



SORELL PLANNING AUTHORITY (SPA) MINUTES

6 AUGUST 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 6 AUGUST 2024**

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1.0 ATTENDANCE

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Chairperson Mayor Gatehouse
Deputy Mayor C Wooley – Arrived 4:48pm
Councillor B Nichols
Councillor S Campbell
Councillor M Larkins
Councillor M Miro Quesada Le Roux
Councillor M Reed
Councillor N Reynolds
Councillor C Torenus
Robert Higgins, General Manager

Staff in attendance:

Shane Wells – Manager Planning
Shannon McCaughey – Senior Planner

2.0 APOLOGIES

3.0 CONFIRMATION OF THE MINUTES OF 18 JUNE 2024

RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 18 June 2024 be confirmed.”

31/2024 **REED / TORENIUS**

The motion was put.

For: Gatehouse, Nichols, Campbell, Larkins, Miro Quesada Le Roux, Reed, Reynolds and Torenus

Against: None

The amended 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.

Councillor Campbell declared a non-pecuniary interest on the basis that if Item 5.1 is approved it could trigger conveyancing work and the Councillor owns a conveyancing business.



Councillor Campbell further declared she will remain in the room as the potential benefit is hypothetical and does not influence her ability to remain impartial.

Councillor Campbell also relies on the exemption under S.52(2)(c) of the Local Government Act 1993.

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. DA 2023 / 9 - 1

Applicant:	PDA Pty Ltd
Proposal:	Eight Lot Subdivision
Site Address:	16-42 Arthur Highway, Dunalley including works to the Arthur Highway road reservation (CT 206181/1)
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</i> (LUPAA) & Part 3 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> (LGBMP).
Reason for SPA meeting:	Subdivision creates more than one lot. More than one representation received.

Relevant Zone:	Rural Living Zone
Proposed Use:	N/A
Applicable Overlay(s):	Bushfire-Prone Area, Flood Hazard Area
Applicable Codes(s):	Road & Rail Assets
Valid Application Date:	22 March 2024
Decision Due:	2 August 2024
Discretion(s):	1 Frontage 2 New road 3 Onsite wastewater management 4 Traffic 5 Flood
Representation(s):	Three

RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2023.9.1 for an Eight Lot Subdivision at 16-42 Arthur Highway, Dunalley including works to the Arthur Highway road reservation 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 - planning assessment from PDA dated May 2023;
 - b) P1 - bushfire hazard report from GES dated June 2023;
 - c) P3 - Letter from PDA regarding stormwater management dated 5 October 2023 inclusive of preliminary engineering designs;
 - d) P3 - Letter from PDA regarding traffic dated 16 May 2024;
 - e) P3 - Traffic impact assessment from TCS dated 11 December 2023; and
 - f) P3 - Proposal plan from PDA dated 9 June 2023.
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 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.

4. Staging must be in accordance with the endorsed plans and documents unless otherwise agreed to in writing by Council's General Manager.
5. 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.
6. 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.
7. 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.

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

Design and Construction

10. 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.*
 - ii. *Variations from the Tasmanian Subdivision Guidelines, Specifications, or Drawings may be approved at the discretion of 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.*
11. 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.

12. Works must not commence on site prior to the approval of engineering design drawings by the General Manager.
13. 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.

14. 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.
15. 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).

- b) Vehicle access for each lot:

- I. 40mm thick DG10 asphalt vehicle crossover to front boundary (6.0m minimum);
- II. Sealed vehicle driveway over the access strip for lot 5;
- III. Minimum width of 4.0m for bushfire-prone area;
- IV. Each property access must be located to minimise potential conflicts with other vehicles.

- c) Fencing and gates:

- I. Any existing frontage fencing not located on the correct boundary must be removed with new rural type fence installed in the correct location;
- 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) Road construction:

- I. Sealed and drained road carriageway with a 7m wide seal width (including shoulders) and 18m road reservation (or wider reservation if necessary to accommodate stormwater quantity or quality treatment measures);
- II. Cul-de-sac heads must be finished with 40mm thick DG10 asphalt with 12m radius contained within suitable road reservation;
- III. Junction design to the satisfaction of the road authority;

- IV. 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:
 - Check dams or equivalent to reduce velocities where the swale exceeds 4%;
 - Detention to ensure post-development volumes do not exceed pre-development volumes;
 - Velocity dissipation measures within the subdivision site to ensure no increase in velocities to receiving waters above pre-subdivision conditions.
- 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.
16. Mandatory audit inspections are required in accordance with the Tasmanian Subdivision Guidelines. The developer must provide a minimum 48 hours' notice.
17. Works must be completed to a standard that is to the satisfaction of the Council General Manager.
18. 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.
19. 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.
20. 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.
21. 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.

22. 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.

As Constructed

23. 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.

State Road Indemnity

24. Prior to the commencement of any works associated with this permit the developer must obtain the consent of the Minister administering the *Roads and Jetties Act 1935* in accordance with Section 84 (1) (c) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*. This must include an indemnity for the Crown against any claim which may arise from an increase in the water flowing away from or under the State Road, or its rate of flow, by reason of the works approved by this permit.

Advice: Please contact Transport Services within the Department of State Growth.

Roads

25. 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.



26. The new intersection of Arthur Highway and the proposed road must be constructed in accordance with any Department of State Growth requirements.
27. 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

28. The minor and major stormwater system must be designed and constructed to not exceed the conveyance or treatment capacity of the downstream network. Stormwater calculations will need to be revised with appropriate parameters for roughness in consultation with Council's development engineer.

Sight distance

29. The development must undertake vegetation clearance and/or earthworks to achieve the minimum sight distance specified in the planning scheme for the junction and all existing and proposed vehicle accesses.

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/policylisting/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.

Road Widening

35. 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.

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

- 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.

Street Naming

- 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>

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

32/2024 LARKINS / CAMPBELL

The motion was put.

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

Against: Miro Quesada Le Roux

The motion was **CARRIED**

Meeting Closed at 5:05pm

MAYOR GATEHOUSE CHAIRPERSON

6 AUGUST 2024

