d) the capacity of the local road network to accommodate the traffic generated by the use; and*
- (e) whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting.*

The proposed visitor accommodation use is considered appropriate for a rural location, in that the subject rural area is adjacent a significant tourist route which, given the limited risk of conflict with possible low intensity adjacent agricultural land use, is suited to a rural location. Council's development engineer is satisfied that there is capacity in the road network to absorb the likely additional vehicular movements arising, and there are no specific management measures considered necessary to manage emissions. To ensure no impacts associated with lighting, a single condition

is recommended to ensure no emission beyond lot boundaries. It is therefore considered that the performance criteria is satisfied.

Performance Criteria Assessment 5 – Clause 20.4.2 P2 Setbacks

Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use within the Agriculture Zone, having regard to:

- (a) the size, shape and topography of the site;*
- (b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties;*
- (c) the location of existing buildings on the site;*
- (d) the existing and potential use of adjoining properties;*
- (e) any proposed attenuation measures; and*
- (f) any buffers created by natural or other features.*

The proposed dwelling is a sensitive use, meaning that the performance criteria must be addressed in relation to this element of the application. The proposed visitor accommodation is not a sensitive use.

The dwelling would be setback approximately 150m from the eastern property boundary which does not comply with the 200m setback prescribed by the acceptable solution. The performance criteria is therefore applicable, and being that the adjacent land to the east is used for grazing the risk of conflict is considered low. Significant vegetation exists between the propose dwelling and the boundary, which serve as a buffer and no specific attenuation measures are proposed nor considered necessary to satisfy the performance criteria.

Performance Criteria Assessment 6 – Clause 20.4.3 P1 Access for new dwellings

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 site has an existing access over a reserved road administered by the Crown, for which a licence is held by the applicant / owner. Being that this is not a public road, the acceptable solution is not satisfied and the performance criteria relied upon.

It is considered that the performance criteria is met in that the development has formal access by licence to the Council-maintained Marshton Lane.



Council's development engineer is satisfied that Marshton Lane is of sufficient capacity and condition to cater for the proposed development, and the existing intersection of the reserved road with Marshton Lane does not require modification. The performance criteria is therefore satisfied.

Code

Parking and Sustainable Transport Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Parking numbers	Yes, as five spaces are provided.
C2.6.1 A1	Construction	Yes, in that a gravel surface is proposed consistent with (a) and (b) of the acceptable solution.
C2.6.2 A1.1	Layout	Yes, all relevant standards are complied with.
C2.6.3 A1	Accesses	Yes, a single access is provided.

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
13.5.1 A1.1	Traffic generation at a vehicle crossing	Yes, in that vehicular traffic from the site would not increase by more than 20% of more than 40 vehicle movements per day.

Natural Assets Code

The Scheme identifies the southwestern most part of the site as being within a priority vegetation area. A bushfire hazard management plan and assessment was provided as part of the application to inform the extent of any vegetation clearance required, and being that no clearance is required for bushfire protection purposes associated with the existing dwelling, an assessment under this part of the Natural Assets Code is not required.

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C7.6.1 A1	Buildings and works within a waterway and coastal protection area	No, in that the proposed driveway works would be located within a part of the site identified as being within a waterway and coastal protection area. Refer to the performance criteria assessment below.

Performance Criteria Assessment 7 – Clause C7.6.1 P1.1 Buildings and works within a waterway and coastal protection area

Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:

- (a) impacts caused by erosion, siltation, sedimentation and runoff;*
- (b) impacts on riparian or littoral vegetation;*
- (c) maintaining natural streambank and streambed condition, where it exists;*
- (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;*
- (e) the need to avoid significantly impeding natural flow and drainage;*
- (f) the need to maintain fish passage, where known to exist;*
- (g) the need to avoid land filling of wetlands;*
- (h) the need to group new facilities with existing facilities, where reasonably practical;*
- (i) minimising cut and fill;*
- (j) building design that responds to the particular size, shape, contours or slope of the land;*
- (k) minimising impacts on coastal processes, including sand movement and wave action;*
- (l) minimising the need for future works for the protection of natural assets, infrastructure and property;*
- (m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and*
- (n) the guidelines in the Tasmanian Coastal Works Manual.*

It is considered that the performance criteria is satisfied in that there is no permanent watercourse (together with associated vegetation) present on the site that would be compromised. The area identified by the code is a natural drainage line and the driveway works have been designed by a suitably qualified engineer to minimise cut and fill, control stormwater flows and ensure no environmental impact.

Bushfire-Prone Areas Code

As the proposal does not involve a vulnerable or hazardous use (as defined by the Code), the provisions of the Code do not apply. An assessment has, however, been provided to inform the extent of any vegetation clearance required.

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
Condition of reserved road, required improvements and future maintenance	C3.5.1	<p>The proposal is compliant with the relevant requirements of the Road and Railway Assets Code in relation to the likely increase in vehicular movements. Council's development engineer is satisfied that Marshton Lane is able to cater for the additional traffic, and a licence exists for use of the reserved road by the property owner / applicant.</p> <p>To ensure that any works required as a result of the proposal obtain the necessary consent of the Crown, a condition has been included in the recommended conditions. Future maintenance costs, however, are not a relevant Scheme consideration.</p>
Inaccuracy of bushfire report	N/A	As noted above, a bushfire report was provided but not required as the proposal is exempt from assessment under the code provisions. The representations raise concern that a misleading photograph has been included in the report. This is not a relevant consideration to this assessment.
Construction of internal access road and impact on adjacent native vegetation and associated habitat	C7.6.1	The driveway satisfies the relevant Scheme tests in relation to the driveway design. Being that the identified watercourse is not a permanent watercourse but rather a drainage line, protection of vegetation on adjacent land more broadly is not a relevant consideration.
Notification application	N/A	A typographical error in the notification letters incorrectly included 13 February 2026 as the date of the correspondence, which should have correctly read 13 March 2026. This correspondence was nonetheless received by all adjacent



		owners within the prescribed timeframe and together with the required site notice and newspaper notification fulfils Council's notification obligations under the <i>Land Use Planning and Approvals Act 1993</i> .
Inaccurate cost estimate of proposal itself together with associated upgrade works to reserved road	N/A	The development application was first lodged in 2024, meaning that construction costs may have increased since that time. In any event, the cost of works was accepted at the time of lodgement as reasonable.
Nature of proposed accommodation use	Use Table 20.2	The application seeks approval for visitor accommodation, and a single dwelling. Approval is not sought for assisted housing or other forms of residential land use. A permit, if granted, would reflect the nature of the approved use.

Conclusion

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

Kate Guinane
Senior Planner

Separate Attachments:

- **Supporting written submission received 11 June 2024.**
- **Site plan and driveway design prepared by JMG dated 14 October 2025.**
- **Proposal plans of proposed dwelling and visitor accommodation cabins prepared by Imagine by Design dated 11 November 2025**
- **Bushfire hazard report prepared by GES Geo-Environmental Solutions dated December 2025.**
- **Geo-environmental assessment prepared by GES Geo-Environmental Solutions dated February 2024.**
- **Proposed outbuilding plans prepared by the Shed Company dated 27 March 2024**
- **Approved building plans for existing dwelling prepared by Ronald Young and Co Builders dated 6 July 2011.**

