



# SORELL PLANNING AUTHORITY (SPA) MINUTES

24 OCTOBER 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 24 OCTOBER 2023

---

### TABLE OF CONTENTS

1.0	ATTENDANCE	3
2.0	APOLOGIES	3
3.0	CONFIRMATION OF THE MINUTES OF 3 OCTOBER 2023	3
4.0	DECLARATIONS OF PECUNIARY INTEREST	4
5.0	LAND USE PLANNING	5
5.1	DEVELOPMENT APPLICATION NO. DA 2023 / 00139 - 1	5
5.2	DEVELOPMENT APPLICATION NO. DA 2023 / 00229 - 1	9
5.3	DEVELOPMENT APPLICATION NO. DA 2023 / 00237 - 1	10
5.4	REPRESENTATIONS (NIL) ON REZONING FROM RURAL LIVING TO AGRICULTURE	12
5.5	DEVELOPMENT APPLICATION NO. DA 2023 / 00228 - 1	13

## 1.0 ATTENDANCE

^

Chairperson Mayor Vincent  
Deputy Mayor C Wooley  
Councillor M Brown – Arrived 4:37pm  
Councillor S Campbell  
Councillor J Gatehouse  
Councillor M Miro Quesada Le Roux  
Councillor M Reed  
Councillor N Reynolds  
Councillor C Torenus

Staff in attendance:

Russell Fox – Director Service Delivery  
Shane Wells – Manager Planning

## 2.0 APOLOGIES

## 3.0 CONFIRMATION OF THE MINUTES OF 3 OCTOBER 2023

### RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 3 October 2023 be confirmed.”

### 44/2023 REED / GATEHOUSE

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Wooley, Campbell, Gatehouse, Reynolds, Miro Quesada Le Roux,  
Reed and Torenus

Against: None

The Motion was **CARRIED**



## 4.0 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.

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*.

## 5.0 LAND USE PLANNING

### 5.1 DEVELOPMENT APPLICATION NO. DA 2023 / 00139 – 1

<b>Applicant:</b>	Every Dog Pty Ltd	
<b>Proposal:</b>	Dog Training & Dog Day Care Centre with associated works	
<b>Site Address:</b>	3195 Tasman Highway, Orierton (113861/1)	
<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>	
<b>Reason for DASC meeting:</b>	Four (4) representations received during public exhibition period	
<b>Relevant Zone:</b>	21.0 Agriculture	
<b>Proposed Use:</b>	Domestic Animal Breeding, Boarding or Training (dog day care and training)	
<b>Applicable Overlay(s):</b>	Waterway and coastal protection area, bushfire-prone areas, airport obstacle limitation area (152 m)	
<b>Applicable Codes(s):</b>	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code C7.0 Natural Assets Code C9.0 Attenuation Code C13.0 Bushfire-Prone Areas Code C16.0 Safeguarding of Airports Code	
<b>Valid Application Date:</b>	07/06/2022	
<b>Decision Due:</b>	31 October 2023	
<b>Discretion(s):</b>	1	21.3.1 P1 Discretionary Uses
	2	21.3.1 P2 Discretionary Uses
<b>Representation(s):</b>	Four (4) representations were received. Issues raised include: <ul style="list-style-type: none"> <li>- no significant benefit to the region;</li> <li>- noise, odour and biosecurity risk;</li> <li>- non-compliant existing structures on-site;</li> <li>- traffic movements; and</li> <li>- risk of dog escape and attack.</li> </ul>	

### RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application DA 2023 / 00139 - 1 for a Domestic Animal Breeding, Boarding or Training (day boarding and training) at 3195 Tasman Highway, Orierton (113861/1) be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans P2 submitted 21 August 2023 except as may be amended by the conditions of this permit.

