

# TASMANIAN PLANNING COMMISSION

## DECISION

<b>Planning scheme</b>	Sorell Interim Planning Scheme 2015
<b>Amendment</b>	3-2019 - rezone 5 Arthur Highway and Lot 1 Arthur Highway, Sorell from Particular Purpose Zone 1 - Urban Growth Zone to General Residential
<b>Planning authority</b>	Sorell Council
<b>Applicant</b>	Sorell Council
<b>Date of decision</b>	9 April 2021

## Decision

The draft amendment is modified under section 41(ab) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 42.



Peter Fischer  
**Delegate (Chair)**



Dianne Cowen  
**Delegate**

### Note:

References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

## **REASONS FOR DECISION**

### **Background**

#### **Amendment**

The draft amendment proposes to rezone part of 5 Arthur Highway (folio of the Register 16027/1) and Lot 1 Arthur Highway (folio of the Register 8740/1), Sorell from Particular Purpose Zone 1 - Urban Growth Zone to the General Residential Zone.

#### **Site information**

The site consists of two parcels located on the southern side of the Arthur Highway, east of Pelham Street and Parsonage Place, with areas of 7.522ha and 12.58ha. The application proposes to rezone approximately 16.89ha of the land.

5 Arthur Highway is currently zoned Particular Purpose Zone 1 - Urban Growth Zone and Open Space.

Lot 1 Arthur Highway is currently zoned Particular Purpose Zone 1 - Urban Growth Zone and Particular Purpose Zone 2 - Future Road Corridor. The site is also subject to E1.0 Bushfire-Prone Areas Overlay Code.

The site contains a 35m wide strip along the far eastern boundary that is designated for the future Sorell Bypass. The land within the site that is currently zoned Open Space and Particular Purpose - Future Road Corridor are not subject to the rezone.

There is an existing house and associated outbuildings on the northern boundary of Lot 1 Arthur Highway.

The Rivulet to the southwest is part of coastal waters forming part of the Pitt Water - Orielson Lagoon RAMSAR site.

The site is serviced by reticulated water only and lies outside the TasWater sewer service area.

Surrounding land to the west is zoned General Business (shopping centre), Open Space (Pioneers Park) and Environmental Management (Sorell Rivulet), to the east Rural Resource (agricultural land), to the north Utilities (Arthur Highway), General Residential and Low Density Residential.

#### **Issues raised in representations**

The representors raised the following issues:

- compliance with the regional land use strategy in regard to supply and demand, affordable housing, social infrastructure, physical infrastructure;
- methodology for factoring in shack/holiday home numbers;
- calculation of demand when considering infill targets;
- the void of State level strategic planning policies and the objectives of the RMPS;
- merit of local strategies; and
- upgrades to TasWater water infrastructure.

#### **Planning authority's response to the representations**

The planning authority considered the representations and recommended:

That Council resolve in accordance with the provisions of Section 39(2) of the Land Use Planning and Approvals Act 1993, in response to the public exhibition period for draft

amendment 43.2019.3 of the Sorell Interim Planning Scheme 2015, notification be made to the Tasmanian Planning Commission that one (1) representation was received.

That there are no other matters intended to be raised by Council with respect to this scheme amendment and Council continues to support scheme amendment No. 3/2019.

### **Date and place of hearing**

The hearing was held at the Commission's office on Level 3, 144 Macquarie Street, Hobart on 24 February 2021.

