



SORELL PLANNING AUTHORITY (SPA) AGENDA

4 JULY 2023

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)

NOTICE OF MEETING

Notice is hereby given that the next meeting of the Sorell Planning Authority (SPA) will be held at the Community Administration Centre (CAC), 47 Cole Street, Sorell on Tuesday, 4 July 2023 commencing at 4:30 pm.

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

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

ROBERT HIGGINS
GENERAL MANAGER
29 JUNE 2023



AGENDA

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

TABLE OF CONTENTS

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

1.0 ATTENDANCE

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Chairperson Mayor Vincent
Deputy Mayor C Wooley
Councillor S Campbell
Councillor J Gatehouse
Councillor M Miro Quesada Le Roux
Councillor M Reed
Councillor N Reynolds
Councillor C Torenus
Robert Higgins, General Manager

2.0 APOLOGIES

Councillor M Brown – approved Leave of Absence

3.0 CONFIRMATION OF THE MINUTES OF 20 JUNE 2023

RECOMMENDATION

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

4.0 DECLARATIONS OF PECUNIARY INTEREST



In considering the following land use planning matters the Sorell Planning Authority intends to act as a planning authority under the *Land Use Planning and Approvals Act 1993*.

5.0 LAND USE PLANNING

5.1 DEVELOPMENT APPLICATION NO.5.2023.109.1

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

RECOMMENDATION

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

1. Development shall generally be in accordance with the endorsed plans submitted on 5 September 2022 except as may be amended by the conditions of this permit.
2. Pets (other than for physical or mental health assistance) must not be permitted to stay on the property in association with the approved use.
3. The operator must take reasonable steps to inform guests of the natural values of the area, including risks of road kill.
4. The internal driveway including areas set aside for vehicle parking and manoeuvring shall be in general accordance with AS/NZS 2890.1:2004, and must:
 - a) be adequately upgraded where required, to the prescribed standard, within six months of first use;



- b) be constructed with a durable all-weather pavement;
 - c) be drained to a legal point of discharge or retain runoff onsite such that stormwater is not concentrated onto adjoining properties;
 - d) have a sealed or gravel surface that is designed, constructed and maintained to avoid sedimentation or erosion or excess dust; and
 - e) be maintained through the life of the use in a condition that, at a minimum, is suitable for two wheel drive vehicles.
5. Prior to first use, at least one car parking space must be provided on site and must be available for car parking at all times. Any external space must:
 - a) be at least 5.4m long and 2.6m wide with an additional 0.3m clearance from any nearby wall, fence or other obstruction; and
 - b) have a maximum gradient of 1 in 20 (5%) measured parallel to the angle of parking and 1 in 16 (6.25%) in any other direction.
 6. The maximum number of guests occupying the visitor accommodation per day shall not exceed five (5) persons, averaged over a 14 day recurring period.
 7. The onsite waste water management system including the land application area must be protected from vehicular access.

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- The permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.
- This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.
- Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: ☎(03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

Executive Summary

Application is made for a change of use of a dwelling to visitor accommodation at 3 Pelican Place, Boomer Bay. This property is zoned 22.0 Landscape Conservation and is one of seven lots at Pelican Place, which is north of Boomer Bay.

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme – Sorell (TPS-S)* and is recommended for conditional approval.

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full



statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

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

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

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

- Clause 5.6.1 requires that each applicable standard is complied with if an application is to be approved.
- Clause 5.6.2, in turn, outlines that an applicable standard is any standard that deals with a matter that could affect, or could be affected by, the proposal.
- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals

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

Report

Description of Proposal

The existing dwelling is a three bedroom, single storey structure located in the western part of the site. The change of use is for the whole of the dwelling.

Description of Site

The site is a 2.33 hectare lot that is largely covered in native bushland, which screens the existing structure from Bay Road and Pelican Place. The dwelling is in the western part of the site in a relatively small clearing. Pelican Place is a sealed road and the property access is a shared gravel driveway. The site is similar to all other lots in the landscape conservation zone and the area of land included in this zone adjoins agricultural land to the north and east. The site is elevated above Boomer Bay and Bay Road and the dwelling sits at approximately 30m in elevation.



Figure 1. Subject site.

Planning Assessment

The visitor accommodation use class is discretionary in the zone.

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
22.3.2	Visitor accommodation	Yes, as the existing dwelling has a floor area of some 145m ² which is less than 300m ²
22.3.3	Discretionary use	No acceptable solution provided. Refer to performance criteria assessment below.

Performance Criteria Assessment 1 – Clause 22.3.3 P1 Discretionary use

Use listed as Discretionary must be compatible with landscape values, having regard to:

- (a) *the nature, scale and extent of the use;*
- (b) *the characteristics and type of the use;*
- (c) *the landscape values of the site;*
- (d) *the landscape value of the surrounding area; and*
- (e) *measures to minimise or mitigate impacts.*

It is considered that the performance criteria is satisfied as:

- The change in use is comparable in scale to that of the existing dwelling in terms of occupancy numbers and the nature of the occupancy;
- The use does not require any change to the landscape and does not require vegetation removal or other works. The existing dwelling is located within a clearing which accommodates bushfire hazard management and the use does not require any increased clearing.

Code

Parking and Sustainable Car Parking Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C2.5.1 A1	Number	Yes, through two existing spaces (one required)
C2.6.1 A1	Construction	Yes, as gravel surface is allowable in the zone
C2.6.2. A1	Design	Yes, as car parking on site is compliant with the Australian Standard
C2.6.3 A1	Access numbers	Yes, as one access only is proposed

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.2 A1.4	Traffic generation	Yes, as there is no change in average daily traffic generation

Bushfire-Prone Areas Code

As the proposal is not a vulnerable or hazardous use (as defined by the Code), the provisions of the Code do not apply.

Landslip Hazard Code

The exemption at clause C15.4.1 (a) applies.

Representations

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but 'only insofar as each such matter is relevant to the particular discretion being exercised'.

Three representations have been received, which are addressed in the following table.

Issue	Relevant Clause	Response
Four or six, rather than three as stated in the application, properties use the shared right of way	20.3.2	Noted.
No domestic animals		A condition to this effect is considered reasonable given the zoning
No weddings, functions etc	Nil	The application is only for a change of use to visitor accommodation
Guests should be warned of wildlife crossing the road and right of way	Nil	A condition to this effect is considered reasonable.
There should be no change to external lighting	Nil	Noted. Use only.

Conclusion

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme – Sorell* and is recommended for conditional approval.

Shane Wells
MANAGER PLANNER

Attachments:
Application
Plans x 2
Representations x 3





To Whom It May Concern

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Sorell Council

Development Application: 5.2023.109.1

Plans Reference: P1

Date Received: 08/05/2023



Figure 2: Zone Plan with site highlighted in orange (The List Map 2023)

Zone

The change of use is from a single dwelling to visitor accommodation. Visitor accommodation is discretionary in the Zone. No development or works are proposed, therefore only the use standards are relevant to this proposal:

22.3.2 Visitor accommodation

Objective: That Visitor Accommodation is of a scale that is:

- (a) compatible with the landscape values of the site and surrounding area; and
- (b) does not impact the safety and efficiency of local roads or private rights of way.

SCHEME REQUIREMENT

A1

Visitor Accommodation:

- (a) guests are accommodated in existing buildings; and
- (b) has a gross floor area of no more than 300m².

RESPONSE

A1

- a) The change of use is to an existing dwelling.
 - b) The existing building has a total gross floor area of less than 300 m². Please refer to the attached plans.
- The proposal complies with A1.

22.3.3 Discretionary use

Objective: That the location, scale and extent of a use listed as Discretionary is compatible with landscape values.

SCHEME REQUIREMENT

RESPONSE

<p>A1 <i>No Acceptable Solution.</i></p> <p>P1 <i>Use listed as Discretionary must be compatible with landscape values, having regard to:</i></p> <ul style="list-style-type: none"> (a) <i>the nature, scale and extent of the use;</i> (b) <i>the characteristics and type of the use;</i> (c) <i>the landscape values of the site;</i> (d) <i>the landscape value of the surrounding area; and</i> (e) <i>measures to minimise or mitigate impacts.</i> 	<p>The proposed use is within an existing building with no increased impact on the landscape values:</p> <ul style="list-style-type: none"> a) The proposed use is for a 3 bedroom guest house as such is of a small scale. The use is located 80m from the adjoining residence to the southwest and over 100m from the northern and eastern adjoining residences. b) The use provides for up to 6 guests for short-stay accommodation. c) The proposal is utilising an existing building and no impacts on the landscape values are anticipated. Notwithstanding this, the landscape values are associated with the forested land on the site. d) The landscape values are attributed to the scenic values and the natural vegetation. e) No measures are considered necessary as the use will be within an existing building that is currently used for residential purposes. <p>The proposed use of visitor accommodation is considered to be a location, scale and extent that is compatible with the landscape values and therefore complies with P1.</p>
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Parking and Sustainable Transport Code

The site has an area for two existing car spaces and therefore the proposal complies with C2.5.1 car parking numbers (A1) which requires only one parking space per three bedrooms. There are no other relevant standards in this code, as no development is proposed.

Road and Railway Code

The change of use from a single dwelling to visitor accommodation is unlikely to increase the annual average daily vehicle movement and therefore this code does not apply in accordance with C3.2 a). It is also noted that C3.2 b) and c) are not relevant to the proposal or site.

Priority Vegetation Overlay - Natural Assets Code

This code does not apply to use.

Bushfire Prone Areas Code

The proposal is not for subdivision or a vulnerable or hazardous use therefore this code does not apply.

Landslip Hazard Code

The proposal is exempt from this code in accordance with C15.4.1 a).

Yours faithfully



Poppy Scharkie
Graduate Planner
Planning Tas Pty Ltd







From:
To: Sorell Council;
Subject: Error in planning application DA 2023/109-1 and concerns voiced re the change of usage;
Date: Monday, 29 May 2023 5:58:59 PM

To General Manager,

The currently advertised planning application for 3 Pelican Place has an error that needs correction. The DA states that three owners have right of way on the private driveway leading off Pelican Place entrance. This is incorrect. As owners of (nearly 20 years), our title indicates that we have right of way over the right of way for Number 3 Pelican Place on the title plans. In 2008, we added to our land by purchasing a block of land from the then owner of number 3 as did the other neighbour to the south of our property. Our Surveyor told us that at the point of that subdivision when and where the title was changed to include the purchased land, that new section became our right-of-way to the end of our land.

The application says there are 3 neighbours that share the right of way.

It should read there are 4 neighbours. The current DA creates a misconception that should be corrected and the DA re-advertised. I can sympathise with the planner as the right of way system is complex and hard to understand, but it is important that the application is not in error as it could affect us in the long term.

As far as the development application is concerned, neither myself or my husband have any objection to the change of usage.

Personally, I wish to request that the Council do not permit any overstay of domestic animals on the premises. The three properties immediately adjoining the development have "Land for Wildlife Status" and I believe I can speak for all owners, that they would wish for the natural ambience, tranquility and values to be retained. While I think the new owner would agree, it needs to be mentioned as a concern. The reason for this concern is that out of reasonable intent when "Pelican's Rest" application came to the Council some years ago, we did not object to the proprietors including a pet friendly option. I deeply regret this now as there have been numbers of occasions when dogs have strayed onto our property, and short term stayers have left their dogs and gone off to enjoy the locality, resulting in annoying noise disturbance.

Also I wish to say that we do not support any prohibited usage under the scheme such as use of the premises as a function centre, wedding venue, etc. We have also experienced this happening in the subdivision, where the noise levels exceeded any reasonable level of decibels well into the night on multiple occasions and noise well into the night was an issue as well as the lack of security and general rowdy behaviour.

The right-of-way private access is generally respected by the residential owners but because of wildlife crossing property boundaries it also needs to be said that short term stayers need to be warned about wildlife crossing night and day. I have no doubts that Mr Walsh would be in agreement.

As the property in question has outstanding views and would be a very tranquil place to spend a few days, I wish all the best with his venture and hope the concerns above will be considered by Council and addressed.

Thank you,

12/06/2023

Dear General Manager, Mayor, and Councillors,

SORELL COUNCIL ENQUIRIES to PLANNING

DA 2023/109-1-CHANGE OF USE-DWELLING TO VISITOR ACCOMODATION AT 3 PELICAN PLACE,
BOOMER BAY FOR IRENEINC PLANNING AND URBAN DESIGN

Re: the change of usage to visitor accommodation for IRENEINC PLANNING AND URBAN DESIGN on behalf of their client

A private driveway services 6 properties, (not 3, as stated in the DA) who all have various rights-of-way from the cul-de-sac entrance of Pelican Place up and along the private driveway to the subject development and beyond to No. 5.

No's 1, 2, 3, 4, 5, 6 all use the private driveway to access their properties. The maintenance of the gravel driveway is the responsibility of the owners of numbers 1, 2, 3, 4, 5, and 6 by joint agreement.

The Landscape values stated in the zone are especially important to No 1, No 5, No 6 and No 387 Bay Rd, all of whom have LAND FOR WILDLIFE certification. The vegetation includes plants only found in Dunalley and Narawntapu National Park. Native Fungi varieties are in evidence, while a wide range of endemic Tasmanian forest and shore birds, frogs, insects, reptiles, and small mammals live in the remnant forest. The vegetation includes original residual dry sclerophyll forest moving up from the Bay Rd entrance further up the hill and changing into Casuarina Forest (She Oaks and Bull Oaks) which is a living remnant of the original forests of Tasmania.

It is important to us that the visitor accommodation does not permit overstaying domestic pets. These may represent a threat to native wildlife and interrupt residential peace and amenity.

We would not be supportive of any functions or events that exceed the general use of a standard domestic dwelling. Examples of such functions and events that we would see as inappropriate would include the hiring of the premises for weddings, training days, workshops or other non-domestic activities.

(See clause 22.2 Landscape Conservation of the Tasmanian Planning Scheme).

Unpolluted night-time skies can be seen at Pelican Place, and it is also important to us that lighting is not intrusive and is minimal.

Visitors traversing the private shared driveway should be respectful of animals crossing from one property to another across the private driveway and owls flying low at night.

If these reasonable conditions are met, we have no objection to supporting the change of use application to visitor accommodation.

13th June 2023

Shane Wells
General Manager
Sorell Council
47 Cole St Sorell
Tasmania 7172

Proposal – DA 2023/109 – 1 - CHANGE OF USE - DWELLING TO VISITOR ACCOMMODATION AT 3 PELICAN PLACE, BOOMER BAY.

Dear Shane,

I write in response to your letter informing me of a Development Application for a 'change of use' from dwelling to visitor accommodation,

I have lived at [redacted] for 21 years, this is my home, my domicile, I already live with an accommodation business almost next door - [redacted] I have no real problem with that short stay accommodation business, apart from the allowance of dogs at the property, which has meant that a few dogs have ended up roaming and hunting in the bush on my land, and there is the occasional noise nuisance of dogs barking. So I would ask that pets are not allowed at any proposed new accommodation business, which is situated on the other side of my property, mainly because they could undermine the natural values of the bush and wildlife in the area, and pose a noise nuisance to my peace of mind.

The people who run that accommodation business also live here, in our little cluster of houses, we are zoned Environmental Living. 4 of the 7 properties in this cluster are classified 'Land For Wildlife' properties. I am the only one that does not access my property from a shared driveway, (which is not a public road), from the cul de sac of Pelican Place, my road frontage is on Bay Rd, but my bush remnant is part of the larger cluster. I am surrounded by the Pelican Place sub-division. There are actually 6 properties that are effected by the proposed development not 3 as is stated in the application. My driveway is on a particularly bad dirt road corner, just before Pelican Place, where cars slide off the road a couple of times a year...it is not suitable for a lot of traffic. I live here because of its natural qualities, it's quiet and peaceful, and I'd really like it to stay that way.

In principle I am concerned about possible loss of amenity. The applicant is not effected in any way by the proposed change of use, as he does not live here. Yet he will capitalise on selling my amenity to visitors, possibly undermining that amenity and the very reason I live here, without any personal impact on himself. I therefore feel the need to put on the record, that I would not be in support of ANY future proposal that would undermine the amenity of our area, such as by the development of associated businesses, functions or events like weddings, parties, workshops, or retreats, including firecrackers or fires at unsafe times of the year. I object to ANY commercial operations that fall outside the normal short stay accommodation proposed. Keep it at a domestic, small level and I will be happy neighbour.

I would like to ask that exterior lighting would be kept to a minimum, domestic kind of level, with light fittings pointing at the building not away from it, in order to maintain our dark skies at night without light pollution. My profession is architectural lighting design, so I am well aware of how intrusive & disruptive some lighting installations can be for neighbours, wildlife & dark skies. That monstrosity that was built on Little Boomer Island down the road, is a case in point...it has about 20 big floodlights mounted on the building pointing out from the middle of a completely dark bay...it is offensive in the extreme and effects a lot of people! And we also have Oyster farmers that were allowed to develop a little industrial land cluster 17years ago, that have recently built another shed and installed large glary light fittings to floodlight their yard. These lights point at our bush remnant, so the restrictions we negotiated for the lighting are now completely forgotten...among other restrictions, but that is another story...

