
From: Shane Wells <Shane.Wells@sorell.tas.gov.au>
Sent: Wednesday, 19 July 2023 9:27 AM
To: TPC Enquiry
Subject: New Draft Amendment - Sorell Council
Attachments: Sorell-Planning-Authority-SPA-Agenda-4-July-2023.pdf; Sorell-Planning-Authority-SPA-Minutes-4-July-2023.pdf; AM-SOR-5-2023-154-1 Certified Amendment.pdf

Morning

Please find attached agenda (with title documents), minutes and certified amendment.

Please note our request to waive exhibition requirement

Kind regards



Shane Wells

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SORELL PLANNING AUTHORITY (SPA) AGENDA

4 JULY 2023

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, 4 July 2023 commencing at 4:30 pm.

C E R T I F I C A T I O N

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
29 JUNE 2023



AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON
TUESDAY 4 JULY 2023

TABLE OF CONTENTS

1.0	ATTENDANCE	1
2.0	APOLOGIES	1
3.0	CONFIRMATION OF THE MINUTES OF 20 JUNE 2023	1
4.0	DECLARATIONS OF PECUNIARY INTEREST	1
5.0	LAND USE PLANNING	2
5.1	DEVELOPMENT APPLICATION NO.5.2023.109.1	2
5.2	SUBDIVISION APPLICATION NO. SA 2022 / 00029 - 1	19
5.3	REZONING FROM RURAL LIVING TO AGRICULTURE NO.5.2023.154.1	66

1.0 ATTENDANCE

^
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

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 20th June 2023 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 DEVELOPMENT APPLICATION NO.5.2023.109.1

Applicant:	Ireneinc Planning And Urban Design
Proposal:	Change of Use - Dwelling to Visitor Accommodation
Site Address:	3 Pelican Place, Boomer Bay (CT 167219/3)
Planning Scheme:	<i>Tasmanian Planning Scheme – Sorell (TPS-S)</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	More than one representation received.
Relevant Zone:	22.0 Landscape Conservation
Proposed Use:	Visitor Accommodation
Applicable Overlay(s):	
Applicable Codes(s):	
Valid Application Date:	10 May 2023
Decision Due:	8 July 2023
Discretion(s):	1 Discretionary use
Representation(s):	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;



5.3 REZONING FROM RURAL LIVING TO AGRICULTURE - 5.2023.154.1

Proposal:	Rezoning to Agriculture Zone
Site Address:	680 Nugent Road , Wattle Hill (CT 17314/5)
Planning Scheme:	<i>Tasmanian Planning Scheme Sorell (TPS-S)</i>
Relevant Legislation:	Part 3B of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	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.

Executive Summary

The draft amendment is generally in accordance with the requirements of *Land Use Planning and Approvals Act 1993 (LUPAA)* and it is recommended that it be prepared.

The amendment will correct what is considered an error in both the zoning of one lot and in the process followed. The amendment will ensure that all of the properties three titles are contained within the one zone, which is proposed as Agriculture.

On balance, the proposal is considered to be a fair, orderly and sustainable amendment to the planning scheme, and it is recommended that the planning authority prepare the amendment.

The report provides details of the amendment and the site. The strategic outcomes of the proposal are outlined, having regard to matters of local, regional and then State importance. The report ends with a discussion of the degree of compliance with legislative requirements.

Proposed Planning Scheme Amendment

The planning scheme amendment seeks to rezone part of 680 Nugent Road, Wattle Hill from the Rural Living Zone to the Agriculture Zone.

The draft amendment documents are included in **Attachment 1** – Amendment Documents.

An explanatory document which provides some more background information about the amendment, the current policy position and outlines the controls and why they have been included is in **Attachment 2** – Explanatory Document. This document provides a more ‘accessible’ overview of the PAC SAP beyond the statutory requirements that must be met under LUPAA.

Site And Locality

The amendment relates to one of three lots that comprise 680 Nugent Road, Wattle Hill.

CT-17314/5 (the rural living lot) is an irregular shaped 2.1 hectare lot containing the heritage listed former Wattle Hill School, which is now a dwelling. The title shows three lots that were adhered in 1995. The rural living lot was originally a 6088m² lot that was expanded through subdivision in 1981 before being adhered in 1995.

CT-46008/1 (the hall lot) is a small 1534m² lot that is enclosed on three sides by the rural living lot and contains the former school hall. As noted in the Sorell Heritage Study 1995, the hall was constructed in c1880 and was used as a hall by the school or community groups until the demise of the Wattle Hill Cricket Club in 1960 and which had its grounds opposite.

CT-53424/1 (the agricultural lot) is a 20 hectare lot created in 1991 containing an existing dwelling. This dwelling (the Walker Cottage) was built in c1830 and originally located some 1.3km south-west on the Saddle Rock property. In the mid 1990s the dwelling was slated for demolition and was relocated by the current owners and restored. The dwelling was assessed in the Sorell Heritage Study 1995.

The agricultural lot contains a small orchard and pasture. The land is a mix of Class 5 and Class 6. The owners advise that the elevated and flatter southern part of the site, which is underlain by basalt, is more productive than the steeper dolerite section in the north.



