

SORELL LPS SUBMISSION

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PDA Surveyors

Surveying, Engineering & Planning

ABN 71 217 806 325

Incorporating
**WALTER
SURVEYS**

Title: 24962/5

Shark Point Road

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1. Introduction

- 1.1 This submission seeks to propose that Sorell Council (the Council) alter the proposed application of the Rural Zone (RZ) and instead applies the Rural Living Zone (RLZ) to the subject land identified by Title Reference 24962/5 located at 664 Shark Point Road, Penna.
- 1.2 The land is currently zoned Rural Resource but used as a lifestyle lot due to the reduced capability or capacity for the land to be used for agricultural-related activities.
- 1.3 The landowner, a Senior Technical Forester, has provided a statement that outlines the agricultural use limitations associated with the land, namely due to poor soil quality, subminimum lot size (approx. 10ha) and an insufficient and unreliable water source.
- 1.4 The subject land is located less than 100m to a reasonable size cluster of titles zoned Rural Living (A) and less than 250m to Low Density Residential (LDRZ) zoned land on the waterside of Shark Point Road. The LDRZ extends for approximately 2.3klm along Shark Point Road.
- 1.5 The landowner has support from the immediate adjoining landowner who also believes their land is incorrectly zoned.
- 1.6 This submission opens the discussion with the Council and the Tasmanian Planning Commission (TPC) regarding our client's position about the subject land and the current limitations imposed on future use and development.



Figure 1: Aerial Image: Tulendeena 644 Shark Point Road, Penna



2 Glossary

Term	Definition
Council	Sorell
TPC	Tasmanian Planning Commission
Guideline	Guideline No. 1 – Local Provisions Schedule Zone and Code Application (Tasmanian Planning Commission, 2018)
LPS	Local Provision Schedule
LGA	Local Government Area
The Scheme	Sorell Interim Planning Scheme 2015
TPS	Tasmanian Planning Scheme
UGB	Urban Growth Boundary
SRLUS	Southern Regional Land Use Strategy (2018)n
RSN	Regional Settlement Network
DSC	District Service Centre
SLSS	Sorell Land Supply Strategy
SPP	State Planning Provisions
AZ	Agricultural Zone
RRZ	Rural Resource Zone
SLSS	Sorell Land Supply Strategy
LDRZ	Low Density Residential Zone
RLZ	Rural Living Zone



3 Subject Site

- 3.1 The subject site is a rectangular shaped lot measuring approximately 10ha. The site is developed in the southeastern corner through the construction of a residential dwelling, associated outbuildings, landscaping and vegetable gardens. The footprint of the residential development has been contained to around 3385m², plus driveway. The dwelling is orientated toward the east with views over the Pitt Water. Approximately three quarters of the land has a light covering of native vegetation which is described in Annexure 1 *Agro Forestry Report/ Assessment* as *Dry Sclerophyll forest* (a community of tall, closely growing trees, most of which are eucalypts) *with scrubby/sedge understory* (predominantly grasses including non-grass species of tussock form) and a *dominant canopy of Eucalyptus amygdalina* (Black Peppermint).
- 3.2 The immediate surrounding pattern of zoning is rural resource; however, it is proposed under the LPS that the land to the south, adjoining the existing rural living zone, would be rezoned as Agriculture. As discussed above, there is land zoned Rural Living and Low Density to the East and South separated from the subject land by a single title.