**Engineering Conditions:**

2. Prior to undertaking any works in the state road reserve, an Access Permit is required from the Department of State Growth in accordance with Section 16 of the *Roads and Jetties Act 1935*.
3. Prior to commencement of use, the internal access including areas set aside for vehicle parking and manoeuvring must:
  - a. be constructed in substantial accordance with the design drawing prepared by *URBART* titled *Concept Site Plan DWG 01 REV 03* dated *20.04.2023*;
  - b. be constructed with a durable all weather pavement and have a carriageway suitable for the maximum vehicle size (i.e., dimensions and weight/load) appropriate;
  - c. have physical controls, as defined by AS/NZS 2890.1:2004, installed where required;
  - d. be drained to a Lawful Point of Discharge or retain runoff onsite such that stormwater is not concentrated onto adjoining properties;
  - e. have a 2% cement stabilised and compacted surface layer that is constructed and maintained, to resist moisture infiltration, erosion, sedimentation transportation, and dust generation; and
  - f. be maintained through the life of their use to be in a condition that at a minimum is suitable for two-wheel drive vehicles.
4. Prior to first use, at least seven (7) car parking spaces must be provided on site and must be available for car parking at all times, with:
  - a. Five (5) car parking spaces dedicated for employee parking;
  - b. Two (2) car parking spaces dedicated for visitor parking;
  - c. All external car parking spaces being at least 5.4m long and 2.6m wide with an additional 0.3m clearance from any nearby wall, fence, or other structure;
  - d. A gradient of 1 in 20 (5%) measured parallel to the angle of parking and 1 in 16 (6.25%) in any other direction; and
  - e. Appropriate signposting for, entry to parking area, reservation for employee parking and reservation of visitor parking.

5. All works determined as required by this permit, shall be performed and completed by the developer, at the developer's cost and expense, to a standard that is to the absolute satisfaction of Council's General Manager.

**Environmental Health Conditions:**

6. Sufficient and suitable fencing must be erected and maintained around the dog exercise area to prevent dogs entering neighbouring properties. If at any time the fence is damaged or is insufficient, the activity must cease until suitable fencing and gates are provided/repaired.
7. A minimum 1.8m high gate must be installed at the entry of the fenced dog exercise area designed to prevent dogs escaping under or over.
8. When dogs are arriving at or leaving the property they must be loaded and unloaded from vehicles within a fully fenced area, suitable to prevent dogs escaping.
9. All dog faeces must be managed to the satisfaction of the Manager Health & Compliance to prevent offensive odours to neighbouring properties.

**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.
- 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.
- Application for a Department of State Growth Access Permits can be found at [https://www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings](https://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings).
- Council recommends consulting Before You Dig Australia (BYDA) at [www.byda.com.au](http://www.byda.com.au) before undertaking any works.

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)

**45/2023 CAMPBELL / WOOLLEY**

“That the recommendation be accepted.”

The motion was put.

For: None

Against: Vincent, Wooley, Brown, Campbell, Gatehouse, Reynolds, Miro Quesada Le Roux, Reed and Torenus

The Motion was **LOST**

Shane Wells, Manager Planning requested his signature is removed from item 5.1, page 17, as the author of the report was Emma Riley, Consultant Planner.



## 5.2 DEVELOPMENT APPLICATION NO. DA 2023 / 00229 - 1

<b>Applicant:</b>	Pinnacle Drafting and Design	
<b>Proposal:</b>	Dwelling & Outbuilding	
<b>Site Address:</b>	4 Cootamundra Court, Dodges Ferry (CT 49314/17)	
<b>Planning Scheme:</b>	<i>Tasmania 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>	
<b>Reason for SPA meeting:</b>	More than one representation received.	
<b>Relevant Zone:</b>	Low Density Residential	
<b>Proposed Use:</b>	Residential	
<b>Applicable Overlay(s):</b>	Airport obstacle limitation area; Southern Beaches On-site Wastewater and Stormwater Management Code	
<b>Applicable Codes(s):</b>	Parking and Sustainable Transport	
<b>Valid Application Date:</b>	23 August 2023	
<b>Decision Due:</b>	<b>27 October 2023</b>	
<b>Discretion(s):</b>	1	Frontage setback
	2	Side setback
	3	Construction of parking areas
	4	Onsite wastewater management
	5	Onsite stormwater management
<b>Representation(s):</b>	Two	

### RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2023.229.1 for a Dwelling & Outbuilding at 4 Cootamundra Court, Dodges Ferry be refused for the following reasons:

1. The proposal does not comply with clause 10.4.3 A2 and does not satisfy clause 10.4.3 P2 as the siting of the outbuilding will cause an unreasonable loss of amenity to adjoining properties through a building mass and form that:
  - a. will visually dominant areas of private open space on adjoining land;
  - b. is inconsistent with the character of development existing on established properties in the area which lack large and proximately sited structures.