Figure 1. Site

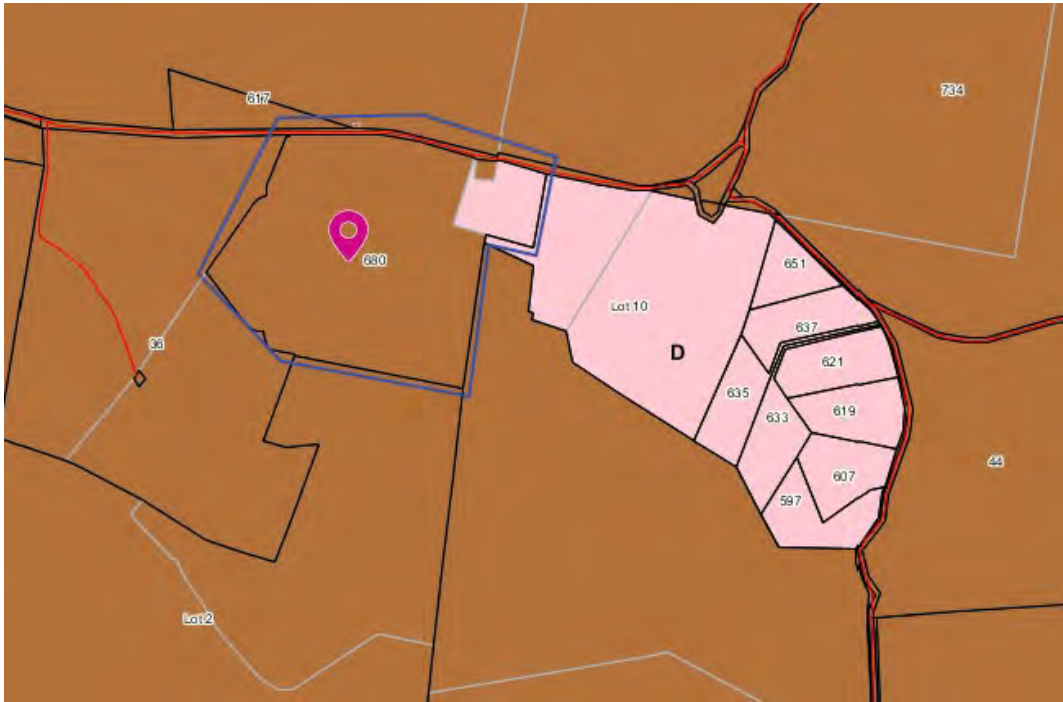


Figure 2. Zone



Figure 3. Schoolhouse, Hall & Landscape



Figure 4. Walker Cottage



Figure 5. Delmore Road Landscape (from Wiggins Road)

Site characteristics & adjoining land

The area is part of an expansive agricultural landscape. The rural living lot is part of a vegetated hill that is further to the east and represents a change in the landscape. Almost all of this vegetated hill is included in the Rural Living Zone (D). The land immediately east contains a former quarry while the lots along Delmore Road contain single dwellings.

Infrastructure

Nugent Road and Delmore Road and sealed rural roads. There is no other infrastructure in the area.

Environmental values

The rural living lot contains a small area of priority vegetation which represents DVG *Eucalyptus viminalis* grassy forest and woodland and is included in priority vegetation due to the relatively low extent of this vegetation community in formal reserves. There is a much larger area of this vegetation community across the Rural Living Zone.

Social and Economic Values

The land has some potential for agricultural use although this is unlikely to be at a commercial viable scale. The three heritage buildings have important significance to the community.

Background & Recommended Process

LPS Process

The draft Sorell Local Provisions Schedule was exhibited with all of the subject site and all surrounding areas included in the Agriculture Zone.

During exhibition, a representation was received obo the owner of the land to the east requesting that the property not be included in the Agriculture Zone.

In considering the representation, Council resolved that the area shown in Figure 7 should be zoned Rural as the characteristics of the land had minimal agricultural potential.

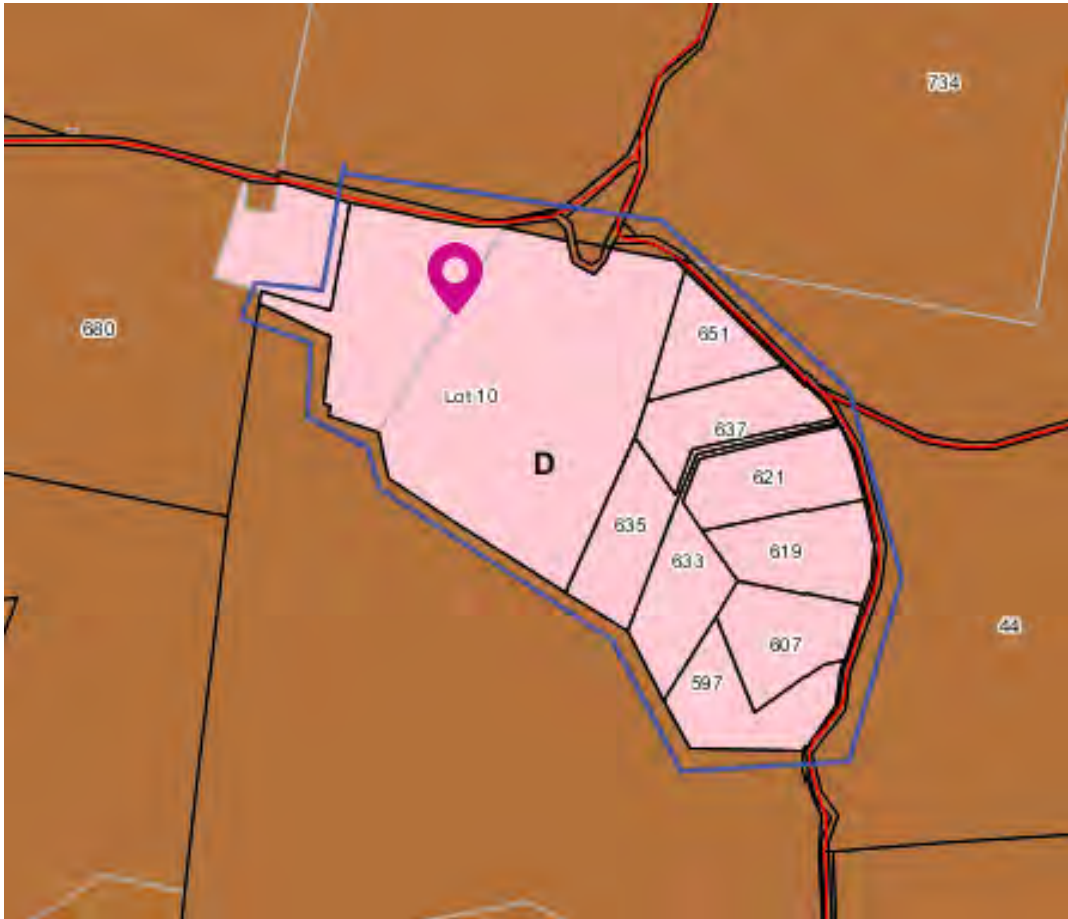


Figure 6. Area (blue outline) of land that was recommended by Council to be changed from Agriculture to Rural.

The Tasmanian Planning Commission (TPC) resolved to change the zoning of the area outlined in blue in Figure 6, plus the rural living lot subject to this report, from Agriculture to Rural Living D.

The owners of the land advise that they were not aware of the LPS and the proposed Agriculture Zone. The owners also advise that they were not consulted by Council or the TPC as to either the Rural Zone or Rural Living Zone changes that were proposed. At no point did any representative or Council suggest or refer to the land as being suitable for anything other than the Agriculture Zone and no contact was made with the owners.

The owners became aware of the zoning when investigating the potential for a boundary adjustment, which is prohibited by the dual zoning.