### **Appearances at the hearing**

Planning authority: Caroline Lindus, Consultant Senior Town Planner  
Representors Jason Taylor, TasWater  
Other: Irene Duckett and Laura Ashelford, Ireneinc Planning for the landowner  
Frank Morgan, landowner  
Luke Middleton, Department of State Growth  
Matthew Stirling, Department of State Growth

### **Consideration of the draft amendment**

1. Under section 40 of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the amendment and the representations, statements and recommendations contained in the planning authority's section 39 report.
2. A hearing was convened to assist the Commission consider the issues in the representations.
3. The amendment has been initiated and certified by the Sorell Council, in its capacity as planning authority, and further supported in the reports under sections 35 and 39.
4. Under section 32(1), in the opinion of the relevant decision-maker, a draft amendment:
  - (a)-(d) . . .
  - (e) must, as far as practicable, avoid potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;
  - (ea) must not conflict with the requirements of section 300;
  - (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
5. Section 32(1)(e) is not relevant to the draft amendment as the subject site does not adjoin an adjacent municipal area.
6. Section 300 includes that:
  - (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the regional land use strategy for the regional area in which is situated the land to which the scheme applies.

7. The relevant regional strategy under section 300(1) is the Southern Tasmania Regional Land Use Strategy 19 February 2020 (the regional strategy).
8. Subsections 300(2)-(5) inclusive relate to the effect of amending a local provision with respect to common provisions. These matters are not relevant, as to the draft amendment has no implications for any common provisions.
9. Under section 32(1)(f), regional impacts of use and development permissible under the amendment have been considered with reference to the regional strategy, the planning scheme and representations.
10. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme.

### **Regional Land Use Strategy**

11. The planning authority in its section 35 report, submits that the Sorell Land Supply Strategy Stage 3 - Masterplan 2019 (land supply strategy), outlines a masterplan for the site and how it will be implemented over a number of stages. This will be achieved through future rezonings when Sorell's greenfield residential land supply falls below a 15 year supply (i.e. 1,012 lots, being 70% of the dwellings required from 2019 to 2033). The land supply strategy includes an indicative staging plan for the release of the land.
12. The land supply strategy recommends that Stage 1 which is relevant to the subject land, be rezoned to General Residential.

...the land is already in the Particular Purpose (Urban Growth) Zone and should be zoned General Residential immediately. The Sorell Land Use Strategy identifies it as part of the existing Greenfield land supply... (p 17)
13. The land supply strategy notes that the regional strategy adopts a 50/50 ratio of greenfield to infill scenario for the Hobart metropolitan area in recognition that there are higher costs associated with infill development. The report also notes that a ratio of 70% greenfield to 30% infill is a more appropriate scenario for Sorell in recognition that infill opportunities will be generally more limited to constructing conventional density development within existing urban boundaries where access to employment, retail and public transport services is more readily available.
14. The land supply strategy identifies a demand of 1,796 dwellings by 2038 for Sorell under the proposed ratio of 70:30, which results in a supply required of 1,257 greenfield lots and 539 infill lots, demonstrating a 9.5 year supply of greenfield land being made available.
15. The planning authority considers that the draft amendment is an appropriate and logical release of residential land and is strategically aligned with the regional strategy.
16. The planning authority submits that Sorell is identified as a Major Satellite of Greater Hobart in the regional strategy and the site is within the Urban Growth Boundary and identified as a Greenfield Development Precinct and referred to as Sorell Township East in the regional strategy. The planning authority considers the amendment to be consistent with the intended means of managing greenfield growth through the Greenfield Development Precinct.
17. An updated supply and demand report was provided to the planning authority in July 2020 from ERA Planning & Environment which shows a potential 947 lot yield for the remaining large parcels of General Residential (831 lots at 12 lots per 1ha) and Low Density Residential (116 lots at 2000m<sup>2</sup>) zoned land. The report states:

That in considering the 947 potential lots existing under the current supply scenario, and the current annual growth rate of 3% currently experienced in

the Sorell municipality, there is adequate land to meet housing needs until 2023, inclusive of holiday home housing development, subject to the majority of available General Residential and Low Density Residential lots being developed. This represents land supply of 3 years...

