



SORELL PLANNING AUTHORITY (SPA) MINUTES

11 JUNE 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 11 JUNE 2024

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1.0 ATTENDANCE

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Deputy Mayor C Wooley
Councillor B Nichols
Councillor S Campbell
Councillor J Gatehouse
Councillor M Miro Quesada Le Roux – arrived at 4.31pm
Councillor M Reed
Robert Higgins, General Manager

Staff in attendance:

Shane Wells – Manager Planning
Shannon McCaughey – Senior Planner
Eswaren Shanmugam – Development Engineer

2.0 APOLOGIES

Councillor N Reynolds
Councillor C Torenus

3.0 CONFIRMATION OF THE MINUTES OF 28 MAY 2024

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 28th May 2024 be confirmed.”

21/2024 REED / GATEHOUSE

“That the recommendation be accepted.”

The motion was put.

For: Woolley, Nichols, Campbell, Gatehouse, Miro Quesada Le Roux and Reed

Against: None

The Motion was **CARRIED**



4.0 DECLARATIONS OF PECUNIARY INTEREST

Deputy Mayor Woolley 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. SA 2024 / 4 - 1

Applicant:	Ireneinc Planning And Urban Design Obo Annecy Group Pty Ltd
Proposal:	Sixteen Lot Subdivision including works within the road reserve
Site Address:	9 Valleyfield Road, Sorell, 123 Rosendale Road, Sorell & including Valleyfield Road Reserve (CT179945/2 & CT130391/2)
Planning Scheme:	Tasmanian Planning Scheme – Sorell
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:	Rural Living Zone												
Proposed Use:	N/A												
Applicable Overlay(s):	Waterway & Coastal Protection Area Overlay												
Applicable Codes(s):	C2.0 Road and Rail Assets Code C7.0 Natural Assets Code C13.0 Bushfire Prone Area Code C16.0 Safe Guarding Airports Code												
Valid Application Date:	07 February 2024												
Decision Due:	18 June 2024												
Discretion(s):	<table border="1"> <tr> <td>1</td> <td>11.5.1 A1 Lot Design</td> </tr> <tr> <td>2</td> <td>11.5.1 A2 Frontage</td> </tr> <tr> <td>3</td> <td>C7.6.1 A1 Natural Assets Code</td> </tr> <tr> <td>4</td> <td>C7.6.1 A3 Natural Assets Code</td> </tr> <tr> <td>5</td> <td>C7.7.1 A1 Natural Assets Code</td> </tr> <tr> <td>6</td> <td>C16.7.1 A1 Safeguarding of Airports Code</td> </tr> </table>	1	11.5.1 A1 Lot Design	2	11.5.1 A2 Frontage	3	C7.6.1 A1 Natural Assets Code	4	C7.6.1 A3 Natural Assets Code	5	C7.7.1 A1 Natural Assets Code	6	C16.7.1 A1 Safeguarding of Airports Code
1	11.5.1 A1 Lot Design												
2	11.5.1 A2 Frontage												
3	C7.6.1 A1 Natural Assets Code												
4	C7.6.1 A3 Natural Assets Code												
5	C7.7.1 A1 Natural Assets Code												
6	C16.7.1 A1 Safeguarding of Airports Code												
Representation(s):	One (1)												



RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2024.4.1 for a Sixteen Lot Subdivision including works within the road reserve at 9 Valleyfield Road, Sorell, 123 Rosendale Road, Sorell & including Valleyfield Road Reserve be approved, subject to the following conditions:

General

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) P3 (traffic impact assessment from SALT dated 04 December 2023);
 - b) P3 (onsite wastewater assessment from Integral Consulting Engineers dated 01 February 2024);
 - c) P3 (noise assessment report dated 27 November 2023);
 - d) 5 (stormwater assessment report from Stephen Cole dated 10 April 2024);
 - e) P5 (planning assessment from Ireneinc Planning dated 8 February 2024);
 - f) P5 (bushfire hazard management report from GES dated 12 April 2024);
 - g) P7 (engineering plans from Integral Consulting Engineers dated 9 April 2024); and
 - h) P7 (subdivision plan from Leary & Cox dated 18 April 2024).
2. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by the General Manager.
3. 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 4% of the improved value of 1 to 8 (inclusive) and lots 10-15 (inclusive).

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.

4. 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.
5. 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.
6. 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.
7. Covenants or other restrictions must not conflict with, or seek to override, provisions of the planning scheme.

TasNetworks

8. The existing power lines and associated easements must be relocated to an alignment agreed with TasNetworks, such that no dwellings or unapproved structures are contained within the new easement.

Development Engineering

Design

9. Prior to any works commencing for each approved stage of the subdivision, engineering design drawings showing all work required by this planning permit must be prepared in substantial accordance with the latest:
 - a) Tasmanian Subdivision Guidelines,
 - b) Tasmanian Municipal Standard Specifications,
 - c) Tasmanian Standard Drawings, and
 - d) Any other document standard, specification, guideline or policy advised as relevant by Council.

