



# SORELL PLANNING AUTHORITY (SPA) MINUTES

4 JULY 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 4 JULY 2023

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## 1.0 ATTENDANCE

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Chairperson Mayor Vincent  
Deputy Mayor C Wooley  
Councillor S Campbell  
Councillor J Gatehouse  
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

## 2.0 APOLOGIES

Councillor M Brown – approved Leave of Absence

## 3.0 CONFIRMATION OF THE MINUTES OF 20 JUNE 2023

### RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 20<sup>th</sup> June 2023 be confirmed.”

### 33/2023 TORENIUS / REED

“That the recommendation be accepted.”

The motion was put.

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

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.

Councillor Torenus declared a (perceived) non-pecuniary interest in item 5.2 (adjoining owner).

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.5.2023.109.1

<b>Applicant:</b>	Ireneinc Planning And Urban Design
<b>Proposal:</b>	Change of Use - Dwelling to Visitor Accommodation
<b>Site Address:</b>	3 Pelican Place, Boomer Bay (CT 167219/3)
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme – Sorell (TPS-S)</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>	22.0 Landscape Conservation
<b>Proposed Use:</b>	Visitor Accommodation
<b>Applicable Overlay(s):</b>	
<b>Applicable Codes(s):</b>	
<b>Valid Application Date:</b>	10 May 2023
<b>Decision Due:</b>	8 July 2023
<b>Discretion(s):</b>	1 Discretionary use
<b>Representation(s):</b>	Three

### RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application DA 2023 / 00109 - 1 for a Change of Use - Dwelling to Visitor Accommodation at 3 Pelican Place, Boomer Bay be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 5 September 2022 except as may be amended by the conditions of this permit.
2. Pets (other than for physical or mental health assistance) must not be permitted to stay on the property in association with the approved use.



3. The operator must take reasonable steps to inform guests of the natural values of the area, including risks of road kill.
4. The internal driveway including areas set aside for vehicle parking and manoeuvring shall be in general accordance with AS/NZS 2890.1:2004, and must:
  - a) be adequately upgraded where required, to the prescribed standard, within six months of first use;
  - b) be constructed with a durable all-weather pavement;
  - c) be drained to a legal point of discharge or retain runoff onsite such that stormwater is not concentrated onto adjoining properties;
  - d) have a sealed or gravel surface that is designed, constructed and maintained to avoid sedimentation or erosion or excess dust; and
  - e) be maintained through the life of the use in a condition that, at a minimum, is suitable for two wheel drive vehicles.
5. Prior to first use, at least one car parking space must be provided on site and must be available for car parking at all times. Any external space must:
  - a) be at least 5.4m long and 2.6m wide with an additional 0.3m clearance from any nearby wall, fence or other obstruction; and
  - b) have a maximum gradient of 1 in 20 (5%) measured parallel to the angle of parking and 1 in 16 (6.25%) in any other direction.
6. The maximum number of guests occupying the visitor accommodation per day shall not exceed five (5) persons, averaged over a 14 day recurring period.
7. The onsite waste water management system including the land application area must be protected from vehicular access.

**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)

### 34/2023 CAMPBELL / REED

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Woolley, Reed, Torenien, Miro Quesada Le Roux, Reynolds, Gatehouse and Campbell

Against: None

The Motion was **CARRIED**

Councillor Torenien left the room at 4.51pm

### 5.2 SUBDIVISION APPLICATION NO. SA 2022 / 00029 - 1

<b>Applicant:</b>	Rogerson & Birch Surveyors
<b>Proposal:</b>	3 Lot Subdivision
<b>Site Address:</b>	88 Lewisham Road, Forcett (CT 166029/1)
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme – Sorell (TPS-S)</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>	Rural and Agriculture
<b>Proposed Use:</b>	N/A
<b>Applicable Overlay(s):</b>	Priority vegetation, waterway, coastal inundation, coastal erosion, flood, landslip, bushfire, scenic protection
<b>Applicable Codes(s):</b>	Road and Railway
<b>Valid Application Date:</b>	14 December 2022
<b>Decision Due:</b>	8 July 2023
<b>Discretion(s):</b>	1 Nil
	2
<b>Representation(s):</b>	Nil



## RECOMMENDATION

That pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* Council resolve that Planning Application 7.2022.29.1 for a 3 Lot Subdivision at 88 Lewisham Road, Forcett be approved, subject to the following conditions:

1. Development shall generally be in accordance with the endorsed plans submitted on 5 September 2022 except as may be amended by the conditions of this permit.
2. Prior to sealing the final plan of survey, the road reserve for Lakeland Drive that is in the name of D & L Nominees Pty Ltd, being CT 107279/100 and CT 107279/101, must be transferred to Council at a nominal sum.

## NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- The various 'existing Council approved access' shown on the endorsed plans may not be suitable for any future non-rural or non-agricultural use and may require upgrade or relocation.
- 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.
- 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 will not be sealed until all works required by this permit are complete.

- The final plan of survey is inclusive of any schedule of easement and Part 5 Agreement.

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)

### 35/2023 CAMPBELL / REYNOLDS

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

Councillor Torenus re-entered the room at 5.10pm

### 5.3 REZONING FROM RURAL LIVING TO AGRICULTURE - 5.2023.154.1

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

#### RECOMMENDATION

1. That pursuant to Section 40D(b) of the Land Use Planning and Approvals Act 1993, the Planning Authority prepare Amendment AM-SOR-5-2023-154-1 to the Sorell Local Provisions Schedule for land at 680 Nugent Road, Wattle Hill to rezone CT 17314/5 from the Rural Living Zone to the Agriculture Zone.
2. That having decided to prepare the amendment, the Planning Authority certifies pursuant to Section 40F of the Land Use Planning and Approvals Act 1993 that the draft amendment meets the Land Use Planning and Approvals Act 1993.
3. That, in accordance with section 40I of the Land Use Planning and Approvals Act 1993, the Planning Authority seeks from the Tasmanian Planning Commission exemption from public exhibition for the draft amendment.





4. That should the exemption not be granted, in accordance with Section 40G of the Land Use Planning and Approvals Act 1993, the Planning Authority places the amendment on public exhibition for a period of 28 days.

36/2023 REED / CAMPBELL

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

The Meeting closed at 5.18pm

**MAYOR VINCENT**  
**CHAIRPERSON**  
**4 JULY 2023**