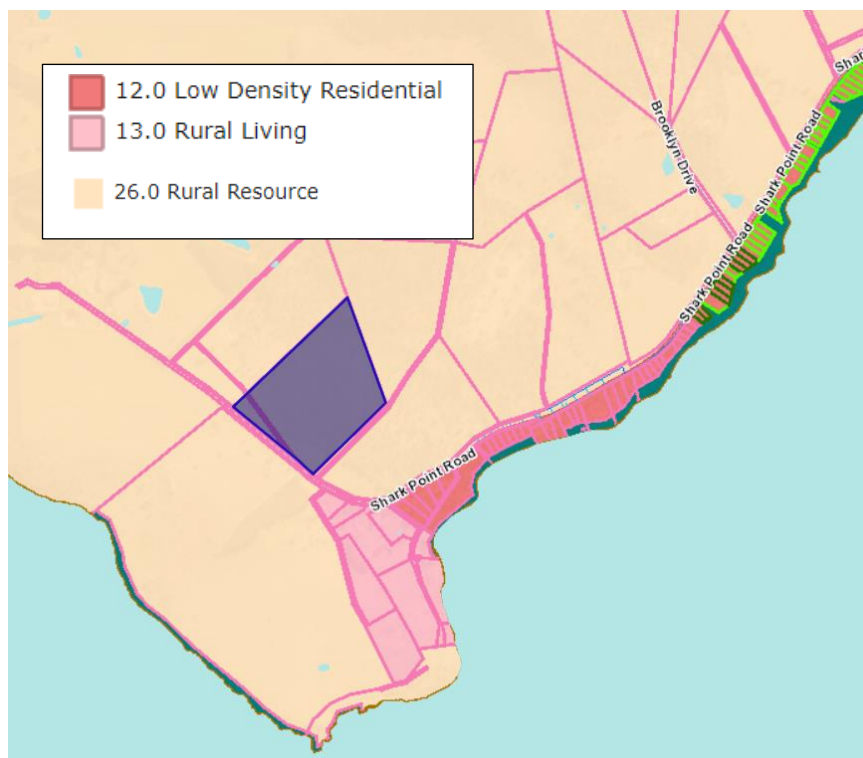


Figure 2 Current zoning of the subject land (shown in blue) and surrounding titles

- 3.3 There are 27 titles contained within this Rural Resource zoned 'cluster', ranging in size from 1ha through to 12.6ha. The average lot size through this area is approximately 8 ha, although the titles immediately surrounding the subject land average 10ha.



Figure 3 : Surrounding lot size / development pattern

- 3.4 The land capability of the subject site and surrounds ranges between Class 4 (*land suited for grazing but limited to occasional cropping with a very restricted range of crops*), Class 5(*unsuited to cropping with slight to moderate limitations for grazing*) and Class 6 (*land marginally suited to grazing due to severe limitations*).

The subject land is predominantly class 5. As stated in the Agro/Forestry Report provided by the landowner, due to the primary limiting factors of low rainfall, no piped irrigation, deficient nutrient soil and the subminimum rural lot size, the prospect of grazing, silviculture, viticulture, stone fruits, any form of forestry or other water-dependent crop is not possible.

The land is practically incapable of sustaining any form of primary industry or agriculture-related activity.



Figure 4: Land Capability of subject land and surrounds

4 The landowners vision for the site

Given the land is unsuitable to be used for any form of farming or primary industry, at only 10ha, these titles are essentially oversized residential lots. Better utilisation of the land, while still maintaining a buffer between the larger rural land to the north and west and the LDRZ to the east, would be to apply the RLZ. The current use and development pattern aligns more closely with the RLZ. The application of the RLZ would also allow the creation of additional lifestyle lots that are currently in high demand throughout Southern Tasmania.

The population growth throughout the Sorell Local Government Area (LGA) is currently one of the fastest in the state. Land now being developed / subdivided to meet this demand is statistically becoming smaller in average lot size, increasing densities to levels not seen before in Tasmania, except for within inner City areas. This is placing undue pressure on infrastructure (water/ sewer/ storm water/ roads. There is a genuine opportunity here for Sorell to develop a high quality, strategically designed, Rural Living lifestyle precinct.