18. The report concludes that there is no other Future Urban zoned land available and there is no further land within the Urban Growth Boundary that can be rezoned.
19. Following the hearing, the planning authority provided a further submission (10 March 2021) containing updated data on the level of infill and greenfield development approved between 2011 and 2021 and the number of potential lots on existing General Residential zoned land, which supersedes some errors in calculations provided earlier. The further submission notes that whilst SRD2.1 of the regional strategy suggests a residential growth rate for the Greater Hobart area of 50/50 ratio of greenfield to infill development, it is contended that this rate is not evenly allocated to each local government area but rather on a whole of settlement basis. Whilst infill targets are provided for each local government area, the planning authority also notes that no infill target is identified for the Sorell municipal area within the regional strategy.
20. The number of planning approvals for Midway Point totalled 302, with the number of building approvals totalling 197. A potential lot yield for existing General Residential zoned land for Midway Point was estimated at 321 new lots. Planning approvals for the Sorell locality totalled 497 with a total number of dwellings receiving building approval of 197. A potential lot yield of 576 lots on land zoned General Residential was identified for Sorell.
21. The planning authority notes that based upon the data, a demand calculated from building approvals over the period of 2016-2020, demonstrates an average of 124 dwellings per year across both suburbs. Further, based on these calculations, a 7.2 year land supply for the Sorell/Midway Point area exists.
22. The planning authority also submits that a further conservative estimate in the event that not all small land holdings will be developed due to constraints, a land supply closer to 6.1 years is more likely. The planning authority submits that a land supply of 10-15 years is best practice and with the draft amendment facilitating an additional 1-2 years of supply, it would not entirely address the supply of General Residential zoned land required, but would provide adequate land in the short term.

### **Commission's consideration**

23. The Commission notes the 50/50 greenfield to infill ratio for the Greater Hobart area in the regional strategy (SRD 2.1) and that residential growth will be managed through the Urban Growth Boundary which identifies the subject land for greenfield development.
24. The site is included in the Greenfield Development Precincts of the regional strategy referenced as Sorell Township East (SRD 2.3) which provides for greenfield land for residential purposes.
25. The Commission notes that the regional policies for Settlement and Residential Development for Greater Hobart set out in the regional strategy were prepared with an expectation that a land release program would be implemented consistent with SRD 2.5. The Commission notes that no land release planning has occurred to date and therefore it is impossible to demonstrate consistency with a land release program for the Greater Hobart area.
26. The Commission accepts the rationale that the residential growth rate across the Greater Hobart area is not likely to result in a 50/50 ratio of infill to greenfield in all cases due to the differing land use patterns for individual local government areas.

27. The Commission is satisfied that although the Sorell local government area is not specifically identified in the regional strategy under SRD 2.7 with an infill growth target, the figures provided indicate the level of greenfield development at 70% and infill at 30% based upon building approvals, which is an acceptable level of infill and greenfield development consistent with the regional strategy.
28. The Commission agrees with the submission from the planning authority that the regional strategy aims for a 10 to 15 year supply of greenfield residential land for Greater Hobart (SRD 2.8). The Commission also acknowledges the land supply for Sorell falls short of this target.
29. The Commission accepts that the rezone of this land will only provide an additional 1-2 years of supply of General Residential zoned land to supplement the 6-7 years currently available.

### **Sewerage servicing**

30. TasWater provided a Submission to Planning Authority Notice which contained advice on the servicing for water and sewer. The notice advised that the land is not situated in an area serviced by reticulated sewer infrastructure.
31. At the hearing Jason Taylor provided clarification on the land not being serviced for sewer. Mr Taylor submitted that:

TasWater have terminologies called 'serviced land' and 'not serviced land'. Serviced land is something from our legislation and our price and service plan. A serviced land parcel is something that is within 30m of our infrastructure and can connect via a gravity connection downhill without crossing third party land. So that is our definition of serviced land and this land parcel, I think there are 2 land parcels here that we are talking about, actually don't meet that definition. However that is not to say that the land cannot be serviced, it just means that it doesn't fit that definition of what we consider to be serviced land.

### **Commission's consideration**

32. The Commission accepts the clarification that the land is capable of being serviced for sewer and this can be dealt with during the development application phase.

