



# SORELL PLANNING AUTHORITY (SPA) MINUTES

2 MAY 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 2 MAY 2023

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## 1.0 ATTENDANCE

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Chairperson Deputy Mayor C Wooley  
Councillor M Brown  
Councillor S Campbell  
Councillor J Gatehouse – arrived at 4.37pm  
Councillor M Miro Quesada Le Roux  
Councillor M Reed  
Councillor N Reynolds – arrived at 4.32pm  
Councillor C Torenus  
Robert Higgins, General Manager

### APOLOGIES

Mayor Vincent

### STAFF IN ATTENDANCE

Shane Wells – Manager Planning  
Eswaren Shanmugam – Development Engineer

## 2.0 CONFIRMATION OF THE MINUTES OF 4 APRIL 2023

### RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 4<sup>th</sup> April 2023 be confirmed.”

### 17/2023 TORENIUS / REED

“That the recommendation be accepted.”

The motion was put.

For: Woolley, Brown, Miro Quesada, Reed and Torenus

Against: None

The Motion was **CARRIED**



### 3.0 DECLARATIONS OF PECUNIARY INTEREST

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

No committee member indicated that they had, or were likely to have, a pecuniary interest in any item on the agenda.

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*.

### 4.0 LAND USE PLANNING

#### 4.1 DEVELOPMENT APPLICATION NO. 5.2023.45.1

Applicant:	D J Wiggins
Proposal:	Storage Facility
Site Address:	404 Shark Point Road, Penna (CT 137619/1)
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:	More than one representation received.

Relevant Zone:	20.0 Rural
Proposed Use:	Storage
Applicable Overlay(s):	Nil
Applicable Codes(s):	Parking and Sustainable Transport, Road and Railway Assets
Valid Application Date:	20 February 2023
Decision Due:	4 May 2023
Discretion(s):	1 Use
	2 Use
	3 Use
	4 Use
	5 Traffic generation
Representation(s):	Twenty-one

## RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application DA 2023 / 00045 - 1 for a Storage Facility at 404 Shark Point Road, Penna 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 first use, landscaping or other screening must be installed to minimise visibility of the use.

A plan outlining compliance with this requirement must be submitted to and approved by the Manager Planning prior to first use.

3. The minimum storage period for any caravan or boat onsite is 14 days.

*This condition is necessary to limit traffic movements to and from the site in order to manage the road network.*

4. Prior to first use, a weed management plan must be implemented. The weed management plan must be approved by the Manager Planning and must outline procedures for the regular monitoring and control of weeds.

## Engineering conditions

5. 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.
6. Prior to first use, the existing 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.
7. 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 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;
  - d) have a sealed or gravel surface that is designed, constructed and maintained to avoid sedimentation or erosion or excess dust; and
  - e) be maintained through the life of the use in a condition that, at a minimum, is suitable for two wheel drive vehicles.

8. Any external car parking space must:
- a) 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
  - 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**

- 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.
- Council recommends consulting Before You Dig Australia (BYDA) at [www.byda.com.au](http://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](http://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](mailto:resourceplanning@tascat.tas.gov.au)

18/2023 **CAMPBELL / REED**

“That the recommendation be accepted.”

The motion was put.

For: Woolley, Brown, Reed, Reynolds, Campbell and Gatehouse

Against: Miro Quesada and Torenus

The Motion was **CARRIED**



## 4.2 SUBDIVISION APPLICATION NO. 7.2022.32.1

<b>Applicant:</b>	Brooks Lark & Carrick Surveyors
<b>Proposal:</b>	8 Lot Subdivision Including Works Within Bally Park Road & Eastaugh Street Road Reserve
<b>Site Address:</b>	116A Bally Park Road, Dodges Ferry (CT 51501/1)
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme - Sorell</i>
<b>Application Status</b>	Discretionary
<b>Relevant Legislation:</b>	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i> and Part 3 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>
<b>Reason for SPA meeting:</b>	Subdivision creates more than one lot.