Had the property remained in the Agriculture Zone the boundary adjustment could be considered as a discretionary application.

Boundary adjustment

The owners advise Council that they wish to undertake a boundary adjustment in order to facilitate the sale of the Walker Cottage on a two to three hectare lot and to consolidate the rural living lot, the hall lot and the balance of the agriculture lot into one title. The boundary adjustment is sought to ensure that the Walker Cottage is continually occupied and maintained, to consolidate the school house and hall into one title recognising the relationship between the two and to retain the better quality agricultural land in their ownership.

Council Initiated Amendment

The amendment is proposed to be initiated by Council of its own motion, as opposed to being in response to a request from the owners.

It is the officer's view that the inclusion of 680 Nugent Road in the Rural Living Zone was an error both of process and merit.

When approving the LPS, the TPC could modify the draft LPS exhibited and did so in numerous instances. The TPC could also approve the draft LPS as exhibited but direct Council to initiate amendments after the LPS came into effect for what are deemed 'substantial modifications'. One key consideration for whether a modification was a 'substantial modification' is whether all affected owners were aware of the modification and consented to the modification. The TPC directed Council to initiate eight amendments for substantial modifications. It is unclear why a similar process did not occur in this case, both for the subject site and for the broader Rural Living Zone D, as it is comparable to the eight substantial modifications.

In the circumstances, it is considered reasonable that Council initiate an amendment of its own motion.

It should be clearly understood that Council initiation of an amendment on behalf of another owner should only be considered in limited situations such as where the approved zoning appears to be the result of both clearly an error in process and merit.

Process and Public Exhibition

Section 40I(2)(B) of LUPAA provides the opportunity for the TPC to exempt an amendment from public exhibition for various reasons including if the amendment is for correcting an error or remove an anomaly. The TPC must consider and be

“satisfied that the public interest will not be prejudiced by the draft amendment not being publicly exhibited”.

Clarification has been sought from the TPC as to whether the inclusion of 680 Nugent Road in the Rural Living D Zone was in error and, if so, could the TPC invoke section 40I(2)(B). The TPC have advised they do not consider the outcome to be an error or that an exemption from the public exhibition requirements could apply but would consider any further submissions.

As noted earlier, the Rural Living Zone is considered to be an error. The officer struggles to identify any logical basis for the lot to be zoned this way, particularly how it surrounds the smaller agricultural zone.

In terms of public interest, the matter reduces rather than increases development potential. The amendment does not affect any adjoining landowner or any broader public values or considerations. The amendment will put the zoning of the land as was proposed during public exhibition and which did not generate any public interest.

ASSESSMENT AND STRATEGIC OUTCOMES

Local Strategy, Policy and Impacts

Strategic Plan

Consistent with Council’s Strategic Plan, the proposed amendment will support the objective of maintaining a contemporary planning model that facilitates diversified growth.

Infrastructure Impacts

The amendment does not create any potential to subdivide additional lots or substantially alter how the land is used and development. There are no potential infrastructure impacts.

Environmental Impacts

The proposed amendment will have no negative environmental impacts.

Amenity Impacts

The Agriculture Zone includes a 200m boundary setback for a sensitive use. The proposed expansion of the Agriculture Zone will place this 200m setback on Lot 10 Nugent Road as shown below. Much of the area subject to the setback is the former quarry footprint. A performance criteria pathway is provided to consider a lesser setback based on site characteristics including buffers and natural vegetation. Lot 10 is currently vacant and could continue to be developed after the amendment is approved.

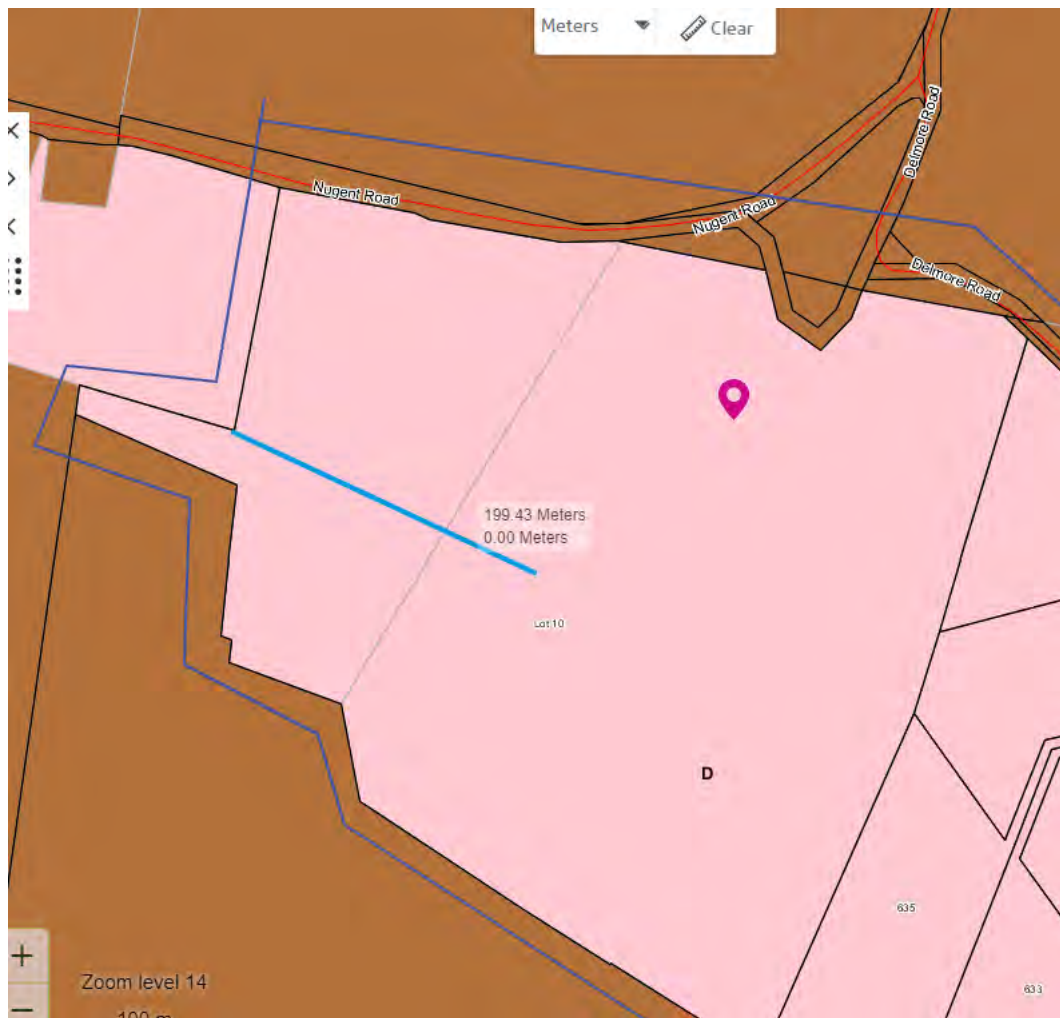


Figure 7. Rural Living to Agriculture Zone 200m setback

Regional Strategy and Policy

For the amendment to be approved, compliance with the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS) must be demonstrated. **Appendix 1** provides a detailed assessment of the amendment against the relevant STRLUS policies.

