



# SORELL PLANNING AUTHORITY (SPA) AGENDA

30 MAY 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, 30 May 2023 commencing at 4:30 pm.

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## 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  
25 May 2023



## AGENDA

FOR THE SORELL PLANNING AUTHORITY (SPA) MEETING TO BE HELD AT THE  
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON  
TUESDAY 30 MAY 2023

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## 1.0 ATTENDANCE

<sup>^</sup>  
Chairperson Mayor Vincent  
Deputy Mayor C Wooley  
Councillor M Brown  
Councillor S Campbell  
Councillor J Gatehouse  
Councillor M Miro Quesada Le Roux  
Councillor M Reed  
Councillor N Reynolds  
Councillor C Torenus

## 2.0 APOLOGIES

Robert Higgins, General Manager

## 3.0 CONFIRMATION OF THE MINUTES OF 16 MAY 2023

### RECOMMENDATION

“That the Minutes of the Sorell Planning Authority (SPA) Meeting held on 16 May 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 TASMANIAN PLANNING SCHEME – SUBSTANTIAL MODIFICATIONS TO THE SORELL LOCAL PROVISIONS SCHEDULE – REPRESENTATIONS RECEIVED DURING PUBLIC EXHIBITION PERIOD

Author: Caroline Lindus, Consultant Senior Planner

Reviewed: Shane Wells, Manager Planning

#### Background

In October 2022 the Tasmanian Planning Commission (“TPC”) notified Council that the Sorell Local Provisions Schedule (“LPS”) was to come into effect on 21 December 2022. In addition to the LPS becoming operational, the TPC advised Council that under section 35KB, a number of substantial modifications were to be exhibited. This exhibition occurred in March and April, with the final substantial modification finishing exhibition on the 28 April 2023.

The substantial modifications exhibited included:

- 5.2023.2.1 – Sorell Township Investigation Area Specific Area Plan,
- 5.2023.3.1 - Rezone to Village and alter priority vegetation area, 9 Bay Street, 119 Arthur Highway, and 123-125 Arthur Highway, Dunalley.
- 5.2023.4.1 - Rezone to Rural and apply priority vegetation area, Tasman Highway and Shark Point Road, Sorell
- 5.2023.5.1 – Rezone to Rural and apply priority vegetation area, Bay Road, Marion Bay.
- 5.2023.6.1 – Rezone to Environmental Management Zone, 255 Marchwiell Road, Bream Creek.
- 5.2023.9.1 – Rezone to Rural and apply priority vegetation area, various properties in Marion Bay, Bream Creek, Kellevie and Copping.
- 5.2023.13.1 – Rezone to Future Road and apply future road corridor, 82 Main Road, Sorell.
- 5.2023.14.1 – Airport Noise Exposure area overlay, Penna

#### Statutory Requirements

As required under Section 35KB of the Land Use Planning and Approvals Act 1993 (“the Act”), the TPC directed Council to exhibit the substantial modifications for 28 days and to notify owners and adjoining owners by letter. Exhibition occurred in accordance with the requirements under the Act. This response to representations is in accordance with S40K of the Act which states:

40K. Report to Commission about draft amendments

*Section 40K, Report to Commission about draft amendments.*

- (1) A planning authority, within 35 days after the end of the exhibition period in relation to a draft amendment of an LPS in relation to the municipal area of the planning authority or a longer period allowed by the Commission, must provide to the Commission a report in relation to the draft amendment of an LPS.*
- (2) The report by a planning authority in relation to the draft amendment of an LPS is to contain –*
  - (a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
  - (b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*
  - (c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –*
    - (i) whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*
    - (ii) the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
  - (d) a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
  - (e) any recommendations in relation to the draft amendment that the planning authority thinks fit.*
- (3) Without limiting the generality of subsection (2)(e), the recommendations in relation to a draft amendment of an LPS may include recommendations as to whether –*
  - (a) a provision of the draft amendment of an LPS is inconsistent with a provision of the SPPs; or*
  - (b) the draft amendment of an LPS should, or should not, apply a provision of the SPPs to an area of land; or*
  - (c) the draft amendment of an LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.*

(4) *A planning authority must not include in a recommendation in relation to a draft amendment of an LPS a recommendation to the effect that the content of a provision of the SPPs should be altered.*

## Representations

Representations were received to the following amendments:

Representor	Amendment in question
Claire Gregg OBO JAC Group	AM-SOR 5.2023.2.1
Department of State Growth	AM-SOR-5.2023.2.1
David Newitt	AM-SOR.5.2023.2.1
Danielle Gray (unclear who she is representing)	AM-SOR.5.2023.2.1
TasWater	AM-SOR.5.2023.2.1
Department of State Growth	AM-SOR.5.2023.13.1
TasWater	AM-SOR.5.2023.13.1
TasWater	AM-SOR.5.2023.3.1
TasWater	AM-SOR.5.2023.6.1
Bob Given, 58 Burnt Hill Road,	AM-SOR-5-2023.9.1
Melissa Brettingham-Moore, 559 Bay Road,	AM-SOR.5.2023.5.1
Eva Bitterova, 2613 Tasman Highway	AM-SOR-5.2023.4.1
Andrea and Noel Jackman, 2588 Tasman Highway	AM-SOR-5.2023.4.1

## Discussion

During the hearings for the Sorell LPS several strategic matters were raised which represented substantial changes to the Sorell LPS that was exhibited. These strategic matters were considered by the TPC and, as part of the decision from the TPC under section 35K(1)(a) of the Act issued on 25 October 2022, the Commission directed Council to prepare amendments to reflect the substantial modifications.

The specified draft amendments include:

- 5.2023.2.1 – Sorell Township Investigation Area Specific Area Plan,
- 5.2023.3.1 - Rezone to Village and alter priority vegetation area, 9 Bay Street, 119 Arthur Highway, and 123-125 Arthur Highway, Dunalley.
- 5.2023.4.1 - Rezone to Rural and apply priority vegetation area, Tasman Highway and Shark Point Road, Sorell
- 5.2023.5.1 – Rezone to Rural and apply priority vegetation area, Bay Road, Marion Bay.
- 5.2023.6.1 – Rezone to Environmental Management Zone, 255 Marchwiell Road, Bream Creek.
- 5.2023.9.1 – Rezone to Rural and apply priority vegetation area, Various properties in Marion Bay, Bream Creek, Kellevie and Copping.

- 5.2023.13.1 – Rezone to Future Road and apply future road corridor, 82 Main Road, Sorell.
- 5.2023.14.1 – Airport Noise Exposure area overlay, Penna

These amendments were exhibited in two stages as specified below:

Exhibited on Saturday 25 February 2023 and Saturday 4 March 2023 until 29 March 2023.

- AM-SOR-5-2023-2-1;
- AM-SOR-5-2023-3-1;
- AM-SOR-5-2023-6-1;
- AM-SOR-5-2023-13-1

Exhibited on Saturday 25 March 2023 and Saturday 1 April 2023 until 28 April 2023:

- AM-SOR-5-2023-4-1;
- AM-SOR-5-2023-9-1;
- AM-SOR-5-2023-5-1;
- AM-SOR-5-2023-14-1

All landowners directly impacted by these amendments were notified as were relevant government agencies such as TasWater, TasNetworks, and the Department of State Growth.

Representations were received from various parties and are considered in Attachment A below.

### **Recommendation**

That Council in its role as a Planning Authority, and in accordance with Section 40K of the *Land Use Planning and Approvals Act 1993*, endorse and submit to the Tasmanian Planning Commission this report about the various Amendments to the Sorell Local Provisions Schedules, which includes the following particulars:

- (a) As set out in Attachment A - 1, the Planning Authority's consideration of the received representations including opinions as to the merit of each representation and any subsequent recommendation for modification to the draft amendments;
- (b) A copy of each representation received during the public exhibition period (Attachment B); and
- (c) Determination that the draft amendments (including any recommendations) satisfy the local provisions schedule criteria set out under section 34(2) of the *Land Use Planning and Approvals Act 1993*.



## Attachment A

Representation No	Claire Gregg, OBO JAC Group
Amendment No.	AM-SOR 5.2023.2.1
Matters raised in representation	<p>The representor has raised concerns about the inclusion of resource processing within the SAP. It is their view that the purpose of the SAP is to allow for the long term potential growth in Sorell and the inclusion of resource processing could compromise that. This is particularly relevant around the application of the Attenuation Code, which would afford a level of protection for a resource processing use if established before a residential use. A future sensitive use (such as residential) would need to demonstrate that the amenity of that sensitive use would not be impacted by emissions from uses identified within the Attenuation Code. This has the potential to impact upon the primary purpose of the long term potential growth corridor for Sorell.</p> <p>Concerns that the requirement under the Development Standards for subdivision for existing structures to meet the setback requirements of 21.4.2 may result in an impact where future development potential is compromised by the large setbacks.</p>
Planning Authority Response	<p>The representor has raised concerns that Clause SOR-S5.6.1 Discretionary uses, is not robust enough to enable protection of the overall purpose of the SAP, being to support future urban growth. The purpose of the SAP is:</p> <p><i>SOR.S5.1.1 To recognise an area of land to the south east of the Sorell township that has been identified as being strategically important in catering for the potential growth of the township.</i></p> <p><i>SOR.S5.1.2 To enable decisions on the future growth of the Sorell township and the suitability of the area for urban development to be further considered through regional planning processes and any subsequent statutory land use planning processes.</i></p> <p><i>SOR.S5.1.3 To ensure that use and development of the land does not compromise the long term potential growth of the Sorell township area.</i></p> <p>While this land is identified for future urban development, the purpose only articulates this in so far as it references the ability to make decisions on future growth with the support of regional planning and subsequent strategic planning processes. It does however reference the need to ensuring that use and development of the land does not compromise the long term potential growth of the Sorell area.</p>



	<p>In relation to Clause SOR-S5.6.1, a resource processing use (amongst a number of others) has a number of qualifications including:</p> <ul style="list-style-type: none"> <li>• Being required on the site for operational or security reasons; having regard to access to resources on the site, access to infrastructure, to service or support an agricultural use, or for the provision of essential Emergency Services.</li> <li>• Be for an activity that provides a significant social benefit to the Sorell township and broader community.</li> </ul> <p>Critically however P2 specifies that a discretionary use must be able to contain all pollution within the site to ensure it does not restrict the development of future sensitive uses. It is considered that these two standards are adequate to provide a level of protection for sensitive uses in the future. It is noted that this SAP is likely to act as a means to hold development on the site until further strategic work, justifying any expansion of Sorell, can be undertaken.</p> <p>It is unclear why future residential development may be compromised by the large setbacks. The SAP provision is essentially the same as that in the SPP Future Urban Zone. Residential use is limited to a single dwelling only and there are two vacant lots in the SAP. In effect, when the site is more wholly development for residential use, this will only be achievable through a scheme amendment and likely rezoning to General residential or similar. At that time, it is anticipated that the SAP would no longer apply to the site in any event. The requirements for large setbacks, given the flexibility that these separations would provide, is unlikely to impact on future development opportunities.</p>
Recommended Action	No modification to the draft amendment.