<b>Relevant Zone:</b>	Low Density Residential Zone										
<b>Proposed Use:</b>	Nil										
<b>Applicable Overlay(s):</b>	Nil										
<b>Applicable Codes(s):</b>	Road and Railway Assets Code										
<b>Valid Application Date:</b>	16/03/2023										
<b>Decision Due:</b>	4 May 2023										
<b>Discretion(s):</b>	<table border="1"> <tr> <td>1</td> <td>Lot size</td> </tr> <tr> <td>2</td> <td>Frontage</td> </tr> <tr> <td>3</td> <td>Roads</td> </tr> <tr> <td>4</td> <td>Wastewater</td> </tr> <tr> <td>5</td> <td>Traffic generation</td> </tr> </table>	1	Lot size	2	Frontage	3	Roads	4	Wastewater	5	Traffic generation
1	Lot size										
2	Frontage										
3	Roads										
4	Wastewater										
5	Traffic generation										
<b>Representation(s):</b>	One										

**RECOMMENDATION**

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2022.32.1 for a 8 Lot Subdivision Including Works Within Bally Park Road & Eastaugh Street Road Reserve at 116A Bally Park Road, Dodges Ferry be approved, subject to the following conditions:

1. Development shall generally be in accordance with the plan of subdivision dated 27 February 2023 except as may be amended by the conditions of this permit.
2. As no provision has been made for Public Open Space or improvements thereto and, having formed the opinion that such a provision should be made, Council invokes the provisions of Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and requires security equivalent of 5% of the improved value of the gross area of the subdivision.

This should be in the form of a direct payment made before the sealing of the final plan or, alternatively, in the form of security provided under Section 117 of the Act. The subdivider is to obtain a report from a Registered Valuer for the purposes of determining the improved value of the gross area of the subdivision.



**Development engineering:**

3. Prior to the commencement of works, engineering design drawings showing all work required by this planning permit, and any additional work proposed, must be prepared in accordance with the current:
  - a) Tasmanian Subdivision Guidelines
  - b) Tasmanian Municipal Standard - Specifications
  - c) Tasmanian Municipal Standard - Drawings
  - d) Any relevant council policy

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

*Advice:*

- I. The Tasmanian Subdivision Guidelines, Specification, and Drawings are available at [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au).*
  - II. Variations from the Tasmanian Subdivision Guidelines, Specifications, or Drawings may be approved at the discretion on Council's General Manager or their delegate where a clear justification exists and the alternative solution is to a no lesser quality in terms of infrastructure performance or maintenance costs over the life of the asset.*
  - III. Where there exists any conflict(s) between the Tasmanian Subdivision Guidelines, Specifications, or Drawings and this permit, any requirements of this permit shall take precedence.*
  - IV. Engineering design drawings will expire two years after their approval and will be endorsed as such.*
4. Prior to works commencing, the following fees must be paid for each stage of construction:
    - a) Engineering design drawing assessment fee;
    - b) Inspection fees for minimum estimated number of inspections

Where reassessment of engineering drawings or subsequent inspections are required, additional fees may be required.

*Advice: Where appropriate, Council fees are updated each financial year and can be found in the Sorell Council Fees and Charges schedule, available from Council.*



5. Works must not commence on site prior to the approval of engineering design drawings by the General Manager.
6. A Construction Management Plan (CMP) must be provided including, but not limited to, the following:
  - a) Traffic Management Plan
  - b) Soil and Stormwater Management Plan

All requirements of the CMP must be implemented prior to any works commencing on site.

7. Prior to works commencing, the developer must submit a Notice of Intention to Carry Out Work (available from Council) inclusive a certificate of currency for public liability insurance for the contractor and any sub-contractor.
8. Prior to sealing the final plan the following works must be completed in accordance with the endorsed engineering design drawings:
  - a) Lot connections for each lot:
    - I. Connection to the electricity network;
    - II. Connection to the telecommunication network (if available);
    - III. DN150 connection to stormwater network.
  - b) Vehicle access for each lot:
    - I. 40mm thick DG10 asphalt vehicle crossover to front boundary (6.0m minimum);
    - II. Appropriate drainage must be provided for each access and driveway to prevent runoff from leaving the property or to direct runoff into Council's roadside drains;
    - III. Minimum width of 3.6m or existing width (whichever is greater
    - IV. Each property access must be located to minimise potential conflicts with other vehicles.
  - c) Fencing:
    - I. Any existing frontage fencing not located on the correct boundary must be removed with new rural type fence installed in the correct location.
  - d) Road construction:
    - I. Eastaugh Street – sealed and drained road carriageway with a width of 6.5m (including shoulders) and 15m road reservation;
    - II. Bally Park Road – sealed and drained road carriageway with a width of 7.0m (including shoulders) and 15m road reservation;

