



# SORELL PLANNING AUTHORITY (SPA) MINUTES

24 SEPTEMBER 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 24 SEPTEMBER 2024

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## 1.0 ATTENDANCE

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Chairperson Mayor Gatehouse  
Deputy Mayor C Wooley  
Councillor B Nichols  
Councillor S Campbell  
Councillor M Miro Quesada Le Roux  
Councillor M Reed  
Councillor C Torenus  
Jess Hinchin, Acting General Manager

Staff in attendance:

Shane Wells, Manager Planning  
Shannon McCaughey, Senior Planner  
Greg Robertson, Manager Health & Compliance

## 2.0 APOLOGIES

Robert Higgins, General Manager  
Councillor M Larkins  
Councillor N Reynolds

## 3.0 CONFIRMATION OF THE MINUTES OF 10 SEPTEMBER 2024

### RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 10 September 2024 be confirmed.”

### 42/2024 CAMPBELL / NICHOLS

The motion was put.

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

Against: None

The motion was **CARRIED**



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## 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.

Mayor Gatehouse declared a non-pecuniary interest in item 5.1 and left the meeting for the duration of the SPA debate and voting of item 5.1.

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 / 3 - 1

<b>Applicant:</b>	M J Rowlands
<b>Proposal:</b>	Three (3) Lot Subdivision
<b>Site Address:</b>	701 Arthur Highway, Forcett including works withing Arthur Highway Road Reserve, Forcett (CT 114548/1)
<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>	Subdivision creates more than one lot

<b>Relevant Zone:</b>	Low Density Residential Zone and Agricultural Zone
<b>Proposed Use:</b>	Not Applicable
<b>Applicable Overlay(s):</b>	C3.0 Road and Railway Assets Code, C7.0 Natural Assets Code. and C13 Bushfire Prone Areas Code
<b>Applicable Codes(s):</b>	SOR-1.0 Dispersive Soils Specific Area Plan
<b>Valid Application Date:</b>	05 February 2024
<b>Decision Due:</b>	24 September 2024
<b>Discretion(s):</b>	1 10.6.1 A1 – Lot Design
	2 10.6.3 A2 Services
	3 10.6.3 A3 Services



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	4	C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area
	5	SOR-S1.8.1 Subdivision on Dispersive Soils
<b>Representation(s):</b>	One (1)	

### RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2024.3.1 for a Three Lot Subdivision at 701 Arthur Highway, Forcett including works within Arthur Highway Road Reserve, Forcett 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) P5 Subdivision Plan Dated 08/12/2023
  - b) P1 Geotechnical Report Dated 06/11/2023
  - c) P1 Bushfire Assessment (Including Bushfire Management Plan) Dated 08/01/2024
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 3% of the improved value of lots 1, 2 and 3.

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. 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.
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. 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.*

## **Engineering**

7. Prior to undertaking any access (or other) 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*. Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.
8. Prior to the commencement of works, design drawings showing all work required by this planning permit, and any additional work proposed, must be 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 experienced engineer, or engineering consultancy, with the appropriate level of professional indemnity insurance.

*Advice:*

- i. *The Tasmanian Subdivision Guidelines, Specifications, 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 the Council Development Engineer where an acceptable justification exists and the proposed solution is not considered inferior in terms of engineering performance and maintenance, over the life of the final product.*
  - iii. *In the event of any conflict(s) arising between the Tasmanian Subdivision Guidelines, Specifications, Drawings, and approved permit, the requirements of the approved permit shall take precedence.*
9. Prior to works commencing, the following fees must be paid for each stage of construction:
- a) Engineering Drawing Assessment (EDA) 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.*

10. Works must not commence on site prior to endorsement of engineering drawings by the General Manager.
11. Prior to sealing of the Final Plan of Survey, the following works must be completed in accordance with the approved design drawings:
- a) Lot connections for each lot:
    - I. Connection to the electricity network.
    - II. Connection to the telecommunications network (if available).
  - b) Vehicular accesses:
    - I. Must be designed and constructed in substantial accordance with TSD-R03-v3 and TSD-R04-v3, with 40mm thick DG10 hot sprayed bituminous surfacing from the edge of Road Seal up to the property boundary or for at least 6m (whichever is greater), a minimum 200mm deep

