



SORELL PLANNING AUTHORITY (SPA) MINUTES

9 APRIL 2024

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 9 APRIL 2024

TABLE OF CONTENTS

1.0	ATTENDANCE	3
2.0	APOLOGIES	3
3.0	CONFIRMATION OF THE MINUTES OF 26 MARCH 2024	3
4.0	DECLARATIONS OF PECUNIARY INTEREST	4
5.0	LAND USE PLANNING	4
5.1	SUBDIVISION APPLICATION NO. 7.2023.19.1	4

1.0 ATTENDANCE

^
Deputy Mayor C Wooley
Councillor B Nichols
Councillor S Campbell
Councillor J Gatehouse
Councillor M Reed
Councillor C Torenus
Robert Higgins, General Manager

Staff in attendance:

Shannon McCaughey – Senior Planner
Jenny Richmond – Planning Officer
Eswaren Shanmugam – Development Engineer

2.0 APOLOGIES

Chairperson Mayor Vincent – current State Upper House election candidate
Councillor M Miro Quesada Le Roux
Councillor N Reynolds

3.0 CONFIRMATION OF THE MINUTES OF 26 MARCH 2024

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 26 March 2024 be confirmed.”

13/2024 CAMPBELL / REED

“That the recommendation be accepted.”

The motion was put.

For: Woolley, Nichols, Campbell, Gatehouse, Reed and Torenus

Against: None

The Motion was **CARRIED**



4.0 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*.

5.0 LAND USE PLANNING

5.1 SUBDIVISION APPLICATION NO. 7.2023.19.1

Applicant:	Rogerson & Birch Surveyors
Proposal:	Six Lot Subdivision
Site Address:	40 Erle Street, Carlton River (CT 113113/1)
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:	Subdivision creates more than one lot.

Relevant Zone:	Clause 10.0 Low Density Residential										
Proposed Use:	Six lot subdivision - Residential										
Applicable Overlay(s):	SOR-2.0 Southern Beaches On-site Waste Water and Stormwater Management Specific Area Plan										
Applicable Codes(s):											
Valid Application Date:	27 October 2023										
Decision Due:	23 April 2024										
Discretion(s):	<table border="1"> <tr> <td>1</td> <td>10.6.1 A1 – Lot Design (Size)</td> </tr> <tr> <td>2</td> <td>10.6.1 A2 – Lot Design (Frontage)</td> </tr> <tr> <td>3</td> <td>10.6.3 A2 – Services (Reticulated Sewerage System)</td> </tr> <tr> <td>4</td> <td>10.6.3 A3 – Services (Public Stormwater System)</td> </tr> <tr> <td>5</td> <td>C12.7.1 A1 - Subdivision within a flood-prone hazard area</td> </tr> </table>	1	10.6.1 A1 – Lot Design (Size)	2	10.6.1 A2 – Lot Design (Frontage)	3	10.6.3 A2 – Services (Reticulated Sewerage System)	4	10.6.3 A3 – Services (Public Stormwater System)	5	C12.7.1 A1 - Subdivision within a flood-prone hazard area
1	10.6.1 A1 – Lot Design (Size)										
2	10.6.1 A2 – Lot Design (Frontage)										
3	10.6.3 A2 – Services (Reticulated Sewerage System)										
4	10.6.3 A3 – Services (Public Stormwater System)										
5	C12.7.1 A1 - Subdivision within a flood-prone hazard area										
Representation(s):	Nil.										

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2023.19.1 for a Six Lot Subdivision at 40 Erle Street, Carlton River 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:
 - a) P1 (bushfire hazard report dated September 2023)
 - b) P1 (geotechnical assessment dated 4 July 2023)
 - c) P1 (plan of subdivision dated 2 October 2023)
 - d) P2 (flood hazard report dated 1 February 2024)
2. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by the General Manager.
3. Prior to sealing the final plan of survey a cash contribution in lieu of public open space equal to 5% of the value of 3 lots must be made to Sorell Council. The valuation is to be determined at the date of lodgement of the final plan by an independent registered land valuer, at the subdivider's expense, and the valuation report is to be provided to Council.
4. 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 an Independent Registered Valuer for the purposes of determining the improved value of the gross area of the subdivision. The date to which the valuation is to be done must be within 3 months of the date of lodgement of the Final Plan of subdivision. Please refer to Council's Open Space Policy for valuation requirements.

5. The Flood Hazard Report prepared by JMG dated 01 February 2024 forms part of this Permit and the measures contained must be implemented in relation to any future and established development on the lots.
6. The Bushfire Hazard Management Plan prepared by GES dated September 2023 forms part of this Permit and the measures contained with the Plan must be implemented prior to sealing the final plan of survey.