- III. Cul-de-sac heads must be finished with 40mm thick DG10 asphalt with 9m radius and 25m road reservation;
  - IV. Street lighting with LED lamps. Developer to reimburse Council at a rate of \$625 (indexed with CPI) per LED lamp required;
  - V. Street signage and standard line marking to each intersection.
- e) Stormwater network:
- I. Unimpeded major stormwater network for a 1% AEP event;
  - II. Minor stormwater network for a 5% AEP event, including provision of any required detention to prevent downstream flooding.
- f) Natural values:
- I. Construction soil and water management plan.
- g) Rehabilitation
- I. Provision of top soil and grass or vegetation on all disturbed surfaces along with weed management measures.
9. Mandatory audit inspections are required in accordance with the Tasmanian Subdivision Guidelines. The developer must provide a minimum 48 hours' notice.
10. Works must be completed to a standard that is to the satisfaction of the Council General Manager.
11. A qualified and experienced civil engineer must supervise and certify all works in accordance with clause 21, 22, 23 and 24 of the Tasmanian Subdivision Guidelines.
12. The developer must engage Council to organise a Practical Completion inspection when practical completion of works for each stage has been reached. Upon successful completion of the inspection in accordance with clause 21 and Appendix 6 of the Tasmanian Subdivision Guidelines, Council will issue a Certificate of practical Completion, listing any minor defects identified.
13. Works are subject to a twelve (12) month Defect Liability Period commencing from the day the final plan of survey was sealed (for the applicable stage, if any) during which time all maintenance and repair of work required by this permit is the responsibility of the developer.
14. A Defect Liability Bond equal to 5% of the total construction value, and no less than \$10,000.00, must be submitted for the duration of the defect liability period.

15. Upon completion of the Defect Liability Period, the developer must engage Council to organise a Final Completion inspection in accordance with clause 24 of the Tasmanian Subdivision Guidelines. When all outstanding items listed in the Certificate of Practical Completion and subsequent defects are satisfactorily completed, Council will issue a Certificate of Final Completion. Any remaining financial security in relation to the works will be returned and Council will assume maintenance of the works.
16. Prior to sealing the final plan of survey, accurate as constructed drawings of all works undertaken must be submitted in .pdf and .dwg formats and:
  - a) be completed, and certified, by a land surveyor or civil engineer;
  - b) include the data spreadsheet available from Council completed in accordance with the 'Guidelines for As Constructed Drawings and Asset Data Collection' available from Council;
  - c) photos of all new assets;
  - d) be accurate to AHD and GDA94;
  - e) be drawn to scale and dimensioned;
  - f) include top, inlet, and outlet invert levels;
  - g) include compaction and soil test results; and
  - h) include an engineer's certificate stating that each component of the works complies with the approved engineering plans and Council standards.

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

#### General

17. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by Council's General Manager.
18. Prior to sealing any final plan, all recommendations of the bushfire hazard management plan must be complete and be certified by a suitably qualified person.
19. All land noted as roadway, footway, open space, or similar must be transferred to Council. Complete transfer documents that have been assessed for stamp duty, must be submitted with the final plan of survey.
20. To the satisfaction of Council's General Manager, the final plan of survey must include easements over all drains, pipelines, wayleaves and services. The minimum easement width for stormwater is in accordance with the Tasmanian Subdivision Guidelines.

21. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.
22. Prior to practical completion, survey pegs are to be certified correct post construction.

#### Roads

23. All roads in the subdivision must be conveyed to the Council upon the issue of the Certificate under Section 10 (7) of the *Local Government (Highways) Act 1982*. All costs involved in this procedure must be met by the person responsible.
24. Unless for a local road, service installation across an existing sealed road carriageway must be bored with a minimum cover of 1.2m. Bores for services greater than 100mm must have a pumped backfill.

#### Stormwater

25. The minor and major stormwater system must be designed and constructed to not exceed the conveyance or treatment capacity of the downstream network.