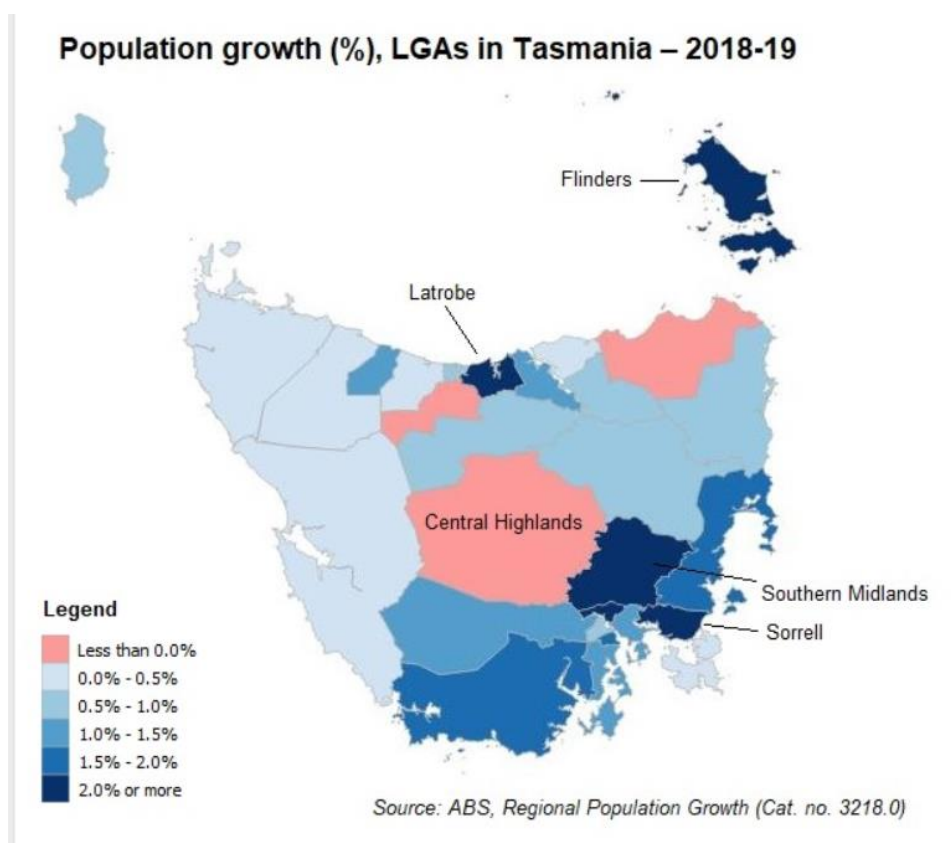


Figure 5: Population Growth (%) – ABS Regional Population Growth

	2017	2042	Population Gain	% change
Brighton	16,960	22,714	5,754	33.9
Sorell	14,771	19,666	4,895	33.1
Latrobe	11,109	13,762	2,653	23.9
Huon Valley	16,870	20,464	3,594	21.3
Hobart	52,785	63,280	10,495	19.9
Kingborough	37,133	44,175	7,042	19.0
Clarence	56,148	66,245	10,097	18.0
Glenorchy	47,214	55,636	8,422	17.8
West Tamar	23,530	26,882	3,352	14.2
Launceston	66,802	70,084	3,282	4.9
Northern Midlands	13,084	13,525	441	3.4
Derwent Valley	10,170	10,465	295	2.9
Flinders	957	978	21	2.2
Devonport	25,212	25,351	139	0.5

Table 2: Local Government Areas projected to grow to 2042, largest to smallest gain (%)

Source: Tasmanian Department of Treasury and Finance, Population Projections, 2019

Figure 6: Local Government Area projected growth – Dept. Treasury Population Projections 2019



5 Zoning application: Section 8A guidelines

The TPC produced the *Section 8A Guideline No.1 Local Provision Schedule (LPS)*: zone and code application to assist Councils with applying zones and codes.

- 5.1 The Council proposed the subject land to be zoned Rural under the LPS, which is a 'like for like' translation of the current zone under the interim planning scheme.
- 5.2 However, the subject land is more aligned with the Rural Living Zone in character, purpose, and description. Section 8A guidelines (the Guidelines) provides the following information about the Rural Living Zone:

5.3 The purpose of the Rural Living Zone is:

11.1.1 To provide for residential use or development in a rural setting where:

- (a) services are limited; or*
- (b) existing natural and landscape values are to be retained.*

11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.

11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity through noise, scale, intensity, traffic generation and movement, or other off site impacts.