Kind Regards,

5.2

SUBDIVISION APPLICATION NO. SA 2022 / 00029 - 1

Applicant:	Rogerson & Birch Surveyors
Proposal:	3 Lot Subdivision
Site Address:	88 Lewisham Road, Forcett (CT 166029/1)
Planning Scheme:	<i>Tasmanian Planning Scheme – Sorell (TPS-S)</i>
Application Status	Discretionary
Relevant Legislation:	Section 57 of the <i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>
Reason for SPA meeting:	Subdivision creates more than one lot.

Relevant Zone:	Rural and Agriculture
Proposed Use:	N/A
Applicable Overlay(s):	Priority vegetation, waterway, coastal inundation, coastal erosion, flood, landslip, bushfire, scenic protection
Applicable Codes(s):	Road and Railway
Valid Application Date:	14 December 2022
Decision Due:	8 July 2023
Discretion(s):	1 Nil
	2
Representation(s):	Nil

RECOMMENDATION

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

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

NOTE: THE FOLLOWING ADVICE APPLIES TO THIS PERMIT

- The various 'existing Council approved access' shown on the endorsed plans may not be suitable for any future non-rural or non-agricultural use and may require upgrade or relocation.
- The permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the *Land Use Planning and Approvals Act 1993*.



- This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- This planning approval shall lapse at the expiration of two (2) years from the date on which this permit became valid, if the permit is not substantially commenced. At the discretion of the Planning Authority, the expiration date may be extended for a further two (2) years on two separate occasions for a total of six (6) years. Once lapsed, a new application will be required.
- Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.
- All engineering related queries should be directed to the Development Engineer. The Council General Manager has delegated functions relevant to the permit to the Development Engineer.
- Sealing of a final plan of survey is subject to a prescribed Council fee at the date of lodgement of the final plan or survey.
- Land Title Office fees must be paid directly to the Recorder of Titles.
- The final plan of survey will not be sealed until all works required by this permit are complete.
- The final plan of survey is inclusive of any schedule of easement and Part 5 Agreement.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street Hobart 7000 Ph: ☎(03) 6165 6790 or email resourceplanning@tascat.tas.gov.au

Executive Summary

Application is made for a three lot subdivision at 88 Lewisham Road, Forcett. This property is zoned both Rural and Agriculture and is located on the western side of Lewisham Road for much of the road.

The key planning consideration relate to how the proposed lot configuration furthers the subdivision standards for rural type subdivisions.

The application is considered to comply with each applicable standard of the *Tasmanian Planning Scheme - Sorell* and is recommended for conditional approval.

Relevance to Council Plans & Policies

Strategic Plan 2019-2029	Objective 1: To Facilitate Regional Growth Objective 2: Responsible Stewardship and a Sustainable Organisation Objective 3: To Ensure a Liveable and Inclusive Community
Asset Management Strategy 2018	The proposal has no significant implications for asset management.
Risk Management Strategy 2018	In its capacity as a Planning Authority, Council must determine this application. Due diligence has been exercised in preparing this report and there are no predicted risks from a determination of this application.
Financial Implications	No financial implications are anticipated unless the decision is appealed to TASCAT. In such instances, legal counsel is typically required.
Open Space Strategy 2020 and Public Open Space Policy	The proposal has no significant implications for open space management.
Enforcement Policy	Not applicable.
Environmental Sustainability Policy	There are no environmental implications associated with the proposal.

Legislation

- This report details the reasons for the officer recommendation.
- Broadly, the planning authority can either adopt or change the recommendation by adding, modifying or removing conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.
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- A standard can be met by either complying with an acceptable solution or satisfying the performance criteria, which are equally valid ways to comply with the standard.
- An acceptable solution will specify a measurable outcome. Performance criteria require judgement as to whether or not the proposal reasonably satisfies the criteria.
- Clause 6.10 outlines the matters that must be considered by a planning authority in determining applications. Clause 6.11 outlines the type of conditions and restrictions that can be specified in a conditional approval.

Referrals

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

Report

Description of Proposal

Application is made for a three lot subdivision.

Lot 1 is an 80 hectare lot which is predominately in the Rural Zone (50 hectares) but also includes a 30 hectare area of Agriculture Zone. The lot is vacant and is located to the north of Forcett Lakes. The lot has extensive frontage to Lewisham Road. Lot 1 contains a quarry, a pivot irrigator and the largest dam on the property.

Lot 2 is a 50 hectare lot running from the southern side of Forcett Lakes through to Lewisham Road. Lot 2 includes two smaller dams, including one existing dam on the eastern side of Lewisham Road. Approximately ten hectares of lot 2 is in the



Agriculture Zone and 40 hectares in the Rural Zone. Lot 2 contains golf course infrastructure.

Lot 3 is a 128 hectare lot with frontage to Lakeland Drive and Lewisham Road. The lot extends north and includes all of the western shore of the parent title. Approximately four hectares of lot 3 is within the Agriculture Zone and the remainder is within the Rural Zone. Lot 3 contains an existing dwelling close to the western shoreline.

The application is supported by:

- a planning submission from Neil Shephard and Associates dated 3 May 2023;
- an agricultural report by Nicholbrook Horticultural Consulting dated March 2023;
- a bushfire exemption report from RMCG dated 23 February 2023; and
- a plan of subdivision from Rogerson and Birch dated 2 December 2022.

Description of Site

The site a large rural lot extending from Jones Bay to Iron Creek Bay and Forcett Rivulet with extensive shoreline to Pitt Water. The lot boundaries extend to high water mark and to the centreline of Forcett Rivulet. The majority of the site is cleared pasture. There is an existing dwelling, quarry, dams golf course and outbuildings on the property.

The southern part of the property is a hill rising to approximately 60m in elevation while the northern section is relatively flat. The surrounding area is largely agricultural in nature other than in the southern section which adjoins rural living land in Lakeland Drive.

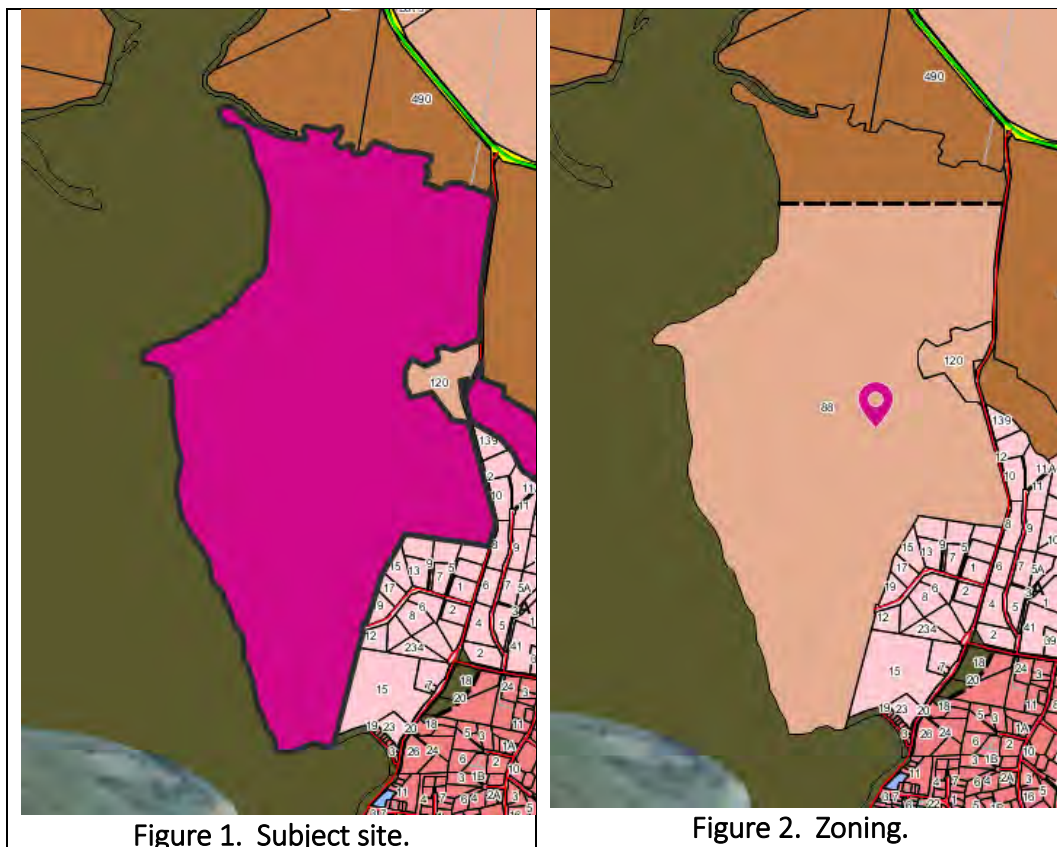


Figure 1. Subject site.

Figure 2. Zoning.

The agricultural report has mapped land capability as shown in Figure 4. There is a relatively equal proportion of class 4, 5 and 6 agricultural land across the site. The better quality class 4 land is contained in two sections while there is a more varied distribution of class 5 and 6 land. The northern section of the site contains soils that are suitable for a range of agricultural enterprises while soils through much of the southern section are lesser quality and could be prone to erosion if overstocked. The property has over 300 megalitres of dam storage which is fed by Gilling Brook. The site is not connected to Tas Irrigation but is within the irrigation scheme area.

A number of overlays apply to the site. All of the land is subject to the bushfire-prone areas overlay. The waterway and coastal protection area overlay applies along the foreshore, Forcett Rivulet, Gilling Brook and drainage lines. The priority vegetation area applies to two small areas near high water mark. The future coastal refugia area applies along the foreshore, as to the coastal inundation and coastal hazard area overlays. The landslip hazard area overlay applies in a number of sections. A small flood-prone hazard area exist opposite 8 Blackwood Drive. Lastly, the scenic protection area overlay applies to the western hill side and the northern paddocks, other than for a 30m wide area set back from high water mark.

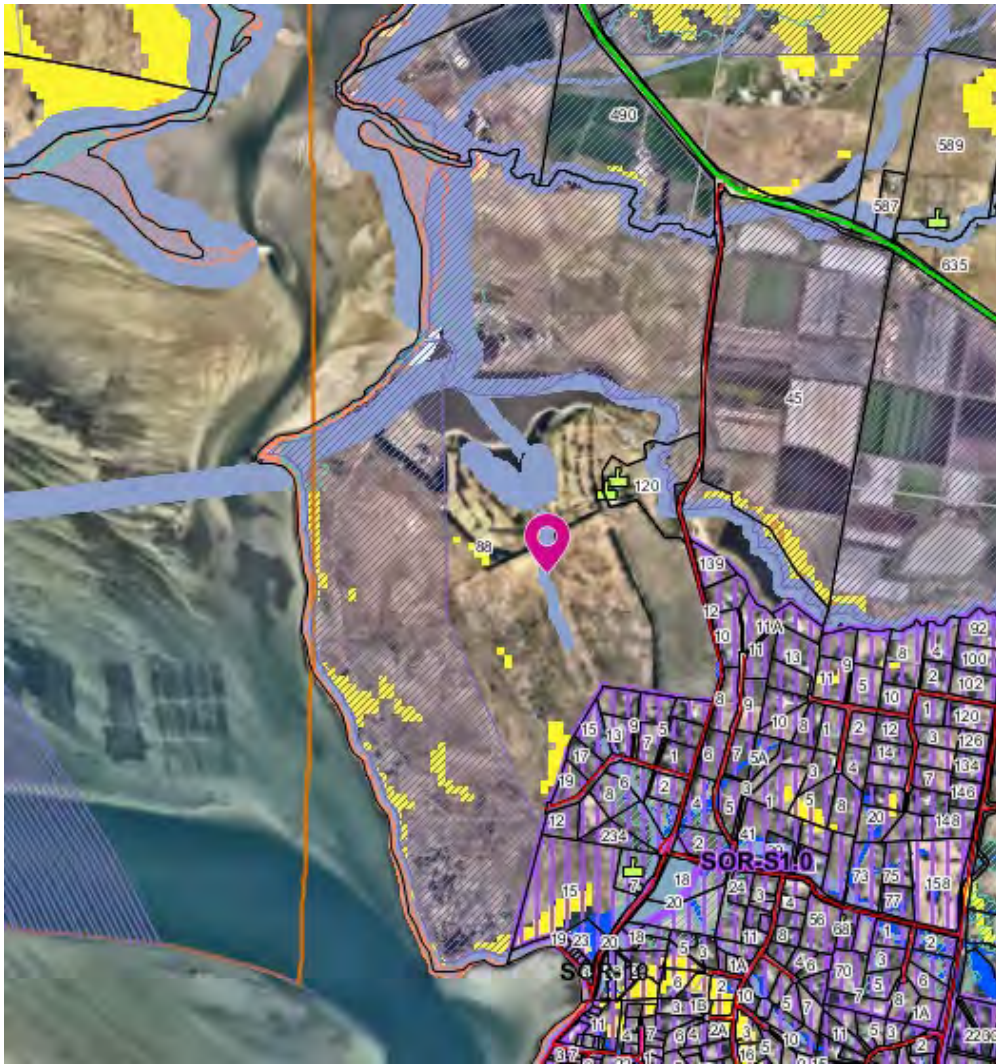


Figure 3. Overlays (excluding bushfire)

Lot 1 is comprises of 48% class 4 land, 2% class 5 land and 31% class 6 land with the balance covered by dams and buildings. Lot 2 contains 32% class 4 land, 31% class 5 land and 17% class 6 land. Lot 3 contains 54% class 5 land and 40% class 6 land. Based on the agricultural report, lot 1 is suitable for a range of agricultural enterprise, lot 2 is suitable for viticulture and other uses with some limitations while lot 3 could not sustain commercial agriculture and has limited ability to be irrigated due to soil constraints.

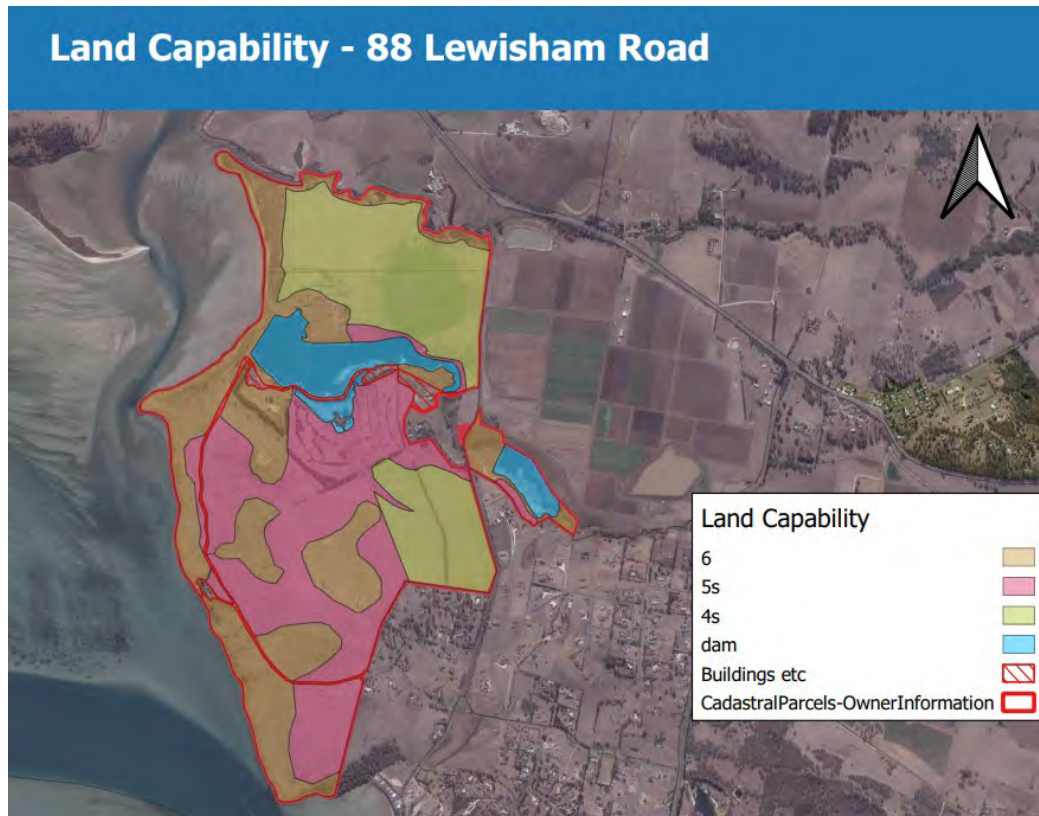


Figure 4. Land capability (from agricultural report)

Planning Assessment

As the majority zoning in each lot is the Rural Zone, each lot is assessed against the provisions for the Rural Zone.

Zone

Applicable zone standards		
Clause	Matter	Complies with acceptable solution?
20.5.1 A1	Lot design	Yes, as each lot is greater than 40ha in size and has more than 25m of frontage.
20.5.1 A2	Access	Yes, as each lot will have vehicle access to a road in accordance with the requirements of the road authority.

Code

Road and Railway Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C3.7.1 A1	Subdivision	Yes, as no lot is subject to the road or railway attenuation area.

Natural Assets Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C7.7.1 A1	Subdivision (waterway and refugia)	Yes, as no works are proposed within the waterway and coastal protection area or future coastal refugia area.
C7.7.2 A1	Subdivision (priority vegetation)	Yes, as no works are proposed within the priority vegetation area.

Scenic Protection Code

The subdivision is exempt from the code by clause 8.4.1 (d) as no works are proposed or required in the scenic protection area overlay.