#### General Fill

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

#### Sight distance

27. The development works must include vegetation clearance and/or earthworks to achieve the minimum sight distance required by the Austroads Guide to Road Design for all existing and proposed vehicle accesses.

#### Existing Services

28. Prior to sealing the final plan of survey, all existing lot connections must be relocated to be wholly contained within the balance lot or contained within new or existing service easements to the satisfaction of Council's General Manager.

*Advice: this condition covers any existing stormwater, water, sewer, electrical, access or telecommunications infrastructure.*

29. Existing crossover(s) or lot connections, if retained, must comply with current standards.

#### Telecommunications & Power

30. Prior to sealing the final plan of survey, the developer must submit to Council either:
- a) Demonstration that the exemption from the installation of fibre ready pit and pipe notice has been completed, or
  - b) An Exemption from the installation of fibre ready pit and pipe, a “Provisioning of Telecommunications Infrastructure – Confirmation of final payment” or “Certificate of Practical Completion of Developer’s Activities” from Telstra or NBN Co.

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

31. Prior to sealing the final plan of survey, the developer must submit written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

32. Street lights must include LED lamps at the developers cost.

#### Road Widening

33. The final plan or survey must show the corners of each road intersection must be splayed or rounded by chords of a circle with a radius of not less than 6m.

#### Natural Environment & Hazards

34. No top soil is to be removed from the site.

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

#### On-site wastewater

35. A new on-site wastewater management system (OWMS) must be installed for the existing residence on lot 6. The final position of the OWMS must be to the satisfaction of the Manager of Health & Environment. All works are to be completed before the final plan of the subdivision is sealed.

## Environmental

36. All civil and building construction work associated with the development must be within the following hours:
- a) 7.00. a.m. to 7.00. p.m. from Monday to Friday;
  - b) 8.00 a.m. to 6.00 p.m on Saturdays; and
  - c) No works are permitted on Sundays or public holidays.

Approval must be obtained from the Manager Health & Environment for any works outside of these hours.

37. Airborne dust from construction works, roads, disturbed areas, storage heaps, or machinery operating on the land must not create an environmental nuisance. Areas must be dampened, covered, compacted or otherwise treated to reduce dust emissions.
38. Any soil disturbed or spread onto the land resulting from civil construction works must be compacted, revegetated and watered to allow the soil to stabilise and prevent dust being generated.
39. Any vegetation removed as part of the subdivision construction works, must not be burnt unless approval has been obtained from Councils Environmental Health Officer.

### **NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT**

- Requirements for works or other outcomes to the satisfaction of the General Manager will be delegated to the appropriate officer for determination.
- All engineering related queries should be directed to the Development Engineer. The Council General Manager has delegated functions relevant to the permit to the Development Engineer.
- Sealing of a final plan of survey is subject to a prescribed Council fee at the date of lodgement of the final plan or survey.
- Land Title Office fees must be paid directly to the Recorder of Titles.
- The final plan of survey will not be sealed until all works required by this permit are complete.
- The final plan of survey is inclusive of any schedule of easement and Part 5 Agreement.

- The developer may suggest street names. Suggestions should be received three months prior to sealing the final plan of survey and be made in writing to the General Manager. Street names must be consistent with Tasmanian Place Naming Guidelines, May 2021. Please refer to <https://nre.tas.gov.au/land-tasmania/place-naming-in-tasmania>
- 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](mailto:resourceplanning@tascat.tas.gov.au)

#### 19/2023 BROWN / GATEHOUSE

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**



#### 4.3 SORELL COUNCIL BOND POLICY REVIEW

##### RECOMMENDATION

“That Council, acting as a Planning Authority, resolves to replace the Sorell Council Bond Policy with the attached revised version.”

#### 20/2023 REED / BROWN

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

#### 4.4 SORELL COUNCIL PUBLIC OPEN SPACE POLICY REVIEW

##### RECOMMENDATION

“That Council, acting as a Planning Authority, resolves to replace the Public Open Space Policy with the attached updated version.”

#### 21/2023 CAMPBELL / GATEHOUSE

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

The Meeting closed at 5:39pm

DEPUTY MAYOR WOOLLEY  
CHAIRPERSON  
2 MAY 2023