Representation No 2	Department of State Growth
Amendment No.	AM-SOR-5.2023.2.1
Matters raised in representation	<p>Concerned that the extent of the area spatially is vast and sits wholly outside of the Urban Growth Boundary. This is likely to result in further pressures on the Tasman Highway between Sorell and Hobart and that many houses will be too far away from services in Sorell to walk or cycle, therefore having further reliance on private cars.</p> <p>State Growth is unaware of how this area identified in the SAP will be incorporated into development of land at Lot 1 and 5 Arthur Highway through the provision of an overpass or similar.</p> <p>Bus services are unlikely to travel via the Bypass. Future development of the investigation area will need to be at appropriate residential densities to enable public transport to be established. In addition, future road corridors need to accommodate bus movements, as well as pedestrian and cycling infrastructure.</p>
Planning Authority Response	<p>The Regional Land Use Strategy does not speak to whether a SAP can be applied to protect the future urban development opportunities but rather focusses on the application of the Future Urban Zone, and other urban zonings such as General Residential.</p> <p>Consideration of the inclusion of an overpass over the Bypass, and pedestrian, and cycling links, will occur at a structure planning or detailed subdivision stage around the time that a rezoning to an urban zone is progressed. The application of this SAP does not preclude assessment of those issues at that stage. It should be noted that the Sorell Strategic Transport Network Assessment addresses these considerations and should be provided to the TPC as an attachment to this report.</p>
Recommended Action	No modification to the draft amendment is required

Representation No 3	David Newitt
Amendment No.	AM-SOR.5.2023.2.1
Matters raised in representation	<p>The representor owns a property adjacent to the site of the proposed Sorell Investigation Area SAP (at 188 Arthur Highway). The representor is concerned that the SAP does not apply to his property. He is of the view that it should be because:</p> <ul style="list-style-type: none"> <li>The property has excellent views lending itself to high quality urban development which would be consistent with the Regional Land Use Strategy.</li> </ul>



	<ul style="list-style-type: none"> <li>• Excluding this parcel does not allow for a complete assessment of the area, and does not allow for strategic consideration of 188 Arthur Highway in the overall structure and infrastructure planning for urban development.</li> <li>• Provisions should be made to have infrastructure allowable at 188 Arthur Highway for future opportunities.</li> <li>• The land should be rezoned as a setback value of 200m may need to be applied for agricultural activities, this could result in 20% of 188 Arthur Highway becoming constrained.</li> <li>• The land is low quality agricultural land. It has varying soil depths and an amount of ironstone making it unsuitable to significant contributions to agriculture. It is not within the irrigation zone.</li> <li>• Concerned that the property at 188 Arthur Highway should have been zoned Rural not Agriculture through the LPS process and want that reconsidered.</li> </ul>
<p>Planning Authority Response</p>	<p>The property at 188 Arthur Highway is spread over 4 titles between the Arthur Highway and the coastline. The proposed investigation area does apply to the remainder of the Peninsula so it is accurate that the property at Mount Garrett is the only property on the peninsula excluded from the application of the SAP.</p> <p>The Sorell Land Supply Strategy considered 188 Arthur Highway and the Catholic land as one with Kidbrook and Julfran considered separately. The exclusion of 188 Arthur Highway from the SAP should not be interpreted as a shift in Council’s consideration of future land supply options. Rather, the exclusion is likely more to do with present-day need given the 15 year supply horizon provided in the regional land use strategy. Future corridor planning for water, sewer, stormwater and transport must be on a whole of peninsula basis.</p> <p>Spatially the land area of Mount Garrett would almost double the land area available for development if incorporated within the investigation area. This could increase the number of dwellings at an average of 15 dwellings per hectare, to 2,175. This is a substantial increase in addition to the potential dwellings achievable under the existing SAP application and is likely to result in 30-40 years of land supply in this area alone. This level of land supply is generally considered in excess of what is required for a municipal area. Should the SAP develop, 188 may become a logical inclusion and be added to the 15 year supply horizon.</p> <p>The representors concerns in relation to the ongoing operation of his farm, and its agricultural zoning, being directly adjacent to a potential future urban use, are acknowledged. At this stage however, the underlying zoning of the investigation area will remain as Agriculture which should not introduce significant conflicts between uses.</p> <p>Provision could be made for infrastructure connectivity to the site, however this again would be more appropriately addressed once a structure plan stage is reached. It is unlikely that the application of the SAP will result in substantial infrastructure provision.</p>



	The representors concerns in relation to the quality of the agricultural land at Mount Garrett have been raised previously and were discussed at length during the hearing for the LPS. As this amendment is addressing the application of the SAP to the land under the investigation area only, consideration of zoning and how it was determined for Mount Garrett is inappropriate at this time.
Recommended Action	No modification to the draft amendment is required

Representation No 4	Danielle Gray (Unclear who she is representing)
Amendment No.	AM-SOR.5.2023.2.1
Matters raised in representation	<p>Concerned that the SAP is applied to prime agricultural land under active crop and grazing use, with very few impediments to ongoing agricultural use and development. The representor is of the view the land is within an irrigation scheme. Concerned that the inclusion of the SAP appears to bypass a rezoning process to allow for residential use and development.</p> <p>The SAP is inconsistent with the State Policy on the Protection of Agricultural Land 2009 and with the regional policies within STRLUS (specifically PR1 and PR2). Concern that 157ha of agricultural land will be lost through the application of the SAP.</p> <p>The bypass corridor provides a barrier between the agricultural uses and the general residential uses. Land to the north and north west of the Sorell township appears to be suitable to cater for further residential development as it is constrained agricultural land and is not used for agricultural purposes.</p> <p>No land is zoned Inner Residential in Sorell which could provide further densification opportunities in fully serviced areas.</p> <p>Of the view that the SAP will provide a direct route for large scale residential subdivision and development. The residential use is given greater priority over other discretionary uses within the SAP.</p> <p>Some Rural Living A land should be rezoned to General Residential.</p> <p>The review of STRLUS may result in changes to the urban growth boundary but we're unclear what will happen in this regard.</p>
Planning Authority Response	This SAP came to existence via a direction from the Tasmanian Planning Commission during the LPS hearing process. The intent of the SAP is to attempt to recognise the broader strategic importance of this section of land for the future expansion of the Sorell township. This land was identified for potential future residential use through the Sorell Land



Supply Strategy completed in 2019. This strategy considered where the most appropriate locations for the expansion of Sorell would be bearing in mind land constraints, existing patterns of development, proximity to the centre of Sorell, and potentially conflicting uses. This area entitled R8, R9 and R10 was identified as being suitable for the implementation of a masterplan on the site, considering housing, access, potential industrial estates, retail services, educational and open space facilities and the infrastructure and staging approach. There were a range of reasons that this site was identified, including the need to provide for a substantial area for Sorell to grow into over a 30 year timeframe.

This plan also incorporated land that was north west of the Bypass as being recommended for rezoning to General Residential immediately. This has already been implemented.

In effect, the SAP attempts to reflect the recommendations within this strategic report to enable these recommendations to be acted upon in the future.

The approach of using a SAP as opposed to a rezoning is that the SAP applies in addition to the underlying zoning – being the Agriculture zone. This means that unless explicitly stated, the provisions of the Agriculture zone will remain. The SAP provisions address the Use Table, use standards, and the subdivision standards. Other development standards within the Agriculture zone remain and would apply in the case of a development application being submitted to Council.

The standards within the SAP continue to prioritise agricultural uses predominantly, although the use standards do provide an approval pathway in the instance of an activity providing a significant social benefit to the community.

In addition there are controls over discretionary uses to ensure any emissions are contained within the site.

The SAP will not allow large scale subdivision of the properties, nor would it allow for urban development by stealth. In effect it highlights the long-term strategic intent for this area of land but to fulfil the development of this land in earnest, a rezoning would be required.

It is acknowledged that in depth agricultural analysis has not been undertaken across the SAP site area. However contrary to the statement made by the representor, the site does not have access to irrigation water and are used for grazing. The area is predominantly class 4, with a small section of class 5 land, and is not considered Prime Agricultural land.

It was suggested that smaller Rural Living properties should be considered for rezoning. This may be considered by Council as a separate measure, however it is broadly accepted that increasing densification on sites which have already been subdivided and partially developed will take longer to fully develop at the higher density. These properties are often in different ownerships so there will be varying levels of interest in developing the sites

	further, they are already partially developed and therefore constrained by structures on the site and suffer from coordination issues for necessary infrastructure. The development pipeline for an up zoned area has a number of constraints that slow the flow of housing. Conversely, rezoning and future master planning of a larger parcel of land will enable more efficient roll out of infrastructure, better street networks and connections, and a more efficient lot yield.
Recommended Action	No change to the SAP as drafted.

Representation No 5	TasWater
Amendment No.	AM-SOR.5.2023.2.1
Matters raised in representation	TasWater does not object nor do they have formal comments for the TPC.
Planning Authority Response	Noted.
Recommended Action	No change to the SAP as drafted.

Representation No 6	Department of State Growth
Amendment No.	AM-SOR.5.2023.13.1
Matters raised in representation	The Department supports the draft amendment as proposed. The alignment of the amendment is consistent with the existing proclamation pursuant to Section 9A of the Roads and Jetties Act 1935.
Planning Authority Response	Noted
Recommended Action	No change to the amendment as drafted.

