



SORELL PLANNING AUTHORITY (SPA) MINUTES

28 FEBRUARY 2023

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)



MINUTES

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING HELD AT THE
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON
TUESDAY 28 FEBRUARY 2023

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1.0 ATTENDANCE

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Chairperson Mayor Vincent
Deputy Mayor C Wooley – Arrived at 5.04pm
Councillor M Brown
Councillor S Campbell
Councillor J Gatehouse
Councillor M Miro Quesada Le Roux
Councillor M Reed
Councillor N Reynolds
Councillor C Torenus
Robert Higgins, General Manager

STAFF IN ATTENDANCE

Shane Wells – Manager Planning
Denis Wall – Project Manager

2.0 CONFIRMATION OF THE MINUTES OF 7 FEBRUARY 2023

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 7 February 2023 be confirmed.”

7/2023 BROWN / REYNOLDS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Brown, Campbell, Gatehouse, Miro Quesada, Reed, Reynolds and Torenus

Against: None

The Motion was **CARRIED**

3.0 DECLARATIONS OF PECUNIARY INTEREST

The Mayor requested any Councillors to indicate whether they had, or were likely to have, a pecuniary interest in any item on the agenda.

Mayor Vincent declared a pecuniary interest in item 4.3 and left the meeting for the duration of the SPA debate and voting of Item 4.3.



4.0 LAND USE PLANNING

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*.

4.1 DEVELOPMENT APPLICATION NO. DA 2022 / 249 - 1

Applicant:	C Hortle						
Proposal:	Two Multiple Dwellings (One Existing)						
Site Address:	14 First Avenue, Midway Point (CT 81317/67)						
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:	10.0 General Residential						
Proposed Use:	Multiple Dwellings						
Applicable Overlay(s):	Potentially Dispersive Soils Code						
Applicable Codes(s):	Parking and Access Code, Road and Railway Assets Code						
Valid Application Date:	26 August 2022						
Decision Due:	2 March 2023						
Discretion(s):	<table border="1"> <tr> <td>1</td> <td>Site area per dwelling</td> </tr> <tr> <td>2</td> <td>Privacy – shared driveways</td> </tr> <tr> <td>3</td> <td>Car parking numbers</td> </tr> </table>	1	Site area per dwelling	2	Privacy – shared driveways	3	Car parking numbers
1	Site area per dwelling						
2	Privacy – shared driveways						
3	Car parking numbers						
Representation(s):	Four						

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application DA 2022 / 249 - 1 for a Multiple Dwellings x 2 (One existing) at 14 First Avenue, Midway Point be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 5 September 2022 except as may be amended by the conditions of this permit.
2. A vehicle noise management plan must be submitted prior to the commencement of works demonstrating that unreasonable vehicle noise intrusion to the existing dwelling will be avoided through treatment to the bedroom 2 and bedroom 3 windows such as, but not limited to, double or triple glazing or screening.



3. Prior to first use, all area(s) of private open space must be:
 - a) Formed with a gradient of no more than 1 in 10;
 - b) Enclosed by a 1.5m high fence;
 - c) Grassed and / or landscaped; and
 - d) Provided with steps or other means of access to the adjoining habitable room if required.

Development Engineering:

4. A vehicular crossing application must be submitted to Council and an associated permit must be granted prior to any works commencing within the road reservation.
5. A new sealed access and crossover must be constructed to be generally in accordance with Council's Standard Drawings TSD-R09-v3 and TSD-R16-v3.
6. The sealed access must start at the edge of First Avenue, must have a minimum width of 5.5 metres, and must extend for 6 metres or to the property boundary, whichever is greater.
7. Drainage from the sealed access must not cause ponding within the Council's road reserve.
8. A Council engineering officer must inspect the completed base prior to laying asphalt or pouring concrete. Please call Council on 6269 0000 to arrange a time giving at least 24 hours' notice.
9. Off-street car parking must comply with the following requirements:
 - a) Off street parking requirements (including layout, line marking, signage and the installation of wheel stops) must comply with Australian Standard AS 2890.1;
 - b) Off street driveway, car parking and turning areas must be constructed of reinforced concrete or asphalt;
 - c) Visitor car parking spaces and turning bays must be designated as such on site.
10. Stormwater must be discharged to the existing piped Council stormwater system to the satisfaction of the Manager Planning and the following:
 - a) All stormwater pipes collecting runoff from driveways, car parking, turning areas, and other hardstand areas must be designed to suit the calculated stormwater runoff from the property but with a minimum size of DN150;

- b) A concrete kerb must be installed along the entire length of the internal driveway, car parking, and turning areas to direct stormwater into the stormwater system. Grated pits shall be installed at suitable locations, as per the drainage plan;
 - c) All grated pits, grated drains, and stormwater lot connections must be constructed to a trafficable standard;
 - d) Stormwater runoff generated from the development must not be directed onto neighbouring properties;
 - e) A revised drainage plan incorporating the above requirements must be provided for approval prior to works commencing;
 - f) Council must be notified and all stormwater works within the road reserve must be inspected by Council prior to any backfilling. Please call Council on 6269 0000 to arrange a time giving at least 24 hours' notice.
11. The developer is responsible for the location of any existing services and Council infrastructure.
 12. All works must be undertaken by the developer at the developer's cost.
 13. Any existing Council infrastructure that is damaged or modified in any way, as a consequence of these works, must be repaired or reinstated by the developer to its original condition, as soon as reasonably practicable, at the developer's cost.
 14. Prior to Council sealing the Strata plan for this development, all Engineering conditions in this permit must be satisfied.
 15. During the works period, the developer must contain all materials within the property boundaries and maintain the site so as not to cause a hazard to pedestrian or vehicular traffic.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- 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 permit does not imply that any other approval required under any other legislation or by-law has been granted.
- 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.

- Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.

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

8/2023 CAMPBELL / GATEHOUSE

“That the recommendation be accepted.”

An amended motion was moved as per:

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application DA 2022 / 249 - 1 for a Multiple Dwellings x 2 (One Existing) at 14 First Avenue, Midway Point be refused for the following reasons:

- The development does not comply with the acceptable solution or satisfy the performance criteria of standard 10.4.1 Residential Density for Multiple Dwellings as:
 - The site area is less than 325m² per dwelling; and
 - The site area per dwelling is not compatible with the density of existing development on established properties in the area.
- The development does not comply with the acceptable solution or satisfy the performance criteria of standard 10.4.6 Privacy for all dwellings as:
 - The driveway is separated from the existing dwelling by less than 2.5m; and
 - The driveway will have an unreasonable impact to habitable rooms of the existing dwelling.
- The development does not comply with the acceptable solution or satisfy the performance criteria of standard E6.6.1 Number of Car Parking Spaces as:
 - The number of on-site visitor spaces is less than the number specified in Table E6.1; and
 - The number of on-site car parking spaces is not sufficient to meet the reasonable needs of users.

You may appeal this decision, 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



9/2023 MIRO QUESADA / TORENIUS

The amended motion was put.

For: Miro Quesada, Reynolds and Torenius

Against: Vincent, Wooley, Brown, Campbell, Gatehouse and Reed

The amended motion was lost.

The original motion as recommended was put.

For: Vincent, Wooley, Brown, Reed, Gatehouse and Campbell

Against: Miro Quesada, Reynolds and Torenius

The Motion was **CARRIED**

4.2 MEDIATION ON SUBDIVISION APPLICATION NO. SA 2022 / 13 - 1

RECOMMENDATION

“That Council support a consent agreement being entered into to resolve an appeal over the delegated refusal of a proposed subdivision at 186 Greens Road, Orierton in the following terms.”

10/2023 CAMPBELL / BROWN

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Wooley, Brown, Campbell, Gatehouse, Miro Quesada, Reed,
Reynolds and Torenius

Against: None

The Motion was **CARRIED**

Mayor Vincent and Councillor Campbell left the room.

Councillor Reynolds took the chair.



4.3 DEVELOPMENT APPLICATION NO. DA 2022 / 391 - 1

Applicant:	J Blood
Proposal:	Dwelling & Secondary Residence
Site Address:	223B Old Forcett Road, Forcett (CT 182177/3)
Planning Scheme:	<i>Tasmanian Planning Scheme - Sorell</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Owner or applicant is a relative of a Councillor
Relevant Zone:	11.0 Rural Living
Proposed Use:	Single dwelling & secondary residence
Applicable Overlay(s):	Bushfire-Prone Areas, Airport Obstacle Limitation Area; Dispersive Soils Specific Area Plan
Applicable Codes(s):	Parking and Sustainable Transport Code
Valid Application Date:	07 December 2022
Decision Due:	2 March 2023
Discretion(s):	1 Setback to the Rural Zone
	2 Surfacing of driveway
	3 Dispersive soils
Representation(s):	Nil

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application DA 2022 / 00391 - 1 for a Dwelling & Secondary Residence at 223B Old Forcett Road, Forcett be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 5 September 2022 except as may be amended by the conditions of this permit.
2. Prior to construction or excavation, the development must submit a construction environmental management plan (CEMP) specifying the measures to reduce erosion risk as identified in the Rock Solid Geotechnical Assessment dated 18 July 2022.
3. Prior to commencing works, a Soil and Water Management Plan (SWMP) must be implemented to ensure that soil and sediment does not leave the site during the construction.
4. Existing trees and native vegetation not directly impacted by approved vegetation clearing associated with vehicle access and bushfire hazard management must be retained and must not be ring-barked, cut down, lopped, removed, injured or wilfully destroyed.



Advice: this condition does not apply to the exemptions provided at clause 4.41, 4.4.2, and 4.4.3 and C7.4.1 of the Tasmanian Planning Scheme – Sorell.

5. No topsoil is to be removed from the site.

Advice: this condition is to minimise the spread of weeds from the site.

Development Engineering:

6. Prior to any works commencing within the 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.
7. The internal driveway including areas set aside for vehicle parking and manoeuvring must:
- Be fully complete within six months of first use;
 - Be constructed with a durable all weather pavement;
 - Have a minimum width of 4.0 metres;
 - Be drained to a legal point of discharge or retain runoff onsite such that stormwater is not concentrated onto adjoining properties;
 - Have a sealed or gravel surface that is designed, constructed, and maintained to avoid sedimentation, erosion, or excess dust; and
 - Be maintained through the life of the use in a condition that, at a minimum, is suitable for two wheel drive vehicles.
8. Prior first use, at least two car parking spaces must be provided on site and must be available for car parking at all times. Any external space must:
- Be at least 5.4m long and 2.6m wide with an additional 0.3m clearance from any nearby wall, fence or other obstruction; and
 - 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

- This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- 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.

- Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.
- Council recommends consulting Before You Dig Australia (BYDA) at www.byda.com.au before undertaking any works.
- A Vehicular Crossing Permit can be obtained by completing the Vehicular Crossing and Associated Works Application form available at www.sorell.tas.gov.au/services/engineering.

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

10/2023 MIRO QUESADA / BROWN

“That the recommendation be accepted.”

The motion was put.

For: Wooley, Brown, Gatehouse, Miro Quesada, Reed, Reynolds and Torenus

Against: None

The Motion was **CARRIED**

Meeting closed at 5.36pm

**MAYOR VINCENT
CHAIRPERSON
28 February 2023**

