



# SORELL PLANNING AUTHORITY (SPA) AGENDA

27 FEBRUARY 2024

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)

# NOTICE OF MEETING

Notice is hereby given that the next meeting of the Sorell Planning Authority (SPA) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 27 February 2024 commencing at 4:30 pm.

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## CERTIFICATION

I, Robert Higgins, General Manager of the Sorell Council, hereby certify that in accordance with Section 65 of the *Local Government Act 1993*, the reports in this Agenda have been prepared by persons who have the qualifications and experience necessary to give such advice. Information and recommendations or such advice was obtained and taken into account in providing general advice contained within the Agenda.

ROBERT HIGGINS  
GENERAL MANAGER  
22 FEBRUARY 2024



## AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON TUESDAY 27 FEBRUARY 2024

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### TABLE OF CONTENTS

1.0	ATTENDANCE	1
2.0	APOLOGIES	1
3.0	CONFIRMATION OF THE MINUTES OF 6 FEBRUARY 2024	1
4.0	DECLARATIONS OF PECUNIARY INTEREST	1
5.0	LAND USE PLANNING	2
5.1	MINOR AMENDMENT TO SUBDIVISION APPLICATION NO. 7.2022.8.2	2
5.2	SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY UPDATE FOR INFORMATION	7

## 1.0 ATTENDANCE

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Chairperson Mayor Vincent  
Deputy Mayor C Wooley  
Councillor B Nichols  
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

## 2.0 APOLOGIES

## 3.0 CONFIRMATION OF THE MINUTES OF 6 FEBRUARY 2024

### RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 6<sup>th</sup> February 2024 be confirmed.”

## 4.0 DECLARATIONS OF PECUNIARY INTEREST



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 MINOR AMENDMENT TO SUBDIVISION APPLICATION NO. 7.2022.8.2

<b>Applicant:</b>	Darren Carter
<b>Proposal:</b>	Minor Amendment – Change to access conditions
<b>Site Address:</b>	7 Gordon Street, Sorell (CT 233580/1)
<b>Relevant Legislation:</b>	Section 56 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
<b>Reason for SPA meeting:</b>	Applicant is Council Staff

<b>Relevant Zone:</b>	General Business Zone
<b>Proposed Use:</b>	NA – Subdivision
<b>Valid Application Date:</b>	31 January 2024
<b>Decision Due:</b>	28 February 2024
<b>Representation(s):</b>	N/A

#### RECOMMENDATION

That pursuant to Section 56 of the *Land Use Planning and Approvals Act 1993* Council resolve that the request for a minor amendment 7.2022.8.2 at 7 Gordon Street, Sorell be approved and that a new permit be issued to delete condition 4.

#### Executive Summary

A minor amendment is sought to the permit to delete the requirement to remove one of two vehicle access points.

#### Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.



Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

### Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

- The planning authority has a specific role in LUPAA. As noted by the Tribunal:

The role of the Council in relation to planning matters is, in very broad terms, to uphold its planning scheme. In that context it is in a sense, blind to everything but the terms of the Scheme. It cannot put economic advantage or perceived community benefits over the terms of the Scheme. And in the context of enforcement proceedings unless expressly authorised to do so, it may not take any approach which is inconsistent with the terms of its Scheme.

### Planning Scheme Operation – for Zones, Codes and site specific provisions

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.

- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

## Referrals

Agency / Dept.	Referred?	Response?	Conditions?	Comments
Development Engineering	Yes	Yes	No	Nil
Environmental Health	No			
Plumbing	No			
NRM	No			
TasWater	No			
TasNetworks	No			
State Growth	No			

## Report

### Description of Proposal

At its meeting of 29 August 2022 Council approved a subdivision to create two lots. Lot 1 is a 428m<sup>2</sup> lot containing an existing commercial building. Lot 2 is a vacant 767m<sup>2</sup> lot. Each lot was proposed with an individual access.

Permit conditions require the access for lot 1 to be via a right of way over lot 2 with a shared access arrangement.

### Background

For many years the property has had two vehicle access points.

The subdivision was originally approved in 2015 (ref 7.2015.11.1) with individual driveways to each lot. This permit lapsed.

The permit was subsequently approved with a requirement to remove one access and provide one shared access to both lots. This was on the advice from Infrastructure and Assets that one additional on-street car parking space was desired and could be provided where the access was to be removed. This advice was provided as concepts for the streetscape upgrade were being progressed.

The developer advises that they were unaware of the permit condition and had assumed that the permit was the same as the prior.

Since the permit was issued, the streetscape upgrade has been completed in this section of Gordon Street. Simultaneous with the construction of the streetscape upgrade, the developer (at their cost) upgraded both existing driveways.

Council could have but did not ultimately install the new footpath where the access is to be removed.