### **Sorell Bypass**

33. At the hearing Luke Middleton on behalf of the Department of State Growth, advised that there is a slight discrepancy between the corridor that is zoned Future Road in the interim planning scheme and what was required for the Sorell Bypass. Mr Middleton advised that the acquisition boundary is further to the north west of the site in relation to the southern end of the road corridor.
34. Following the hearing, the Mr Middleton provided a further submission which included mapping showing the boundaries of the land acquired for the bypass.

### **Commission's consideration**

35. The Commission notes the submission from the Department of State Growth regarding the road corridor that is zoned Future Road in the interim planning scheme and what is actually required for the bypass.
36. The draft amendment will require modification to align the boundaries of the land to be rezoned with the land acquired for the Sorell Bypass through a slight reduction in the extent of

the land to be zoned General Residential and an increase in the area to be zoned Particular Purpose Zone 2 – Future Road Corridor.

### **Issues raised in representation**

37. The representor raised a number of planning issues including compliance with the regional strategy, calculating demand for infill targets and strategic planning.
38. At the hearing Caroline Lindus on behalf of the planning authority, submitted that the representation raised a range of issues in relation to planning broadly, both in the southern region and strategic planning in the state and those issues were not something that could easily be responded to as part of this particular amendment.
39. Ms Lindus submitted that the representation raised questions around whether this was an appropriate parcel of land to progress for rezoning and whether it was adequately serviced. Ms Lindus advised that the site is identified for future urban development as part of the regional strategy and it can be adequately serviced.

### **Commission's consideration**

40. The Commission agrees with the planning authority that the representation raises issues that are difficult to address specifically in relation to the draft amendment. The Commission is satisfied however, that the draft amendment is capable of demonstrating consistency with the regional strategy for this particular site.

### **State Policies and Resource Management and Planning System Objectives**

41. The Planning Authority's report notes that the site is located within the urban growth boundary under the regional strategy and has been excluded from the Statewide Tasmanian Agricultural Estate mapping project. Therefore, the site is not considered to be "agricultural land" for the purposes of the *State Policy on the Protection of Agricultural Land 2009*.
42. The site is within 1 km of the coast, so the *State Coastal Policy 1996* is considered to apply. The planning authority submits that the proposed zoning and any future development is not considered to have a significant impact on the coastal environment as the amendment relates to land already identified for urban purposes in the regional strategy. The planning authority submits that planning scheme standards and existing codes will provide the necessary future assessment tools in order to accommodate the protection of the natural and cultural values of the coast.
43. The planning authority submits that there are sufficient provisions in the planning scheme to manage any offsite impacts on water quality in regard to the *State Policy on Water Quality Management 1997*.

### **Commission's consideration**

44. The Commission is satisfied that the proposal is consistent with the relevant State policies.
45. The Commission considers that surface and ground water quality may be managed by appropriate conditions of any future permit, consistent with the state policy.
46. The Commission finds that the draft amendment seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

### **Modifications required to draft amendment**

47. The draft amendment is modified to align the boundaries of the land to be rezoned with the land acquired for the Sorell Bypass as follows:

- (a) the area to be rezoned to General Residential is modified to align with the road casement for the future bypass; and
- (b) the area extended for the road casement of the future bypass is modified to extend the zoning of Particular Purpose Zone 2 – Future Road Corridor to align with the road casement boundary.

48. The modified amendment is provided in Annexure A.

### **Decision on draft amendment**

49. Subject to the modifications described above, the Commission finds that the draft amendment is in order and gives its approval.

### **Attachments**

Annexure A – Modified amendment

## Annexure A

Modified amendment 3-2019

To amend the Sorell Interim Planning Scheme 2015 as follows:

Rezone part of 5 Arthur Highway (folio of the Register 16027/1) and Lot 1 Arthur Highway (folio of the Register 8740/1), Sorell from Particular Purpose Zone 1 - Urban Growth Zone to General Residential and Particular Purpose Zone 2 - Future Road Corridor.