The amendment is consistent with the STRLUS as it will support agricultural use by consolidating all of the property in, including its agricultural land and supporting infrastructure such as the dwelling, in one zone and also by not applying the rural living zone to land that is associated with an existing agriculture use.

State Strategy and Policy

The amendment furthers the objectives in Schedule 1 of LUPAA, by promoting sustainable and orderly development on land. **Appendix 1** includes an assessment against the objectives of Schedule 1 of LUPAA and State Policies.

Statutory considerations

Section 32 of LUPAA provides for the contents of a Local Provisions Schedules (LPS), and Section 34 outlines the LPS Criteria. **Appendix 1** provides a detailed assessment of the amendment against the requirements of these provisions. The amendment is considered to satisfy all the listed considerations and meet the LPS Criteria.

Conclusions on the Amendment

The amendment seeks to rezone one title from the Rural Living Zone (D) to the Agriculture Zone and, in doing so, ensure all land in the property at 680 Nugent Road, Wattle Hill is contained in one zone.

For the above reasons, the amendment is consistent with the objectives and other requirements of the *Land Use Planning and Approvals Act 1993*.

Shane Wells
MANAGER PLANNING

Attachments:
Titles

TASMANIAN PLANNING SCHEME - SORELL

PLANNING SCHEME AMENDMENT

AM-SOR-5-2023-154-1

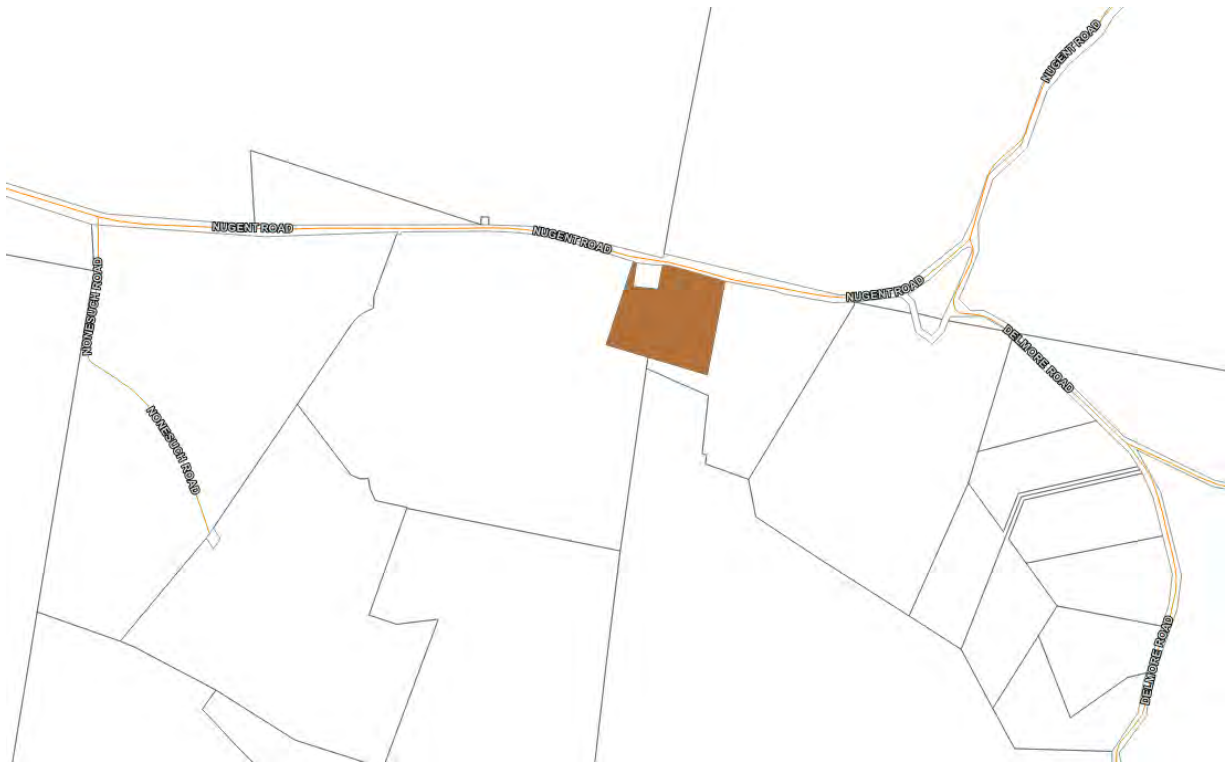
Pursuant to the Land Use Planning and Approvals Act 1993

Location

680 Nugent Road, Wattle Hill (folio of the Register 17314/5).

Description

Apply the Agriculture Zone as shown below.



Appendix 1 Statutory Assessment – Response to criteria requirements for Local Provisions Schedule under LUPAA

Section 34(2) of LUPAA requires a relevant planning instrument to meet all of the following criteria.

(a) contains all the provisions that the SPPs specify must be contained in an LPS

The proposal complies with the SPP requirements for an LPS as set out in clause LP1.0 and Appendix A of the SPPs. The amendment relates only to the zoning of land and does not include any local area objectives or other detailed local content.

(b) is in accordance with section 32

This section identifies the technical aspects of a LPS such as inclusion of zone maps and overlays, and what additional local provisions can be included if permitted to do so under the SPPs, to add to, modify or override the SPPs. This proposed zone change is consistent with this section.

(c) furthers the objectives set out in Schedule 1 of LUPAA

Assessment of the amendment against the Schedule 1 objectives is provided in the following table.