Coastal Erosion Hazard Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C10.7.1 A1	Subdivision	Yes, as each lot can contain building areas, access and services wholly outside a coastal inundation hazard area

Coastal Inundation Hazard Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C11.7.1 A1	Subdivision	Yes, as each lot can contain building areas, access and services wholly outside a coastal inundation hazard area

Flood-Prone Areas Hazard Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C21.7.1 A1	Subdivision	Yes, as each lot can contain building areas, access and services wholly outside a flood-prone hazard area

Bushfire-Prone Areas Code

The proposal complies with the code through the provision of an accredited persons bushfire exemption report, which s52(2)(d) of LUPAA requires the planning authority to accept.

Landslip Hazard Code

Applicable Code standards		
Clause	Matter	Complies with acceptable solution?
C15.7.1 A1	Subdivision	Yes, as each lot can contain building areas, access and services wholly outside a landslip hazard area

Safeguarding of Airports Code

There is no standard for subdivision subject to the obstacle heights limit area overlay.

Public Open Space Policy

Broadly, there are three considerations for public open space within a subdivision under this policy; being:

- whether public open space land should be taken for a park or other purpose;
- whether public open space land should be taken for connectivity; or
- if no public open space land is proposed or taken, what rate of a cash in lieu contribution should apply.

Section 5.2 of the public open space policy outlines criteria to assess the taking of land. Among other matters, this section has regard to any related Council policy, whether the land is conveniently located with respect to the wider area along with existing open space and any alternatives, whether the land would contribute to Council's ability to support a diversity of recreational activities and the demand created.

In this case, the subdivision is for agricultural purposes and generates no demand for public open space.

Representations

Clause 6.10.1 of the planning scheme requires the consideration of any representation received but 'only insofar as each such matter is relevant to the particular discretion being exercised'.

One representation was received and is addressed in the following table.

Issue	Relevant Clause	Response
Precursor to a rezoning of lot 3 based on the Nicholbrook Horticultural Consulting report.	Nil	Only the application as submitted is before Council.

Conclusion

The application is considered to comply with each applicable standard of the *Sorell Interim Planning Scheme 2015* and is recommended for conditional approval.

Shane Wells
MANAGER PLANNER

Attachments:
Neil Shephard Planning Report
Nicholbrook Report
Bushfire Exemption Report
Proposal Plan
Representation



1



**NEIL SHEPHARD
& ASSOCIATES**

Planning and Development Consultants

Mr Shane Wells
Manager Planning
Sorell Council
47 Cole Street
Sorell TAS 7172

3 May 2023

Dear Mr Wells,

RE: SA 2022 / 29 - 1-3 LOT SUBDIVISION - 88 LEWISHAM ROAD, FORCETT - Rogerson & Birch Surveyors

I refer to your request for further information dated 16 March 2023.

I have been asked by the owners of the above property to assist in responding to your request.

The following responses are provided in the same order as set out in your request:

1. Provide an amended subdivision application form which clearly describes the proposal.

Response: By virtue of your letter, I understand that this item was satisfied on 1 March 2023.

2. Provide a supporting submission from a suitably qualified planning consultant to accompany your proposal and addresses all relevant planning scheme standards.

Response: responses to the listed items are provided individually as follows:

Airport obstacle limitation area

The relevant provisions occur under the C16.0 Safeguarding of Airports Code of the *Tasmanian Planning Scheme – Sorell (the planning scheme)*.

The entirety of each of the proposed lots is within the airport obstacle limitation area shown on the planning scheme maps.

No specific use or development is proposed as part of the subject subdivision proposal.

The relevant standards for subdivision occur under clause C16.7.1 of the planning scheme.

The Acceptable Solution for subdivision under clause C16.7.1 A1 is as follows:

A1

Each lot, or a lot proposed in a plan of subdivision, within an airport noise exposure area must be:

- (a) be for the creation of separate lots for existing buildings;*
- (b) be required for public use by the Crown, a council or a State authority;*
- (c) be required for the provision of Utilities;*
- (d) be for the consolidation of lots;*
- (e) be for the creation of a lot that contains a building area not less than 10m x 15m entirely located outside of the airport noise exposure area; or*
- (f) not be intended for a sensitive use.*

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neilsh@bigpond.com

ph: 0417 25 0232



The use of the word "or" in criterion (e) is taken to indicate that the criteria are to be considered disjunctively. Accordingly, compliance with only one (1) criterion is taken to mean compliance with the Acceptable Solution overall.

Lots 1 and 2 are not intended for sensitive use as part of the current application and therefore meet criterion (f). Lot 3 (the balance lot) contains an existing dwelling, and whilst its creation is not for the specific purpose of a sensitive use, it will nonetheless include one. Notwithstanding this, Lot 3 meets criterion (a) by creating a lot for a separate building.

The proposal therefore meets the Acceptable Solution A1 under clause C16.7.1.

Bushfire-prone area

The relevant provisions occur under the C13.0 Bushfire-prone Areas Code of the planning scheme.

The entirety of each of the proposed lots is within the bushfire-prone area shown on the planning scheme maps.

An assessment of the proposed subdivision in respect of the provisions of the Bushfire-prone Areas Code is provided under separate cover (RMCG. *Bushfire Exemption Report*, 23 February 2023).

Coastal erosion hazard

The relevant provisions occur under the C10.0 Coastal Erosion Hazard Code of the planning scheme.

Coastal erosion hazard bands of Low and Medium risk occur along the majority of the foreshore area of Lot 3, ranging between 20m to 65m from HWM.

The existing dwelling on Lot 3 is located outside of the erosion hazard band and no specific use or development is proposed within the hazard band areas as part of the subject subdivision proposal.

The relevant standards for subdivision occur under clause C10.7.1 of the planning scheme.

The Acceptable Solution for subdivision under clause C10.7.1 A1 is as follows:

A1

Each lot, or a lot proposed in a plan of subdivision, within a coastal erosion hazard area, must:

- (a) be able to contain a building area, vehicle access, and services, that are wholly located outside a coastal erosion hazard area;*
 - (b) be for the creation of separate lots for existing buildings;*
 - (c) be required for public use by the Crown, a council or a State authority; or*
 - (d) be required for the provision of Utilities,*
- and not be located on an actively mobile landform.*

The criteria in A1 are again taken to be disjunctive. Accordingly, compliance with only one (1) criterion is taken to mean compliance with the Acceptable Solution overall.

The relevant Lot 3 (the balance lot) is large (128ha), of which a considerable majority is outside the area of the erosion hazard band. Similarly, the existing dwelling and all of its associated infrastructure is located outside the hazard band. Lot 3 therefore meets criterion (a) and consequently the Acceptable Solution A1 under clause C10.7.1.

Flood-prone areas

The relevant provisions occur under the C12.0 Flood-prone Areas Hazard Code of the planning scheme.

A minor flood-prone area is indicated on the planning scheme maps immediately adjacent to approximately 145m of the frontage of Lot 3 with Lewisham Road.

No existing or specific use or development is proposed within the identified flood-prone area as part of the subject subdivision proposal.

The relevant standards for subdivision occur under clause C12.7.1 of the planning scheme.

The Acceptable Solution for subdivision under clause C12.7.1 A1 is as follows:

A1

Each lot, or a lot proposed in a plan of subdivision, within a flood-prone hazard area, must:
 (a) *be able to contain a building area, vehicle access, and services, that are wholly located outside a flood-prone hazard area;*
 (b) *be for the creation of separate lots for existing buildings;*
 (c) *be required for public use by the Crown, a council or a State authority; or*
 (d) *be required for the provision of Utilities.*

The criteria in A1 are again taken to be disjunctive. Accordingly, compliance with only one (1) criterion is taken to mean compliance with the Acceptable Solution overall.

The relevant Lot 3 (the balance lot) is large (128ha), of which a considerable majority is outside the area of the flood-prone area. Similarly, the existing dwelling and all of its associated infrastructure is located outside the hazard band. Lot 3 therefore meets criterion (a) and consequently the Acceptable Solution A1 under clause C12.7.1.

Future coastal refugia area

The relevant provisions occur under the C7.0 Natural Assets Code of the planning scheme.

A future coastal refugia overlay occurs along the majority of the foreshore area of Lot 3, ranging between 10m to 40m from HWM, and extending into Lot 1 for up to 125m.

The existing dwelling on Lot 3 is located outside of the overlay and no specific use or development is proposed within the overlay areas on either Lot 1 or 3, as part of the subject subdivision proposal.

The relevant standards for subdivision occur under clause C7.7.1 of the planning scheme.

The Acceptable Solution for subdivision under clause C7.7.1 A1 is as follows:

A1

Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:
 (a) *be for the creation of separate lots for existing buildings;*
 (b) *be required for public use by the Crown, a council, or a State authority;*
 (c) *be required for the provision of Utilities;*
 (d) *be for the consolidation of a lot; or*
 (e) *not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.*

The criteria in A1 are again taken to be disjunctive. Accordingly, compliance with only one (1) criterion is taken to mean compliance with the Acceptable Solution overall.

No works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within the future coastal refugia area are proposed as part of the current subdivision. The proposal meets criterion (e).

The proposal therefore meets the Acceptable Solution A1 under clause C7.7.1.

Coastal inundation hazard bands

The relevant provisions occur under the C11.0 Coastal Inundation Hazard Code of the planning scheme.

Coastal inundation hazard bands ranging from high to low are located on the coastal margins of Lots 1 and 3.

The existing dwelling on Lot 3 is located outside of the hazard bands and no specific use or development is proposed within the hazard band areas on either Lot 1 or 3, as part of the subject subdivision proposal.

The relevant standards for subdivision occur under clause C11.7.1 of the planning scheme.

The Acceptable Solution for subdivision under clause C11.7.1 A1 is as follows:

A1

Each lot, or a lot proposed in a plan of subdivision, within a coastal inundation hazard area, must:
 (a) *be able to contain a building area, vehicle access, and services, that are wholly located outside a coastal inundation hazard area;*
 (b) *be for the creation of separate lots for existing buildings;*
 (c) *be required for public use by the Crown, a council or a State authority; or*
 (d) *be required for the provision of Utilities.*

The criteria in A1 are again taken to be disjunctive. Accordingly, compliance with only one (1) criterion is taken to mean compliance with the Acceptable Solution overall.

The relevant Lots 1 and 3 are large, of which a considerable majority of the area is outside the inundation hazard band, providing sufficient potential for building area, vehicle access, and services. Similarly, the existing dwelling and all of its associated infrastructure is located outside the hazard band. Both Lots 1 and 3 therefore meet criterion (a) and consequently the Acceptable Solution A1 under clause C11.7.1.

Landslip hazard bands

The relevant provisions occur under the C15.0 Landslip Hazard Code of the planning scheme.

Scattered areas of Low landslip hazard are located in Lots 2 and 3.

Subdivision within the Low landslip hazard band is exempt pursuant to clause 15.4.1(e).

Notwithstanding this, the areas classified as low landslip hazard are small relative to the unencumbered areas in Lots 2 and 3.

The relevant standards for subdivision occur under clause C15.7.1 of the planning scheme.

The Acceptable Solution for subdivision under clause C15.7.1 A1 is as follows:

A1

Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area, must:
 (a) *be able to contain a building area, vehicle access, and services, that are wholly located outside a landslip hazard area;*
 (b) *be for the creation of separate lots for existing buildings;*
 (c) *be required for public use by the Crown, a council or a State authority; or*
 (d) *be required for the provision of Utilities.*

Sufficient area exists outside the landslip hazard areas to easily provide for a building area, vehicle access, and services.

Both Lots 2 and 3 therefore meet criterion (a) and consequently the Acceptable Solution A1 under clause C15.7.1.

Priority Vegetation Area

The relevant provisions occur under the C7.0 Natural Assets Code of the planning scheme.

Two (2) defined parcels of Priority Vegetation are indicated on the planning scheme maps:

- One in Lot 3 on Shellfish Point; and
- One in Lot 1 just north of Gordons Reservoir.

The existing dwelling on Lot 3 is located well outside of the relevant priority vegetation area and no specific use or development is proposed within the defined areas on either Lot 1 or 3, as part of the subject subdivision proposal.

The relevant standards for subdivision occur under clause C7.7.2 of the planning scheme.

The Acceptable Solution for subdivision under clause C7.7.2 A1 is as follows:

A1

Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:

- (a) be for the purposes of creating separate lots for existing buildings;*
- (b) be required for public use by the Crown, a council, or a State authority;*
- (c) be required for the provision of Utilities;*
- (d) be for the consolidation of a lot; or*
- (e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.*

Sufficient area exists outside the priority vegetation areas to easily provide for a building area, vehicle access, and services.

Both Lots 1 and 3 therefore meet criterion (e) and consequently the Acceptable Solution A1 under clause C7.7.2.

Scenic Protection Area

The relevant provisions occur under the C8.0 Scenic Protection Code of the planning scheme.

All of Lot 1, part of Lot 2 and the western half of Lot 3 are covered by the Scenic Protection overlay on the planning scheme maps.

Subdivision is exempt pursuant to clause 8.4.1(d) as no significant works are proposed.

Waterway and coastal protection area

The relevant provisions occur under the C7.0 Natural Assets Code of the planning scheme.

The foreshore margins, Gordons Reservoir and various streams are identified as being within the relevant overlay under the planning scheme.

The existing dwelling on Lot 3 is located outside of the overlay and no specific use or development is proposed within the overlay areas on any of the lots, as part of the subject subdivision proposal.

The relevant standards for subdivision occur under clause C7.7.1 of the planning scheme.

The Acceptable Solution for subdivision under clause C7.7.1 A1 is as follows:

A1

Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:

- (a) be for the creation of separate lots for existing buildings;*
- (b) be required for public use by the Crown, a council, or a State authority;*
- (c) be required for the provision of Utilities;*
- (d) be for the consolidation of a lot; or*
- (e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.*

The criteria in A1 are again taken to be disjunctive. Accordingly, compliance with only one (1) criterion is taken to mean compliance with the Acceptable Solution overall.

No works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within the waterway and coastal protection area are proposed as part of the current subdivision. The proposal meets criterion (e).

The proposal therefore meets the Acceptable Solution A1 under clause C7.7.1.

Rural Zone provisions

The relevant provisions occur under s.20.0 Rural Zone of the planning scheme.

Lots 2 and 3 are within the Rural Zone, whilst the southern half of Lot 1 is within the Rural Zone.

The existing dwelling is within Lot 3. No change of use or new development is proposed on the land within the Rural Zone.

The relevant standards for subdivision occur under clause 20.5.1 of the planning scheme.

The Acceptable Solution for subdivision under clause 20.5.1 A1 is as follows:

A1

Each lot, or a lot proposed in a plan of subdivision, must:

- (a) be required for public use by the Crown, a council or a State authority;*
- (b) be required for the provision of Utilities or irrigation infrastructure;*
- (c) be for the consolidation of a lot with another lot provided each lot is within the same zone; or*
- (d) be not less than 40ha with a frontage of no less than 25m and existing buildings are consistent with the setback and separation distance required by clause 20.4.2 A1 and A2.*

The criteria in A1 are again taken to be disjunctive. Accordingly, compliance with only one (1) criterion is taken to mean compliance with the Acceptable Solution overall.

All proposed lots are well in excess of the 40ha minimum with frontage each exceeding 25m. The existing buildings comply with the setback requirements in clause 20.4.2A1 and A2.

The proposal therefore meets the Acceptable Solution A1 under clause 20.5.1.

The Acceptable Solution for subdivision under clause 20.5.1 A2 is as follows:

A2

Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.

Vehicular access currently exists from Lewisham Road to Lots 1 and 2, and from Lakeland Drive to Lot 3.

The proposal therefore meets the Acceptable Solution A2 under clause 20.5.1.

Agriculture Zone provisions

The relevant provisions occur under s.21.0 Agriculture Zone of the planning scheme.

The northern half of Lot 1 is within the Agriculture Zone.

No change of use or new development is proposed on the land within the Agriculture Zone.

The relevant standards for subdivision occur under clause 21.5.1 of the planning scheme.

The Acceptable Solution for subdivision under clause 21.5.1 A1 is as follows:

A1

Each lot, or a lot proposed in a plan of subdivision, must:

- (a) be required for public use by the Crown, a council or a State authority;*
- (b) be required for the provision of Utilities or irrigation infrastructure; or*

(c) be for the consolidation of a lot with another lot provided both lots are within the same zone.

The proposed Lot 1 subdivision is not for the purposes of consolidation within the same zone or any of the other alternatives under A1. It therefore does not meet the Acceptable Solution and relies upon the alternative Performance Criteria under clause 21.5.1 P1.