Representation No 7	TasWater
Amendment No.	AM-SOR.5.2023.13.1
Matters raised in representation	TasWater do not object nor do they have formal comments for the TPC.
Planning Authority Response	Noted.
Recommended Action	No change required.



Representation No 8	TasWater
Amendment No.	AM-SOR.5.2023.3.1
Matters raised in representation	TasWater do not object nor do they have formal comments for the TPC.
Planning Authority Response	Noted.
Recommended Action	No Change required.

Representation No 9	TasWater
Amendment No.	AM-SOR.5.2023.6.1
Matters raised in representation	TasWater do not object nor do they have formal comments for the TPC.
Planning Authority Response	Noted.
Recommended Action	No Change required.

Representation No 10	Bob Given, 58 Burnt Hill Road, Bream Creek
Amendment No.	AM-SOR-5-2023.9.1
Matters raised in representation	<p>The property was zoned Rural under the Sorell Interim Planning Scheme 2015. The parcel of land is 2ha and has a house on it. It should be zoned Rural or Rural Living. It seems the application of the Rural zone is not capturing the correct parcels of land, as a number of parcels of land that are part of the Bream Creek Dairy are in fact zoned Rural not Agriculture.</p> <p>There needs to be more rigorous review of the affected properties in order to provide a consistent and appropriate outcome.</p> <p>Priority Vegetation Overlay: There are covenants applicable to large sections of the Marchwiell property to protect specific vegetation communities and bird species. These areas should be included in the Priority Vegetation overlay but are not shown on the diagram.</p>
Planning Authority Response	This title is an internal lot within a broader Rural/Agricultural property. It is acknowledged that the property was previously zoned Rural, and further, at 2ha with a single dwelling and as an internal lot, its agricultural productivity





or opportunities are limited. There is a small vineyard established on the property, however the land size is always likely to constrain significant agricultural opportunities.

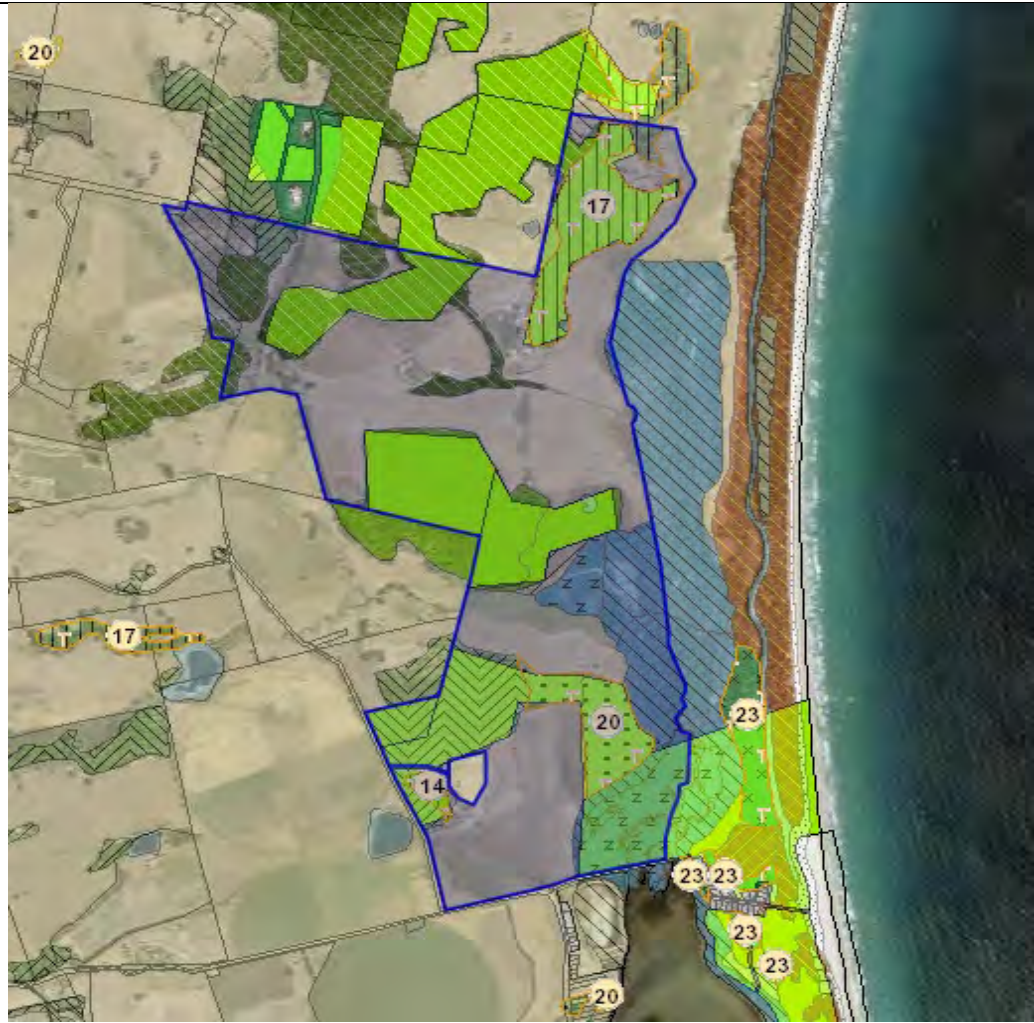
The application of the Rural and Agricultural zoning was subject to extensive discussion during the hearings for the Local Provision Schedule. The outcome of this discussion was the direction from the Commission to exhibit the substantial modifications, including this amendment. It is unclear how the decision to apply the Rural zoning and to which lots was determined, however it appears that the subject site has been incorporated within the Agricultural zoning due to the surrounding large lot which is also zoned Agriculture. This does result in an illogical outcome, with the small title incorporated under the Agriculture zoning, and larger established farms, being zoned Rural.

It is noted that the lot has:

- Land capability class 5
- Potential agricultural land (initial analysis)
- Potentially constrained (Criteria 2a).

The rural zoning proposed will create a logical inconsistency for the LPS as a whole whereby the Agriculture Zone will apply in areas that clearly have lesser agricultural qualities than much of the rezoned area. Owners in other areas may well ask why them and not us. Council may have to undertake a broader review of the application of the two zones with or without any changes that may fall out of the Tasmanian Planning Policies or review of the SPPs.

The representor is correct in that the conservation covenants that apply to the adjoining property at Marchwiell Marsh and adjacent to the subject site, are not protected by the Priority Vegetation Overlay. TasVeg 4 which is considered the most up to date information, identifies the vegetation values variously as *Eucalyptus ovata* forest and woodland, *Eucalyptus obliqua* dry forest, *Eucalyptus amygdalina* forest and woodland on sandstone, and saltmarsh and wetland. All of these vegetation values are protected by conservation covenants, but with the application of the Agriculture zone, the corresponding priority vegetation overlay is not applied. The representor is correct in stating that this lack of clear protection through the Scheme may result in inadvertent loss of vegetation values.



*Figure 1:*  
The Marchwiel Marsh property showing the application of conservation covenants and identified vegetation types. The representors property is an internal lot, shown adjacent to the number 14.

Given the application of the Rural zone more broadly, and adjacent to this site, and the known vegetation values, there is some merit in applying the Rural zone to the representors property, and indeed to the adjacent site to the east. This would enable appropriate protections to the properties to be achieved.

Recommended Action	The property at 58 Burnt Hill Road be zoned Rural. The property at 255 Marchwiell Road, Bream Creek, be zoned Rural where not zoned Environmental Management under AM-SOR-5-2023-6-1, with the priority vegetation overlay applied to the sites as identified under TasVEG 4.
Representation No 11	Melissa Brettingham-Moore, 559 Bay Road, Marion Bay
Amendment No.	AM-SOR.5.2023.5.1
Matters raised in representation	The representor notes that she has only recently become aware of this change and has requested further information. She notes that she has sheds and two smaller cottages on the property that are rented out and has an intention to develop the land further into the future. She has questions regarding what the zoning will mean for her development opportunities.
Planning Authority Response	Under the Interim Scheme this property was zoned Rural. The proposed changes recommend the property continue to be zoned Rural from the current zoning of Agriculture. It is unclear what additional developments the representor wants to do, although it is noted that under the Interim Scheme and under the LPS, having multiple dwellings on the property is prohibited, and visitor accommodation is likely to be a discretionary use if for a new build. The property is currently rated as a single dwelling with sheds. Fundamentally, the proposal to zone the land Rural brings it into conformity with the Interim Planning Scheme zoning. The lot is just over 12ha in area, so could be used for agricultural purposes however given the amount of land required to make it a viable business, the structures located on site, and surrounding land use, it is considered at that zoning the property Rural is most appropriate.
Recommended Action	No change required.

Representation No 12	Eva Bitterova, 2613 Tasman Highway, Sorell
Amendment No.	AM-SOR-5.2023.4.1
Matters raised in representation	<p>The representor raises concerns with the application of the Rural zone and in particular the application of the priority vegetation overlay. She noted that she was contacted in April 2022 regarding the recommended changes to the Local Provisions Schedule, from Agriculture to Rural. She was advised that while the Agriculture zone was consistent with the Significant Agriculture zone under the Interim Scheme, rezoning to Rural would be more appropriate for a large lot residential property and would not result in unintended consequences. She was advised any other changes would be some 10-15 years away (such as rezoning to Rural Living or a residential zoning).</p> <p>The information regarding these changes has been difficult to find. It is unclear what the priority vegetation overlay is applicable to on her property particularly given that most of the property is cleared. Does this mean she can't graze animals on her land, and does this impact on the ability of the owner to use her land for things like vegetable gardens. Does this impact upon the value of her land. She believes that the zoning is overly restrictive.</p>
Planning Authority Response	<p>Under the <i>Sorell Interim Planning Scheme 2015</i>, the property was zoned Significant Agriculture. The exhibited LPS had the property zoned Agriculture, along with a number of other small land holdings in proximity of Sorell. A representation was received in relation to two of these small holdings, however no other representations were received in relation to these issues. During the hearings, Council recommended that given the context, existing use and small lot sizes, the Rural zoning would be more appropriate than Agriculture which has more significant controls over residential uses.</p> <p>It is unclear why the priority vegetation overlay was applied to this site. Under the SIPS, the Biodiversity Code was not applied to the site and neither TasVeg 3 or TasVeg 4 identify the property as having native vegetation values. In fact the site is identified as modified agricultural land. This process may represent an opportunity to update the priority vegetation overlay as it does appear inconsistent with what exists on site which is a property which is substantially cleared, with a mixture of introduced and some native species around the perimeter of the property.</p>



**Figure 2:**  
*The subject property highlighted (note the cadastral boundaries are conceptual). The property has very little vegetation and appears to have no intact native vegetation existing.*

In relation to the representors concerns about future changes, this was in relation to any application of the Rural Living zone and/or residential zones in the future, and this advice remains accurate. Furthermore any discussion around the impact upon the value of her land is not a relevant planning consideration. It is noted that planning schemes always apply different kinds of controls to properties, and the zoning and overlays applied to this site are generally consistent with what has been applied to the property for many years.