Part 1 Objectives	Comment
<p>(a) <i>to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i></p>	<p>The amendment furthers this objective by consolidating all agricultural land and infrastructure in the one zone.</p>
<p>(b) <i>to provide for the fair, orderly and sustainable use and development of air, land and water</i></p>	<p>The allocation of zoning in the LPS had to have regard to the Section 8A Guidelines released by the Minister for Planning.</p> <p>Guideline RLZ 1 required the rural living zone to only be applied in residential areas where there is an existing mix between residential and lower order rural activities such as hobby farming and where priority is given to the protection of residential amenity. It is reasonable to say that the Delmore Road lots should prioritise residential amenity. However, the subject site is separated from Delmore Road by approximately 16 hectares of vacant rural living land that contains nothing other than a former quarry and bushland. It is difficult to consider the subject site as</p>

	<p>being within a residential area and therefore the existing rural living land is inconsistent with RLZ 1.</p> <p>Guideline RLZ 2 states that new areas of rural living zone could only be created where consistent with a regional land use strategy or supported by more detailed local strategic analysis. In this case, RLZ 2 is not satisfied as the zoning is inconsistent with the STRLUS (discussed below).</p> <p>Guideline RLZ 4 states that the rural living zone should not be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer on LISTmap unless justified by the relevant regional land use strategy. The subject site is identified in this map.</p> <p>Guideline AZ 1 requires the Agriculture Zone to be based on 'Land Potentially Suitable for Agriculture Zone' as well as any more detailed analysis that is available. The subject site is identified in 'Land Potentially Suitable for Agriculture Zone' and no detailed analysis was undertaken to suggest that the Agriculture Zone should not apply. If such analysis had occurred, it would have been evident that the subject site is part of agricultural land included in the 680 Nugent Road property.</p> <p>It is considered that the current allocation of zoning does not provide for fair or orderly development but that the amendment will do so.</p>
<p><i>(c) to encourage public involvement in resource management and planning</i></p>	<p>As noted earlier, the amendment seeks to correct the zoning and should not be subject to public exhibition. There are no matters of interest to the broader community.</p>
<p><i>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i></p>	<p>One consistent zone for the property is necessary to further this objective.</p>

<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State</i>	This procedural objective has no bearing on the matter at hand.
Part 2 Objectives	
<i>(a) to require sound strategic planning and co-ordinated action by State and local government</i>	This procedural objective has no bearing on the matter at hand.
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land</i>	This procedural objective has no bearing on the matter at hand.
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land</i>	The amendment would require the removal of the small area of priority vegetation area from the site as the use of this overlay is prohibited in the Agriculture Zone. The vegetation is, however, protected indirectly through the heritage listing which provides some constraint of future development potential.
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels</i>	This procedural objective has no bearing on the matter at hand.
<i>(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals</i>	This procedural objective has no bearing on the matter at hand.
<i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation</i>	The rezoning will improve the living and working arrangements of this agricultural property.

<i>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>	The amendment will enable ongoing protection of the heritage listed building and other heritage assets on the property. The Walker Cottage is essentially a second dwelling on the property that has been used for short or long-term rental. The owners intend to sell the Walker Cottage and ensure that it is well maintained
<i>(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community</i>	The amendment will have no impact on public infrastructure.
<i>(i) to provide a planning framework which fully considers land capability.</i>	This procedural objective has no bearing on the matter at hand.

(d) is consistent with each State policy;

Assessment of the amendment against the current State policies is provided in the following table.

State Policy	Comment
<i>State Policy on the Protection of Agricultural Land 2000.</i>	The proposal furthers the policy through the expansion of the Agriculture Zone to cover all land within the property.
<i>State Policy on Water Quality Management 1997</i>	The proposed amendment per se would not result in an increase in sediment transport to surface waters. Any future planning permits issued for developments in the subject area will require that appropriate water quality management measures are put in place at the time of works.
<i>State Coastal Policy 1996.</i>	The SAP area is located more than one kilometer from the coast and the policy does not apply.

National Environmental Protection Measures

National Environment Protection Measures (NEPM) are automatically adopted as State Policies under section 12A of the *State Policies and Projects Act 1993* and are administered by the Environment Protection Authority.

The NEPMs relate to:

- ambient air quality
- ambient marine, estuarine and fresh water quality
- the protection of amenity in relation to noise (but only if differences in markets for goods and services)
- general guidelines for the assessment of site contamination
- environmental impacts associated with hazardous wastes
- the re-use and recycling of used materials.

Principle 5 of the NEPMs states that planning authorities *'that consent to developments, or changes in land use, should ensure a site that is being considered for development or a change in land use, and that the authorities ought reasonably know if it has a history of use that is indicative of potential contamination, is suitable for its intended use.*

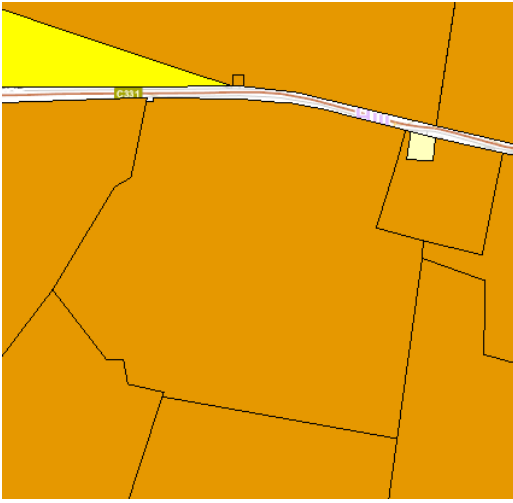
There are no known issues on the property.

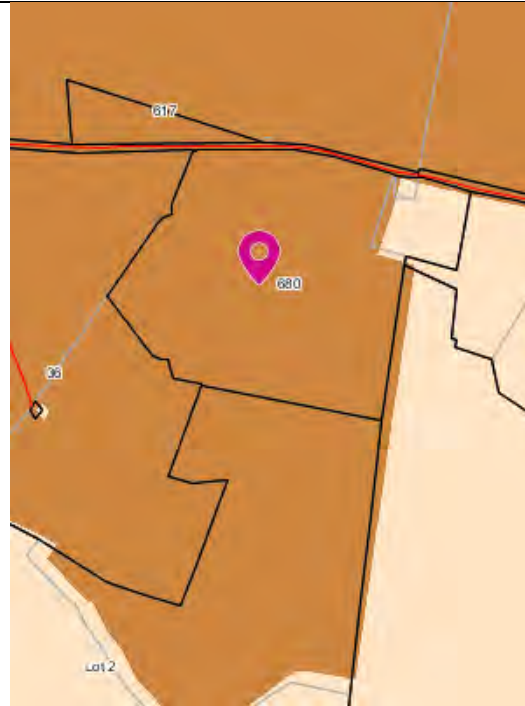
(da) satisfies the relevant criteria in relation to the TPPs;

The Tasmanian Planning Policies have not been implemented.