### ADVICE:

- You may appeal against the 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](mailto:resourceplanning@tascat.tas.gov.au)



46/2023 REED / BROWN

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

### 5.3 DEVELOPMENT APPLICATION NO. DA 2023 / 00237 - 1

<b>Applicant:</b>	M J Spillane
<b>Proposal:</b>	Increase of Trading Hours
<b>Site Address:</b>	136 Carlton Beach Road, Dodges Ferry
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme - Sorell</i>
<b>Application Status</b>	Discretionary
<b>Relevant Legislation:</b>	Section 56 / Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
<b>Reason for SPA meeting:</b>	More than one representation received.
<b>Relevant Zone:</b>	Local Business
<b>Proposed Use:</b>	Food Services
<b>Applicable Overlay(s):</b>	Nil
<b>Applicable Codes(s):</b>	Nil
<b>Valid Application Date:</b>	29 August 2023
<b>Decision Due:</b>	27 October 2023
<b>Discretion(s):</b>	1
	2
<b>Representation(s):</b>	Two

#### RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2023.237.1 for an Increase of Trading Hours at 136 Carlton Beach Road, Dodges Ferry be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 14 September 2022 except as may be amended by the conditions of this permit.

**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](mailto:resourceplanning@tascat.tas.gov.au)

**47/2023 BROWN / CAMPBELL**

“That the recommendation be accepted.”

The motion was put.

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

Against: Reed, Miro Quesada Le Roux and Torenus

The Motion was **CARRIED**

**5.4 REPRESENTATIONS (NIL) ON REZONING FROM RURAL LIVING TO AGRICULTURE  
NO. DA 2023 / 00154 - 1**

Proposal:	Rezoning to Agriculture Zone
Site Address:	680 Nugent Road , Wattle Hill (CT 17314/5)
Planning Scheme:	<i>Tasmanian Planning Scheme Sorell (TPS-S)</i>
Relevant Legislation:	Part 3B of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	No delegated authority for a planning scheme amendment

**RECOMMENDATION**

1. That pursuant to Section 40K of the Land Use Planning and Approvals Act 1993, the Planning Authority advises the Tasmanian Planning Commission that:
  - a. No representations were received;
  - b. Amendment AM-SOR-5-2023-154-1 be expanded to the associated removal of the Priority Vegetation Area overlay in accordance with the section 8A guidelines.

**48/2023 CAMPBELL / GATEHOUSE**

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

## 5.5 DEVELOPMENT APPLICATION NO. DA 2023 / 00228 - 1

<b>Applicant:</b>	Tas Building Design Pty Ltd										
<b>Proposal:</b>	Dwelling										
<b>Site Address:</b>	20 Eularminner Street, Carlton (CT 215797/1)										
<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>										
<b>Reason for SPA meeting:</b>	More than one representation received.										
<b>Relevant Zone:</b>	Low Density Residential										
<b>Proposed Use:</b>	Residential										
<b>Applicable Overlay(s):</b>	Coastal Inundation Hazard Area; Southern Beaches Onsite Wastewater and Stormwater Management Specific Area Plan										
<b>Applicable Codes(s):</b>	Parking and Sustainable Transport										
<b>Valid Application Date:</b>	22 August 2023										
<b>Decision Due:</b>	27 October 2023										
<b>Discretion(s):</b>	<table border="1"> <tr> <td>1</td> <td>Front setback</td> </tr> <tr> <td>2</td> <td>Side setbacks</td> </tr> <tr> <td>3</td> <td>Construction of parking</td> </tr> <tr> <td>4</td> <td>Onsite wastewater management</td> </tr> <tr> <td>5</td> <td>Onsite stormwater management</td> </tr> </table>	1	Front setback	2	Side setbacks	3	Construction of parking	4	Onsite wastewater management	5	Onsite stormwater management
1	Front setback										
2	Side setbacks										
3	Construction of parking										
4	Onsite wastewater management										
5	Onsite stormwater management										
<b>Representation(s):</b>	Four										

### RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 5.2023.228.1 for a Dwelling at 20 Eularminner Street, Carlton be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 12 September 2022 except as may be amended by the conditions of this permit.
2. External lighting for any purpose must be located, designed and baffled to ensure that no direct light is emitted outside the site.

#### *On-site wastewater*

3. At least 20m<sup>2</sup> of land must be reserved on-site for wastewater treatment which is located at least 1.5m from all other boundaries.
4. Driveways, parking areas, impervious sealing and buildings are not permitted in the area reserved for wastewater treatment.

5. An aerated wastewater treatment system (or equivalent) must be used for wastewater treatment, which discharges into a raised absorption area.

**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](mailto:resourceplanning@tascat.tas.gov.au)

**49/2023 BROWN / CAMPBELL**

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

Meeting Closed at 5:45pm

**MAYOR VINCENT  
CHAIRPERSON  
24 OCTOBER 2023**