The Performance Criteria for subdivision under clause 21.5.1 P1 is as follows:

P1

Each lot, or a lot proposed in a plan of subdivision, must:

- (a) provide for the operation of an agricultural use, having regard to:

 - (i) not materially diminishing the agricultural productivity of the land;*
 - (ii) the capacity of the new lots for productive agricultural use;*
 - (iii) any topographical constraints to agricultural use; and*
 - (iv) current irrigation practices and the potential for irrigation;**
- (b) be for the reorganisation of lot boundaries that satisfies all of the following:

 - (i) provides for the operation of an agricultural use, having regard to:

 - a. not materially diminishing the agricultural productivity of the land;*
 - b. the capacity of the new lots for productive agricultural use;*
 - c. any topographical constraints to agricultural use; and*
 - d. current irrigation practices and the potential for irrigation;**
 - (ii) all new lots must be not less than 1ha in area;*
 - (iii) existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2;*
 - (iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use; and*
 - (v) it does not create any additional lots; or**
- (c) be for the excision of a use or development existing at the effective date that satisfies all of the following:

 - (i) the balance lot provides for the operation of an agricultural use, having regard to:

 - a. not materially diminishing the agricultural productivity of the land;*
 - b. the capacity of the balance lot for productive agricultural use;*
 - c. any topographical constraints to agricultural use; and*
 - d. current irrigation practices and the potential for irrigation;**
 - (ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot;*
 - (iii) any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and*
 - (iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use.**

The criteria in P1 are taken to be disjunctive through the use of the word "or" after subclause (b). Accordingly, compliance with only one (1) criterion is taken to mean compliance with the Acceptable Solution overall.

Expert assessment of the proposed overall subdivision's agricultural character and capability is provided under separate cover (NICHOLBROOK, *Agricultural Report*, March 2023). In relation to proposed Lot 1 the report makes the following relevant assessments:

- *Lot 1 retains the majority of the agricultural land and water resource and has sufficient scale (approximately 80 ha) for more intensive agricultural development... (ibid. p2) (it is also opined that Lot 1 should ideally not have a split zoning but should be zoned Agriculture in its entirety – see below)*
- *The (overall) property has a centre pivot irrigator on the northern area proposed as Lot 1. This is utilised to provide pasture for grazing whilst the balance of the property is dryland grazing. (ibid. p9)*
- *Lot 1 would encompass the main large dam and the majority of the land suitable for agriculture. (ibid.p10)*
- *Lot 1 has the largest area of Class 4 land and as such should not be considered as split zoned between Agriculture and Rural, instead it is more appropriate for the proposed Lot 1 title to be zone Agriculture. The proposed title has sufficient water resource for current agricultural use of irrigated pasture a more than sufficient for future agricultural development of a range of intensive enterprise and should therefore be retained as agricultural use only. (ibid)*

The Agricultural Report makes a clear distinction between the character of Lot 1 and that of the other lots. Being the land with the most agricultural potential and containing the only active irrigation, Lot 1 meets criterion (a) and therefore meets the Performance Criterion P1 under clause 21.5.1 P1.

The Acceptable Solution for subdivision under clause 21.5.1 A2 is as follows:

A2

Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.

Lot 1 has existing vehicular access to Lewisham Road.

The proposal therefore meets the Acceptable Solution A2 under clause 21.5.1.

CONCLUSION

We trust that this further assessment fulfills your request. However, please do not hesitate to contact me in the first instance should you require clarification or additional information.



NEIL SHEPHARD BA, MTCP(Syd), MPIA(Fellow), CPP

Attachments:

- RMC. *Bushfire Exemption Report*, 23 February 2023
- NICHOLBROOK. *Agricultural Report*, March 2023

Agricultural Report

D&L NOMINEES, 88 LEWISHAM ROAD, FORCETT

MARCH 2023



Nicholbrook
Horticultural Consulting



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Document status:

Date	Status	Reviewed by	Transmission method
28/2/23	Draft	L Peterson	Email
1/3/23	Final	L Peterson	Email

This report has been prepared in accordance with the scope of services described in the contract or agreement between Nicholbrook and the Client. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client and Nicholbrook accepts no responsibility for its use by other parties.

88 Lewisham Road
Forcett

Contents

Executive Summary	2
Introduction	3
Qualifications and Experience.....	3
Location.....	3
Land Classification - Agriculture	4
Soils	9
Water Resources	9
Current Land Use	9
Infrastructure	9
Proposal	9
References	12
Declaration	12

88 Lewisham Road
Forcett

Executive Summary

This report examines the land capability and classification of the property at Forcett owned by D&L Nominees presently split zoned in respect Agriculture and Rural under the Sorell Local Provisions Schedule.

The proposal is to subdivide the current 262.5 ha title into 3 separate titles. Lot 1 retains the majority of the agricultural land and water resource and has sufficient scale (approximately 80 ha) for more intensive agricultural development and therefore should be zoned Agriculture.

Lot 2 retains a similar balance of land capability as the current overall title and combined with incorporating the second dam resource has agricultural potential and should be retained as current Rural zoned land. The proposed title is greater than 40ha complying with the Acceptable solution for Sorell Local Provisions Schedule 20.5.1 Lot Design.

Lot 3 consists of the southern balance of the property with very low productivity, low fertility and highly susceptible soils to erosion. The proposed title is greater than 40ha complying with the Acceptable solution for Sorell Local Provisions Schedule 20.5.1 Lot Design, Rural.

This area is better suited long term as extension of the adjacent Rural Living Zone A which adjoins the eastern boundary.

88 Lewisham Road
Forcett

Introduction

This report, by Dr Lee Peterson, Principal Consultant, Nicholbrook Pty Ltd, has been prepared to provide an expert agricultural assessment of the property 88 Lewisham Road Forcett.

This report reviews the current land usage of the present land titles and the surrounding region in relation to the Land Capability and Land Classification. This includes soils, aspect, topography, water resource, and impact in relation to agricultural activities.

Qualifications and Experience

Dr Lee Peterson is an agricultural science graduate from the University of Tasmania with 35 years of experience in primary industry production, research and consulting. Dr Peterson has worked with a variety of farming enterprises throughout Tasmania and other mainland states. A detailed outline of experience and qualifications is attached in Appendix A.

Location

Title reference 166029/1 is currently split zoned between Agriculture and Rural under the Sorell Local Provisions Schedule. The total area is 262.5 ha.

The overall property is located at 88 Lewisham Road, bounded by the Forcett Rivulet to the north, Pitt Water to the west, Lewisham Road to the east. The property extends over Lewisham road to the east encompassing an 80 ML dam.

Land Classification - Agriculture

Land capability of the property was assessed according to the Tasmanian Land Capability Classification System (Grose, 1999). Land is ranked according to its ability to sustain a range of agricultural activities without degradation of the land resource. Class 1 land is the best land and Class 7 land is the poorest. A wide range of limitations are considered, and the most significant limitation determines its final classification, or ranking. Limitations in relation to soils include stoniness, topsoil depth, drainage and erosion hazard. Limitations to topography include slope and associated erosion hazard. Limitations relating to climate include low rainfall and frost.

A full explanation of the Land Capability System is available in the *DPIPWE Tasmanian Land Capability Handbook*.

The classification system assumes an average standard of land management and that production will be sustainable if the land is managed according to the guidelines of its Class. The system does not take into account the economics of production, distance from markets, social or political factors, all of which can change over time.

Class 4 land is described as follows:

Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimize degradation.

Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited.

Class 5 land is described as follows:

Land with slight to moderate limitations to pastoral use but which is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

Class 6 land is described as follows:

Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use.

88 Lewisham Road
Forcett

A detailed, site specific assessment of land classification of the property was undertaken by the author on the 3rd February 2023.

The attached maps illustrates the extent of each land capability class within the properties.

Table1 provides a detailed description of each land capability class of the overall property.

88 Lewisham Road
Forcett

Table 1: Land Capability Summary – 88 Lewisham Road property PID 166029/1

Land Capability Class ¹	Area (ha)	Limitation	Soil Description	Cropping Suitability Rating ²	Land Use Types ³	Cropping Frequency ⁴
4s	67.7	Soil structure	Imperfectly drained texture contrast Podzols consisting of sandy loam topsoil over mottled clays (5-10%)	Moderate to Low	ISD, DP, H	Annual
5s	80.8	Rooting depth to rock	Sandy loams over dolerite (5-15%)	Not suitable	DP	Annual but low stocking rates due to potential erosion risk
6	84.5	Topography complex	Transitions from acid coastal alluvium sandy loams on dolerite subject to aeolian movement (5-20%)	Not suitable	NA	NA

¹ Land Capability Class

88 Lewisham Road Forcett

Land capability was assessed according to the Tasmanian Land Capability Classification System (Grose, 1999). Land is ranked according to its ability to sustain a range of agricultural activities without degradation of the land resource. Class 1 land is the best land and Class 7 land is the poorest. A wide range of limitations are considered and the most significant limitation determines its final classification, or ranking. The classification system assumes an average standard of land management and that production will be sustainable if the land is managed according to the guidelines of its Class. The system does not take into account the economics of production, distance from markets, social or political factors, all of which can change over time.

Cropping Suitability Rating

- High - Soils with no or only slight limitations to use. Can support a wide range of intensive cropping and grazing activities. Cropping can occur almost continuously with only occasional pasture breaks.
- Moderate - Soils with moderate limitations to use. Conservation practices and sound management are needed to overcome limitations. Regular short-term pasture breaks are also required.
- Low - Soils suited to occasional cropping through severe limitations. Major conservation treatments and/or careful management required to minimise degradation.
- Very low - Very limited cropping with long pasture breaks (greater than 8 years).
- Unsuitable - No cropping should be undertaken.

³⁾ Land Use Types

- DP (Dryland pasture)
- IP (Irrigated pasture)
- DS (Dryland surface cropping; i.e. cereals and poppies)
- ISD (Irrigated surface cropping – dry harvest; i.e. cereals, poppies, carrot seed and grass seed)
- ISW (Irrigated surface cropping – wet harvest; i.e. peas, beans and broccoli)
- IRC (Irrigated root cropping; i.e. potatoes and carrots)
- H (Horticulture; i.e. grapes, olives and fruit)
- F (Forestry)
- NA (Not suitable)

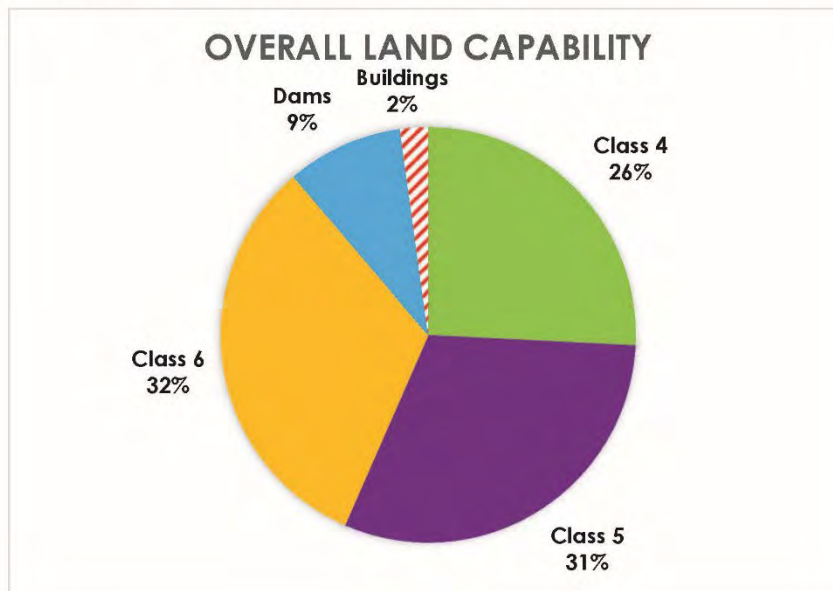
⁴⁾ Cropping Frequency is given as an approximate range only. It assumes that best practices are being implemented in relation to soil management, sustainable crop rotations undertaken, and that seasonal and long term climate conditions are favourable for cropping activities. Best practice soil management includes cultivation of an appropriate soil moisture level so as to maintain soil structure, management of cropping residues to assist in maintaining soil structure, and implementation of the most appropriate cultivation techniques. The lower range pertains to a more intensive cropping rotation (i.e. typically including irrigated root cropping) and/or less favourable seasonal/growing conditions. The upper range pertains to non-intensive cropping rotations (i.e. cereals and poppies) and/or more favourable seasonal/growing conditions (see Appendix 1). Cropping frequency does not include irrigated pasture which can be irrigated annually.

88 Lewisham Road
Forcett



Example of Class 6 land that has lost significant soil depth to bedrock due to wind erosion

Chart of assessment of current title and the overall property are presented below as percentages of each land capability:



Soils

The soils on the north of the property are black soils on dolerite that transition to brown soils on Basalt at the far north of the property. These soils are free draining, well structured with moderate to high organic matter content are suitable for a range of irrigated cropping and horticultural enterprises.

The soils to the east of the property overlay sandstone (Podzols) and are poorly structured with low organic matter and are prone to compaction and low infiltration rates. They are suitable for infrequent cropping but careful soil management practices are required. Due to the nature of these soils to compact, runoff when irrigated will be excessive and cause surface erosion.

The soils on the southern area of the property are sandy loam to wind blown sands overlying dolerite, in many areas the dolerite is exposed or very close to the soil surface. Any cultivation of these areas and soils should be avoided or further mass movement may occur. These soils can be grazed but care should be taken with stocking rates especially over summer months to ensure plant cover is maintained.

Water Resources

The property has 2 large dams, permits numbers 3303 (Tinning 1) and 3304 (Tinning 2). Tinning 1 is a segregated dam with a listed volume of 250 ML and Tinning 2 to the east of Lewisham Road has a listed volume of 80 ML. Both dams are on the Gilling Brook water course and as such are reliant on natural flows. The surface area of Tinning 1 is some 15 + ha, is at the mouth of Gilling Brook to Pitt Water and as such subject to reasonably substantial evaporative losses.

However, these dams have the ability to provide sufficient irrigation for most agricultural enterprise on the agricultural suitable land.

Whilst the property is within the South East irrigation (SEIS) Stage 3 Irrigation District, it does not have SEIS irrigation rights at the present time.

Current Land Use

The property has a centre pivot irrigator on the northern area proposed as Lot 1. This is utilised to provide pasture for grazing whilst the balance of the property is dryland grazing. DSE stocking rates are low due to the low soil fertility and susceptibility to erosion over the southern areas that make up a proportion of proposed Lot 2 and almost all of proposed Lot 3.

Infrastructure

The current title has a residential dwelling adjacent to Pitt Water, sheds, workshops and yards at the current main entrance on the east of the property, quarry operations, a currently decommissioned golf course and associated building and a network of roads connecting these areas.

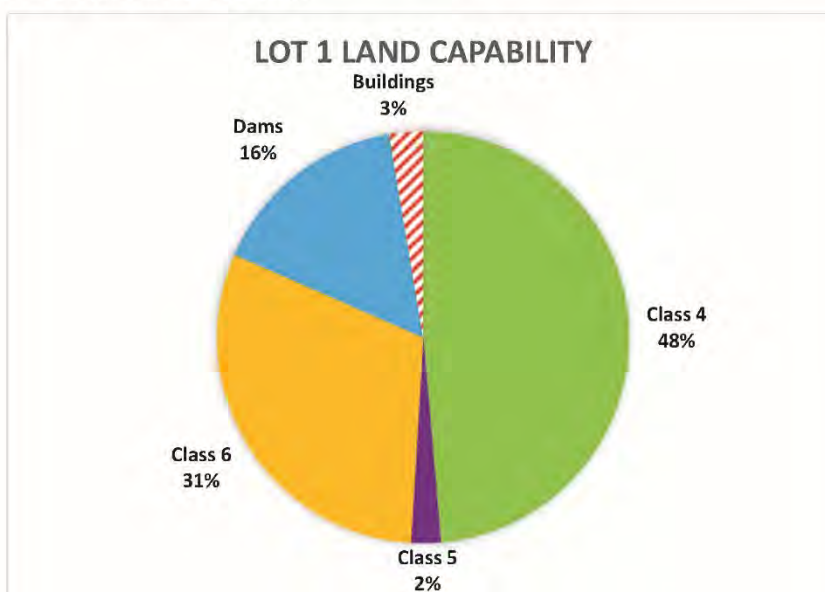
Proposal

The current title of 262.5 ha is proposed to be subdivided into three title lots of approximately 80, 50 and 128 ha.

88 Lewisham Road
Forcett

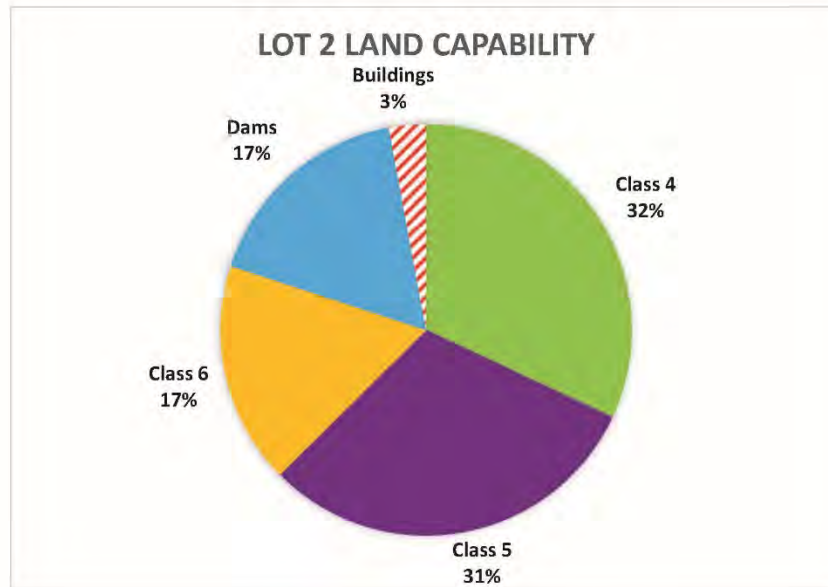
Lot 1 would encompass the main large dam and the majority of the land suitable for agriculture. Lot 2 encompasses the remaining most agriculturally suitable ground and eastern dam whilst Lot 3 is the balance of the property to the south that is limited in its agricultural suitability and has a residential dwelling.