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;

The regional land use strategy for Sorell is the *Southern Tasmanian Regional Land Use Policy 2010-2035* (STRULUS). Comments against the relevant STRULS strategies are provided below.

Relevant STRLUS strategies	Comment
<p>Productive Resources</p> <p>PR1 - Support agricultural production on land identified as regionally significant by affording it the highest level of protection from fettering or conversion to non-agricultural uses.</p>	<p>680 Nugent Road is mapped as potentially unconstrained agricultural land in the Tasmanian Agricultural Estate with the exception of the small hall title which is clearly constrained by size. The amendment will afford the highest level of protection from fettering and conversion.</p> 
<p>Settlement and Residential Development</p> <p>SRD 1.3 - Support the consolidation of existing settlements by restricting the application of rural living and environmental living zones to existing rural living and environmental living communities. Land not currently zoned for such use may only be zoned for such use where one or more of the following applies:</p> <p>a. Recognition of existing rural living or environmental living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to rural living or environmental living provided:</p> <p>(i) the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and</p> <p>(ii) only limited subdivision potential is created by rezoning.</p>	<p>In the interim scheme, the property was partly zoned Significant Agricultural and part Rural Resource as shown below. The application of the Rural Living Zone therefore must be consistent with SRD 1.3. That is, the eight smaller lots off Delmore Road, the Lot 10 property and 680 Nugent Road were recognized as an existing rural living community that was substantial in size.</p>



The Rural Living Zone D does not provide for subdivision potential and therefore (a) (ii) is met.

It is considered that the subject site should not be recognized as forming part of this rural living community as:

- the land fronts Nugent Road, whereas the community is centred on Delmore Road.
- 680 Nugent Road is more than 400m from the Delmore Road lots and separated by one property of some 14 hectares in size.
- Lot 10 contains a quarry and no dwelling and has the characteristics of a rural property separating the site from the Delmore Road property
- The heritage school house was established to serve the surrounding agricultural landscape and did not in turn lead to any subsequent residential settlement. Rather, the area retains its agricultural

	<p>landscape.</p> <ul style="list-style-type: none"> • The Delmore Road lots face east to south-east whereas 680 Nubent Road has a northerly aspect.
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(f) has regard to the strategic plan, prepared under [section 66 of the Local Government Act 1993](#), that applies in relation to the land to which the relevant planning instrument relates

The current municipal strategic plan is the *Strategic Plan 2019-2029 (March 2023 update)*. The amendment is consistent with the following objectives:

Objective 1 – To Facilitate Regional Growth

What success will look like:

- A contemporary planning model that facilitates diversified growth

How we will deliver:

4. Grow and measure business investment in agriculture, aquaculture, retail, service industry and social service sectors.
9. Facilitate tourism and agri-tourism opportunities through industry sectors and Destination Southern Tasmania

The amendment will assist in maintained a contemporary planning model through ensure the fairly and orderly principle of one zone for one property. The amendment will also support agricultural investment through retaining key assets in a single zone. While not currently considered, the combination of a heritage asset and agricultural land could reasonable support agri-tourism opportunities.

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;

Not relevant given the distance to any adjoining municipal area.

(h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

Not applicable.

SEARCH OF TORRENS TITLE

VOLUME 17314	FOLIO 5
EDITION 1	DATE OF ISSUE 17-May-1995

SEARCH DATE : 06-Jun-2023

SEARCH TIME : 02.01 PM

DESCRIPTION OF LAND

Parish of CANNING, Land District of PEMBROKE
 Lot 5 on Sealed Plan 17314
 (Formerly Lots 1, 2 & 3 on SP 17314)
 Derivation : Whole of Lot 33302 Gtd to C.H. Hack and Part of
 294 Acres Located to A. Council and part of 800 Acres Located
 to T.A. Lascelle.
 Prior CT 3977/67

SCHEDULE 1

A807157 & B283074 DIANE HELEN JESSUP

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP 17314 COUNCIL NOTIFICATION under Section 468(12) of the
 Local Government Act 1962
 B508663 MORTGAGE to Westpac Banking Corporation Registered
 28-Apr-1992 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

PLAN NO.

S.P

17314

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

EASEMENTS AND PROFITS

Each lot on the plan is together with—

(1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and

(2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:—

(1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and

(2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

NO EASEMENTS covenants profits a prendre are intended to be created to benefit or burden any of the lots shown on the plan

THE VENDOR (Wayne Marshall Newitt) shall not be required to fence.

SIGNED by WAYNE MARSHALL NEWITT as the owner of the land described in Indenture of Conveyance No. 54/8819 in the presence of:

Handwritten signature of Wayne Marshall Newitt

SIGNED AND DELIVERED by GORDON WILLIAM LAWRENCE as Attorney for the COMMERCIAL BANK OF AUSTRALIA LIMITED as the act and deed of the said Bank, as Mortgagee under Indenture of Mortgage No. 56/4697 in the presence of:

Stamp: THE COMMERCIAL BANK OF AUSTRALIA LIMITED SOLICITORS ATTORNEYS AND LEGAL ADVISERS. Includes handwritten signature of Gordon William Lawrence.

SIGNED by ADRIAN DOUGLAS JESSUP and DIANE HELEN JESSUP as the Registered Proprietors of the land comprised in Certificate of Title Volume 2407 Folio 77 in the presence of:

Handwritten signatures of Adrian Douglas Jessup and Diane Helen Jessup.



COUNCIL CERTIFICATE

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

APPROVAL BY LOCAL AUTHORITY

The subdivision shown in this Plan is approved under section 477B of the Local Government Act 1962 only for the purpose of enabling lots 1 & 2 to be added to lot 3

Seal

Insert here any qualification to the approval under section 468 (12), section 472 or section 477B of the Local Government Act 1962. Rule through any blank space.

The Corporation cannot provide a supply of water to the lots, nor provide a means of sewerage from the lots on the plan

In witness whereof the common seal of the Warden, Councillors and Members of the Municipality of Sorell

has been hereunto affixed, pursuant to a resolution of the Council of the said municipality passed the 20th day of August, 1981, in the presence of us

Charles A. Meehan } Members
M. Stewart } Council Clerk

COUNCILS REFERENCE.....