11.1.4 To provide for Visitor Accommodation that is compatible with residential character.

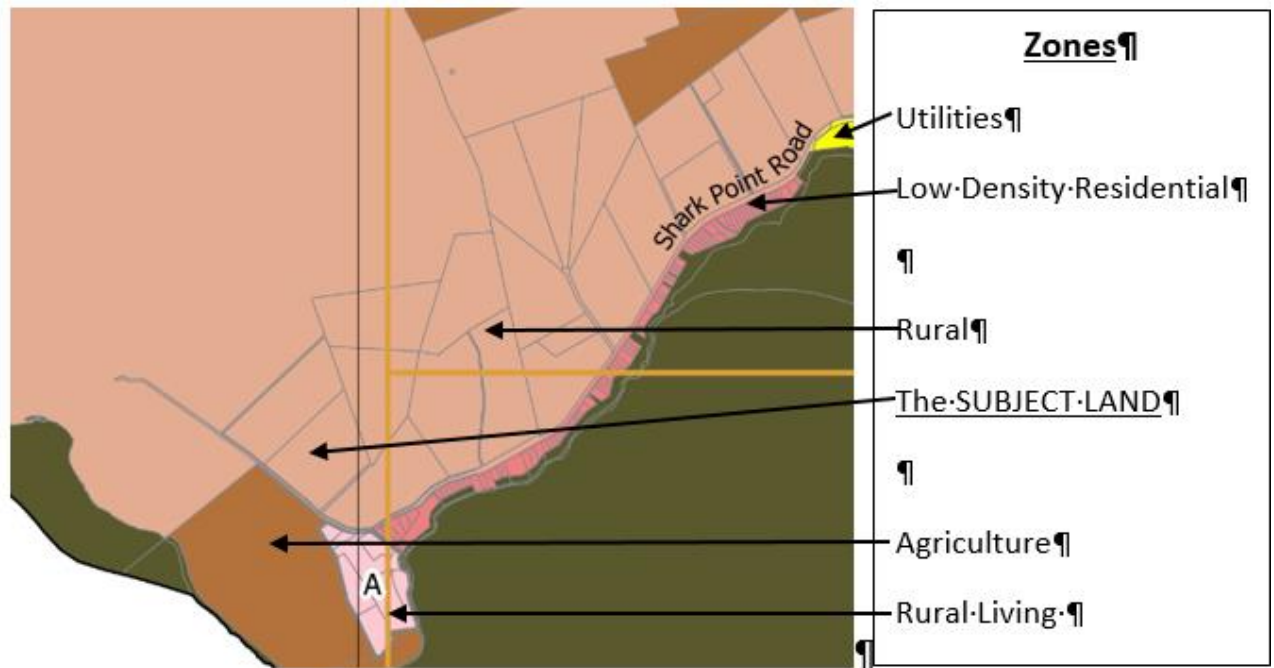


Figure 7: Proposed zoning under LPS of the subject land and surrounds. (Sorell LPS mapping)

5.4 The Zone application guidelines for Rural Living Zone and submission response:

RLZ 1 The Rural Living Zone should be applied to:

- (a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or*
- (b) land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme, unless RLZ 4 below applies.*

Response: The subject area has existing Rural Living and low-density residential zone land within close proximity. The rural living zone has been applied to land of similar type and capability located less than 100m to the boundary of the subject land. Additional lot zoned low density and located just 150m further.

The settlement pattern of surrounding land is larger rural living lifestyle blocks, developed with residential dwellings and associated activities as the predominant use.

RLZ 4 is specifically addressed under that clause.

RLZ 2 The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:



- (a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or*

Response: The land is not currently located within the RLZ but there are elements of the SRLUS that would be consistent with a rezoning of the subject land.