The land capability assessments of the proposed lots are shown below. Lot 1 has the largest area of Class 4 land and as such should not be considered as split zoned between Agriculture and Rural, instead it is more appropriate for the proposed Lot 1 title to be zoned Agriculture. The proposed title has sufficient water resource for current agricultural use of irrigated pasture and more than sufficient for future agricultural development of a range of intensive enterprise and should therefore be retained as agricultural use only.



Proposed Lot 2 retains a similar mix of land capability as the overall current title. The proposed title retains sufficient water resource and soils for more intensive development that would be suited to viticulture, but still has some limitations. Retention of zoning as Rural is recommended. The proposed title is greater than 40ha complying with the Acceptable solution for Sorell Local Provisions Schedule 20.5.1 Lot Design.

88 Lewisham Road
Forcett

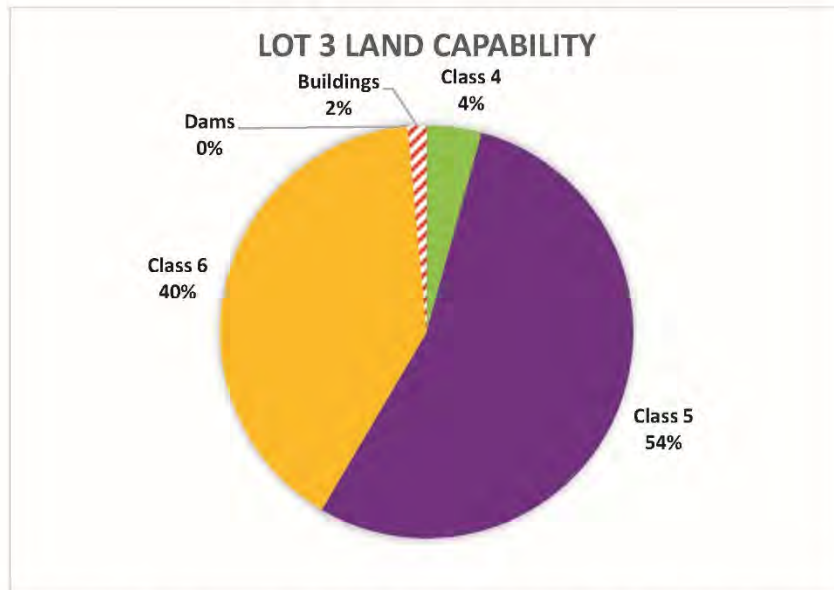


Proposed Lot 3 has minimal Class 4 land and is predominantly Class 5 and 6, has no dams, severely restrictive soil types and therefore is only suitable for dryland grazing but at very low stocking rates to avoid erosion.

Whilst the proposed title is within the SEIS Irrigation District, proposed Lot 3 would only qualify for a Farm Water Access Plan over a small portion of the Lot to enable purchase and use of water rights due to the land form and soils constraints. Such an area would not be economically viable agricultural enterprise.

The proposed title is greater than 40ha complying with the Acceptable solution for Sorell Local Provisions Schedule 20.5.1 Lot Design.

88 Lewisham Road
Forcett



Whilst this region of the property is only suited to grazing, given the large number of residences adjacent to the property already present in the Rural Living Zone A, there is a very high risk to ongoing livestock enterprise on this proposed title from dog attacks. Lot 3 is better suited long term as extension of the adjacent Rural Living Zone A which adjoins the eastern boundary.

References

Grose C.J. (1999) Land Capability Handbook: Guidelines for the Classification of Agricultural Land in Tasmania. 2nd Edition, DPIWE, Tasmania

Declaration

I declare that I have made all the enquiries which I consider desirable or appropriate, and no matters of significance which I regard as relevant have, to my knowledge, been withheld.

Dr Lee Peterson B. Agri. Sci (Hons), ISHS, MAICD, CPag
Principal Consultant
Nicholbrook Horticultural Consulting
March 2023

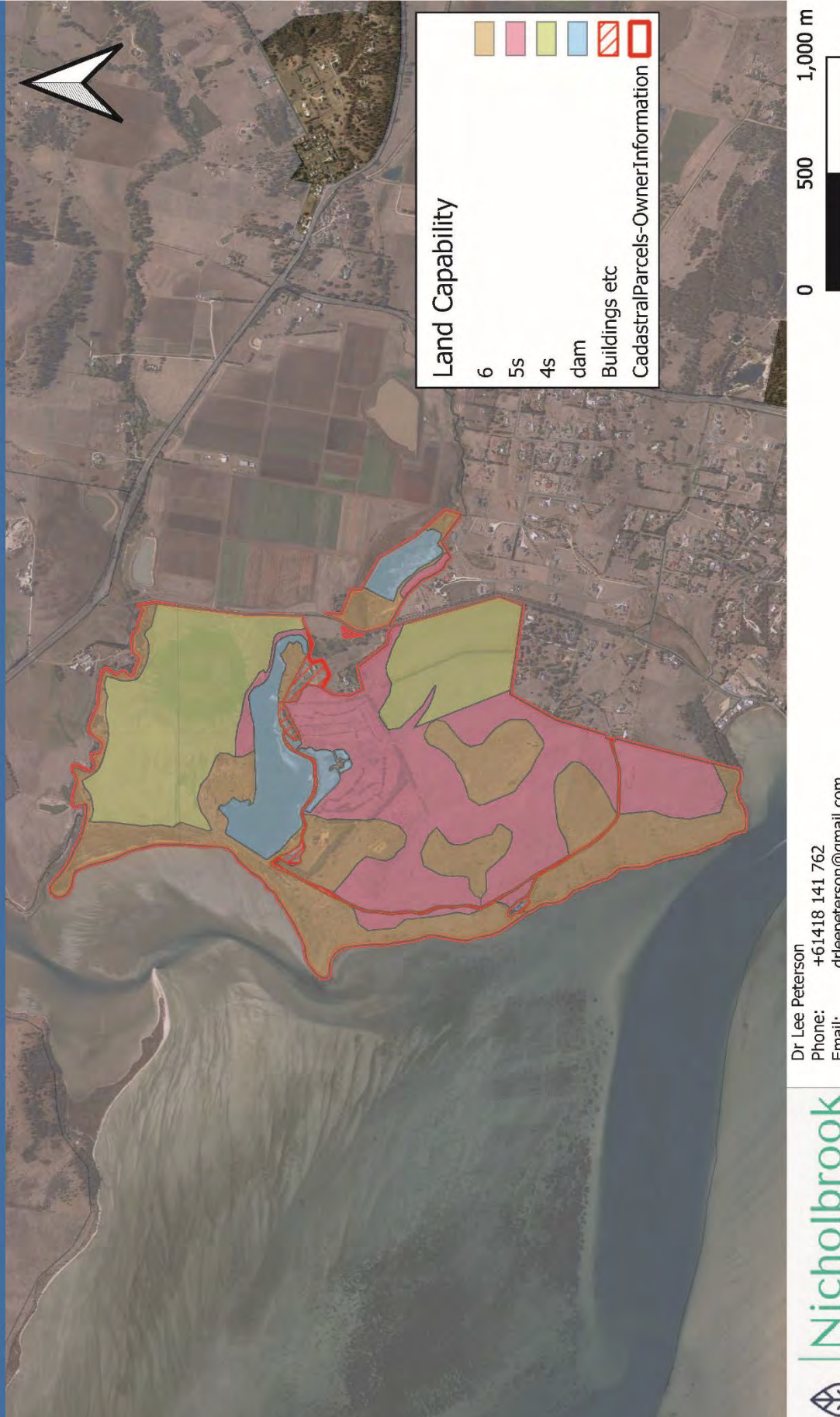
Proposed Titles - 88 Lewisham Road



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 38 Innovation Drive Dowsing Point Tasmania

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 Horticultural Consulting

Land Capability - 88 Lewisham Road



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Nicholbrook
 Horticultural Consulting



RMCG



Bushfire exemption report

88 Lewisham Road, Forcett
23 February 2023

1 Introduction

1.1 OVERVIEW

It is a requirement under the *Land Use Planning and Approvals Act 1993*, that a proposed subdivision that occurs either wholly or partially within a bushfire-prone area is assessed by an accredited person who will provide a Bushfire Hazard Management Report and a Bushfire Hazard Management Plan or a Bushfire Exemption.

1.2 SCOPE

This report has been commissioned to assess the bushfire risk of the proposed lots within the proposed subdivision. All advice is compliant with the Bushfire-Prone Areas Code (the Code) of the Tasmanian Planning Scheme – Sorell (the Planning Scheme).

This report will specifically seek to demonstrate compliance with Clause C13.4.1(a) of the code:

C13.4.1 – Use or development exempt from this Code

The following use or development is exempt from the code:

- a) *Any use or development that the TFS or an accredited person, having regard to the objectives of all applicable standards in this code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures.*

1.3 PROPOSAL

The proponents seek to undertake a 3-lot subdivision from an existing title (CT 166029/1, approx. 258ha in area) at 88 Lewisham Road, Forcett. The proposal is to split the title into three lots. There is an existing dwelling on the land, adjacent to the western boundary, and this will be retained on Lot 3 (see Figure A1-1 for site plan).

The northern portion of the title, as well as the portion of the title on the eastern side of Lewisham Road is zoned as 'Agriculture'. The balance of the land is zoned as 'Rural'. The entire title is within a mapped bushfire-prone area under the Planning Scheme.

BUSHFIRE EXEMPTION REPORT

1



1.4 LIMITATIONS

This report only deals with potential bushfire risk and does not consider any other potential statutory or planning requirements.

2 Site description

The subject title is approximately 258ha in area and has an existing dwelling on the western boundary in the southern portion of the title. At the time of the site visit, the land on the title was primarily managed as pasture for dryland grazing. This excludes a 5ha area within the south of the title where grazing is not allowed due to dust generation risk. Further north on the title is an old golf course, which is now also used for low level grazing. The land within the title is generally described as grassland with a patch of woodland in the south west of the title. The existing dwelling is surrounded by managed land, including domestic gardens.

The northern portion of the title is relatively flat. There is a high point of approximately 70m above sea level (ASL) in the south east of the title and land slopes away from this in all directions, steeply to the west and gently to the north. The west of the title sits at approximately 10m ASL.

Lot 1 will be approximately 80ha in the north of the title, Lot 2 will be approx. 50ha through the centre of the title and include the old golf course and portion of land to the west of Lewisham Road, and lot 3 will be approximately 128ha in the south of the title and include a strip of land along the coast adjacent to Lots 1 and 2 (see Figure A1-1 for site plan).

2.1 SURROUNDING AREA

Forcett Rivulet forms the northern boundary of the title and Lewisham Road is adjacent to the majority of the title's eastern boundary. All adjacent land to the north, east, and south east is mapped as bushfire-prone under the Planning Scheme.

Land to the north and north east is within the 'Agriculture' zone and is all utilised for agriculture, primarily grazing to the north, while land to the north east is utilised for intensive cropping. This adjacent land would all be classed as grassland from a bushfire perspective.

Land to the south east is within the Rural Living zone where the majority of titles are approximately 1ha in area with an existing dwelling and the balance land managed as grassland. The southernmost title adjacent to the subject title is approximately 10ha in area and primarily managed as grassland with forest vegetation along the southern boundary.

Land to the south and west is within the 'Environmental Management' zone and associated with Pitt Water. This area is not mapped as bushfire-prone.

3 Subdivision Standards

To demonstrate that the development is considered exempt under the code, regard must be given to the objectives of the relevant standards. These are considered below.

3.1 HAZARD MANAGEMENT AREAS

E1.6.1 Subdivision: Provision of hazard management areas

Objective: Subdivision provides for hazard management area that:

- a) *Facilitate an integrated approach between subdivision and subsequent building on a lot;*
- b) *Provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and*
- c) *Provide protection for lots at any stage of a staged subdivision.*

The proposal will not result in a change to the existing low threat vegetation (managed yard) around the existing dwelling. There will be no change in the setbacks from nearby bushfire-prone vegetation and the entire HMA will be retained on the house lot (Lot 3), ensuring the ability to manage the yards and adjacent vegetation is maintained. There are no specific hazard management area requirements (beyond maintaining the existing low threat vegetation in its current state) to be addressed from a bushfire perspective as there is insufficient increase in risk to warrant any specific bushfire protection measures and there is no development proposed on Lots 1 and 2, which are managed as agricultural land.

3.2 ACCESS

E1.6.2 Subdivision: Public and fire fighting access

Objective: Access roads to, and the layout of roads, tracks and trails, in a subdivision:

- a) *Allow safe access and egress for residents, fire fighters and emergency service personnel;*
- b) *Provide access to the bushfire-prone vegetation that enable both property to be defended when under bushfire attack and for hazard management works to be undertaken,*
- c) *Are designed and constructed to allow for fire appliances to be manoeuvred*
- d) *Provide access to water supplies for fire appliances; and*
- e) *Are designed to allow connectivity, and where needed, offering multiple evacuation points.*

The subdivision will not influence existing access to the existing dwelling on Lot 3. The existing access provides sufficient area for manoeuvring of vehicles and access to water supply and hazard management areas. There are no specific access requirements to be addressed from a bushfire perspective as there is insufficient increase in risk to warrant any specific bushfire protection measures and no future development is proposed on Lots 1 and 2, which are managed as agricultural land.

3.3 FIREFIGHTING WATER SUPPLY

E1.6.3: Provision of water supply for fire fighting purposes

Objective: Adequate, accessible and reliable water supply for the purpose of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.

The existing dwelling has an existing tank that stores water for domestic use, this will not be affected by the proposed subdivision. This includes 3x22,000L poly tanks near the dwelling and a concrete 20,000L header tank located nearby up the hill. The poly tanks are filled by rainwater, and can be topped up by the header tank, which pumps water from the reservoir. There are no additional water supply requirements as there is insufficient increase in risk to warrant any specific bushfire protection measures and no future development is proposed on Lots 1 and 2.

4 Risk assessment

The subdivision will not affect the existing hazard management area, access, or water supply for the existing dwelling. There are no additional uses or developments proposed that are associated with the subdivision that require bushfire protection measures. Therefore, I consider that there is insufficient increase in risk to warrant any specific bushfire protection measures associated with the proposal. The proposal is considered exempt under clause C13.4.1(a) of the *Bushfire-Prone Areas Code*.

If future developments that require specific bushfire measures are proposed for any of the lots, then the development will be required to be assessed again against the bushfire protection measure requirements.