1, 2 & 3 3977 67
 BAL 3925/11 " 68
 6/Jan BAL P17502

TO BE COMPLETED AND SIGNED BY COUNCIL CLERK OR OWNER

For the purposes of section 464 of the Local Government Act 1962, the owner has nominated/nominate

As his/my solicitor *Cromer & Cerutti Pty Ltd*

As his/my surveyor *Murdoch Clarke Cosgrove & Drake*

M. Stewart Council Clerk/Owner

TO BE FILLED IN BY SURVEYOR

Survey commenced 10-8-81

Survey finished 10-8-81

Error of Close 1 in 10 000

OFFICE EXAMINATION

Plot Checked PS 15-12-81

Mathematically Checked PS 15-12-81

Examined as to boundaries 11/8/82

Entered on Card

DS 17 46A

Surveyor's Certificate

I, *John Leonard Cerutti* of *Bellerive* in Tasmania, registered surveyor, hereby certify that this plan:

1. Has been made from surveys executed by me or a registered pupil under my personal supervision, inspection, and field-check, and that both plan and survey are correct, and have been made in accordance with the Land Surveyors By-Laws 1966;
2. Complies with all statutory provisions relating to anything appearing thereon; and
3. Requires the approval of the local authority, which has been obtained ~~or does not require the approval of any local authority~~

Dated this 20th day of August 1981

J. Cerutti
Registered Surveyor

SURVEYORS REFERENCE..... 8107 - 4

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
46008	1
EDITION	DATE OF ISSUE
1	03-Aug-1993

SEARCH DATE : 06-Jun-2023

SEARCH TIME : 02.02 PM

DESCRIPTION OF LAND

Parish of CANNING, Land District of PEMBROKE
 Lot 1 on Diagram 46008
 Being the land described in Conveyance No. 65/9423
 Derivation : Part of 800 Acres Located to T.A. Lascelles
 Prior CT 4781/83

SCHEDULE 1

DIANE HELEN JESSUP

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 11/4160 CONVEYANCE - made subject to the condition that the
 said Lot 1 be used for social political and public
 purposes

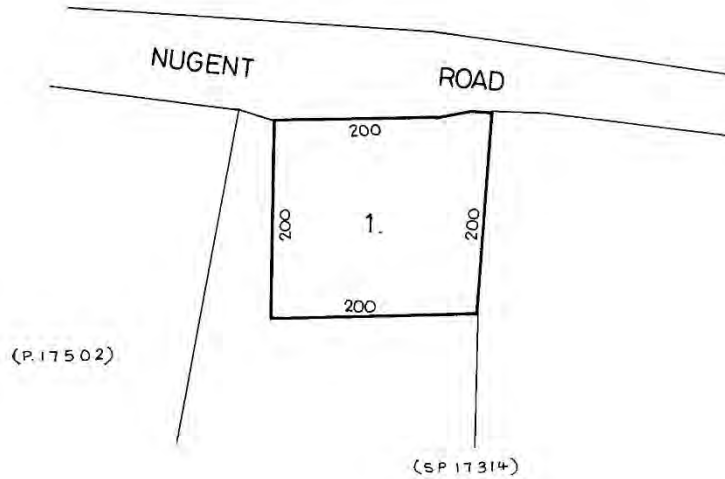
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

APPROVED.....	CONVERSION PLAN		REGISTERED NUMBER
RECORDER OF TITLES	CONVERTED FROM 65/9423		D.46008
FILE NUMBER Y. 12853	GRANTEE PART OF 800-0-0 LOC. TO THOMAS ALAN LASCELLES.		DRAWN <i>AM</i> 10/9/90

SKETCH BY WAY OF ILLUSTRATION ONLY

CITY/TOWN OF
 LAND DISTRICT OF PEMBROKE
 PARISH OF CANNING
~~LENGTHS ARE IN METRES. NOT TO SCALE.~~
 LENGTHS IN BRACKETS IN LINKS/FEET & INCHES.



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
53424	1
EDITION	DATE OF ISSUE
3	29-Jan-2014

SEARCH DATE : 06-Jun-2023

SEARCH TIME : 02.03 PM

DESCRIPTION OF LAND

Parish of CANNING, Land District of PEMBROKE
 Lot 1 on Sealed Plan 53424
 Derivation : Part of 800 Acres Located to T.A. Lascelles
 Prior CT 4865/15

SCHEDULE 1

B509177 TRANSFER to DIANE HELEN JESSUP

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP 53424 EASEMENTS in Schedule of Easements
 SP 46731 & SP 53424 FENCING PROVISION in Schedule of Easements
 SP 11364 COUNCIL NOTIFICATION under Section 468(12) of the
 Local Government Act 1962
 D108738 MORTGAGE to Bendigo and Adelaide Bank Limited
 Registered 29-Jan-2014 at 12.01 PM

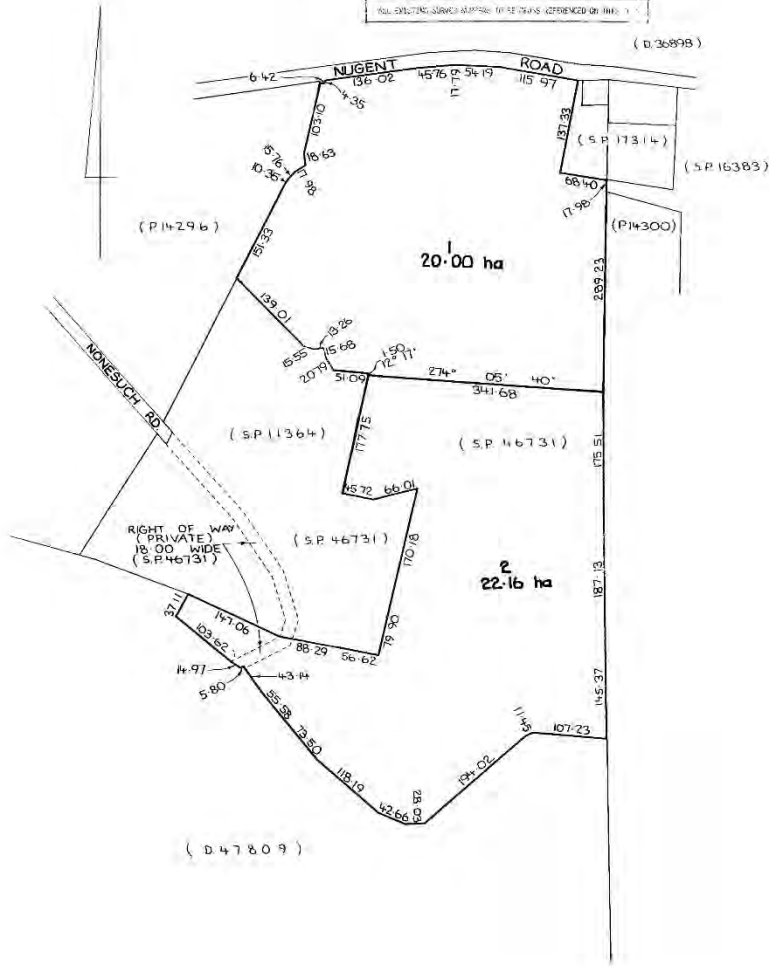
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