On-site wastewater

7. 150m² of land for the application of wastewater must be designated on the final plan of lot 3 on the northern part of the lot due to the flood inundation zone over the majority of the lot. The final position of the OWMS must be to the satisfaction of the Environmental Health Officer. All works are to be completed before the final plan of the subdivision is sealed.



Environmental

8. 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 Environmental Health Officer for any works outside of these hours.

9. Airborne dust from construction works, 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.
10. Any soil disturbed or spread onto the land resulting from civil construction works must be free of weeds, compacted, revegetated and watered to allow the soil to stabilise and prevent dust being generated.
11. Any vegetation removed as part of the subdivision construction works, must not be burnt unless approval has been obtained from Councils Environmental Health Officer. All vegetation to be mulched and chipped onsite.

Engineering

12. Prior to the commencement of works, detailed 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, and
 - d) Any Council policy determined as relevant.

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, Specifications, and Drawings are available at 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 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.*
13. Prior to works commencing, the following fees must be paid for each stage of construction:
- a) Engineering design drawing assessment fee, and
 - 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.*
14. Works must not commence on site prior to the approval of engineering design drawings by the General Manager.
15. A Construction Management Plan (CMP) must be provided including, but not limited to, the following:
- a) Traffic Management Plan, and
 - b) Soil and Stormwater Management Plan.
- All requirements of the CMP must be implemented prior to any works commencing on site.
16. Prior to works commencing, the developer must submit a Notice of Intention to Carry Out Work (available from Council) inclusive of a certificate of currency for public liability insurance for the contractor and any sub-contractor.
17. 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, and
 - II. Connection to the telecommunication network (if available)
 - b) Vehicle access for each lot;
 - I. 40mm thick DG10 asphalt vehicle crossover to front boundary (6.0m minimum) for lot 1, 2 & 6,

- II. Sealed vehicle driveway over the access strip, up to lot proper, for lot 3, 4 & 5 with a sealed traffic width and drained carriageway (including shoulders),
 - III. Minimum width of 4.0m where bushfire prone,
 - IV. Appropriate drainage infrastructure must be provided for each access and driveway to prevent runoff from leaving the property, or direct runoff into Council's roadside drains, and
 - V. Each property access must be located to minimise potential conflicts with vehicles and other road users.
- 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, and
 - II. Gates must be installed at each new property access and set back to allow vehicles to stop clear of traffic lanes, minimum of 6.0m from edge of seal.
- d) 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, and
 - III. Required upgrades to Public Infrastructure downstream.
- e) Natural values;
- I. Construction soil and water management plan.
- f) Rehabilitation;
- I. Provision of top soil and grass or vegetation on all disturbed surfaces along with weed management measures.
18. Mandatory audit inspections are required in accordance with the Tasmanian Subdivision Guidelines. The developer must provide a minimum 48 hours' notice.
19. Works must be completed to a standard that is to the satisfaction of the Council General Manager.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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.
25. 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

26. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by Council's General Manager.
27. 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.
28. 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.



29. The final plan of survey must include easements over all drains, pipelines, wayleaves and services, to the satisfaction of Council's General Manager. The minimum easement width for stormwater is in accordance with the Tasmanian Subdivision Guidelines.
30. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.
31. Prior to practical completion, survey pegs are to be certified correct post construction.

Roads

32. 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.
33. 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

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

Fill

35. 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

36. 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

37. 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.

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

Telecommunications & Power

39. 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>

40. 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.
41. Street lights must include LED lamps at the developer’s cost.

Road Widening

42. 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

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

Advice:

This condition is to minimise the spread of weeds from the site.



NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- Council recommends consulting Before You Dig Australia (BYDA) at www.byda.com.au before undertaking any works.

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.
- 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.

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.

Generally

- 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 is inclusive of any schedule of easement and Part 5 Agreement.
- The final plan of survey will not be sealed until all works required by this permit are complete. On lodgement of the final plan of survey, inspections will be undertaken, unless otherwise advised by the developer, and additional inspection fees will apply to incomplete or substandard 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

14/2024 CAMPBELL / GATEHOUSE

“That the recommendation be accepted.”

The motion was put.

For: Woolley, Nichols, Campbell, Gatehouse and Torenus

Against: None

The Motion was **CARRIED**

Meeting Closed at 4.42pm

**DEPUTY MAYOR WOOLLEY
CHAIRPERSON
9 APRIL 2024**