Appendix 1: Site Plan

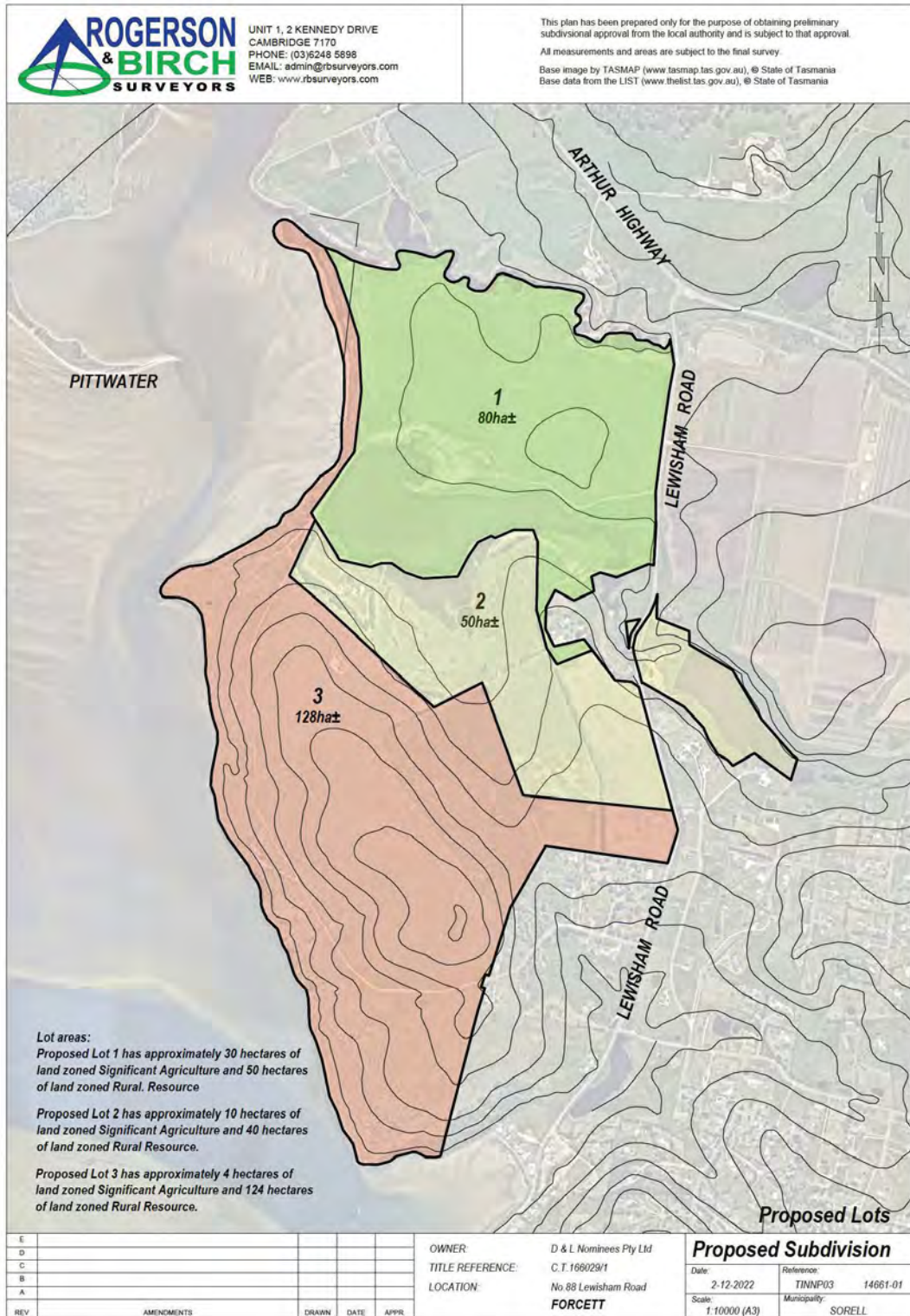


Figure A1-1: Site Plan

Appendix 2: Site map

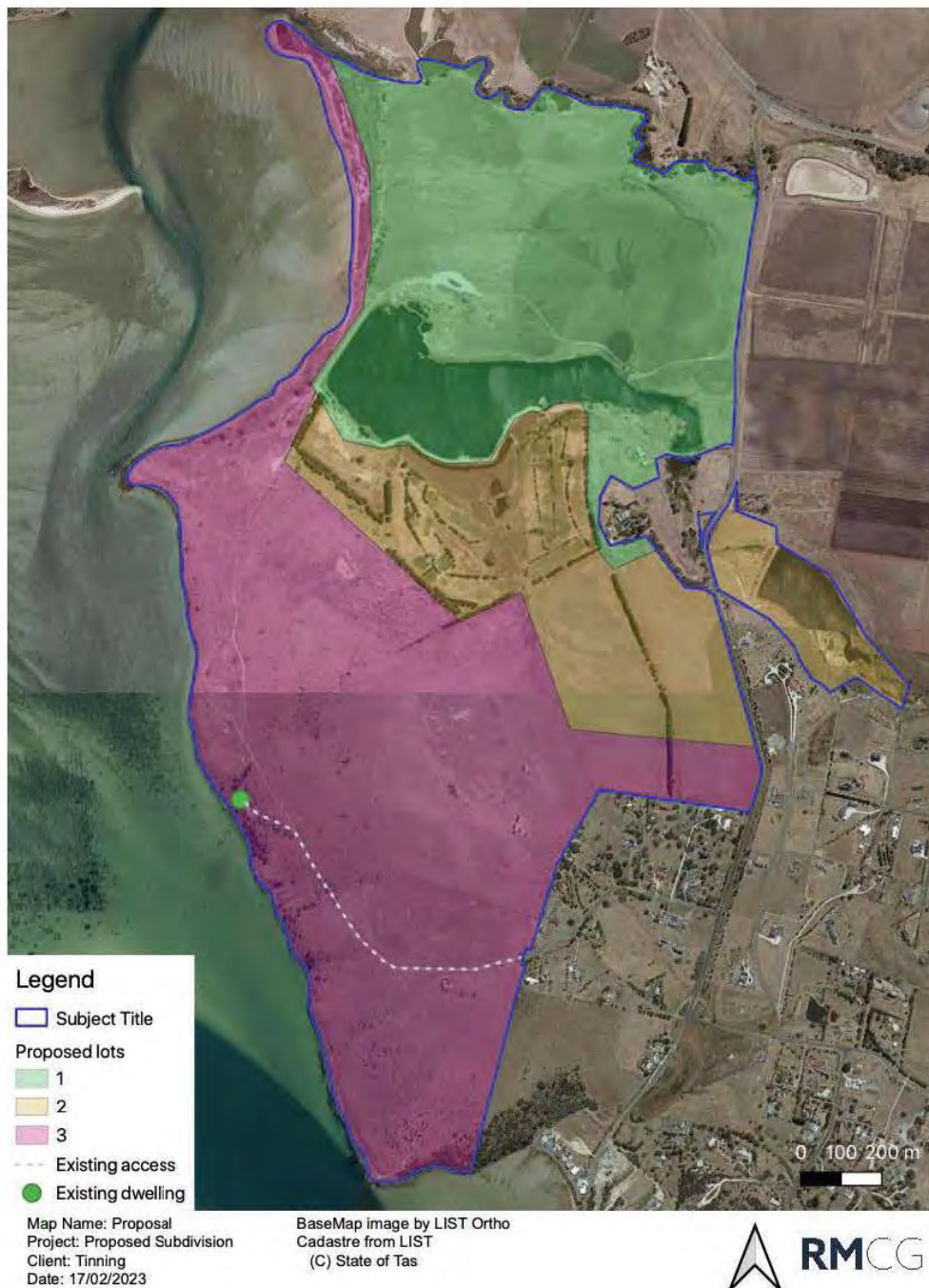


Figure A2-1: Proposed subdivision

Appendix 3: Photos


All photos taken by Michael Tempest 25/02/2022



Figure A2-1: Example of HMA around the dwelling on Lot 3.

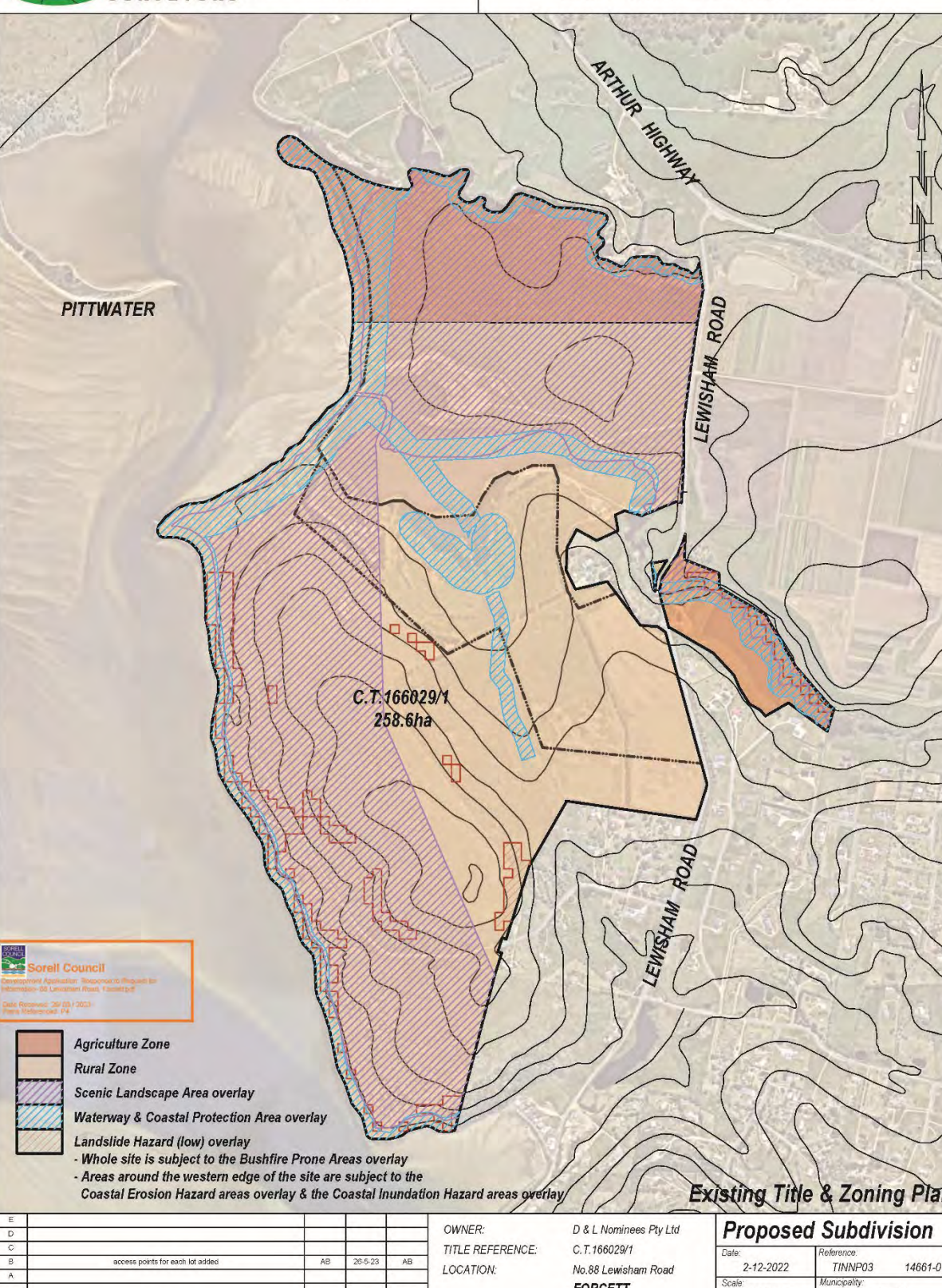


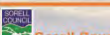
Figure A2-2: Existing access to the dwelling on Lot 3.



UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com

This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval.
All measurements and areas are subject to the final survey.
Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania





Sorell Council
Development Application - Response to Requests for Information - 88 Lewisham Road, Forcett
Date Received: 28/03/2023
Sherry Waterscheidt - PA

Agriculture Zone

Rural Zone

Scenic Landscape Area overlay

Waterway & Coastal Protection Area overlay

Landslide Hazard (low) overlay

- Whole site is subject to the Bushfire Prone Areas overlay

- Areas around the western edge of the site are subject to the Coastal Erosion Hazard areas overlay & the Coastal Inundation Hazard areas overlay

OWNER: D & L Nominees Pty Ltd

TITLE REFERENCE: C.T. 166029/1

LOCATION: No.88 Lewisham Road

FORCETT

Proposed Subdivision

Date: 2-12-2022

Scale: 1:10000 (A3)

Reference: TINNP03 14661-01

Municipality: SORELL

E				
D				
C				
B	access points for each lot added	AB	25-5-23	AB
A				
REV	AMENDMENTS	DRAWN	DATE	APPR

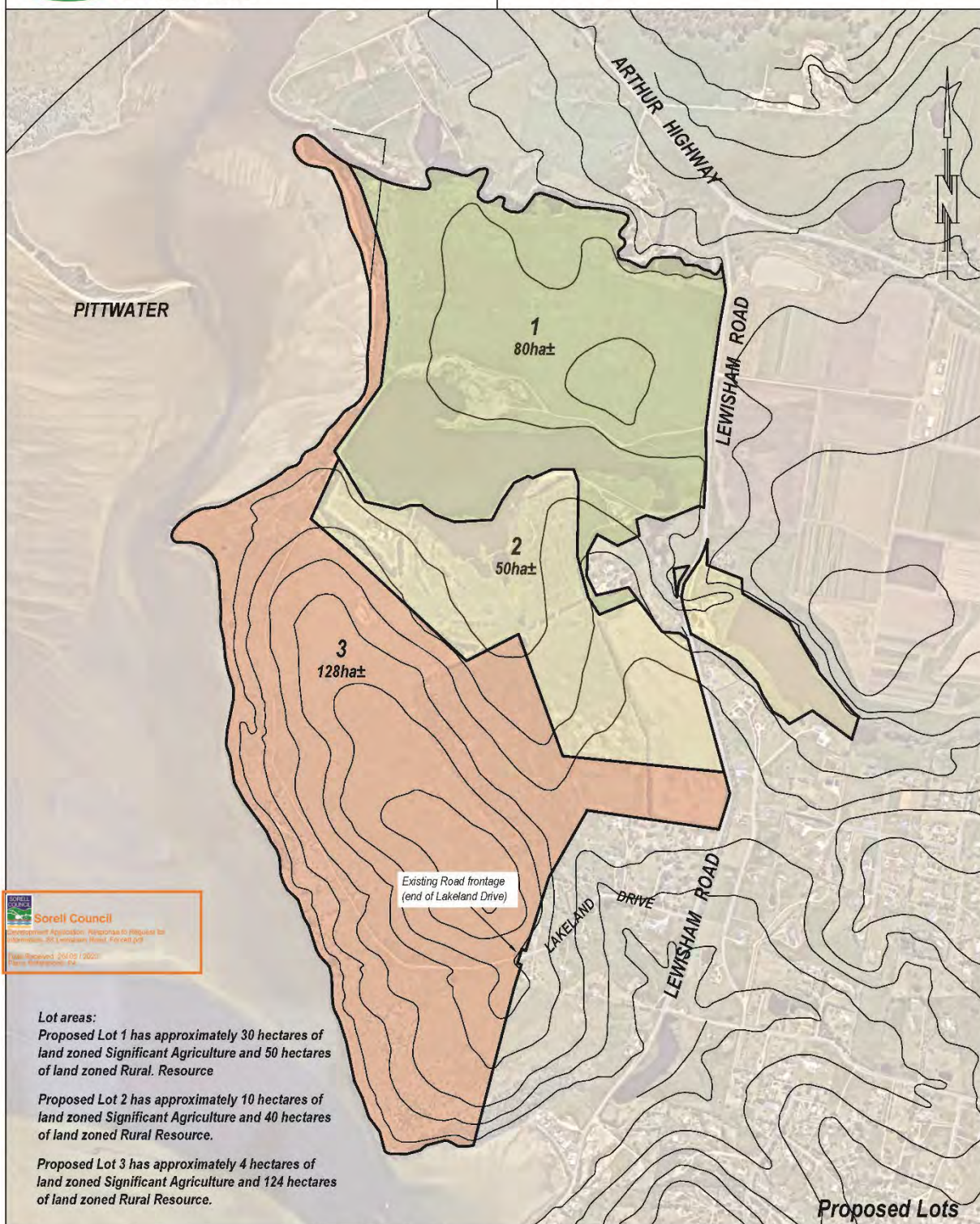


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Base image by TASMAR (www.tasmap.tas.gov.au), © State of Tasmania
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania



Lot areas:

Proposed Lot 1 has approximately 30 hectares of land zoned Significant Agriculture and 50 hectares of land zoned Rural Resource.

Proposed Lot 2 has approximately 10 hectares of land zoned Significant Agriculture and 40 hectares of land zoned Rural Resource.

Proposed Lot 3 has approximately 4 hectares of land zoned Significant Agriculture and 124 hectares of land zoned Rural Resource.

E				
D				
C				
B	access points for each lot added	AB	26-5-23	AB
A				
REV	AMENDMENTS	DRAWN	DATE	APPR

OWNER: D & L Nominees Pty Ltd
TITLE REFERENCE: C.T.166029/1
LOCATION: No.88 Lewisham Road
FORCETT

Proposed Subdivision

Date:	2-12-2022	Reference:	TINNPO3 14661-01
Scale:	1:10000 (A3)	Municipality:	SORELL





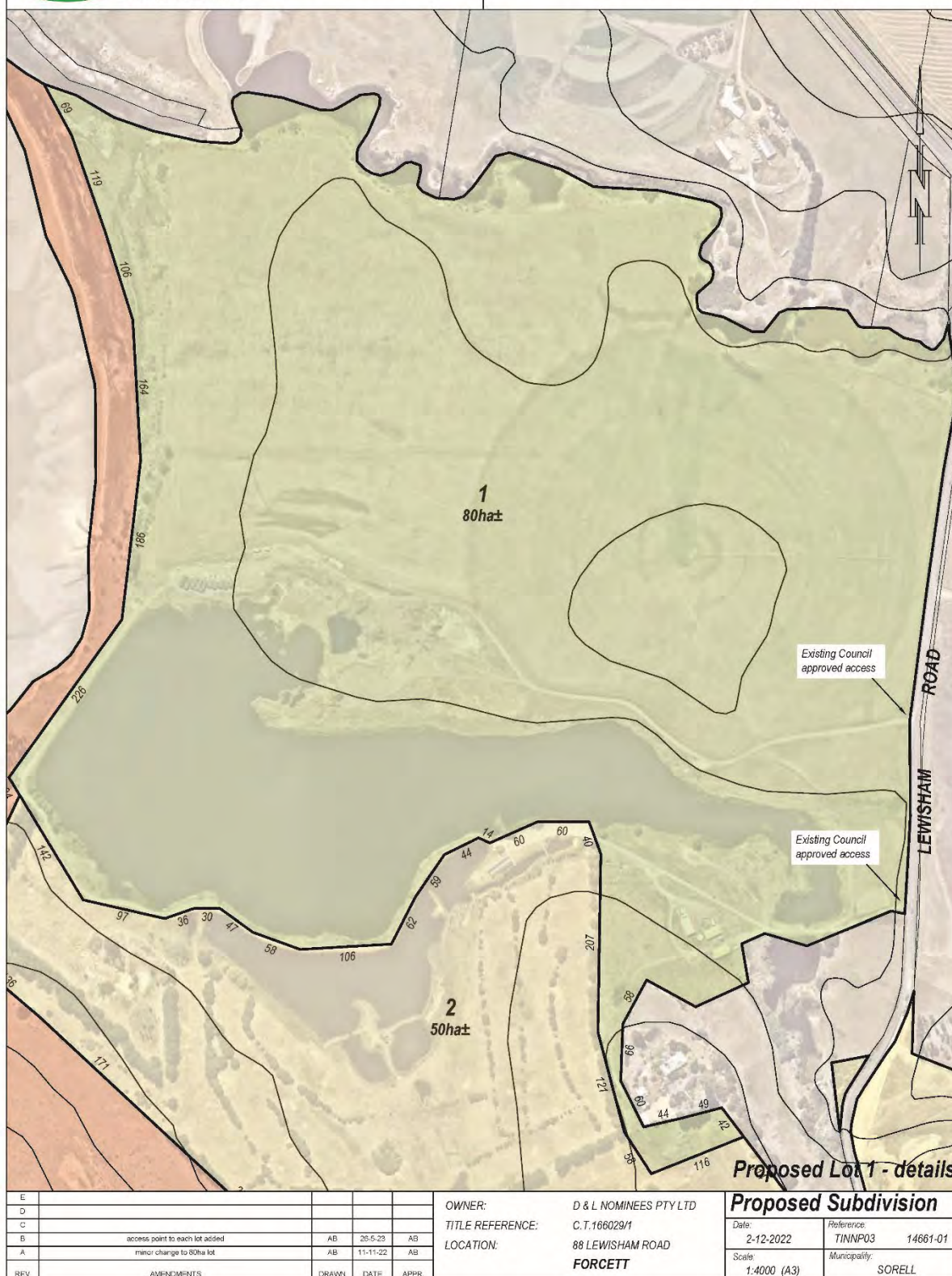
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Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania



E				
D				
C				
B	access point to each lot added	AB	28-5-23	AB
A	minor change to 80ha lot	AB	11-11-22	AB
REV	AMENDMENTS	DRAWN	DATE	APPR.