Owner: W M NEWITT	PLAN OF SURVEY by Surveyor T S CROMER of land situated in the CROMER & CERUTTY D/L 7 BAYFIELD ST ROSMY PARK PEMBROKE CANNING SCALE 1:4000 MEASUREMENTS IN METRES	Registered Number SP 53424
Title Reference: C.T.4742/24		Approved Effective from: 13 MAR 1992 <i>[Signature]</i> Recorder of Titles
Grantee: PART OF 800 0 0 LOCATED TO THOMAS ALLAN LASCELLES		

LOTS 1 & 2 COMPILED FROM C.T.4742/24 (S.P.46731) & THIS SURVEY.

TARGET SURVEY PLAN NO.	DATE FORWARDED	LAST SURVEY PLAN NO.
29	1260	
ALL EXISTING SURVEYS APPROVED PRIOR TO THIS REFERENCE TO THIS PLAN		



SCHEDULE OF EASEMENTS

PLAN NO.

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

SP53424

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

EASEMENTS AND PROFITS

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits à prendre described hereunder.

Each lot on the plan is subject to:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits à prendre described hereunder.

The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows.

EASEMENTS:-

Lot 2 on the plan is together with a Right of Carriageway over the Right of Way (Private) shown on the plan passing through the land in Sealed Plan No. 46731 and marked B C on the plan.

Lot 2 on the plan is subject to a Right of Carriageway (Appurtenant to the land remaining in Folio of the Register Volume 4359 Folio 99 after acceptances of Sealed Plan No. 46731) over the Right of Way (Private) marked A B on the plan.


FENCING PROVISION:-

In respect of each lot shown on the plan the Vendor (Wayne Marshall Newitt) shall not be required to fence.

Signed by WAYNE MARSHALL
NEWITT the registered
proprietor in Folio of
the Register Volume 4742
Folio 24 in the presence
of:

W. Marshall
W. Marshall
W. Marshall

Wayne M. Marshall

This is the schedule of easements attached to the plan of WAYNE MARSHALL NEWITT
(Insert Subdivider's Full Name)
 affecting land in
C.T. 4742 - 24
(Insert Title Reference)
 Sealed by MUNICIPALITY OF SORELL on 19th SEPTEMBER 2021
 Solicitor's Reference 
Council Clerk / Town Clerk

APPROVAL BY LOCAL AUTHORITY

The subdivision shown in this Plan is approved

Seal

Insert here any qualification to the approval under section 468(12), section 472 or section 477B of the Local Government Act 1962. Rule through any blank space.

In witness whereof the common seal of

the Municipality of Sovell

has been hereunto affixed, pursuant to a resolution of the Council of the said municipality passed the 19th day of September 1991, in the presence of us



Members

Council Clerk

COUNCILS REFERENCE.....

TO BE COMPLETED WHEN ADDITIONAL SHEETS ARE ANNEXED:

Detailed drawings of the parcels shown in this plan are contained in the additional sheet/s annexed hereto and signed by us

Surveyor

Council Clerk

TO BE COMPLETED AND SIGNED BY COUNCIL CLERK OR OWNER

For the purposes of section 464 of the Local Government Act 1962, the owner has nominated/ ~~I nominate~~

As his/~~my~~ solicitor

PAGE, SEAGER

As his/~~my~~ surveyor

CROMER & CERUTTY P/L

Council Clerk/Owner

TO BE FILLED IN BY SURVEYOR

Survey commenced 23.7.90

Survey finished 26.7.90

Error of Close 1:38,000 (Adj to Zero)

OFFICE EXAMINATION

Plot Checked

Mathematically Checked

Examined as to boundaries 4/3/92

Entered on Card

Surveyor's Certificate

I, T.S. CROMER

of ROSNY PARK

in Tasmania, registered surveyor, hereby certify that this plan:

Requires the approval of the local authority, which has been obtained for, does not require the approval of any local authority

Dated this 27th day of Nov. 19.91.

T.S. Cromer
Registered Surveyor

Surveyors Reference NEW1 W 09



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

TABLE OF CONTENTS

1.0	ATTENDANCE	3
2.0	APOLOGIES	3
3.0	CONFIRMATION OF THE MINUTES OF 20 JUNE 2023	3
4.0	DECLARATIONS OF PECUNIARY INTEREST	4
5.0	LAND USE PLANNING	4
5.1	DEVELOPMENT APPLICATION NO.5.2023.109.1	4
5.2	SUBDIVISION APPLICATION NO. SA 2022 / 00029 - 1	6
5.3	REZONING FROM RURAL LIVING TO AGRICULTURE - 5.2023.154.1	8

1.0 ATTENDANCE

^
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 20th 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

Applicant:	Ireneinc Planning And Urban Design
Proposal:	Change of Use - Dwelling to Visitor Accommodation
Site Address:	3 Pelican Place, Boomer Bay (CT 167219/3)
Planning Scheme:	<i>Tasmanian Planning Scheme – Sorell (TPS-S)</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	More than one representation received.
Relevant Zone:	22.0 Landscape Conservation
Proposed Use:	Visitor Accommodation
Applicable Overlay(s):	
Applicable Codes(s):	
Valid Application Date:	10 May 2023
Decision Due:	8 July 2023
Discretion(s):	1 Discretionary use
Representation(s):	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

34/2023 CAMPBELL / 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**

Councillor Torenus left the room at 4.51pm

5.2 SUBDIVISION APPLICATION NO. SA 2022 / 00029 - 1

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

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

Proposal:	Rezoning to Agriculture Zone
Site Address:	680 Nugent Road , Wattle Hill (CT 17314/5)
Planning Scheme:	<i>Tasmanian Planning Scheme Sorell (TPS-S)</i>
Relevant Legislation:	Part 3B of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	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**