Recommended Action

The Priority Vegetation overlay is removed from this property in recognition of the minimal native vegetation values on site.

Representation No 13	Andrea and Noel Jackman, 2588 Tasman Highway, Sorell.
Amendment No.	AM-SOR-5.2023.4.1
Matters raised in representation	<p>The representor is content with the change from Agriculture to Rural. However they are concerned with the application of the priority vegetation overlay to their property and question why it is applied in conjunction with the rural zone but not the agriculture zone. They also request confirmation of why the priority vegetation overlay was applied in the first instance.</p> <p>They also raise concerns that the Federal Government has given \$187 million dollars to promote residential development in Sorell, and that this decision appears to be in conflict with that.</p>
Planning Authority Response	<p>The decision to apply the priority vegetation overlay to this property was undertaken through the substantial modification process by the Planning Commission. In considering available data regarding the site, there are no identified threatened vegetation communities on the property, and Tasveg 3 and Tasveg 4 both identify this site as being an urban area. The priority vegetation overlay is centred upon a small adjoining title to the north which contains a dwelling. The priority vegetation overlay applies to the north western corner of the property which does not appear to have any distinguishable features. It also applies to a very small section at the southern point of the property which is a paddock area. The overlay does not apply to the most heavily vegetated area to the north east. It appears that there is no evidence to support the application of the overlay to the site, and it is recommended that the overlay be removed from the site.</p> <p>The \$187 million from the Federal Government was issued to the State Government in October 2020 for the duplication of the Sorell Causeway, finalising the road projects that make up the South East Traffic Solution. The purpose of this was to improve the travel experience for the commuters in the Sorell and Southern Beaches area, and for the freight industry and tourists in the area. The funding was not given to promote residential development in any sense and is an unrelated project.</p>
Recommended Action	The Priority Vegetation overlay is removed from this property in recognition of the minimal native vegetation values on site.



It is noted that the following amendments received no representations from any parties:

- 5.2023.3.1 - Draft Amendment to the Sorell Local Provisions Schedule, 9 Bay Street, 119 Arthur Highway, and 123-125 Arthur Highway, Dunalley.
- 5.2023.14.1 - Draft Amendment to Sorell Local Provision Schedule Airport Noise Exposure area overlay.

Council recommends no changes to these amendments.



# Gray Planning



Solutions for Town Planning & Heritage

Danielle Gray, Principal Consultant  
 Gray Planning  
 224 Warwick Street  
 West Hobart TAS 7000

28 March 2023

Mr Robert Higgins, General Manger  
 Sorell Council  
 PO Box 126  
 Sorell TAS 7172

Dear Mr Higgins,

**RE: PLANING SCHEME AMENDMENT AM-SOR-5-2023-2-1**

I make reference to the advertised Planning Scheme amendment AM-SOR-5-2023-2-1.

Gray Planning has been engaged to prepare a representation objecting to the proposed amendment.

The amendment identifies multiple properties to be included with a Specific Area Plan under the Sorell LPS and for the introduction of a SAP to override use and development standards in the Agriculture zone that would otherwise normally apply.

These properties have been identified as:

- a) Land east of the Sorell Bypass (folio of the Register 181116/2);
- b) 136 Arthur Highway, Sorell (folio of the Register 181115/1);
- c) Land located south of 136 Arthur Highway (folio of the Register 251707/1);
- d) 'Kidbrook' located at the end of Kidbrook Road, Sorell (folio of the Register 181118/3).

These properties are shown below in a map showing the extent of the SAP that forms part of the application (Figure 1) and also a zoning map (Figure 2).



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 30 MAY 2023



Insert the SOR-S5.0 Sorell Township Investigation Area Specific Area Plan overlay into the LPS overlay maps with the annotation SOR-S5.0 to the area, as shown in figure 1 below:

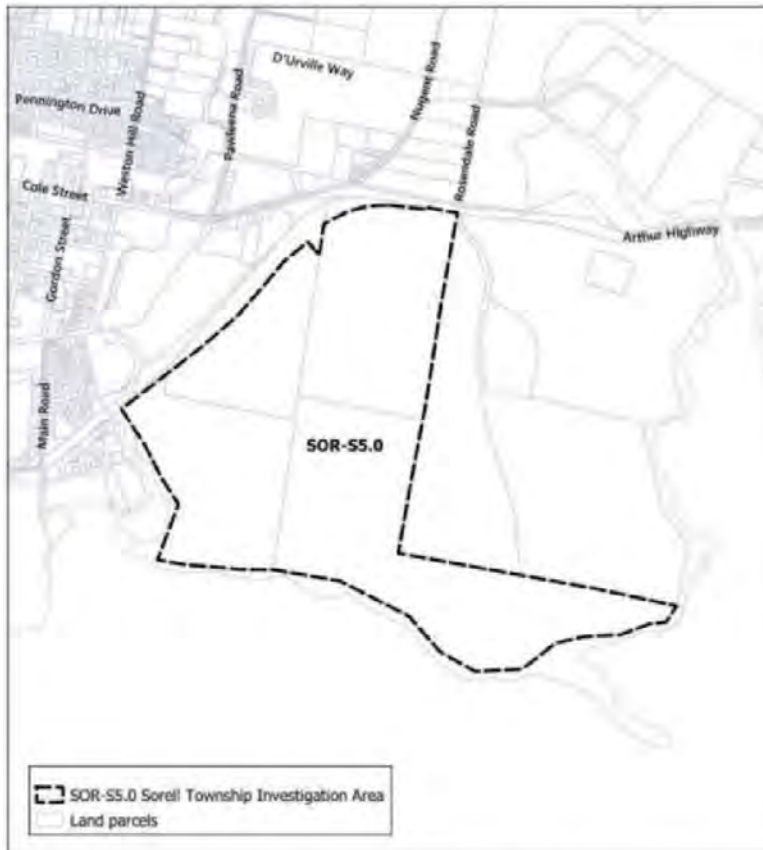


Figure 1: Application of the Sorell Township Specific Area Plan overlay to land at Sorell

Figure.1: SAP affected properties. Source: Sorell Council, sourced 25.03.2023, no scale.



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**Figure.2: Current zoning of SAP affected properties arrowed. Source: TheList, sourced 28.03.2023, no scale.**

All of the land in question is currently zoned Agriculture and are comprised in large titles each exceeding at least 20 hectares. The total land area is significant and is measured as being approximately 157 hectares.

The property 3 Kidbrook Road contains a single dwelling and associated outbuildings closely located to an acquired road corridor to the west.

The property 136 Arthur Highway also contains a dwelling located in reasonably close proximity to the Arthur Highway frontage to the north.

The other two titles are vacant land.

All of the titles appear to be under active use for agricultural purposes based on examination of aerial photography. It is understood the land in question has been used long terms for agricultural use and is unlikely to have ever been used for any other purposes since settlement of the area.

The SAP seeks to enable the consideration of the subject site for the future residential expansion of Sorell, as identified in The Sorell Land Supply Strategy from 2019 (prepared by consultants Echelon on behalf of Council).

Figure 3 shows overleaf shows part of the proposed SAP affected properties being identified in this Strategy.



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**Figure.3: Land identified in the Land Supply Strategy 2019. Source: Sorell Council, sourced 28.03.2023, not to nominated scale.**

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The 2019 Land Supply Strategy identifies multiple constraints and issues that would need to be dealt with as part of any residential development.

It is also noted that Taswater have confirmed (according to the Strategy) that properties above the 45m contour will be difficult to service. This means that most of 136 Arthur Highway would likely have servicing difficulties.

Furthermore, the proposed SAP will encompass far more land than that identified in the 2019 Land Supply Strategy, as shown in Figure 1.

The proposed SAP is considered problematic for a number of reasons.

It is not disputed that the Sorell municipality is one of the fastest growing in the state. It is envisaged supply and demand figures could be produced to justify a growth of the Sorell township.

However, it is considered that the subject sites for the proposed SAP are contained on prime agricultural land that is actively under crop and grazing use (as it has been for decades), comprised in very large title lots and contain few impediments or constraints to ongoing agricultural use and development.

Where two of the titles contain residences, these are not centrally located and appear to have had minimal impact on the majority of the parcel being used for primary production purposes.

Aerial photography (refer to Figure 4) shows the land in question is actively being used for agricultural purposes.

The amendment of the Sorell LPS seeks to bypass a rezoning process and introduce a SAP designed to readily consider and allow residential use and development of the land to occur and for residential use and development to override the land being used for agricultural use.

The proposed SAP intention and standards contained within are considered problematic against both the *State Policy on the Protection of Agricultural Land 2009* and also the Regional policies in the Southern Regional Land Use Strategy (specifically PR1 and PR2).

The wording of the SAP will effectively remove any consideration of the protection of Agricultural zoned land with the SAP area to enable sensitive uses to be able to be considered. A very large area of predominantly unconstrained agricultural land measuring in excess of approximately 157 hectares will be permanently lost to primary production and agricultural use and development as a result of the SAP.