OWNER:

D & L NOMINEES PTY LTD

TITLE REFERENCE:

C.T.166029/1

LOCATION:

88 LEWISHAM ROAD

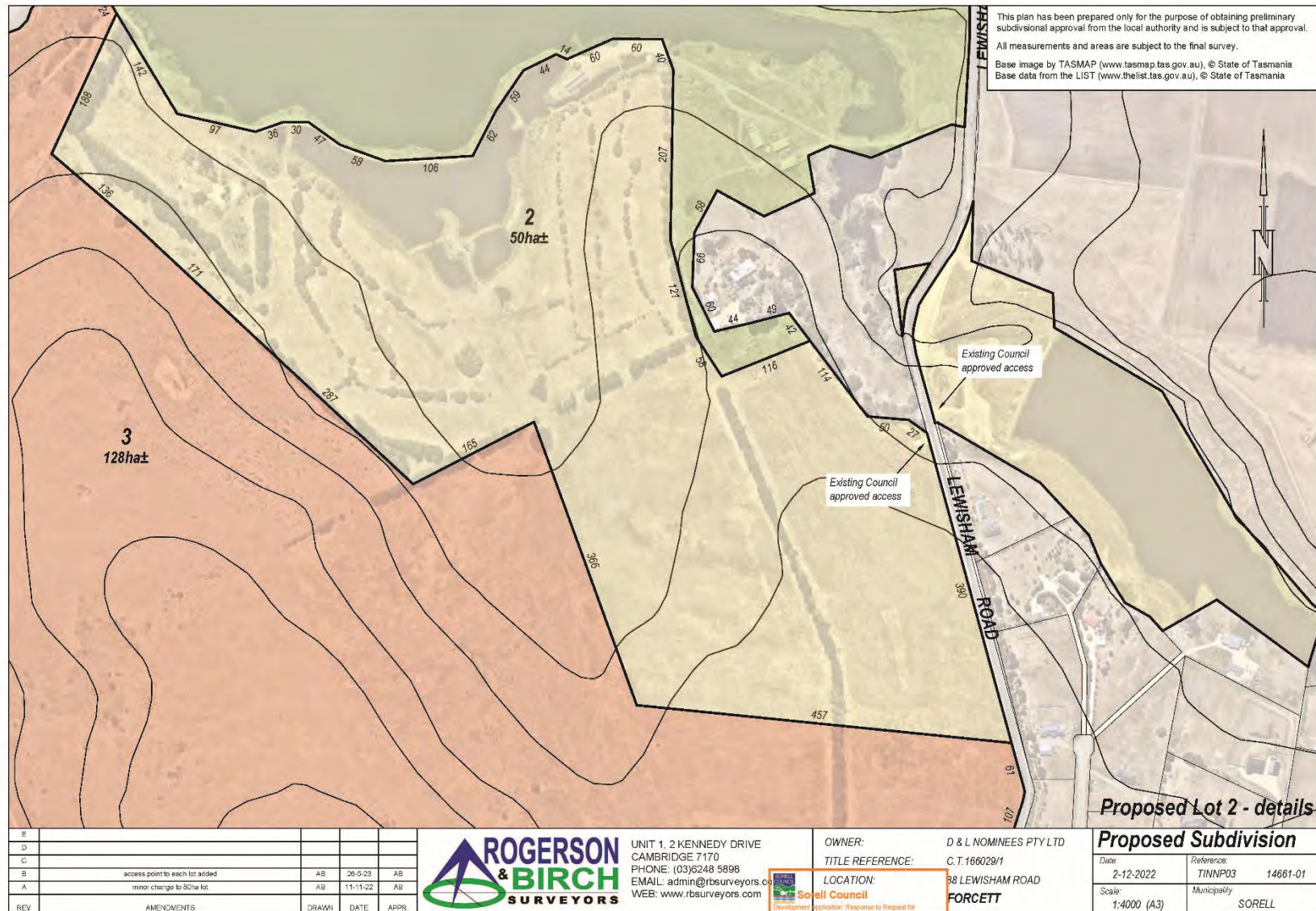
FORCETT

Proposed Subdivision

Date:	2-12-2022	Reference:	TINNPO3	14661-01
Scale:	1:4000 (A3)	Municipality:	SORELL	



AGENDA
SORELL PLANNING AUTHORITY (SPA) MEETING
4 JULY 2023



Annexure 'A'

26 June 2023

The General Manager
Sorrell Council
P O Box 226
Sorrell, TAS 7172

Re: SA 2022/00029-1, 1-3 Lot Subdivision, 88 Lewisham Road, Forcett TAS

I am one of the owners of _____ the rear boundary of which adjoins the proposed boundary of proposed Lot 3 in the proposed 3 Lot subdivision of 88 Lewisham Drive, Forcett (**Proposal**).

I wish to make a representation objecting to the Proposal. I have concerns that the proposed 3 Lot subdivision is the precursor to an application for rezoning of proposed Lot 3 pursuant to the provisions of the Southern Tasmania Regional Land Use Strategy 2010-2035 (**STRLUS**). This concern is supported by the report prepared by Dr Lee Peterson of Nicholbrook Horticultural Consulting dated March 2023, and as submitted as supporting material for Council's consideration of the Proposal (**Report**).

While the existing Proposal is for a 3 Lot subdivision, the Report specifically refers to proposed Lot 3 being 'better suited long term as an extension of the adjacent Rural Living Zone A' on page 2 (Executive Summary) and again on page 12 (Lot 3 Land Capability).

If such an application for rezoning were to be made following approval of the 3 Lot subdivision by Council, then there would be a significant increase of 258.6 Hectares of Rural Living Zone A land in the immediate locality of Lakeland Drive, which currently comprises circa 25 Hectares in total. Furthermore, Lakeland Drive is the only access point to proposed Lot 3, and any further subdivision of proposed Lot 3 would significantly impact the residences on Lakeland Drive, a road that currently services circa 15 residences.

I therefore respectfully request that when Council considers the Proposal against its criteria for subdivision, that it takes into consideration the stated future intent of Lot 3 being 'better suited long term as an extension of the adjacent Rural Living Zone A', as evidenced by the Report.

5.3 REZONING FROM RURAL LIVING TO AGRICULTURE - 5.2023.154.1

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

RECOMMENDATION

1. That pursuant to Section 40D(b) of the Land Use Planning and Approvals Act 1993, the Planning Authority prepare Amendment AM-SOR-5-2023-154-1 to the Sorell Local Provisions Schedule for land at 680 Nugent Road, Wattle Hill to rezone CT 17314/5 from the Rural Living Zone to the Agriculture Zone.
2. That having decided to prepare the amendment, the Planning Authority certifies pursuant to Section 40F of the Land Use Planning and Approvals Act 1993 that the draft amendment meets the Land Use Planning and Approvals Act 1993.
3. That, in accordance with section 40I of the Land Use Planning and Approvals Act 1993, the Planning Authority seeks from the Tasmanian Planning Commission exemption from public exhibition for the draft amendment.
4. That should the exemption not be granted, in accordance with Section 40G of the Land Use Planning and Approvals Act 1993, the Planning Authority places the amendment on public exhibition for a period of 28 days.

Executive Summary

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

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

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

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

Proposed Planning Scheme Amendment

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

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

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

Site And Locality

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

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

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

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

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



Figure 1. Site

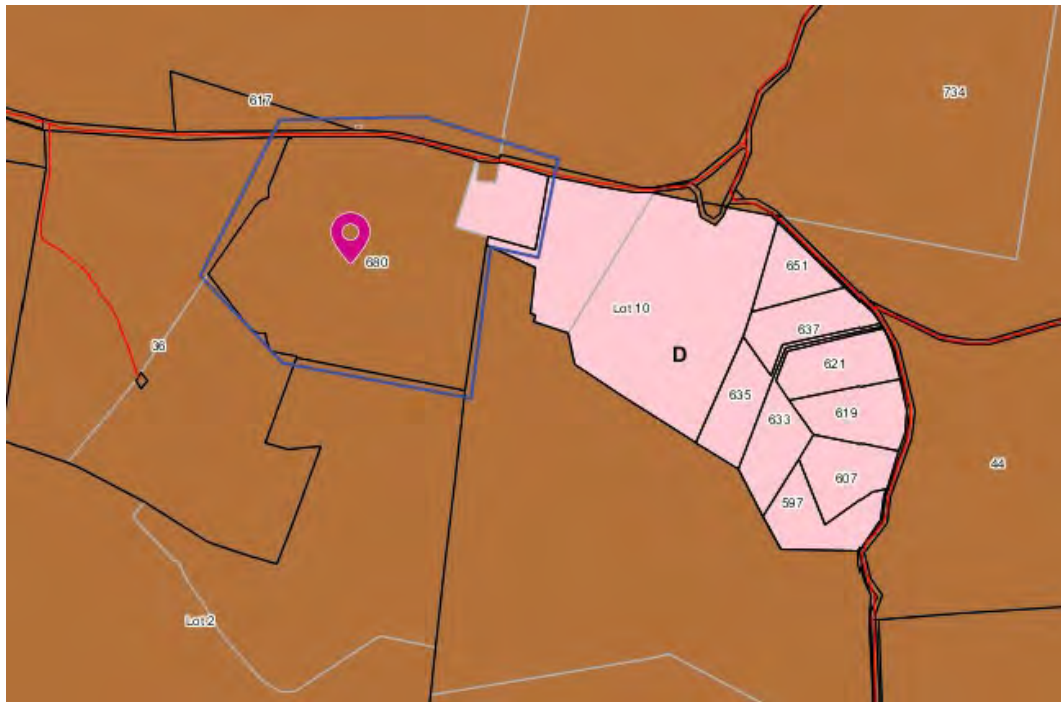


Figure 2. Zone



Figure 3. Schoolhouse, Hall & Landscape



Figure 4. Walker Cottage



Figure 5. Delmore Road Landscape (from Wiggins Road)

Site characteristics & adjoining land

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

Infrastructure

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

Environmental values

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

Social and Economic Values

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

Background & Recommended Process

LPS Process

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

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

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

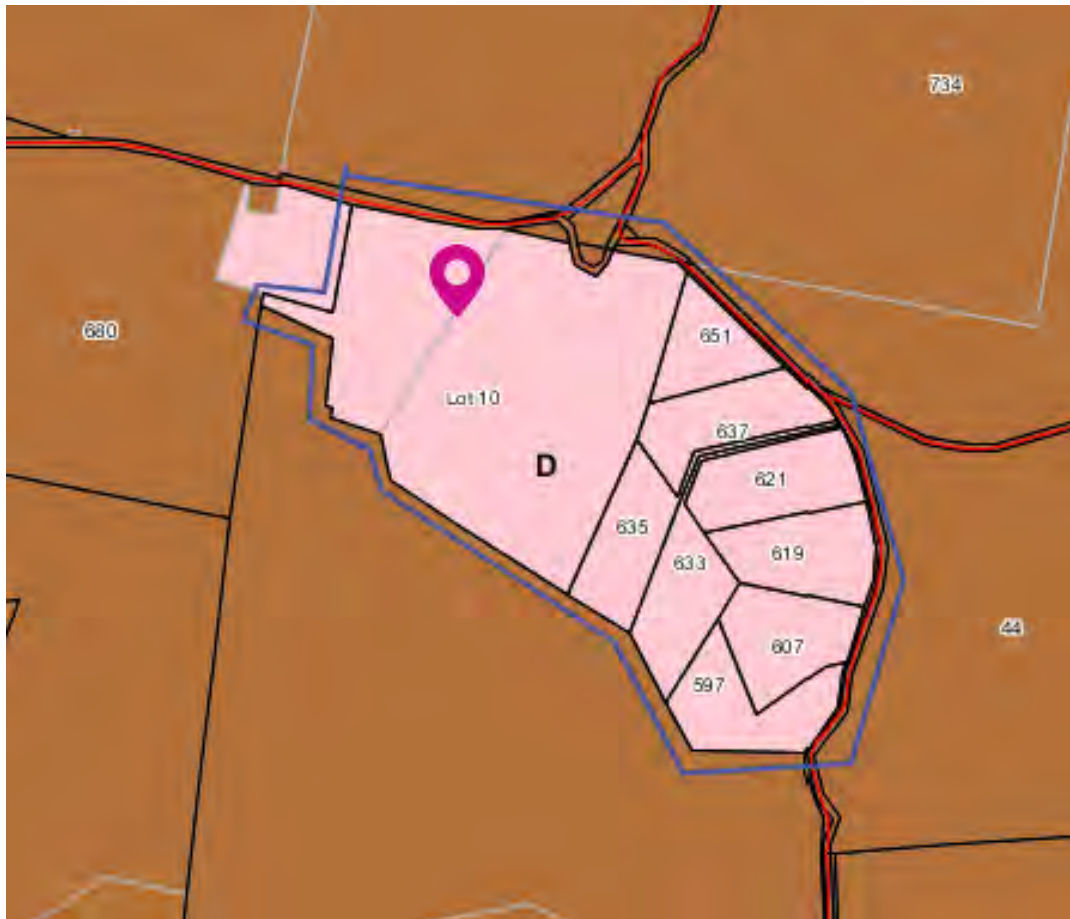


Figure 6. Area (blue outline) of land that was recommended by Council to be changed from Agriculture to Rural.

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

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

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

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

Boundary adjustment

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

Council Initiated Amendment

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

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

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

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

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

Process and Public Exhibition

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

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

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

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

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

ASSESSMENT AND STRATEGIC OUTCOMES

Local Strategy, Policy and Impacts

Strategic Plan

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

Infrastructure Impacts

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

Environmental Impacts

The proposed amendment will have no negative environmental impacts.