6 Southern Regional Land Use Strategy

SRD 1.3 of the SRLUS provides the guidelines for the zoning of Rural Living land indicating that it should be restricted to existing rural living communities. The provision specifically states:

SRD 1.3

Support the consolidation of existing settlements by restricting rural living and environmental living zones to existing rural 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:

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 **where one or more** of the following applies:

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:

- (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.*

Response: The subject land is one of 27 'subminimum size' Rural Resource zoned lots located in a cluster. The subdivision lot size under acceptable solution for the rural zone is a minimum of 40ha and subdivision under discretion for a lot size smaller than 40ha cannot be for new residential purposes and yet the land in this area is completely unsuitable for any form of primary industry. Limitations could be placed around future subdivision potential through the category of Rural Living zone applied to the site (A – D).

The Rural Living zone used across the road from the subject land is 'A' which has a minimum lot size of 1ha. This would likely be too high a density



for the remaining rural living community but an application of 'B' (2ha) or 'C' (5ha) would allow for better use of the existing land converted for residential purposes. This would facilitate approximately 27 to 54 lots which could realistically be managed strategically.

While Council has the opportunity to consider a rezoning through this area due to the existing development pattern and lot sizes, the landowner requests that his land and the immediate adjoining titles be considered explicitly for reapplication of the rural living zone.

b. Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agricultural) with other lands better suited for rural living purposes, in accordance with the following:

- *(i) the total area rezoned for rural living use does not exceed that which is back-zoned to other use;*
(ii) the land rezoned to rural living use is adjacent to an existing rural living community;
(iii) the land rezoned to rural living use is not designated as Significant Agriculture Land; (iv) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and (v) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.

Response: This cause is not relied on

c. Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:

- (i) the land must predominantly share common boundaries with: existing Rural Living zoned land; or • rural living communities which comply with SRD 1.3(a);*
- (ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;*
- (iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;*
- (iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;*
- (v) the land rezoned to rural living use is not designated as*



Significant Agricultural Land;

(vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and

(vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.

Response:

- (i)** There is an existing cluster of Rural Living land located less than 100m from the subject land, and located close to other similar size and developed rural zoned land. The area also meets the description provided through the SRLUS as a rural living community given there is a reasonably large cluster of 27 lots used and developed as lifestyle lots;
- (ii)** Allocation of rural living zoning categories could address any concern regarding increases in potential lot yield considered a 'significant increase' which is not quantified within the SRLUS;
- (iii)** The subject land and those surrounded by are already used and developed for residential purposes due to its limited farming potential. It is improbable there would be an increase in peri-urban type conflict given there is little to no primary industry occurring in this area. A rezoning to Rural Living would likely protect this into the future;
- (iv)** Integration is already occurring with the existing rural living zoned land which Shark Point Road connects;
- (v)** The land in question is not included in the significant agricultural land overlay located on the List.
- (vi)** The subject land and surrounds are not identified for future urban growth; and
- (vii)** There are areas of low level landslide across the cluster recommended for rezoning to rural living zone although there is no hazard or risk management indicators for the subject land. This could be explored through further investigation. It is noted that the hazard management overlay is significantly overlaid across the existing low density and rural living zone and one might assume previous investigations have found the risk to be low.

RLZ 3 The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on :

(a) a reflection of the existing pattern and density of development within the rural living area; or

(b) further strategic justification to support the chosen minimum lot sizes



consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

Response: The existing pattern of rural living (A) may likely be considered too small. It is recommended that an option of B or C at 2ha or 5ha be suitable, although further strategic analysis would likely be required to justify this position. Our client is prepared to carry out the work needed to justify should Council indicate that they support the concept in principal

RLZ 4 The Rural Living Zone should not be applied to land that:

- (a) is suitable and targeted for future greenfield urban development;*
- (b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or*
- (c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant Council.*

Response: The subject land and surrounding area is not targeted for future greenfield urban development. Sorell Council have identified land to the east of the township of Sorell to be the next targeted for future growth.

Although there is a landscape management plan for shark point road, there are no documented important or significant landscape values for the subject site. This could be accommodated in any future development plans.

The subject land and surrounding area is not located within the Agriculture zone suitability overlay found within the List.