This is an extremely significant area of land and one that is understood to be under the irrigation scheme, close to services and primarily unconstrained. A Utilities zoned area of land made up of multiple titles measures around 80m wide and provides a significant separation between land proposed to be under the SAP and General Residential zoned land to the west. This land acquisition for a future bypass provides a significant barrier to land use conflict occurring between any agricultural use or development on the proposed SAP land and existing residential zoned land in Sorell.



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In short, land proposed to be contained within the SAP appears to be land ideal for agricultural purposes and to be protected from encroaching residential creep.

Conversely, already highly constrained Agricultural land contained in smaller parcels and already occupied by residential use and no discernible agricultural use to the north and north west of the Sorell township appears to be land suitable to cater for further residential expansion of Sorell.

There is also a notable absence of any land zoned Inner Residential which if considered, could provide for further densification opportunities in full serviced areas close to the township centre.

The SAP is not considered a stepping stone for further residential use and development but rather, will provide a direct route for large scale residential subdivision and development (as well as associated services) to occur.

It is unclear why Council have not instead considered a rezoning amendment to the LPS. Introduction of a SAP is considered a clumsy process that entirely contradicts the zoning of the land in question.

The SAP also appears to have been formulated without due consideration of the agricultural land it will impact upon, and will result in the permanent loss of a very large agricultural land holding while residential zoned and fully serviced areas of urban Sorell remain underdeveloped.

Clause SOR-S5.6.1.P1(b) of the proposed SAP states that a Discretionary use (excluding residential use) *must be for an activity that provides a significant social benefit to the Sorell township and the wider community*. An application does not have to comply with P1(a) as the wording of the standard required only approval with (a) or (b).

It is considered that any use and development that provides for presumably residential, retail, social or health related services could meet this criteria and result in currently highly productive agricultural land being permanently lost.

The P2 Performance Criteria of the proposed SAP states: *A use listed as Discretionary must be able to contain pollution such as dust, spray and noise within the site to the extent that it will not restrict the development of future sensitive uses on sites within the area shown as the Sorell Township Investigation Specific Area Plan on the overlay maps.*

The above criteria will prioritise sensitive use and development (namely residential) within the SAP area over any Discretionary use, even such uses as Resource Processing which would normally be facilitated by an Agricultural zoning.

The P3 (b) Performance Criteria of the proposed SAP states that any discretionary residential use (for example a single dwelling) *be located on a site that does not confine or restrain agricultural use on adjoining properties*. Again, residential use within the SAP area is being prioritised over any use and development normally facilitated by an Agricultural zoning. Additionally, a residential use being required to be part of an agricultural use under (a) can be ignored in preference to complying with (b).



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Given the land proposed to be contained in the SAP directly adjoins other agricultural properties, there is likely to be a scenario where residential use and development is located directly adjacent to boundaries. While the SAP states that agricultural use cannot be confined, it does not make mention of any other compatible rural use and development which would likely to be fettered by residential use and development in close proximity.

The SAP and its intent are in clear conflict with the PR 1 and PR 2 Regional policies in the Southern Regional Land Use Strategy.

PR 1 states: *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.*

PR 2 states: *Manage and protect the value of non-significant agricultural land in a manner that recognises sub-regional diversity in land and production characteristics.*

The SAP and its intent are also in conflict with most of the Principles in the *State Policy on the Protection of Agricultural Land 2009*.

Principle 9 states that *Planning schemes must not prohibit or require a discretionary permit for an agricultural use on land zoned for rural purposes where that use depends on the soil as the growth medium, except as prescribed in Principles 10 and 11 (which relates to forestry).*

It is unclear if Council considers the subject sites to be 'prime agricultural land'. If they do, the conversion of the land for residential use and development is highly problematic. If they do not, the SAP contravenes Principle 9.

Principle 8 states: *Provision must be made for the appropriate protection of agricultural land within irrigation districts proclaimed under Part 9 of the Water Management Act 1999 and may be made for the protection of other areas that may benefit from broad-scale irrigation development.*

It is understood that the subject site is within an irrigation district. The SAP fails to provide any protection and instead opens a relatively easy pathway for the approval of sensitive use and development as well as associated non residential Discretionary uses even if they preclude agricultural use and development within SAP land.

Principle 6 states: *Proposals of significant benefit to a region that may cause prime agricultural land to be converted to non-agricultural use or agricultural use not dependent on the soil as a growth medium, and which are not covered by Principles 3, 4 or 5, will need to demonstrate significant benefits to the region based on an assessment of the social, environmental and economic costs and benefits.*

The proposed amendment does not appear to be accompanied by any other social, environmental or economic assessments to justify the conversion of Agricultural land.

The 2019 Land Supply Strategy provides a surface level strategic assessment to provide guidance for future strategic decision making for Council and the community.

It is considered that any SAP prepared on the basis of land identified in this 2019 Strategy is not a holistic and exhaustive approach to enabling densification and expansion of the Sorell



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township which should be occurring in areas already zoned residential or in areas already constrained from being able to be used for meaningful agricultural use and development. Where agricultural land is proposed to be converted to residential land, it should be demonstrated that such land is not prime agricultural land and is already constrained. It is further considered that other Agriculture zoned land in close proximity to the township should be ruled out as part of any assessment.

It would appear that none of this has occurred.



**Figure.4: Aerial photo of the subject sites (arrowed) with cropping use clearly apparent.**  
**Source: TheList, sourced 28.03.2023, no nominated scale.**

During the recent LPS process, Sorell Council engaged consultants RMCG to provide expert land capability advice with respect to properties proposed to be zoned Agriculture.

Has any expert land capability based advice been received on the land proposed to be subject to the SAP?

It is also questioned why, only weeks after the introduction of the Sorell LPS and Tasmanian Planning Scheme to the municipality why the land contained within the proposed SAP was not identified as being unsuitable for an Agriculture zoning?

The Agriculture zone has been widely applied in the Sorell municipality area. However, the majority of Agriculture zoned land in close proximity to the township (particularly north and north west of the township) is generally comprised of smaller titles and is in most cases already directly adjacent and sharing a boundary to residential zoned land already developed for residential purposes. This suggests there is already constrained Agriculture zoned land that would be a better considered for the growth of the township.

Likewise, there are large areas of land zoned Rural Living A in close proximity to town centre. Much of this land appears to have been recently subdivided and not yet fully developed. It is unclear why such land is not being considered by Council for rezoning to General Residential or even Low Density Residential to enable residential densification to occur, as opposed to high production Agriculture zoned land being permanently lost.

Furthermore, there are also large areas of currently zoned General Residential land to the south and east of the township with significant subdivision and densification potential. It is unclear how much supply of undeveloped or unutilised General Residential this land represents in terms of short and medium term land supply required to cater for demonstrated growth.

It further unclear if the current review of the STRLUS will have any impact on the proposed amendment. Likewise, southern Councils are currently assessing supply and demand in greater Hobart as a working group. This proposed SAP amendment appears to be premature while these relevant assessments are still being actively undertaken.

In summary, the proposed SAP seeks to provide a relatively straightforward alternative mechanism to bypass any traditional rezoning proposal. There is concern that other parts of the Sorell township that have the potential to better provide for further residential development and to cater for short and medium term demand have been overlooked by Council.

The SAP appears to have its origins in the 2019 Land Supply Strategy, which, in any case only identified part of the land subject to the proposed SAP. There appears to be no other exhaustive assessment of identified land constraints or land capability assessment of land proposed to be included within the SAP.

Finally, the SAP is in clear conflict with relevant strategic instruments that seek to protect and responsibly manage agricultural land. Namely the STRLUS with respect to PR 1 and PR 2 Regional policies for the protection and management of agricultural land and also the Principles contained within the *State Policy on the Protection of Agricultural Land 2009*.

The recent decision by the TPC to refuse the proposed Tempus retirement village on the east Coast close to Swansea demonstrated that the protection of agricultural land is a pertinent issue even where there is a demonstrated need for residential use and development.

Should you wish to discuss the above, I may be contacted on 0439 342 696.



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Yours faithfully



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Mr Robert Higgins  
General Manager  
Sorell Council

29 March 2023

Dear Mr Higgins

**RE: AM-SOR-5-2023 -2-1 Sorell Future Urban Specific Area Plan**

Thank you for the opportunity to comment on proposed Scheme Amendment AM – DOR – 5-2023-2-1. The JAC Group of Companies has an interest in 'Kidbrook' (Folio of the Register 181118/3).

We are broadly supportive of the application of the Sorell Future Urban Specific Area Plan.

We have the following specific comments regarding the drafting of the SAP.

1. SOR. S5.5 Use Table

The inclusion of Resource Processing as a discretionary use could result in development that would compromise the long term potential growth of Sorell. Resource Processing is defined as,

*"use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery, brewery, cidery, distillery, and sawmilling."*

Uses within this Use Class typically are associated with amenity impacts that requires appropriate separation from sensitive uses. We are concerned that SOR. S5.6.1 Use Standards for Discretionary Uses are not strong enough to prevent inappropriate development. If a Resource Processing use was to establish on the site, it would then receive the protection of the Attenuation Code which requires separation distances of between 100m to 500m for uses listed

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JAC MANAGEMENT PTY LTD  
ABN 46 062 814 662

JAC PROPERTIES PTY LTD  
ABN 24 009 494 768

JAC INVESTMENT HOLDINGS PTY LTD  
ABN 51 114 012 252



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as examples of Resource Processing. Uses that are listed as a Level 2 Activity has a larger separation distance. Any future subdivision for sensitive uses would need to demonstrate that the amenity of the sensitive uses would not be impacted by the emissions of uses contained in the Attenuation Code.

An alternative to removing the use class of Resource Processing could be to include a performance criteria that requires any emissions that could impact a sensitive should be contained within the title boundaries and that the use must be setback from the title boundaries in accordance with the separation distances set out in the Attenuation Code.


2. SOR-s5.8 Development Standards for Subdivision P1 (c) (iii) requires sensitive use must meet the setback required by Clause 21.4.2 A2 or P2.