Amenity Impacts

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

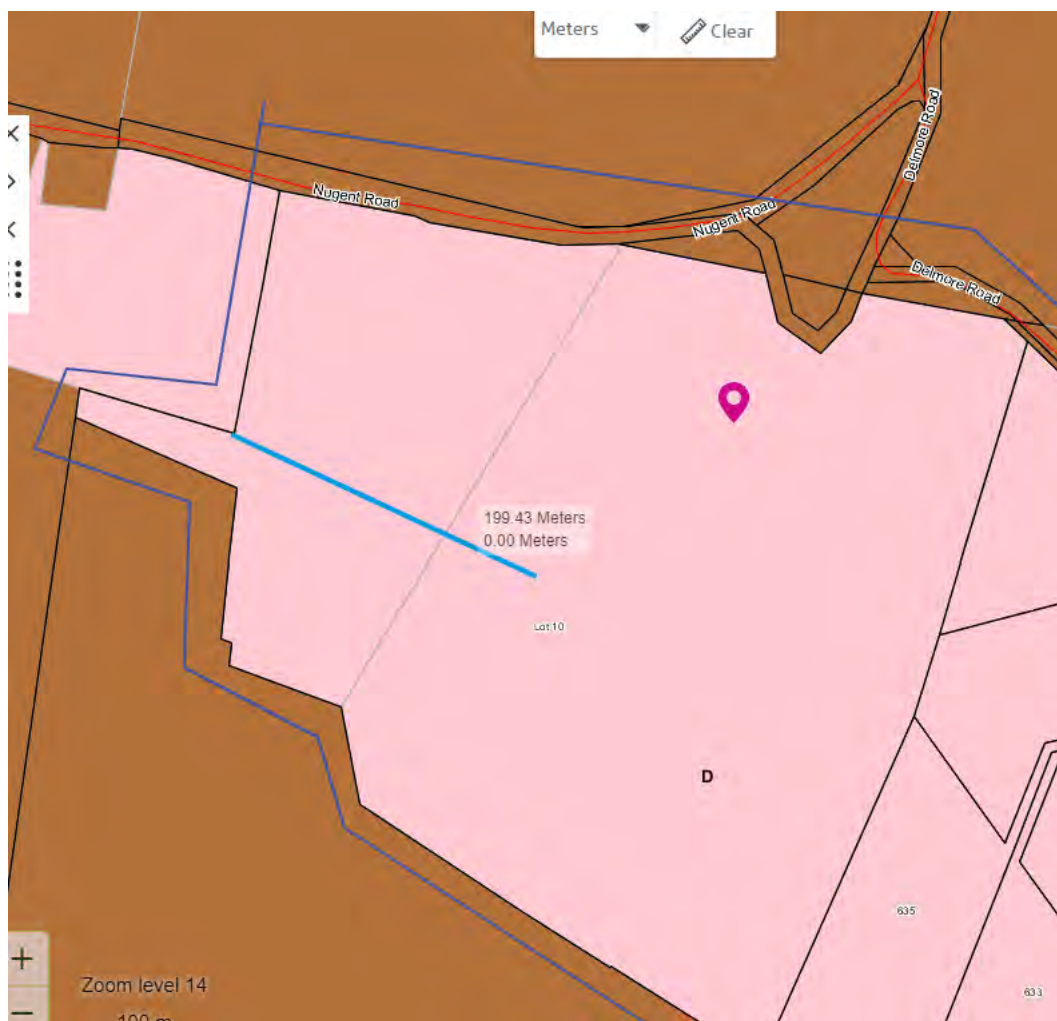


Figure 7. Rural Living to Agriculture Zone 200m setback

Regional Strategy and Policy

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

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

State Strategy and Policy

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

Statutory considerations

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

Conclusions on the Amendment

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

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

Shane Wells
MANAGER PLANNING

Attachments:
Titles

TASMANIAN PLANNING SCHEME - SORELL

PLANNING SCHEME AMENDMENT

AM-SOR-5-2023-154-1

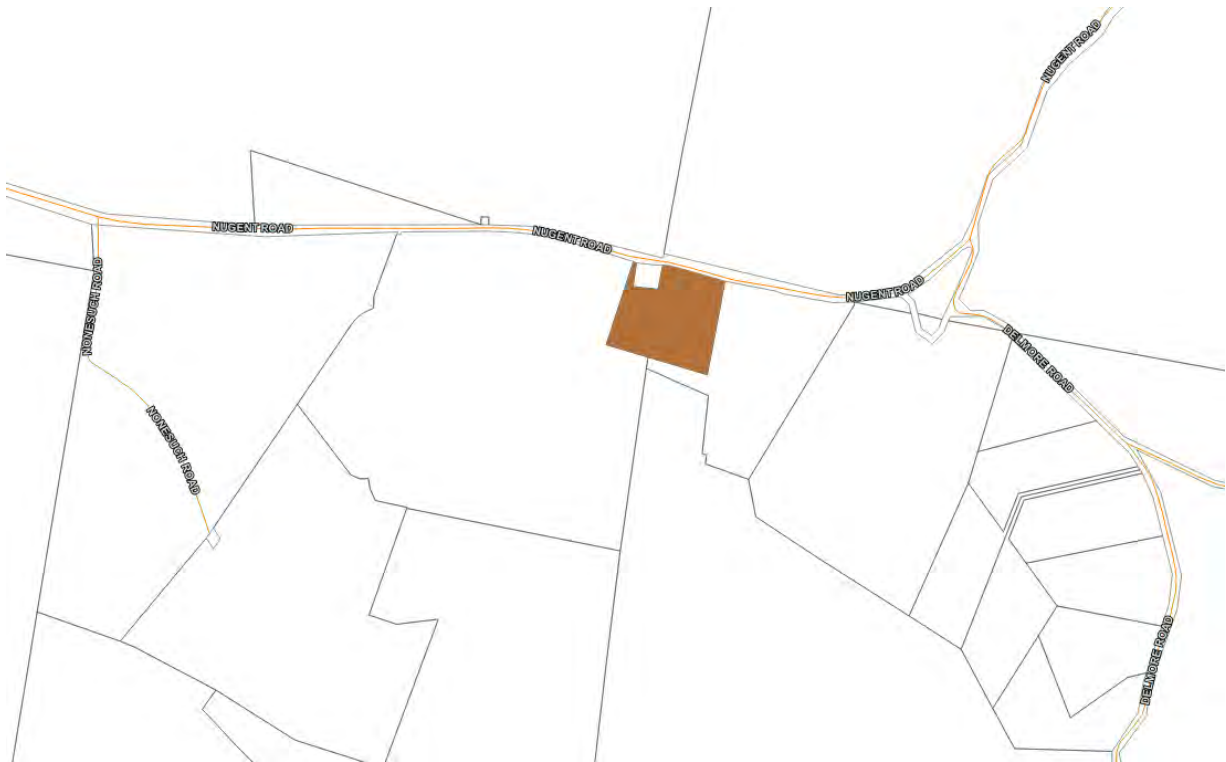
Pursuant to the Land Use Planning and Approvals Act 1993

Location

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

Description

Apply the Agriculture Zone as shown below.



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

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

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

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

(b) is in accordance with section 32

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

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

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

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

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

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

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

(d) is consistent with each State policy;

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

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

National Environmental Protection Measures

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

The NEPMs relate to:

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

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

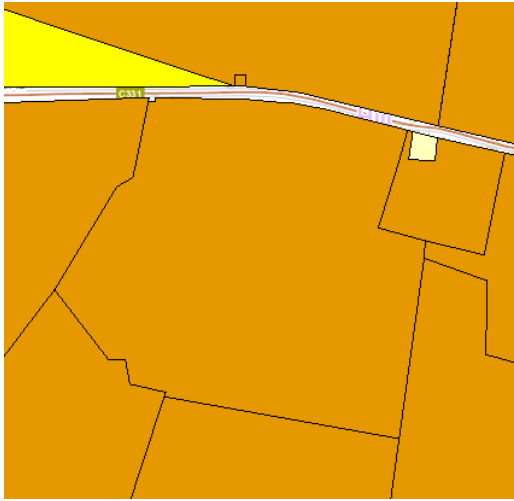
There are no known issues on the property.

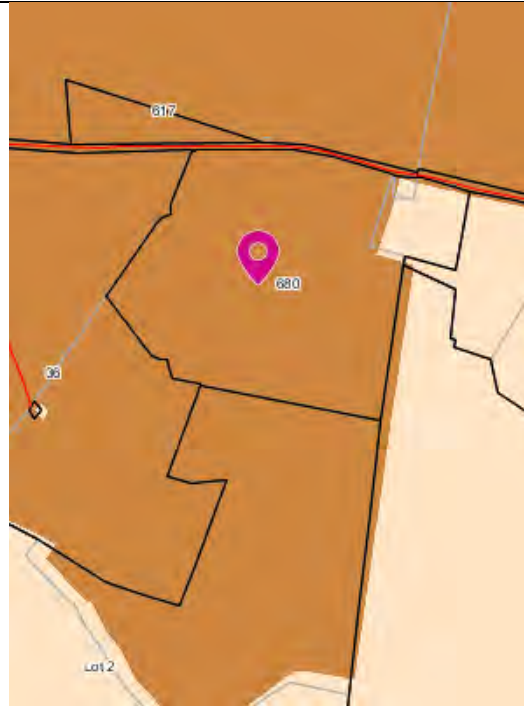
(da) satisfies the relevant criteria in relation to the TPPs;

The Tasmanian Planning Policies have not been implemented.

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

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

Relevant STRLUS strategies	Comment
<p>Productive Resources</p> <p>PR1 - Support agricultural production on land identified as regionally significant by affording it the highest level of protection from fettering or conversion to non-agricultural uses.</p>	<p>680 Nugent Road is mapped as potentially unconstrained agricultural land in the Tasmanian Agricultural Estate with the exception of the small hall title which is clearly constrained by size. The amendment will afford the highest level of protection from fettering and conversion.</p> 
<p>Settlement and Residential Development</p> <p>SRD 1.3 - Support the consolidation of existing settlements by restricting the application of rural living and environmental living zones to existing rural living and environmental living communities. Land not currently zoned for such use may only be zoned for such use where one or more of the following applies:</p> <ul style="list-style-type: none"> a. Recognition of existing rural living or environmental living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to rural living or environmental living provided: <ul style="list-style-type: none"> (i) the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and (ii) only limited subdivision potential is created by rezoning. 	<p>In the interim scheme, the property was partly zoned Significant Agricultural and part Rural Resource as shown below. The application of the Rural Living Zone therefore must be consistent with SRD 1.3. That is, the eight smaller lots off Delmore Road, the Lot 10 property and 680 Nugent Road were recognized as an existing rural living community that was substantial in size.</p>



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

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

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

	landscape. • The Delmore Road lots face east to south-east whereas 680 Nubent Road has a northerly aspect.
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(f) has regard to the strategic plan, prepared under [section 66 of the Local Government Act 1993](#), that applies in relation to the land to which the relevant planning instrument relates

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

Objective 1 – To Facilitate Regional Growth

What success will look like:

- A contemporary planning model that facilitates diversified growth

How we will deliver:

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

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

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

Not relevant given the distance to any adjoining municipal area.

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

Not applicable.



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

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

SEARCH DATE : 06-Jun-2023

SEARCH TIME : 02.01 PM

DESCRIPTION OF LAND

Parish of CANNING, Land District of PEMBROKE

Lot 5 on Sealed Plan 17314

(Formerly Lots 1, 2 & 3 on SP 17314)

Derivation : Whole of Lot 33302 Gtd to C.H. Hack and Part of
294 Acres Located to A. Council and part of 800 Acres Located
to T.A. Lascelle.

Prior CT 3977/67

SCHEDULE 1

A807157 & B283074 DIANE HELEN JESSUP

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 17314 COUNCIL NOTIFICATION under Section 468(12) of the
Local Government Act 1962

B508663 MORTGAGE to Westpac Banking Corporation Registered
28-Apr-1992 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



SCHEDULE OF EASEMENTS

PLAN NO.

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

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

S. P.

17314

EASEMENTS AND PROFITS

~~Each lot on the plan is together with:~~

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

- (2) any easements or profits à prendre described hereunder,

Each lot on the plan is subject to:—

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

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

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

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

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

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

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

1

1

1

THE COMMERCIAL BANK
OF AUSTRALIA LIMITED
BY ITS ATTORNEYS

G. Lawrence

Diane Jessup

COUNCIL CERTIFICATE

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



APPROVAL BY LOCAL AUTHORITY

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

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

Seal

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

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

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

Blanche A. Meebling } Members
M. Stewart } Council Clerk

COUNCIL'S REFERENCE

1,2 & 3 3977 67
 BAL 3978/1 " 68
 6/Jan BAL P17502

TO BE COMPLETED AND SIGNED BY COUNCIL CLERK OR OWNER

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

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

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

M. Stewart Council Clerk/Owner

TO BE FILLED IN BY SURVEYOR

Survey commenced 10-8-81

Survey finished 10-8-81

Error of Close 1 in 10000

OFFICE EXAMINATION

Plot Checked PS 15-12-81

Mathematically Checked PS 15-12-81

Examined as to boundaries 16/8/82

Entered on Card

DS 17-464

Surveyor's Certificate

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

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

Dated this 20th day of August, 1981

J. Cerutti
 Registered Surveyor

SURVEYORS REFERENCE 8107-4



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

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

SEARCH DATE : 06-Jun-2023

SEARCH TIME : 02.02 PM

DESCRIPTION OF LAND

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

SCHEDULE 1

DIANE HELEN JESSUP

SCHEDULE 2

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

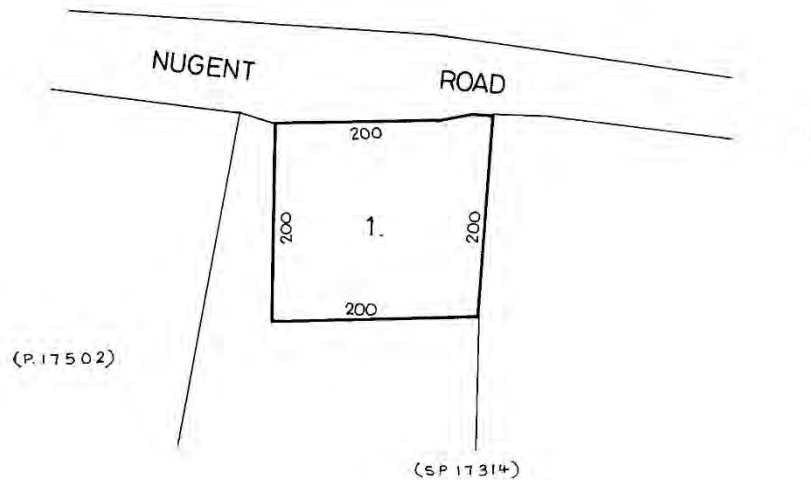
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

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

SKETCH BY WAY OF ILLUSTRATION ONLY

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





RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

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

SEARCH DATE : 06-Jun-2023

SEARCH TIME : 02.03 PM

DESCRIPTION OF LAND

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

SCHEDULE 1

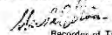
B509177 TRANSFER to DIANE HELEN JESSUP

SCHEDULE 2

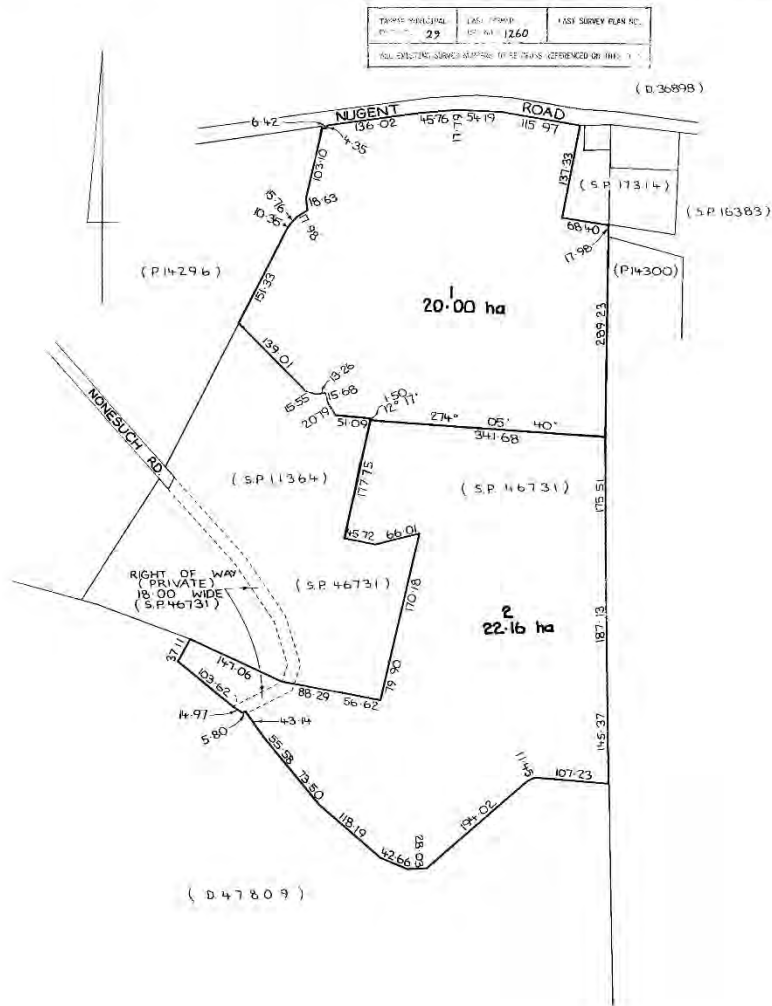
Reservations and conditions in the Crown Grant if any
 SP 53424 EASEMENTS in Schedule of Easements
 SP 46731 & SP 53424 FENCING PROVISION in Schedule of Easements
 SP 11364 COUNCIL NOTIFICATION under Section 468(12) of the
 Local Government Act 1962
 D108738 MORTGAGE to Bendigo and Adelaide Bank Limited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

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

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

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



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

PLAN NO.

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

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

SP53424

EASEMENTS AND PROFITS

Each lot on the plan is together with:—

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

Each lot on the plan is subject to:—

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

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

EASEMENTS:—

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

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

FENCING PROVISION:—

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

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

[Signature]
Solicitor
Hobart

Wayne Marshall Newitt

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

COUNCIL CERTIFICATE

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

APPROVAL BY LOCAL AUTHORITY

The subdivision shown in this Plan
is approved

Seal

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

In witness whereof the common seal of

the Municipality of Sovell

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



} Members

Council Clerk

COUNCILS REFERENCE

TO BE COMPLETED WHEN ADDITIONAL
SHEETS ARE ANNEXED:

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

Surveyor

Council Clerk

TO BE COMPLETED AND SIGNED
BY COUNCIL CLERK OR OWNER


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

As his/~~my~~ solicitor

PAGE, SEAGER

As his/~~my~~ surveyor

CROMER & CERUTTY P/L



Council Clerk/Owner

TO BE FILLED IN BY SURVEYOR

Survey commenced 23.7.90

Survey finished 26.7.90

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

OFFICE EXAMINATION

Plot Checked

Mathematically Checked

Examined as to boundaries 4/3/92

Entered on Card

Surveyor's Certificate

I, T.S. CROMER

of ROSNY PARK

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

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

Dated this 27th day of Nov. 19.91.


Registered Surveyor

Surveyors Reference NEW1-W-09