7 Submission Summary

- 7.1 This submission has sought to highlight the unsuitability of the application of the Rural zone to the subject land and the cluster of 27 lots the subject land is located within.
- 7.2 The landowner requests that the subject land and immediate adjoining titles be considered to be zoned rural living, which would then adjoin the existing rural living zone, separated only by road.
- 7.3 The subject land, and adjoining titles, are incapable of being farmed or used for any primary industry-related purpose due to the poor soil type and lack of access to water for irrigation;
- 7.4 The cluster of small, rural zoned titles meet the definition of an existing rural living community, and the SRLUS makes provision for rezoning under those circumstances;
- 7.5 The subject land is not located within an area identified for future urban growth within any strategic documentation; and
- 7.6 It is not identified as potentially significant agricultural land.
- 7.7 It is requested that Council consider rezoning either the subject land and immediate adjoining titles OR the larger existing rural living community to the rural living zone.

AGRO FORESTRY REPORT/ ASSESSMENT

10 August 2021

LAND: 664 SHARK POINT ROAD, PENNA

The block is West facing draining towards the Coal River. On GIS it shows a drainage line on the lower flats beside Shark Point Rd, this does not exist on the ground. There are no water courses on the block, the ground is free draining. The parent rock geology is Triassic Sandstone. This can be seen as bedrock on the high ground with broken scattered stone on the mid slopes and low nutrient grey loam on the lower flats near the road.

Vegetation:

This forest type is Dry Sclerophyll forest with a scrubby/sedge understory with some native grasses. The dominant canopy trees are *Eucalyptus amygdalina* with 10% *Eucalyptus viminalis* growing on the deeper loams. These vary in height across the site from 25mt to < 10mt on shallow soil profiles where they take a stunted drought stressed form with dying tops. The under story contains predominately, *Allocasuarina littoralis*, *Acacia meansii*, *Banksia marginata*, *Exocarpos cupressiformis*.

Water:

A Taswater 2" main services the block. A metered connection supplies the house on the highest point of the block approximately 40 MASL. The water main does not have sufficient pressure at this point and tops up a concrete tank and pump. The current water supply is limited to domestic use and gardens. The southern irrigation system services mainly wineries and more productive land at Penna and stops 7 km away. Flexmore Park, the farm at the end of Shark Point road relies on the reticulated treated water from the Clarence sewerage scheme to run a 300 acre pivot irrigator. Although this farm has much better soil on the river flats it too would be severely limited without this water. It is highly unlikely that in the future this area will be serviced with any piped irrigation water restricting activity to domestic and small scale hobby farm use.

Agro Forestry:

This forest has a history of dry firewood harvesting for domestic use. This cyclic regime suits the site as there is progressive healthy regeneration of mixed species over the site. This manages the dry fuel load and wildfire fire risk to adjoining neighbours. The only commercial use of the timber on site is firewood. If it was to be cleared with a THP, and I think that is possible. Pine is the only species that would grow but grow so slowly with short internodes making it unsuitable for milling. The area is too small a holding for Boyer or pulpwood. On neighboring property's on deeper soil types there is evidence of such pines. The only use they provide is a wind break and shelter for stock.

It is pointless talking about and projecting the MAI “mean annual increment” because if trees where established I’m sure a mensuration sample plot would show a MAI of < 5% and any growth in individual tree size would be outweighed by the dying stems per/Ha. So at a point somewhere between year 5-10 the total yield of the plantation or tree lot would stall and the dying stems would outweigh any individuals that do manage to survive and grow. The limiting factor on this site is low natural rainfall. In contrast, on more productive sites with > 800 ml P/A other factors come into play like sunlight hours per year, temperature, latitude, soil and site aspect.

Due to the primary limiting factor of low rainfall, no piped irrigation, very low nutrient soil, small acreage. The prospect of a **profitable** future beef, silviculture, viticulture, stone fruits or any other water dependent crop is not possible. 30 years ago I was involved in plantation research with Forestry Tasmania. At Sorell that has the lowest recorded rainfall in Tasmania we planted 1 ha of Eucalyptus globulus irrigated by the sewerage plant and 1ha “control” natural rainfall. The control all died < 10 years and the watered trees are now above 30 mt in height proving water is vital.

Regards: Peter Ryan

Senior Technical Forester
Institute of Foresters of Australia