### Planning Assessment

A minor amendment is assessed against Section 56 of LUPAA, which provides:

- (1) *The owner of land, or a person with the consent of the owner, may request the planning authority in writing to amend a permit which applies to that land and which is a permit issued by the planning authority.*
- (2) *The planning authority may amend the permit if it is satisfied that the amendment –*
  - (aa) *is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
  - (a) *does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
  - (b) *will not cause an increase in detriment to any person; and*
  - (c) *does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.*

The minor amendment is submitted by the owner of the land and complies with (1). With respect to (2), clauses (aa) and (a) are not relevant.

It is considered that there is no increase in detriment to any person. The proposal retains the status quo with respect to accesses. What would be lost is an opportunity to create one additional on-street car parking space which would provide a community benefit as opposed to an individual benefit.

The nature of the changes to siting and design are only a minor change to the description of the use and development. The change reflects the application as originally proposed.

### Conclusion

The request is consistent with *Section 56* of the *Land Use Planning & Approvals Act 1993* and is recommended for approval.

**Shane Wells**  
**MANAGER PLANNING**

Attachments:  
Minor Amendment Application



Original Permit No.	SA2022/8-1		
Was the original application Permitted or Discretionary:	Permitted: <input type="checkbox"/>	Discretionary: <input checked="" type="checkbox"/>	
Was the original permit subject to a matter of Appeal heard by Tasmanian Civil & Administration Tribunal	No: <input checked="" type="checkbox"/>	Yes: <input type="checkbox"/>	 Development Application: Minor Amendment Application - 7 Gordon Street, Sorell.pdf  Plans Reference: P1 Date Received: 31/01/2024
Original Applicant (if different)			
Full description of proposed amendment/s:	Access to Lot 1 to have its own Crossover Separate to Lot 2. <i>I.e. changes to floor plan, setbacks, Carparking etc.</i>		

Location of proposed works:	Street address:	7 Gordon Street	
	Suburb:	Sorell	Postcode: 7172
	Certificate of Title(s) Volume:	Folio:	

Current Use of Site	Realestate office
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Current Owner/s:	Name(s): Darren Carter
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Declarations and acknowledgements	
<ul style="list-style-type: none"> <li>I/we confirm that the application does not contradict any easement, covenant or restriction specified in the Certificate of Title, Schedule of Easements or Part 5 Agreement for the land.</li> <li>I/we consent to Council employees or consultants entering the site and have arranged permission and/or access for Council's representatives to enter the land at any time during normal business hours.</li> <li>I/we authorise the provision of a copy of any documents relating to this application to any person for the purposes of assessment or public consultation and have permission of the copyright owner for such copies.</li> <li>I/we declare that, in accordance with s52(1) of the <i>Land Use Planning and Approvals Act 1993</i>, that I have notified the owner(s) of the intention to make this application.</li> <li>I/we declare that the information in this application is true and correct.</li> </ul> <p><i>Details of how the Council manages personal information and how you can request access or corrections to it is outlined in Council's Privacy Policy available on the Council website.</i></p> <ul style="list-style-type: none"> <li>I/we acknowledge that the documentation submitted in support of my application will become a public record held by Council and may be reproduced by Council in both electronic and hard copy format in order to facilitate the assessment process, for display purposes during public exhibition, and to fulfil its statutory obligations. I further acknowledge that following determination of my application, Council will store documentation relating to my application in electronic format only.</li> <li>Where the General Manager's consent is also required under s.14 of the <i>Urban Drainage Act 2013</i>, by making this application I/we also apply for that consent.</li> </ul>	
Applicant Signature:	Signature:  Date: 31-1-23



## 5.2 SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY UPDATE FOR INFORMATION

### RECOMMENDATION

That the Sorell Planning Authority resolve to receive and note the following update.



# SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY (STRLUS) – UPDATE

February 2024

### DRAFT TIMEFRAMES

#### State of Play

**Council noting - Jul/Aug 23**

**Public exhibition – Sep 23**

#### STRLUS

**Council endorsement -  
Nov/Dec 24**

**Public exhibition –  
Feb/Apr 25**

**To Minister - Jun 25**

### TIMEFRAMES

Unfortunately, due to matters beyond the steering committee's (committee) control, timelines have been extended. The committee is currently aiming for:

#### State of Play

- Council noting – Jul/Aug 23
- Public exhibition – Sep 23

#### STRLUS

- Council endorsement – Nov/Dec 24
- Public exhibition – Feb/Apr 25
- To Minister – Jun 25

The committee is currently working with the Consultant and the State Planning Office with the aim of locking in dates in the coming month. Updates will be provided through the working group.

The delays will impact on budget and the committee is currently working the State Planning Office to address the matter.

### INPUTS

The Residential Demand and Supply Study (RDSS) for Southern Regional Tasmania (excludes the Greater Hobart Plan area) is complete. REMPLAN are busy working on the RDSS for the Greater Hobart plan area. Once complete we will have a full understanding of the residential demand on the southern region.