#### 21.4.2 Setbacks

Acceptable Solution	Performance Criteria
<p>A2</p> <p>Buildings for a sensitive use must have a setback from all boundaries of:</p> <p>(a) not less than 200m; or</p> <p>(b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</p>	<p>P2</p> <p>Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use, having regard to:</p> <p>(a) the size, shape and topography of the site;</p> <p>(b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties;</p> <p>(c) the location of existing buildings on the site;</p> <p>(d) the existing and potential use of adjoining properties;</p> <p>(e) any proposed attenuation measures; and</p> <p>(f) any buffers created by natural or other features.</p>

Given that the purpose of the SAP is to ensure the long-term potential growth is not compromised consideration should be given to amending Clause SORs5.8 P1 (c) (iii) to ensure future development potential is not compromised by large setbacks.

Kind Regards



Claire Gregg

Town Planner

28 March 2023

Sorell Council  
47 Cole St  
Sorell TAS 7172

To whom it may concern,

**RE: Representation regarding 188 Arthur Highway (Mount Garret) — 5.2023.2.1 Draft Amendment to the Sorell Local Provision Schedule — Lot 2, Lot 3, 136 Arthur Highway, Sorell**

As the owner of 188 Arthur Highway, I would like to make the following Representations with regard to Specific Area Plan (SAP). In particular, my wife and I, would like to express our disappointment that our property has been singled out as the only property, on the Eastern side of the bypass, bounded by the Arthur Highway and foreshore, not included in the Sorell Township Investigation Area as shown below (the other 4/5 properties have been included). In light of the reasons below we ask for further consideration such that the property (188 Arthur Highway) can be included in the urban planning for the Sorell Township either through the SAP or otherwise.



We wish to note the following about 188 Arthur highway with regards to the urban plans for Sorell:

1. The Southern Tasmanian Regional Land Use Strategy (STRLUS) classifies Sorell as a major satellite city of Hobart. STRLUS outlines strategic considerations such as, to create a network of vibrant and attractive centres (SD3), and make to the region nationally and internationally competitive (SD9).
2. This property has magnificent views over Pittwater and Fredrick Henry Bay, as well as towards

Mount Wellington, as shown in Appendix A. Its inclusion in the township plans would make for top tier urban development with residential dwellings and public spaces with beautiful amenity, and potential synergies with tourism, as Sorell is the gateway to both the East Coast and the Tasman Peninsula. We believe not including the property in the current urban plans is simply incompatible with the above stated strategic directions of STRLUS.

3. Taking a wholesome approach to the urban design and development of the complete area enclosed by the bypass and the foreshore would ensure that the entire aspect of the landscape is thoroughly considered to make the best use of it's natural features for both housing and public amenity. It would be very sad indeed to see development proceed and then have Mt Garret tacked on 10-20 years down the track without its consideration from the beginning, missing the opportunity for a development that might have been so special.
4. From a planning perspective, it makes sense to consider the bounded land as a whole. Aside from the obvious aesthetic and public open space considerations, there are those of practical infrastructure. Even in the event that development on Mount Garret occurs at a later stage, provisions should be made to ensure that it can occur such that it fits with the urban design and the infrastructure requirements. The design of services such as water, sewer, storm water, power, roads etc. should be with consideration of developing the entire area. It's neater and more economical in the long run to consider these aspects from the beginning.
5. The decision to exclude the property from the SAP may now create a situation where the most economically viable solution is segmented development. Ultimately, we believe that this will result in a sub-optimal expansion of the township that will ultimately be felt in the diminished amenity for local and regional populations. The optimum approach, where all the naturally contained land is considered together, has been made difficult because potential developers (who want to take the wholesome approach) now need to factor in risks associated with making plans for areas that are not currently classified as future urban.
6. It is our understanding that 188 Arthur Highway is the only property in the bounded zone (between the Arthur Highway and foreshore) that has the appropriate access width at the Arthur Highway for legal residential development. Including the property in the SAP would allow for the consideration of an access opposite Rosendale Road to the land East of the bypass. It is also our understanding that development intentions of the Archdiocese of Hobart, who have purchased the adjoining land (1.6km boundary), want to move forward as soon as they are able with a School and residential development. This potential access provides a more direct link to the property and may be important in fitting in with the timeline to realise the social and community benefits from the Church's development.
7. The above point raises a boundary constraint issue. If in the near term the Archdiocese land is re-zoned, a setback value of 200m may need to be applied for agricultural activities. This setback, applied to the 1.6km adjoining boundary, amounts to 28 hectares or 20% of our total land that will become constrained. There are a further 16 hectares that will become constrained due to the other land boundary, which amounts to over 30% of the property becoming constrained. Being excluded from the investigation area that may end up constraining 30% of the total land does not seem at all just.
8. Further to the above, the land is low quality agricultural value. We have agricultural reports from 1990 and 2013 that indicate that the land contains variable soil depths and an amount of ironstone that prevents cultivation of significant continuous areas and concluded that as such it was unsuitable to make any significant contribution to agriculture other than some grazing. It's not irrigated or in the irrigation zone. We dispute that the land makes any meaningful contribution to agriculture, and in fact it is my opinion (as a lifetime farmer) and that of

farmers from within the district that I know, that the land on Mount Garret is the least viable agricultural land of the five properties bounded by the Arthur Highway and foreshore.

9. The social and economic benefits that would be realised both locally and regionally from the inclusion of Mount Garret in the urban planning for Sorell would out weight the agricultural benefits by many many-fold.

We genuinely believe that township of Sorell and region more broadly would derive great benefits from an urban plan which considers the land bound by the Arthur Highway and foreshore in a holistic way. Inline with the points mentioned above, we ask that the SAP is amended to include 188 Arthur Highway.

In the event this is not supported we ask for specific clarification as to why our property has been singled out as the only property to the East of the bypass that is excluded. It appears to us as though decision is inconsistent with many of the strategic directions outlined by Council and STR-LUS more broadly.

As a final point, we note that through the Local Provision Schedule (LPS) the Commission's decision noted the following:

*Folios of the register 129450/1 and 129450/2 form part of a larger property with an area of approximately 140ha that is capable of use for cropping and grazing activities and is proposed to be zoned Agriculture in the draft LPS. This land and the broader property are identified as being 'potentially unconstrained' in the 2017 agricultural zone mapping layer. While a preliminary agricultural report from 2013 was submitted as part of the representation by the owner, no information was provided to support altering the proposed zoning from Agriculture to Rural.*

We believe that we did provide information that suggest that the land is low quality agriculture. In fact, the entire first point of our submission was devoted to precisely that. We consider the identification on a 2017 Agricultural zone as 'potentially unconstrained' to be a particularly weak basis to change the previous Rural zoning to Agricultural zone as proposed within the LPS, particularly given we provided documentation that stated otherwise. We ask the zone be put back to rural as it was previous to the LPS. The Agriculture zone only puts extra pressure on myself, and my wife, as farmers, to come up with higher council rates when the land does not have proportionate prospects to give good agricultural yields.

Thank you for your consideration,  
Yours Faithfully,

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Appendix 1 — Photographs from Mount Garret

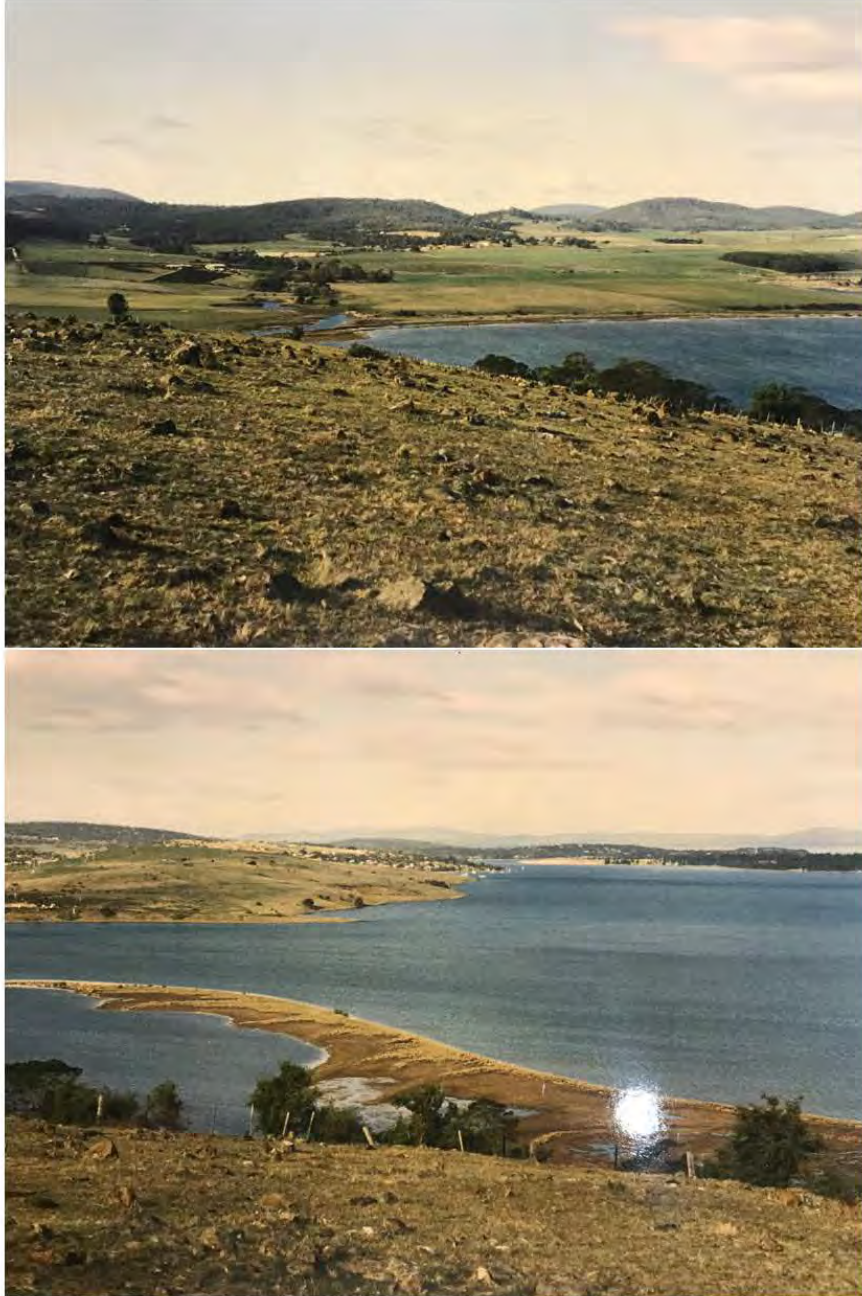


Figure 1: Mount Garret (foreground)



Figure 2: Mount Garret (foreground)





Figure 3: Mount Garret (foreground)

## Department of State Growth

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General Manager  
 Sorell Council  
 By email: [sorell.council@sorell.tas.gov.au](mailto:sorell.council@sorell.tas.gov.au)

### **AM-SOR-5-2023-2-1** **Sorell Township Investigation Area Specific Area Plan**

Thank you for the opportunity to comment on the draft amendment to insert a new Sorell Township Investigation Area Specific Area Plan (SAP) into the Sorell Local Provision Schedule and apply the SAP to four parcels east of the Sorell Bypass.