The engineering 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, Municipal Standard Specifications, and Standard Drawings are available at www.lgat.tas.gov.au.



- II. Variations from the above listed or subsequently advised documents may be approved at the discretion of Council's General Manager or their delegate where a clear justification exists and the alternative solution is of no lesser quality, in terms of infrastructure performance or maintenance costs over the life of the asset.
 - III. Where there exists conflicts between the above listed or subsequently advised documents, the requirements of this planning permit may be advised to take precedence.
10. Prior to any works commencing for each approved stage of the subdivision, the following Council Fees and Charges must be paid:
- a) Engineering Design Drawing Checking Fee at 1% of the construction costs or the minimum amount (whichever is higher), and
 - b) Inspection Fee for the estimated minimum number of inspections.

In the event re-checking of engineering design drawings or additional inspections are required, the Council Fees and Charges may be applied accordingly.

Advice:

- I. The engineering design drawings checked and stamped by Council will expire on two (2) years from the date of issue.
 - II. Council Fees and Charges are updated each financial year and can be found in the Sorell Council Fees and Charges schedule, available from Council.
11. Prior to any works commencing, the Council's General Manager or their delegate must issue a Council stamped set of the engineering design drawings.
12. Prior to Council accepting a Notice of Intention to Carry Out Work, a Construction Management Plan (CMP) prepared by a suitably qualified person must be provided to Council. The CMP must include but is not limited to the following:
- a) A Traffic Management Plan,
 - b) A Weed Management Plan,
 - c) A Construction Environmental Management Plan,
 - d) A Planting Maintenance Plan, and
 - e) A Soil and Water Management Plan.

All requirements of the CMP provided must be fully implemented prior to commencement of works.

Advice: The Soil and Water Management Plan must be prepared in accordance with the Tasmanian Subdivision Guidelines' Clause 16 – Erosion and Sediment Control during Construction.

13. Prior to any works commencing, the developer must submit a Notice of Intention to Carry Out Work and be advised of its acceptance by the Council's General Manager or their delegate. The submission must include a Certificate of Currency for public liability insurance for the head contractor and any sub-contractor(s).

Works Required

14. Prior to Council sealing the Final Plan of Survey for each approved stage of the subdivision, the following works must be completed:
 - a) Service connections for each lot provided to the;
 - I. Electricity network,
 - II. Telecommunication network (if available), and
 - III. Public Stormwater System (where available).
 - b) Vehicular access for each internal lot must;
 - I. Be constructed up to each lot proper with a durable all-weather pavement,
 - II. Have gradients, widths, and clearances that comply with AS 2890 – Parking facilities, Parts 1-6,
 - III. Have stormwater drainage provisions constructed to direct runoff appropriately, and
 - IV. Terminate with a standard arrangement turning head.
 - c) A fully constructed vehicular crossing for each lot constructed;
 - I. With 40mm thick DG10 asphalt from the edge of road seal up to the property boundary or 6.0m (whichever is greater),
 - II. With a sealed pavement carriageway width no less than 3.6m,
 - III. With a Class 4 Ring Rubber Jointed Reinforced Concrete Pipe culvert of a pipe size no less than the final design specification, with standard headwalls and guide posts,
 - IV. With stormwater drainage provisions that direct runoff appropriately, and
 - V. In a location which provides sufficient sight distance between road users and minimises potential user conflicts.

- (d) Fencing for each lot;
 - I. Not located on the correct property boundary must be removed and replaced with new fencing installed along the correct property boundary, and
 - II. Must have property access gates installed and setback at a distance no less than 6.0m from the edge of road seal to allow vehicles to stand clear of traffic lanes.

 - (e) Roads constructed must;
 - I. Have a sealed traffic width no less than 5.5m (not including shoulders and verge),
 - II. Have a minimum road reservation width no less than 18m,
 - III. Drain stormwater from the road reservation into formed roadside table drains constructed as per the final design specifications,
 - IV. Have Ring Rubber Jointed Reinforced Concrete Pipe culverts of pipe sizes and classes no less than the final design specifications, with standard headwalls and guideposts,
 - V. Have standard physical controls or other protective devices installed where required, such as roadside safety barriers or guardrails, and
 - VI. Have standard street signage, line marking and pavement markings installed at each road intersection.

 - (f) Drainage system;
 - I. For a Major Stormwater System which can achieve safe conveyance of stormwater runoff and appropriate flood mitigation for a 1% AEP event.
 - II. For a Minor Stormwater System for a 5% AEP event which has regard for convenience, safety and cost,
 - III. With its major drainage network aligned within the road and public reserves, unless otherwise approved by Council, and
 - IV. With sufficient receiving capacity to drain the road and all land draining onto the road without undue inundation of any properties.