REMPAN was the successful tenderer for the Southern Tasmania Economic Profile. It presented the findings to the working group on 8 Feb 24. The document is being finalised.

For more information contact your working group member.

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*Southern Regional Tasmania has approximately 19 years of supply of residential land.*

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## PROCUREMENT

Ethos Urban (Ethos) has been appointed to support in the preparation of the State of Play and STRLUS update. Ethos is a national company with local experience, they have partnered with local company Ireneinc. The inception meeting is to be held 21 February 2024 and the team will be visiting the region throughout the project to engage with the working group.

A request for quote is currently in the market for a consultant to support communication and engagement activities for the project.

## WORKING TOGETHER

Adele, Regional Planning Coordinator, has been out and about in the region. Having visited all Councils to understand individual challenges and opportunities, Adele is now undertaking a second visit to discuss the findings of the RDSS and the implications of the Draft Tasmanian Planning Policy – 1.0 Settlement.

The Council working group has met three times. Key activities included:

- What collaboration looks like to ensure a regional approach.
- Identification of key stakeholders
- Review of modern Regional Land Use Strategies from across Australia
- Review of modern communication and engagement strategies from across Australia.
- Economic profile presentation
- Identification of key opportunities and challenges for the region.

Responsibilities of working group members include:

- Liaising with regional planning coordinator.
- Attending monthly working group meetings and supporting planners in attending quarterly technical reference group meetings.
- Providing guidance on relevant Council issues and processes.
- Reporting within Council including general managers and elected members
- Supporting in the timely collection and dissemination of information and
- Timely review of documents and navigation through Council approval/endorsement processes.

A reminder of your council contact is shown below.



Working Group			
Kingborough	Adriaan Stander	Glamorgan-Spring Bay	Mick Purves
Derwent Valley	Laura Ashelford	Central Highlands	Louisa Brown
Hobart City	Tristan Widdowson	Southern Midlands	Grant Finn (Bernadette Conde)
Clarence City	Robyn Olsen	Brighton	David Allingham (Brian White)
Glenorchy City	Lyndal Byrne (Darshini Bangaru)	Sorell	Shane Wells
Tasman	Belinda Nutting	State Planning Office	Angela Forrest
Huon	Rong Zheng	Regional Planning Coordinator	Adele Fenwick

## OPPORTUNITIES AND CHALLENGES FOR THE REGION

The steering committee and working group identified key opportunities and challenges for the region and how the STRLUS may be able to support/address matters. A snapshot is provided below.

### Opportunities and challenges for the region

Climate change	Economic Development	Agriculture
Infrastructure	Transportation	Preservation of the Environment
Housing	Changing work models	Liveability

#### What can the STRLUS do?

- Challenge the narrative – intergenerational thinking
- Identify where we live, work and play
- Protect and enhance biodiversity
- Identify and manage risks and hazards
- Encourage land use and infrastructure integration
- Support liveability

These, and other matters, will be used to shape the State of Play and the STRLUS.

SOME KEY STATS FOR THE REGION

Regional Context

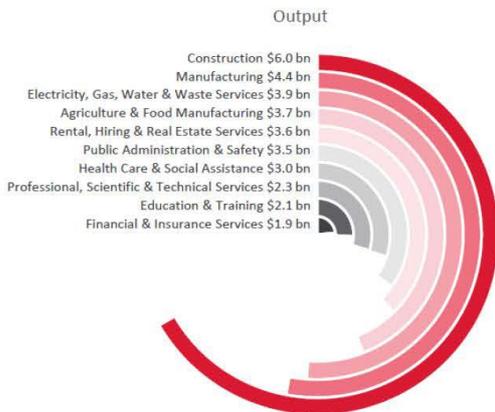
	GRP (2023)	Jobs (2021)	Population (2022)	Population Growth (2012 – 2022)
Southern Tasmania	\$21.0B	135,652	295,917	40,743 (16%)
Southern Tasmania as % of Tasmania	52%	54%	52%	TAS: 59,289 (12%)

Three largest employing industries

-  Health Care & Social Assistance (22,715 jobs)
-  Education & Training (14,297 jobs)
-  Public Administration & Safety (13,315 jobs)



Economic Context – Economic Activity



Output data represents the gross revenue, also referred to as total sales or total income.

Total output = \$43.1 billion.

- Key sectors:**
- construction = \$6.0 billion
  - manufacturing = \$4.4 billion
  - electricity, gas, water & waste services = \$3.9 billion
  - agriculture and food manufacturing = \$3.7 billion

These key sectors account for 42% of all output in Southern Tasmania.

Source: Southern Tasmania Economic Profile 2024

ANY QUESTIONS

If you have any questions or inputs, reach out to your working group contact; Adele, [adele.fenwick@hobartcity.com.au](mailto:adele.fenwick@hobartcity.com.au) or the committee.

Regards, the STRLUS steering committee