The Department of State Growth (State Growth) has the following comments on the proposed amendment.

#### **Strategic planning considerations**

The extent of the area proposed to be included in the Sorell Township Investigation Area is significant. The Area is located outside the urban growth boundary for Greater Hobart, and if developed, would represent a major expansion to the existing footprint of the Sorell township. While State Growth acknowledges the past work Sorell Council has undertaken to support the proposed amendment, including the various reports that form part of the *Sorell Land Supply Strategy*, we consider that the extent of the Area, and the transport and accessibility issues the location raises, warrants broader consideration at a metropolitan level.

The *Sorell to Hobart Corridor Plan 2020* noted that a high proportion of Sorell residents travel outside the Sorell local government area for work. It is likely that most residents will continue to rely on car-based travel to meet their employment and educational needs, and to access key services. This will see traffic volumes along the Tasman Highway between Sorell and Hobart continue to increase, with potential impacts on travel reliability and travel time into the future.

Given the location and size of the Investigation Area, many houses will be located outside a comfortable walking distance to shops and schools located in Sorell, resulting in a reliance on cars for local trips.

State Growth has previously advised Council that development of the land at Lot 1 and 5 Arthur Highway should occur in a way that does not preclude future access to the proposed Township Investigation Area via an overpass. State Growth did not assess whether this proposed option would be sufficient to support access to the Area.

#### **Passenger transport**

All bus services from the southern beaches travel into and through Sorell, which also provides users with access to commercial activities, employment and services, and to higher frequency bus services originating in Sorell. For this reason, it is not proposed that bus services would travel via the new Sorell Bypass.

Appropriate residential densities will be required if public transport is to connect into the Investigation Area into the future (a minimum density of 15 dwellings per hectare in the General Residential Zone). Future road and subdivision designs should cater for bus movements.

Any future development of the site needs to provide safe and efficient pedestrian and cycling access to existing bus routes, which in the northern area can be accessed via the Arthur Highway and in the southern area via the Tasman Highway.

Please do not hesitate to contact Claire Armstrong, Senior Strategic Planner on (03) 6166 3397 or email [planningpolicy@stategrowth.tas.gov.au](mailto:planningpolicy@stategrowth.tas.gov.au) who can coordinate engagement with relevant State Growth officers.

Yours sincerely



James Verrier  
**Director, Transport Systems and Planning Policy**

28 March 2023

**From:**  
**To:** [Sorell Council](#)  
**Subject:** Representation to Draft Amendment to the Sorell LPS DA2023/9-1-4.0  
**Date:** Friday, 31 March 2023 1:27:08 PM

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To the General Manager,

The subject draft amendment seeks to amend the LPS **4.0 APPLY RURAL ZONE & PRIORITY VEGETATION AREA OVERLAY** and I wish to make a representation on this draft amendment. The draft is in two parts and so I'll split my representation into the same 2 parts:

Part 1. Application of the Rural Zone to various properties in Bream Creek, Marion Bay, Kellevie and Copping.

My property is at [redacted] It is a 2ha allotment that has been in existence now for over 12 years. It is my home and it was recognised in the old or interim Sorell Planning Scheme as being zoned Rural. It would be inappropriate for it to be reclassified as Agricultural. It is not agricultural land.

Please include my property in the Rural Zone, or better still the Rural Living Zone, with this draft amendment.

My preference would be for my property to be zoned Rural Living and there are many properties in the area of this draft amendment that would most appropriately be zoned Rural Living rather than Rural. It would seem to be a good time to capture this now as an integral part of the amendment process.

Comment:

There are quite a number of other properties in the area the subject of the draft amendment that, similar to me, should not be classified/zoned as Agricultural. They should be Rural as they were under the old/interim planning scheme. And there are other properties in the area that the amendment wishes to reclassify as Rural that should perhaps be more appropriately zoned Agricultural. As examples, the amendment shows parts of the Bream Creek Dairy reverting to Rural while other parts of it are now zoned Agricultural. Similarly, the old Falls Festival property will now be split about 50/50 between Rural and Agricultural. The same goes for [redacted] property on Marion Bay Road. The indications are that there needs to be a more rigorous review of the affected properties/titles in order to provide a consistent and appropriate outcome.

Part 2. Application of the Priority Vegetation overlay to various properties in Bream Creek, Marion Bay, Kellevie and Copping.

My property (PID 3027719) was once part of the old Marchwiell property owned by the [redacted] prior to [redacted] and the Falls Festival owners. My property is surrounded by land currently owned by parties associated with the old Falls Festival.

Back in about 1999/2000 the State and Federal Governments paid a significant sum of money to the [redacted] family in exchange for locking up significant areas (13 areas totalling 125ha) of the Marchwiell

property in restrictive covenants. The Restrictive Covenant document is registered with the Tasmanian Land Titles Office as document C353039. The purpose of the restrictive covenants is to ensure the protection in perpetuity of specific CAR values. These CAR values are nominated in the covenant as specific vegetation communities and specific bird species.

The 13 areas that are the subject of the Restrictive Covenants should be included in the Priority Vegetation overlay of the Sorell Planning Scheme but they are not there. One of these areas wraps around my property at [redacted]. The 13 areas are neither shown on the current overlay nor on the diagram provided as part of the draft amendment AM-SOR-5-2023-9-1.

Please include these 13 areas on the Priority Vegetation overlay with this draft amendment.

Comment:

These 13 areas are important to me and they are important to the community here and to our district, both now and in perpetuity. If they are not included in the Sorell Planning Scheme then how do people know that the covenants exist when making planning decisions and even making investment decisions about the purchase of land and the potential use of that land?

Kind regards,

**From:** [redacted]  
**To:** [Sorell Council](#)  
**Subject:** RE: rural zoning Bay Rd  
**Date:** Friday, 28 April 2023 2:00:26 AM

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To Whom it may Concern,

I am writing about the Rural Zoning proposal by the council which will affect my property at [redacted]. I currently live overseas, so I have only just been made aware of the change in the zoning draft.

I am unclear how this will affect my property, can you fill me in on how this will affect possible development of the property, and also renovations and improvements to the existing dwellings? I currently have a large shed and two smaller cottages that I rent out, on the land. I am hoping to further develop the property in the future. I have owned the land since 2000, and have taken a lot of time to be able to develop the property further, but I am hoping to get started on that in the near future, possibly next year. How will this affect my development?

Thank you for your time, Kind Regards,

**From:**  
**To:** [Shane Wells](#)  
**Subject:** RE: Follow up re email about priority vegetation overlay  
**Date:** Wednesday, 26 April 2023 2:28:43 PM  
**Attachments:** [image001.jpg](#)

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Hi Shane,

Thank you.

Yes please, I'd like my mails to form a formal representation on the amendment.

I have some further questions/concerns.

You mentioned that the vegetation overlay can only be used in a rural and not an agricultural zone. This raises some questions. I have been contacted by the council on the 28<sup>th</sup> April, 2022 regarding my land. They were asking for permission to change my land's agricultural zoning to rural. As there was no information provided, I contacted the person named on the letter. When I contacted Caroline Lindus regarding this and asked if this would bring negative consequences with it, she assured me that it would not. As well, she said any changes they would be looking into would not happen for 10-15 years. This change however, is making me feel like the information I have been given was lacking, perhaps even misleading. If I was told that changing my zoning to rural would bring a priority vegetation overlay to my land, I would not have agreed to it.

The information was extremely hard to find. When at the council in person, there was no information available other than the letter that I have received, The staff present could not assist further either. Regarding the web page, when I have received the letter, I have asked for assistance from a friend of mine, a surveyor. He could not locate any relevant information on your webpage either, and the staff available at the council could not further assist in this either. I feel it is unjust to expect lay people to have to dig through webpages to find any information relevant to this issue and also expect them to understand the jargon and terms if people working in this field could not.

I am also curious to know what the priority vegetation overlay covers. Is this a specific plant? What is it protecting exactly? Was the land surveyed by anyone, or is this done through estimation/guessing using satellite images? How is it determined how much of my land/which part of my land is involved? If some of the land that has been marked on the vegetation overlay is actually built up/has a driveway on it, how can it still be marked as priority vegetation area if there is literally no vegetation?

You mentioned that fences and buildings that are already up are fine. What is the situation with my animals that graze? I bought this land in order to be able to have animals/land to be able to do things. Would this overlay dictate how many animals I can have? Or if I can put up enclosures/fences to keep them apart or safe? What about outbuildings or animals for shelters? Another consideration would be vegetable gardens. Would this overlay restrict me in being able to use my own land. When it is time to move, this would also affect the value of it. If I was looking into buying land and found out that it is restricted in any way, I would not buy it.