 - (g) Rehabilitation and Remediation;
 - I. Appropriate stabilisation or protection measures shall be required within the road reservation for all works found to be loose (detachable) or insecure (unprotected), including embankment or batter structures constructed, ground surfaces disturbed, or earthworks performed such as excavation or filling.
15. Council Audit Inspections are mandated as per the Tasmanian Subdivision Guidelines. The developer must contact Council to organise each audit inspection required with a minimum of 48 hours' notice.

16. Works must be completed to a standard that is to the satisfaction of the Council's General Manager.

Roads

17. 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.
18. 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.

Road Widening

19. 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.

Sight Distance

20. 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.

Stormwater

21. 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

22. 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.

Supervision

23. A suitably 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.
24. The developer must engage Council to organise a Practical Completion inspection when works for each stage have reached practical completion.

Upon successful completion of the audit 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 and outstanding works identified.

25. Works certified as practically completed are subject to a Twelve (12) month Defects Liability Period commencing from the date which a Defects Liability Bond is lodged with Council for the applicable stage. During the Defects Liability Period, all maintenance costs and works shall be the responsibility of the developer.
26. A Defect Liability Bond equal to 5% of the construction costs, and no less than \$10,000.00, without expiry, must be lodged a financial security with Council prior to commencement of the Defects Liability Period.
27. Upon conclusion of the Defects Liability Period, the developer must engage Council to organise a Final Inspection & Hand-over audit, in accordance with Clause 24 of the Tasmanian Subdivision Guidelines. When all items listed in the Certificate of Practical Completion, and any subsequent defects identified, have all been attended to satisfactorily, Council will issue a Certificate of Final Completion and assume maintenance of the works, and arrange the return of any remaining financial security in due course.

As Constructed

28. Prior to Council sealing the Final Plan of Survey for any approved stage of the subdivision, accurate As Constructed drawings of all works completed must be submitted in .pdf and .dwg formats and:
 - a. Be completed and certified by a suitably qualified 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. Include photos of all newly constructed assets,
 - d. Be accurate to AHD and GDA94,
 - e. Be drawn to scale and dimensioned,
 - f. Include the top, inlet and outlet levels for assets,
 - g. Include compaction and soil test results (if required), and
 - h. Include certification from a suitably qualified and experienced civil engineer, stating that the works have been completed in accordance with the engineering design drawings stamped by Council.

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

29. Prior to practical completion, survey pegs are to be certified correct post construction.

Existing Services

30. 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.

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

Telecommunications & Power

32. 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>

33. 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.
34. Street lights must include LED lamps at the developers cost. The developer shall reimburse Council at a rate of \$625 (indexed with CPI) per LED lamp required.

Environmental Health

35. 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.
36. Approval must be obtained from the Manager Health & Compliance 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

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

22/2024 CAMPBELL / NICHOLS

“That the recommendation be accepted.”

An amended motion was moved to include an additional advice clause as per:

Consideration of stormwater discharge velocity, quality and quantity must be incorporated in the engineering design and in particular with regard to 7 Valleyfield Road, Sorell.

23/2024 GATEHOUSE / REED

The amended motion was put.

For: Woolley, Nichols, Campbell, Gatehouse, Miro Quesada Le Roux and Reed

Against: None

The amended Motion was **CARRIED**

An amended motion was moved for condition 3 to increase the public open space contribution to 5% as per:

3. 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 1 to 8 (inclusive) and lots 10-15 (inclusive).

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.

24/2024 REED / MIRO QUESADA LE ROUX

The amended motion was put.

For: Woolley, Nichols, Campbell, Gatehouse, Miro Quesada Le Roux and Reed



Against: None

The amended Motion was **CARRIED**

The motion as amended was put.

For: Woolley, Nichols, Campbell, Gatehouse, Miro Quesada Le Roux and Reed

Against: None

The Motion was **CARRIED**

5.2 REPORT ON REPRESENTATIONS RECEIVED FOR DRAFT PLANNING SCHEME AMENDMENT AM-SOR-5.2024.1.1 – WATERWAY OVERLAY

Applicant:	Sorell Council
Proposal:	Update Waterway and Coastal Protection Area Overlay
Site Address:	Whole of LGA
Planning Scheme:	<i>Tasmanian Planning Scheme Sorell (TPS-S)</i>
Relevant Legislation:	Section 40K of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Representations received for a planning scheme amendment
Decision Due:	35 days after public exhibition ends
Representation(s):	Two

RECOMMENDATION

- a) That pursuant to Section 40K of the *Land Use Planning and Approvals Act 1993*, the Planning Authority provides the Tasmanian Planning Commission with the following report in relation to the public exhibition of draft amendment AM-SOR-2024.1.1 to the Sorell Local Provisions Schedule.

25/2024 REED / CAMPBELL

“That the recommendation be accepted.”

The motion was put.

For: Woolley, Nichols, Campbell, Gatehouse, Miro Quesada Le Roux and Reed

Against: None

The Motion was **CARRIED**

Meeting Closed at 5.16pm

DEPUTY MAYOR

CHAIRPERSON

11 JUNE 2024