- (FCR) base course , and a minimum pavement width of 4m.
- II. Must be located to minimise potential conflicts with other users, including vehicles and pedestrians.
- c) Fencing and gates for each lot:
- I. Any frontage fencing, including existing, not located on the correct boundary must be removed and replaced with new rural type fencing, and installed in the correct location.
  - II. Gates must be installed at each new property access and set back to facilitate vehicle standing clear of traffic lanes.
- d) Stormwater network:
- I. Unimpeded major stormwater network for a 1% AEP event.
  - II. Minor stormwater network for a 5% AEP event via underground reticulation.
- e) Natural values:
- I. Construction soil and water management plan
- f) Rehabilitation:
- I. Top soil & grass, or alternative approved vegetation, must be provided (including seeding and watering) along with any other management measures to stabilise all surfaces disturbed during construction, as required by Council.
- g) Compliance:
- I. All existing infrastructure connections (including lot connections and vehicular access), if retained, must upgrade to comply with current standards.
  - II. Survey pegs for all lots are to be certified correct after completion of all subdivision works.
12. Each lot must be provided with a connection to a new stormwater main located on the balance lot and discharging to the dam north of lot 3. The stormwater main must be sized to service a 5% AEP event and must be constructed within a



new easement on the Balance Lot. The stormwater main shall be directed and discharged via endwall to dam at northeastern boundary of the site with suitable erosion protection.

13. A right of way with practical access must be provided on the balance lot to enable maintenance access by Council
14. Mandatory audit inspections are required in accordance with the Tasmanian Subdivision Guidelines.

The developer is required to make contact with the Council Development Engineer to arrange an inspection at least 48 hours prior to inspection.

15. 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.
16. The developer must engage Council to organise a Practical Completion inspection when practical completion of works 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.
17. Works are subject to a Twelve (12) month Defect Liability Period commencing from the date Practical Completion is certified by Council (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.
18. 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.
19. Upon completion of the Defect 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 outstanding items listed in the Certificate of Practical Completion and subsequent defects are satisfactorily completed, Council will issue a Certificate of Final Completion and assume maintenance of the works, and any remaining financial security in relation to the works will be returned in due course.

20. 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 suitably qualified person;
- 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 constructed assets;
- d) Be accurate to AHD and GDA94;
- e) Be drawn to scale and dimensioned
- f) Include top, inlet, and outlet invert levels where appropriate,
- g) Include compaction and soil test results where required, and
- h) Include certification from a suitably qualified and experienced person stating that each component of the works undertaken is compliant with the Council endorsed engineering drawings and municipal standards.

*Advice:*

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

21. 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.

22. Prior to sealing of 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>

23. Prior to sealing of 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.
24. Prior to sealing the Final Plan of Survey, all works determined as required by Council shall be performed and completed by the developer, at developer cost and expense, to a standard that is to the absolute satisfaction of Council's General Manager, and at no cost or expense to Council.

### **On-site wastewater**

25. At least 300m<sup>2</sup> of land must be designated on the final plan of each lot specifically on-site for wastewater treatment which is located at least 6.5m from the northern boundary. The final location must be to the satisfaction of the Manager of Health & Compliance.
26. A restrictive covenant must be included on each lot specifying that no other on-site wastewater management system may be used for treatment of wastewater other than an aerated wastewater treatment system, unless otherwise approved by Councils Environmental Health Officer.

### **Environmental**

27. 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 & Compliance for any works outside of these hours.

28. 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.
29. 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.
30. A levelled area must be provided at the road frontage of each lot for garbage, greenwaste and recycling collection bins to be located for kerbside collection. The area must be at least 1.8m wide and 0.6m deep and not within 1.5m of a power pole or other structure.

### **State Growth**

31. Each access to the state road is to be sealed between the edge of the state road carriageway and the property boundary (either side of the existing footpath.) Each property is to have a maximum of one access each.
32. Prior to undertaking any access (or other) 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.
33. Application for 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)

Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.

### **Tas Networks**

34. The service wire from pole ID 256540 to 717 Arthur Highway must be relocated in accordance with TasNetworks requirements and satisfaction as it will cross any newly developed lot.

To understand what these requirements may entail, it is recommended you advise the proponent to contact TasNetworks on 1300 137 008 or submit an application via our website [connections portal](https://connections.tasnetworks.com.au/Identity/Account/Login) <https://connections.tasnetworks.com.au/Identity/Account/Login> at their earliest convenience.

**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](http://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.



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

### 43/2024 CAMPBELL / NICHOLS

That the recommendation be accepted.

An amended motion was moved to amend 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 lots 1, 2 and 3.

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.

**44/2024 REED / MIRO QUESADA LE ROUX**

The amended motion was put.

For: Reed, Miro Quesada Le Roux and Campbell

Against: Wooley, Nichols and Torenus

The amended motion was **LOST**

The motion was put.

For: Wooley, Reed, Miro Quesada Le Roux, Campbell, Nichols and Torenus

Against: None

The motion was **CARRIED**.

Meeting Closed at 5.00pm

**DEPUTY MAYOR WOOLEY  
CHAIRPERSON**

**24 SEPTEMBER 2024**



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