Thank you for your time,

**From:** Shane Wells <Shane.Wells@sorell.tas.gov.au>  
**Sent:** Wednesday, 26 April 2023 10:18 AM  
**To:**  
**Subject:** RE: Follow up re email about priority vegetation overlay

Thanks Eva

I can't answer all your queries but can offer the following

- During the public exhibition of the new planning scheme, objections were raised to a proposed agricultural zone in this area.
- The planning commission accepted the objections and prefers a rural zone along with a priority vegetation area (the priority vegetation area can be used in a rural zone but cannot be used in an agricultural zone)
- The planning commission has directed Council to exhibit the amendment (ie, this is not Council's proposal or Council initiated)
- All the available information is on the website
- The priority vegetation area would apply to any future clearance in that area with exemptions for maintenance and clearing about buildings, fences, driveways etc

Similar issues have been raised by a nearby owner. If you wish, I can accept your questions as a formal representation on the amendment? That way, your questions and concerns will go to the planning commission for their consideration.

regards



**Shane Wells**

Manager Planning

47 Cole Street, P.O. Box 126, Sorell, TAS 7172

[www.sorell.tas.gov.au](http://www.sorell.tas.gov.au)

**T:** 03 6269 0053 | **M:** 0437 982 906 | **F:** 03 6269 0014

**From:**  
**Sent:**  
**To:** Shane Wells <[Shane.Wells@sorell.tas.gov.au](mailto:Shane.Wells@sorell.tas.gov.au)>  
**Subject:** RE: Follow up re email about priority vegetation overlay

Dear Shane,

The email from the 4/04/2023 read as follows:

"To the General Manager,

I am writing in regards to a letter I have recently received from Sorell Council regarding my property. This was about rural zone and priority vegetation overlay application. As the letter was rather lacking in explanation how this overlay would affect my land and the land usage, as the provided web page was the general Sorell Council webpage rather than a specific page, and as there is currently no more details available at Sorell Council, I was hoping that you could shed some light on it, and explain in more lay terms the effects. Would this affect what I can do with my own land? Would this affect the animals I have on this land? Etc. I certainly would have objections to any changes that would affect my usage of land for example gardening purposes, etc., within the current proposed priority vegetation overlay area. I also cannot see how much of this area is proposed to be added as a priority vegetation area, as the vegetation on most of my land seems to be identical to that of the paddocks adjacent to my property.

I am also wondering if there has been any kind of consultation with the affected land owners about this matter and how the data was collected.

**From:**  
**Sent:** Saturday, 22 April 2023 2:49 PM  
**To:** Sorell Council <[info@sorell.tas.gov.au](mailto:info@sorell.tas.gov.au)>  
**Subject:** Follow up re email about priority vegetation overlay

Dear Sir/Madam,

I am writing this as a follow up regarding my previous email sent on the 4/04/2023 where I was voicing my concerns about council plans affecting my land.

I have not received an email, even though I believe there was ample time for a reply. My husband was also in at the council in person and since the person in charge of this was not available, he requested to be contacted when possible. He has also not been contacted.

As previously mentioned, I would like some clarification regarding the priority vegetation overlay and how this would affect my land and me. Please see my previous email for the exact questions.



**From:**  
**To:** [Shane Wells](#)  
**Subject:** FW: Draft Amendment LPS 3.0 Apply of Rural Zone & Priority Vegetation Area Overlay  
**Date:** Monday, 24 April 2023 10:30:05 AM

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Good morning Shane,

Please see email below, I will also email you current photos I took yesterday at  
 there is very old and dying She Oak in the overlay area and also on the road side.

Kind regards

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**From:**  
**Sent:** Wednesday, 19 April 2023 2:01 PM  
**To:**  
**Subject:** Draft Amendment LPS 3.0 Apply of Rural Zone & Priority Vegetation Area Overlay

The General Manager  
 Sorell Council  
 47 Cole Street, Sorell

Dear Sir,

In reply to your letter dates 24/03/2023, We support the Amendment, but querying the Priority Vegetation Area Overlay on our property at \_\_\_\_\_ where the Draft Amendment seek to amend the LPS 3.0 Apply of Rural Zone.

The aerial photo that was sent with your letter, is quite possibly out of date as told to us by a Council Member.

Being a Rural Property which was objected to by Planning wanting it to be changed to Agriculture, it is unfair that a Rural property is automatically subjected to Overlay, whereas Agriculture is not.

What is the difference to introduce this Law?

We \_\_\_\_\_ would appreciate that the Council show us in writing, what evidence you have to initiate to have a Priority Vegetation area overlay on a Rural Property.

Back in October 2020 the Federal Government gave \$187 Million dollars to promote residential development in Sorell.

So this means with Council, have not considered what the Federal Government proposed back in October 2020, or is it the Planning Scheme Department themselves?



Hi Shane,

Thank you.

Yes please, I'd like my mails to form a formal representation on the amendment.

I have some further questions/concerns.

You mentioned that the vegetation overlay can only be used in a rural and not an agricultural zone. This raises some questions. I have been contacted by the council on the 28<sup>th</sup> April, 2022 regarding my land. They were asking for permission to change my land's agricultural zoning to rural. As there was no information provided, I contacted the person named on the letter. When I contacted Caroline Lindus regarding this and asked if this would bring negative consequences with it, she assured me that it would not. As well, she said any changes they would be looking into would not happen for 10-15 years. This change however, is making me feel like the information I have been given was lacking, perhaps even misleading. If I was told that changing my zoning to rural would bring a priority vegetation overlay to my land, I would not have agreed to it.

The information was extremely hard to find. When at the council in person, there was no information available other than the letter that I have received. The staff present could not assist further either. Regarding the web page, when I have received the letter, I have asked for assistance from a friend of mine, a surveyor. He could not locate any relevant information on your webpage either, and the staff available at the council could not further assist in this either. I feel it is unjust to expect lay people to have to dig through webpages to find any information relevant to this issue and also expect them to understand the jargon and terms if people working in this field could not.

I am also curious to know what the priority vegetation overlay covers. Is this a specific plant? What is it protecting exactly? Was the land surveyed by anyone, or is this done through estimation/guessing using satellite images? How is it determined how much of my land/which part of my land is involved? If some of the land that has been marked on the vegetation overlay is actually built up/has a driveway on it, how can it still be marked as priority vegetation area if there is literally no vegetation?

You mentioned that fences and buildings that are already up are fine. What is the situation with my animals that graze? I bought this land in order to be able to have animals/land to be able to do things. Would this overlay dictate how many animals I can have? Or if I can put up enclosures/fences to keep them apart or safe? What about outbuildings or animals for shelters? Another consideration would be vegetable gardens. Would this overlay restrict me in being able to use my own land. When it is time to move, this would also affect the value of it. If I was looking into buying land and found out that it is restricted in any way, I would not buy it.

Thank you for your time,

## Department of State Growth

4 Salamanca Place, Hobart TAS 7000  
GPO Box 536, Hobart TAS 7001 Australia  
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General Manager  
Sorell Council  
By email: [sorell.council@sorell.tas.gov.au](mailto:sorell.council@sorell.tas.gov.au)

**AM-SOR-5-2023-13-1**  
**Apply Particular Purpose Zone Future Road Corridor, Future Major Road Overlay**  
**82 Main Road, Sorell**

Thank you for the opportunity to comment on the draft amendment to rezone land to the Particular Purpose Zone Future Road Corridor, and to apply the Future Major Road Overlay to land at 82 Main Road, Sorell.

The Department of State Growth (State Growth) supports the draft amendment as proposed. The alignment is consistent with the existing proclamation pursuant to Section 9A of the Roads and Jetties Act 1935.

Please do not hesitate to contact Claire Armstrong, Senior Strategic Planner on (03) 6166 3397 or email [planningpolicy@stategrowth.tas.gov.au](mailto:planningpolicy@stategrowth.tas.gov.au) who can coordinate engagement with relevant State Growth officers.

Yours sincerely

A handwritten signature in blue ink, appearing to read "James Verrier".

James Verrier  
**Director, Transport Systems and Planning Policy**

24 March 2023

**From:** [TasWater Development Mailbox](#)  
**To:** [Sorell Council](#)  
**Cc:** [Shayla Nowakowski](#)  
**Subject:** TasWater Response to Planning Authority Referral of Planning Scheme Amendment, Council reference 5.2023.3.1  
**Date:** Thursday, 16 March 2023 8:34:11 AM  
**Attachments:** [image001.jpg](#)  
[SPAN TWDA 2023-00262-SOR.pdf](#)

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Hi,

TasWater does not object to the proposed amendment to the Planning Scheme as mentioned above and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings as stated in the attached SPAN.

If you have any queries, please contact me.

[Al Cole](#)

Senior Assessment Officer

[D 0439 605 108](#)

[F 1300 862 066](#)

[A GPO Box 1393, Hobart TAS 7001](#)

[E al.cole@taswater.com.au](mailto:al.cole@taswater.com.au)

[W http://www.taswater.com.au/](http://www.taswater.com.au/)

Have I been helpful? Please provide feedback by clicking [here](#).

**From:** [TasWater Development Mailbox](#)  
**To:** [Sorell Council](#)  
**Cc:** [Shayla Nowakowski](#)  
**Subject:** TasWater Response to Planning Authority Referral of Planning Scheme Amendment, Council reference 5.2023.6.1  
**Date:** Thursday, 16 March 2023 8:12:53 AM  
**Attachments:** [image001.jpg](#)  
[Advice only TWDA 2023-00261-SOR.pdf](#)

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Hi,

TasWater does not object to the proposed amendment to the Planning Scheme as mentioned above and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings as stated in the attached SPAN.

If you have any queries, please contact me.

[Al Cole](#)

Senior Assessment Officer

[D 0439 605 108](#)

[F 1300 862 066](#)

[A GPO Box 1393, Hobart TAS 7001](#)

[E al.cole@taswater.com.au](mailto:al.cole@taswater.com.au)

[W http://www.taswater.com.au/](http://www.taswater.com.au/)

Have I been helpful? Please provide feedback by clicking [here](#).

**From:** [TasWater Development Mailbox](#)  
**To:** [Sorell Council](#)  
**Cc:** [Shayla Nowakowski](#)  
**Subject:** TasWater Response to Planning Authority Referral of Planning Scheme Amendment, Council reference 5.2023.13.1  
**Date:** Thursday, 23 March 2023 1:52:03 PM  
**Attachments:** [image001.jpg](#)  
[TWDA 2023 00260-SOR.pdf](#)

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Hi Shayla,

TasWater does not object to the proposed amendment to Sorell LPS as mentioned above and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings as stated in the attached SPAN. If you have any queries, please contact me.

**AJ Cole**

Senior Assessment Officer

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Have I been helpful? Please provide feedback by clicking [here](#).

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